

importation into the United States from Spain be subject to the restrictions specified in § 94.13 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service at 9 CFR chapter III. Section 94.13 generally requires that pork and pork products be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certification from a full-time salaried veterinary official of the national government of the exporting country, stating that the pork or pork product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country in which SVD is considered to exist.

Because African swine fever exists in Spain, the importation of pork and pork products from Spain would continue to be subject to the restrictions in § 94.8 for pork and pork products from countries where African swine fever exists or is reasonably believed to exist. Pork and pork products could be imported into the United States from Spain only if processed in accordance with the regulations in § 94.8. Live swine importations from Spain would also continue to be restricted.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule would amend the regulations in part 94 by adding Spain to the list of countries that have been declared free of SVD. This action would relieve certain restrictions and prohibitions on the importation into the United States, from Spain, of swine and fresh, chilled, and frozen meat of swine. However, other requirements would continue to restrict the importation of live swine and pork and pork products.

Even without considering the export-constraining affects of the restrictions that would remain in effect, it is unlikely that the proposed change in Spain's disease status would noticeably affect U.S. markets for swine and fresh, chilled, and frozen meat of swine. Due to current restrictions, the United States does not import any uncooked pork or pork products from Spain. In 1991, The United States did not import any pork or pork products from Spain. In 1992, the United States imported only 21 metric tons of prepared and preserved pork products from Spain, valued at

approximately \$69,000, and representing only 0.008 percent of total U.S. pork imports for that year.

Further, Spain has historically imported significantly larger amounts of pork and pork products than it exports. During 1991 and 1992, Spain imported 66,300 metric tons of pork while exporting only 13,000 metric tons ("FAO, Production Yearbook, 1992," 1992, and "FAO, Trade Yearbook," 1992). Given Spain's negative trade balance for pork and pork products, and since it is unlikely that Spain would export a significant portion of its pork exports exclusively to the United States, the effect of this proposed rule on U.S. domestic prices or supplies or on U.S. businesses, including small entities, is expected to be negligible.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 12778**

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

#### **Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579-0015.

#### **List of Subjects in 9 CFR Part 94**

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

#### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 would continue to read as follows:

**Authority:** 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, and 4332; 7 CFR 2.17, 2.51, and 371.2(d).

#### **§ 94.12 [Amended]**

2. In § 94.12, paragraph (a), the first sentence would be amended by adding "Spain," immediately after "Rumania,".

#### **§ 94.13 [Amended]**

3. In § 94.13, the introductory text, the first sentence would be amended by adding "Spain," immediately after "Republic of Ireland,".

Done in Washington, DC, this 1st day of February 1995.

**George O. Winegar,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-2898 Filed 2-6-95; 8:45 am]

BILLING CODE 3410-34-P

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## **FEDERAL DEPOSIT INSURANCE CORPORATION**

### **12 CFR Part 348**

**RIN 3064-AB30**

#### **Management Official Interlocks**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Withdrawal of proposed rulemaking.

**SUMMARY:** The FDIC is withdrawing a proposed amendment to its regulations that implement the Depository Institution Management Interlocks Act. The proposal would have created limited exemptions to the prohibition on management official interlocks for depository institutions that control only a small percentage of the total deposits in the community or relevant metropolitan statistical area in which the institutions are located. Recent statutory changes have limited the FDIC's authority to create such exemptions by regulation.

**DATES:** This withdrawal of the proposed rule is made on February 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** Curtis Vaughn, Examination Specialist, Division of Supervision, (202) 898-6759; or Mark Mellon, Senior Attorney, Regulation and Legislation Section, Legal Division, (202) 898-3854, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

#### **SUPPLEMENTARY INFORMATION:**

##### **The Proposed Rule**

On February 22, 1994, the Board of Directors of the FDIC approved for

public comment a proposed rule to amend Part 348 of FDIC regulations, Management Official Interlocks, which implements the Depository Institution Management Interlocks Act (the Interlocks Act). The Interlocks Act generally prohibits certain management official interlocks between unaffiliated depository institutions, depository holding companies, and their affiliates. The proposed amendment, undertaken as part of a joint initiative by the FDIC, the Board of Governors of Federal Reserve Board and the Office of the Comptroller of the Currency, would have created an exception to the bar on management interlocks for depository institutions that control only a small percentage of the total deposits in the community or relevant metropolitan statistical area where the institutions are located (the small market share exemption). The proposed rule was published in the **Federal Register** on April 20, 1994 and the comment period expired on June 20, 1994. 59 FR 18764.

### **The Riegle Community Development and Regulatory Improvement Act**

On September 23, 1994, President Clinton signed the Riegle Community Development and Regulatory Improvement Act of 1994 into law (Pub. L. 103-325, 108 Stat. 2160) (the RCDRI Act).

Section 338 of the RCDRI Act modified the authority of the federal banking agencies to create regulatory exceptions to the bar on management interlocks. It provides that exemptions may be granted on a case-by-case basis for: interlocks to improve the provision of credit to low- and moderate-income areas, increase the competitive position of minority- and women-owned institutions, or strengthen the management of newly chartered institutions that are in an unsafe or unsound condition. Federal banking agencies may establish a program to permit such interlocks on a case-by-case basis for a period of two years, with authorization to grant an additional extension of two more years.<sup>1</sup>

Section 338 also amended the Interlocks Act in such a way as to limit the authority of the federal banking agencies to create other exceptions to the prohibition on management interlocks solely to a case-by-case basis and then, only if a statutorily defined high standard is met, may an exception

be granted.<sup>2</sup> Under the Interlocks Act as amended, in order for an exception to be granted, the federal banking agency must determine that (1) the service of the management official is critical to safe and sound operations of the affected depository institution, depository holding company or company; (2) the service will not have an anticompetitive effect; and (3) any additional requirements which the agency may impose have been satisfied. The board of directors of the affected depository institution must also provide a resolution to the appropriate federal banking agency indicating that no other candidate who is willing to serve possesses the necessary expertise.

### **Effect of Legislation on Proposal**

It is the opinion of the Board of Directors of the FDIC that the proposed amendment is not consistent with the limited authority to create exceptions on a bank-specific and case-by-case basis given the FDIC under the Interlocks Act as amended. Accordingly, the Board of Directors of the FDIC hereby withdraws from active consideration the proposed amendment to Part 348 of Title 12 of the Code of Federal Regulations which was published on April 20, 1994 (59 FR 18764).

### **List of Subjects in 12 CFR Part 348**

Antitrust, Banks, banking, Holding companies.

By order of the Board of Directors.

Dated at Washington, D.C., this 31st day of January, 1995.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Acting Executive Secretary.*

[FR Doc. 95-2857 Filed 2-6-95; 8:45 am]

BILLING CODE 6714-01-P

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 94-NM-252-AD]

### **Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Rolls Royce Model RB211 Series Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require modification of the nacelle strut and wing structure, inspections and checks to detect discrepancies, and correction of discrepancies. This proposal is prompted by the development of a modification of the strut and wing structure that improves the fail-safe capability and durability of the strut-to-wing attachments, and reduces reliance on inspections of those attachments. The actions specified by the proposed AD are intended to prevent failure of the strut and subsequent loss of the engine.

**DATES:** Comments must be received by March 6, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-252-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Airframe Branch, ANM-121S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2776; fax (206) 227-1181.

### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

<sup>1</sup> Although the wording of these exemptions is slightly different, in essence Congress codified the existing regulatory exceptions that are available under Part 348 (with the exception of § 348.4(b)(5): "Loss of management officials due to change in circumstance").

<sup>2</sup> Prior to the RCDRI Act amendments, federal banking agencies had the authority under section 209 of the Interlocks Act (12 U.S.C. 3207) to promulgate rules and regulations permitting service by a management official which would otherwise be prohibited by the Interlocks Act.