

not past-due or not legally enforceable; and

(4) AID will consider any evidence presented by the debtor and determine whether any part of such debt is past-due and legally enforceable.

(b) The notice will explain to the debtor the manner in which the debtor may present such evidence to AID.

§ 213.25 Reasonable attempt to notify and clear and concise notification.

(a) *Reasonable attempt to notify.* AID will have made a reasonable attempt to notify the debtor under § 213.24(a) it is used a mailing address for the debtor obtained from the IRS pursuant to the Internal Revenue Code, 26 U.S.C. 6103 (m)(2) or (m)(4), unless AID receives clear and concise notification from the debtor that notices are to be sent to an address different from the address obtained from the IRS.

(b) *Clear and concise notification.* Clear and concise notification means that the debtor has provided AID with written notification containing the debtor's name and identifying number (as defined in the Internal Revenue Code, 26 U.S.C. 6109), the debtor's new address, and the debtor's intent to have the notices sent to the new address.

§ 213.26 Consideration of evidence and notification of decision.

(a) AID will give the debtor at least 60 days from the date of the pre-offset notice to present evidence. Evidence that collection of the debt is affected by a bankruptcy proceeding involving the debtor shall bar referral of the debt.

(b) If the evidence presented is not considered by an employee of AID but by an entity or person acting for AID, the debtor will have at least 30 days from the date the entity or person notifies the debtor that all or part of the debt is past-due and legally enforceable to request review by an employee of AID of any unresolved dispute.

(c) AID will provide the debtor with its decision and the decision of any entity or person acting for AID on to whether all or part of the debt is past-due and legally enforceable. The decision will include a statement of the basis or principal bases for the decision.

§ 213.27 Change in conditions after submission to IRS.

AID will promptly notify the IRS if, after submission of a debt to the IRS for offset, AID:

(a) Determines that an error has been made with respect to the information submitted to the IRS;

(b) Receives a payment or credits a payment, other than an IRS offset, to the account of the debtor;

(c) Receives notice that the debtor has filed for bankruptcy under title 11 of the United States Code or the debt has been discharged in bankruptcy;

(d) Receives notice that an offset was made at the time when the automatic stay provisions of 11 U.S.C. 362 were in effect;

(e) Receives notice that the debt has been extinguished by death; or

(f) Refunds all or part of the offset amount to the debtor.

Dated: March 21, 1995.

Donald K. Charney,

Chief Financial Officer.

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BILLING CODE 6116-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-048]

Logging Operations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Extension of partial stay.

SUMMARY: on October 12, 1994, OSHA published a final logging standard providing protection for workers in logging operations (59 FR 51672). The final rule (29 CFR 1910.266) had an effective date of February 9, 1995. On February 8, 1995, OSHA published a notice of a partial stay for six-months, until August 9, 1995, of 12 provisions of the final rule (60 FR 7447). This notice extends the partial stay of those 12 provisions for 30-days, until September 8, 1995.

EFFECTIVE DATE: The partial stay of enforcement will continue to be effective until September 8, 1995. The remaining requirements of § 1910.266, which became effective on February 9, 1995, are unaffected by this document.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Liblong, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, (202)-219-8148.

SUPPLEMENTARY INFORMATION:

Background

On October 12, 1994, OSHA published a final logging standard providing protection for workers in logging operations (59 FR 51672). The final rule (29 CFR 1910.266) had an effective date of February 9, 1995.

After the final rule was published, the Equipment Manufacturers Institute (EMI), the Portable Power Equipment Manufacturers Association (PPEMA), and Homelite, a manufacturer of chain saws, filed timely petitions under section 6(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) seeking judicial review of the standard. After the deadline for filing such petitions had passed, the Associated California Loggers, the Associated Oregon Loggers, Inc., the Montana Logging Association, and the Washington Contract Loggers Association also filed objections to the final rule with OSHA.

These parties and organizations raised questions about certain provisions of the final rule. After consideration of their questions, OSHA published a **Federal Register** notice (60 FR 7447, Feb. 8, 1995) staying 12 provisions of the standard for six-months, until August 9, 1995. The provisions OSHA stayed were: (d)(1)(v)—insofar as it requires foot protection to be chain-saw resistant; (d)(1)(vii)—insofar as it required face protection; (d)(2)(iii)—annual review and approval of first-aid kits by a health care provider; (f)(2)(iv)—machine operation on slopes; (f)(2)(xi)—machine shutdown procedures; (f)(3)(ii)—ROPS specifications; (f)(3)(vii) and (viii)—machine cab enclosures; (f)(7)(ii)—insofar as it requires machine parking brakes to be able to stop a moving machine; (g)(1) and (2)—maintenance and inspection requirements insofar as they apply to employee-owned vehicles; (h)(2)(vii)—the backcut requirement insofar as it applies to Humboldt cutting. The remaining requirements of 1910.266 were unaffected by the partial stay and went into effect on February 9, 1995.

In the notice announcing the partial stay, OSHA said the six-month delay of the 12 provisions would give the Agency time to clarify language in the regulatory text and preamble so it most accurately expressed the Agency's intent with respect to the provisions in question and to provide additional information with regard to some of the provisions. OSHA is extending the partial stay on the above listed provisions for a 30-days, until September 8, 1995, in order to complete its reconsideration of the issues, complete corrections and clarifications in the regulatory text and preamble, and revise its compliance directive to reflect those changes.

List of Subjects

29 CFR Part 1910

Chain saw, Forestry, Harvesting, Incorporation by reference, Logging, Occupational safety and health, Pulpwood timber, Training

29 CFR Part 1928

Agriculture, Migrant labor, Occupational safety and health

Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210

This action is taken pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC, this 4th day of August, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

For the reasons set forth above, 29 CFR 1910 is hereby amended as follows:

PART 1910—[AMENDED]

1. The authority citation for subpart R of part 1910 continues to read as follows:

AUTHORITY: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736) or 1-90 (55 FR 9033), as applicable.

Sections 1910.261, 1910.262, 1910.265, 1910.266, 1910.267, 1910.268, 1910.269, 1910.272, 1910.274 and 1910.275 also issued under 29 CFR Part 1911.

Section 1910.272 also issued under 5 U.S.C. 553.

2. The note at the end of § 1910.266, is revised to read as follows:

§ 1910.266 Logging operations.

* * * * *

Note: In the **Federal Register** of August 9, 1995, OSHA extended the stay of the following paragraphs of § 1910.266 until September 8, 1995. The remaining requirements of § 1910.266, which became effective on February 9, 1995, are unaffected by the extension of the partial stay:

1. (d)(1)(v)—insofar as it requires foot protection to be chain-saw resistant.
2. (d)(1)(vii)—insofar as it required face protection.
3. (d)(2)(iii).
4. (f)(2)(iv).
5. (f)(2)(xi).
6. (f)(3)(ii).
7. (f)(3)(vii).

8. (f)(3)(viii).
9. (f)(7)(ii)—insofar as it requires parking brakes to be able to stop a moving machine.
10. (g)(1) and (g)(2) insofar as they require inspection and maintenance of employee-owned vehicles.
11. (h)(2)(vii)—insofar as it precludes backcuts at the level of the horizontal cut of the undercut when the Humboldt cutting method is used.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-95-064]

RIN 2115-AA97

Safety Zone: Belmar Power Boat Race, Shark River, Belmar, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Belmar Power Boat Race located in the Shark River, Belmar, New Jersey, on Sunday, August 20, 1995, from 11 a.m. until 5 p.m. This rectangular safety zone closes all waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards.

EFFECTIVE DATE: This rule is effective on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group, New York, (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG K. Messenger, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On June 30, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 34192). Interested persons were requested to submit comments on or before July 31, 1995. No

comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this temporary final rule as proposed. Good cause exists for making this regulation effective less than 30 days after **Federal Register** publication. Due to the NPRM comment period deemed necessary to give adequate public notice, there was insufficient time to publish this temporary final rule 30 days prior to the event. The delay that would be encountered to allow for a 30 day delayed effective date would cause the cancellation of this event. Cancellation of this event is contrary to the public interest. Adequate measures are being taken to ensure mariners are made aware of this regulation. This rule will be locally published in the First Coast Guard District's Local Notice to Mariners, and announced via Safety Marine Information Broadcasts.

Background and Purpose

The East Coast Boat Racing Club of New Jersey submitted an Application for Approval of Marine Event for a power boat race in Shark River, New Jersey. This regulation establishes a rectangular safety zone in the waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards, and bounded by the lines of latitude 40°10'48"N and 40°10'55"N, and the lines of longitude 074°01'58"W and 074°02'26"W (NAD 1983). This regulation is in effect on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port New York. This safety zone prevents vessels not participating in this event from transiting this portion of the Shark River, Belmar, New Jersey. Vessels participating in this event include race participants and race committee craft. All other vessels, swimmers, and personal watercraft of any nature are precluded from entering or moving within the safety zone. This regulation is needed to protect the boating public, as well as the participants, from the hazards associated with high speed power boat racing in confined waters.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not