

RAILROAD RETIREMENT BOARD

20 CFR Parts 366 and 367

RIN 3220-AB09

Collection of Debts

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its regulations pertaining to the collection of debts by offset against other Federal payments and against tax refunds to authorize use of these collection methods for collection of debts from businesses.

DATES: Comments must be submitted on or before September 18, 1995.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4929, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Part 366 of the Board's regulations deals with collection of debts by means of offset from Federal tax refunds through referrals to the Internal Revenue Service. This procedure is authorized by 31 U.S.C. 3720A. Part 367 deals with the collection of debts by administrative offset under the authority of the Debt Collection Act of 1982, 31 U.S.C. 3716. As currently in effect, the Board's regulations as to tax refund offset and administrative offset apply to individual debtors only. The Board believes that amendment of these regulations to authorize these collection procedures against business debtors will facilitate collection of debts which may be owed to the Board.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory impact analysis is required. Information collections associated with this rule have been approved by the Office of Management and Budget.

List of Subjects in 20 CFR Parts 366 and 367

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, parts 366 and 367 of the Code of Federal Regulations are proposed to be amended as follows:

PART 366—COLLECTION OF DEBTS BY FEDERAL TAX REFUND OFFSET

1. The authority citation for part 366 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5); 31 U.S.C. 3720A.

§ 366.1 [Amended]

2. Section 366.1 is amended by removing the word "individuals" and adding in its place the word "debtors".

3. Section 366.2 is amended by revising the introductory text, and paragraphs (a), (b), (e), and (f) to read as follows:

§ 362.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to the Internal Revenue Service is a debt:

(a) Which arose under any statute administered by the Board or under any contract;

(b) Which is an obligation of a debtor who is a natural person or a business;

(e) With respect to which the rights regarding reconsideration, waiver, and appeal, described in part 260 or 320 of this chapter or in other law, if applicable, have been exhausted;

(f) With respect to which either:
(1) The Board's records do not contain evidence that the debtor has filed for bankruptcy under Title 11 of the United States Code; or

(2) the Board can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the debtor and the debt was not discharged in the bankruptcy proceeding;

§ 366.2 [Amended]

3. Section 366.2(j) is amended by removing the word "individual" and adding in its place the word "debtor".

4. Section 366.2(k) is amended by removing the word "individual" and adding in its place the word "debtor".

§ 366.6 [Amended]

5. Section 366.6(c) is amended by removing the words "individual owing the debt" and adding in their place the word "debtor".

PART 367—RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY ADMINISTRATIVE OFFSET

6. The authority citation for part 367 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5); 31 U.S.C. 3716.

2. Section 367.2 is amended by revising the introductory text and paragraph (a), (b), (e), and (f) to read as follows:

§ 367.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to another governmental agency for administrative offset is a debt:

(a) Which arose under any statute administered by the Board or under any contract;

(b) Which is an obligation of a debtor who is a natural person or a business;

(e) With respect to which the rights described in part 260 or 320 of this chapter or the applicable law regarding reconsideration, waiver, and appeal, if applicable, have been exhausted;

(f) With respect to which either:
(1) The Board's records do not contain evidence that the debtor has filed for bankruptcy under Title 11 of the United States Code; or

(2) The Board can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the debtor and the debt was not discharged in the bankruptcy proceeding;

§ 367.2 [Amended]

8. Section 367.2(i) is amended by removing the word "individual" and adding in its place the word "debtor", and by removing the words "that person" and adding in their place the words "the debtor";

9. Section 367.2(j) is amended by removing the words "such individual" and adding in their place the words "the debtor";

§ 367.7 [Amended]

10. Section 367.7(c) is amended by removing the words "individual owing the debt" and adding in their place the word "debtor".

Dated: August 11, 1995.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95-20444 Filed 8-16-95; 8:45 am]

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DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[FI-7-94]

RIN 1545-AS49

Arbitrage Restrictions on Tax-Exempt Bonds; Hearing**AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice of public hearing on proposed rulemaking.**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the arbitrage and related restrictions applicable to tax-exempt bonds issued by State and local governments.**DATES:** The public hearing will be held on Monday, September 25, 1995, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Tuesday, September 5, 1995.**ADDRESSES:** The public hearing will be held in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Requests to speak and outlines of oral comments should be mailed to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:DOM:CORP:R [FI-7-94], room 5228, Washington, DC 20044.**FOR FURTHER INFORMATION CONTACT:** Christina Vasquez of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-6803 (not a toll-free number).**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed amendments to the Income Tax Regulations under sections 103, 148, 149 and 150 of the Internal Revenue Code of 1986. The proposed regulations appeared in the **Federal Register** for Tuesday, May 10, 1994 (59 FR 24094).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Tuesday, September 5, 1995, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be

limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answer thereto.

Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

Cynthia E. Grigsby,*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95-20373 Filed 8-16-95; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Minerals Management Service****30 CFR Part 250**

RIN 1010-AC03

Oil and Gas and Sulphur Operations in the Outer Continental Shelf**AGENCY:** Minerals Management Service, Interior.**ACTION:** Proposed rule.**SUMMARY:** The Minerals Management Service (MMS) proposes to amend the documents incorporated by reference in regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf (OCS). The organizations that publish the incorporated documents have revised some of the recommended practices and standards and have published new editions. The new editions will continue to ensure that lessees use the best available and safest technologies while operating in the OCS.**DATES:** Comments must be received or postmarked on or before October 16, 1995 to be considered in this rulemaking.**ADDRESSES:** Written comments or recommendations must be mailed or hand-carried to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4700; Herndon, Virginia 22070-4817; Attention: Chief, Engineering and Standards Branch.**FOR FURTHER INFORMATION CONTACT:** Andy Radford, Engineering and Standards Branch, telephone (703) 787-1600.**SUPPLEMENTARY INFORMATION:** MMS uses standards, specifications, and

recommended practices developed by standard-setting organizations and the oil and gas industry as means of establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows MMS to incorporate the requirements of technical documents into the regulations without increasing the volume of the code of federal regulations. MMS currently incorporates by reference 68 documents into the offshore operating regulations.

The regulations found at 1 CFR part 51 govern how MMS and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the **Federal Register**. This generally includes standard rulemaking procedures, i.e., that the agency provide notice and opportunity for comment.

Agencies must also gain approval by the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the edition of the document or publication cited in the regulations. This means that newer editions, amendments, or revisions to documents already incorporated by reference in regulations are not part of MMS's regulations.

The organizations that develop and publish the referenced technical documents revise and/or update most documents on a regular basis. Some organizations publish revisions to their documents every 6 months while others revise their documents every 2 to 5 years, if necessary. When these organizations publish revisions or new editions to referenced documents, MMS must determine if the changes warrant incorporating the new document in the regulations.

Currently, over 50 documents incorporated by reference into MMS regulations are out of date. For most documents the changes between the old and new editions are minor. However, MMS must update these documents because the older editions may not be readily available to the affected parties. For instance, some American Petroleum Institute (API) documents currently referenced by MMS are out-of-print and no longer available. Other documents have undergone major revisions, and after reviewing these documents, MMS has determined that we must incorporate these documents to ensure the use of the best and safest technologies.

In the future, MMS would like to keep the number of out of date documents incorporated by reference to a