

Section 367.2 is amended to provide that only nontax debts will be referred to the Treasury Offset Program, and that a debt will not be referred if the Board's records show that foreclosure is pending on collateral securing the debt or if the debt has been referred to the Department of Justice or is otherwise in litigation with the Board.

Section 367.3 is amended to provide that the Board shall refer nontax debts over 180 days delinquent to the Treasury Offset Program and that in cases of mandatory referral of delinquent debt, unless otherwise directed by the Secretary of Treasury, the Board is not required to determine whether administrative offset is feasible, allowable, and appropriate.

Because all Federal agencies must comply with the Debt Collection Improvement Act of 1996, the Board is publishing this rule as an interim final rule rather than as a proposed rule. However, any person wishing to comment on this rule may do so within 60 days of the date of this publication in the **Federal Register**.

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. There are no new information collections associated with this rule.

**List of Subjects in 20 CFR Part 367**

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, part 367 of title 20, chapter II of the Code of Federal Regulations is amended as follows:

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

1. 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 367.1 is revised to read as follows:

**§ 367.1 Purpose and scope.**

The regulations in this part establish procedures to implement the Debt Collection Act of 1982 (Pub. L. 97-365), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134), 31 U.S.C. 3716. The statute authorizes the Board to collect a claim arising under an agency program by means of administrative offset, and requires the Board to refer nontax debts

over 180 days delinquent to the Department of Treasury for administrative offset (the "Treasury Offset Program"). No claim may be collected by such means if outstanding for more than 10 years after the Board's right to collection of the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known by the official or officials of the government who were charged with the responsibility to discover and collect such debts. This part specifies the agency procedures that will be followed by the Board for referral and collection by administrative offset.

3. Section 367.2 is amended by revising paragraph (a), the introductory text of paragraph (f), paragraphs (f)(2) and (j), and by adding new paragraphs (f)(3) and (k) to read as follows:

**§ 367.2 Past-due legally enforceable debt.**

\* \* \* \* \*

(a) Which arose under any statute administered by the Board or under any contract; and with respect to debts referred to the Department of Treasury, is a nontax debt;

\* \* \* \* \*

(f) With respect to which:

\* \* \* \* \*

(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 (or, if an individual, his or her spouse) and the debt was not discharged in the bankruptcy proceeding; or

(3) The Board's records do not contain evidence that foreclosure is pending on collateral securing the debt.

\* \* \* \* \*

(j) With respect to which the Board has given the debtor at least 60 days from the date of the notification required in paragraph (i) of this section to present evidence that all or part of the debt is not past due or legally enforceable, has considered evidence, if any, presented by the debtor, and has determined that the amount of such debt is past due and legally enforceable; and

(k) Which has not been referred to the Department of Justice or which is not otherwise in litigation with the Board.

4. Section 367.3 is amended by revising paragraphs (a) and (b) and the first sentence of paragraph (c) to read as follows:

**§ 367.3 Board responsibilities.**

(a) The Board may delegate to an employee or employees the

responsibility for collecting any claims owed the Board by means of administrative offset, except that all nontax debts over 180 days delinquent shall be referred to the Department of Treasury for administrative offset through the Treasury Offset Program as required by 31 U.S.C. 3716;

(b) Except for mandatory referral of claims to the Department of Treasury or as otherwise directed by the Secretary of Treasury, before collecting a claim by means of administrative offset, the Board must ensure that administrative offset is feasible, allowable, and appropriate, and must notify the debtor of the Board's policies for collecting a claim by means of administrative offset.

(c) Except for mandatory referral of claims to the Department of Treasury or as otherwise directed by the Secretary of Treasury, whether collection by administrative offset is feasible is a determination to be made on a case-by-case basis, in the exercise of its sound discretion. \* \* \*

\* \* \* \* \*

Dated: April 10, 1997.  
By Authority of the Board.

**Beatrice Ezerski,**  
*Secretary to the Board.*  
[FR Doc. 97-10191 Filed 4-18-97; 8:45 am]  
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 178**

[Docket No. 96F-0245]

**Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the expanded safe use of 4-chloro-2-[[5-hydroxy-3-methyl-1-(3-sulphophenyl)-1H-pyrazol-4-yl]azo]-5-methylbenzenesulfonic acid, calcium salt (1:1); (C.I. Pigment Yellow 191) as a colorant for all polymers intended for use in contact with food. This action is in response to a petition filed by Hoechst Celanese Corp.

**DATES:** Effective April 21, 1997; written objections and requests for a hearing by May 21, 1997.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration,

12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of August 27, 1996 (61 FR 44066), FDA announced that a food additive petition (FAP 6B4493) had been filed by Hoechst Celanese Corp., 500 Washington St., Coventry, RI 02816. The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the expanded safe use of 4-chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]azo]-5-methylbenzenesulfonic acid, calcium salt (1:1); (C.I. Pigment Yellow 191) as a colorant for all polymers intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe, that the additive will achieve its intended technical effect, and therefore, that the regulations in § 178.3297 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. No comments were received during the 30-day comment period specified in the filing notice for comments on the environmental assessment submitted with the petition.

Any person who will be adversely affected by this regulation may at any time on or before May 21, 1997, file with the Dockets Management Branch

(address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 178**

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

**PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS**

1. The authority citation for 21 CFR part 178 continues to read as follows:

**Authority:** Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.3297 is amended in the table in paragraph (e) by revising the entry for 4-Chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]azo]5-methylbenzenesulfonic acid, calcium salt (1:1); (C.I. Pigment Yellow 191), under the heading "Limitations" to read as follows:

**§ 178.3297 Colorants for polymers.**

\* \* \* \* \*  
(e) \* \* \*

Substances	Limitations
* * *	* * *
4-Chloro-2-[[5-hydroxy-3-methyl-1-(3-sulfophenyl)-1H-pyrazol-4-yl]azo]-5-methylbenzenesulfonic acid, calcium salt (1:1); (C.I. Pigment Yellow 191, CAS Reg. No. 129423-54-7).	For use at levels not to exceed 1.0 percent by weight of the finished polymers. The finished articles are to contact food only under conditions of use B through H as described in Table 2 of § 176.170(c) of this chapter.
* * *	* * *

Dated: April 1, 1997.  
**Fred R. Shank,**  
Director, Center for Food Safety and Applied Nutrition.  
[FR Doc. 97-10252 Filed 4-18-97; 8:45 am]  
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**UNITED STATES INFORMATION AGENCY**

**22 CFR Part 514**

**Exchange Visitor Program**

**AGENCY:** United States Information Agency.  
**ACTION:** Final rule.

**SUMMARY:** The Agency hereby adopts as final, part of the proposed rule published in the **Federal Register** on September 5, 1996 (61 FR 46745). This rule specifically adopts the proposed amendment of existing regulations governing the Agency's internal Exchange Visitor Waiver Review Board set forth at 22 CFR 514.44(g). These changes are necessary to streamline Waiver Board procedures by no longer requiring mandatory referral of certain cases to the Waiver Board. The Agency anticipates that the number of cases afforded Waiver Board review will be significantly reduced.

**DATES:** This rule is effective April 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street, SW., Washington, DC 20547; Telephone, (202) 619-6829.

**SUPPLEMENTARY INFORMATION:** The Agency received nine comments in response to its **Federal Register** notice published September 5, 1996 (61 FR 46745). This notice proposed amendment of existing regulations set forth at 22 CFR 514.44(c) that govern the