

Rules and Regulations

Federal Register

Vol. 62, No. 217

Monday, November 10, 1997

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3

Debt Collection

AGENCY: Office of the Secretary, USDA.
ACTION: Final rule.

SUMMARY: This document amends 7 CFR Part 3 to: permit specifically service of a Notice of Intent to Collect by Administrative Offset upon USDA debtors by first class mail, in addition to currently-authorized service by personal delivery and certified mail; and include specifically as subject to the provisions of the Part debts arising out of programs administered by Food and Consumer Service.

EFFECTIVE DATE: This rule is effective November 10, 1997.

FOR FURTHER INFORMATION CONTACT: Reynaldo Gonzalez, (202) 720-1168.

SUPPLEMENTARY INFORMATION:

I. Background

The Debt Collection Act of 1982 (DCA) is implemented, on a government-wide basis pursuant to the Federal Claims Collection Standards (Standards), set forth at 4 CFR Part 101, *et seq.* The Standards are implemented at USDA pursuant to 7 CFR Part 3.

II. Section 3.10

Food and Consumer Service (FCS) participates in the Tax Refund Offset Program (TROP), operated by the Treasury Department, pursuant to 26 U.S.C. 6402, as implemented by 31 U.S.C. 3720A and Treasury Department regulations. Under the Debt Collection Improvement Act of 1996, the TROP has been incorporated into the Treasury Administrative Offset Program (TAOP). In order for FCS to continue its participation in the TROP, debt management and collection under its

programs must be subject to 7 CFR Part 3. Section 3.10 sets forth USDA programs and authorities subject to the provisions of 7 CFR Part 3. The revision specifically includes FCS programs as those subject to 7 CFR Part 3.

III. Section 3.25(b)

Currently, 7 CFR 3.25(b) requires that service of a Notice of Intent to Collect by Administrative Offset upon USDA debtors be made by either personal delivery or certified mail. This requirement is more restrictive than service requirements contained in 4 CFR 102.2(b), which contemplate either personal service or mailing. Further, under 7 CFR 3.21(b), if the head of an agency of the Department adopts regulations separate from 7 CFR Part 3, Subpart B (Administrative Offset), those regulations are to be followed. 7 CFR Part 200 sets forth specific administrative offset procedures for food stamp-related debts that permit service of notice by first class mail. Since the current provisions of 7 CFR 3.25(b) are more restrictive than the Standards and because use of first class mail is permitted under a regulation having precedence over 7 CFR Part 3, Section 3.25(b) is revised to bring it into conformity with both authorities.

IV. Final Rule

We have determined, under 5 U.S.C. 553(b)(3)(B), that prior notice and public comment are unnecessary and contrary to the public interest. Specifically, the departmental final rule promulgates a process which is mandated by law in the Debt Collection Improvement Act of 1996. Therefore, good cause is found that notice and public comment are unnecessary and contrary to the public interest and good cause exists for making this regulation effective upon publication in the **Federal Register**.

V. Matters of Regulatory Procedure

E.O. 12291, Federal Regulation

As Secretary of Agriculture, I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291.

Paperwork Reduction Act

As Secretary of Agriculture, I have determined that the Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply because this regulation does not contain any information

collection requirements that require the approval of the Office of Management and Budget thereunder.

List of Subjects in 7 CFR Part 3

Agriculture, Claims, Government employees, Income taxes, Loan programs-agriculture.

Accordingly, for the reasons set forth in the preamble, the Secretary of Agriculture is revising Title 7, part 3 of the Code of Federal Regulations as follows:

PART 3—DEBT MANAGEMENT

Subpart A—Settlement of Small or Old Debts

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: Section 1, 58 Stat. 836, 12 U.S.C. 1150.

§ 3.10 [Amended]

2. Section 3.10 is amended by adding “51. Any indebtedness of food stamp recipients. Food Stamp Act.”

Subpart B—Debt Collection

1. The authority citation for part 3, subpart B continues to read as follows:

Authority: 31 U.S.C. 3701, 3711, 3716-19, 3728; 4 CFR part 102; 4 CFR 105.4.

§ 3.25 [Amended]

2. Section 3.25(b) introductory text is amended by inserting a comma after “delivery”, and adding “first class mail,” before “or”.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 97-29415 Filed 11-7-97; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-45-AD; Amendment 39-10197; AD 97-23-09]

RIN 2120-AA64

Airworthiness Directives; de Havilland DHC-6 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.