

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 98-119-1]

#### Change in Disease Status of Liechtenstein Because of BSE

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations by adding Liechtenstein to the list of regions where bovine spongiform encephalopathy exists because the disease has been detected in two bovine animals in that region. The effect of this action is to prohibit or restrict the importation of ruminants that have been in Liechtenstein and meat, meat products, and certain other edible products of ruminants that have been in Liechtenstein. This action is necessary to reduce the risk that bovine spongiform encephalopathy could be introduced into the United States.

**DATES:** Interim rule effective December 18, 1998. Consideration will be given only to comments received on or before February 22, 1999.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 98-119-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 98-119-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call

ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-8364.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR parts 93, 94, 95, and 96 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE).

BSE is a neurological disease of bovine animals and other ruminants and is not known to exist in the United States.

It appears that BSE is primarily spread through the use of ruminant feed containing protein and other products from ruminants infected with BSE. Therefore, BSE could become established in the United States if materials carrying the BSE agent, such as certain meat, animal products, and animal byproducts from ruminants in regions in which BSE exists, are imported into the United States and are fed to ruminants in the United States. BSE could also become established in the United States if ruminants from regions in which BSE exists are imported into the United States.

Sections 94.18, 95.4, and 96.2 of the regulations prohibit or restrict the importation of certain meat and other animal products and byproducts from ruminants that have been in regions in which BSE exists. These regions are listed in § 94.18 of the regulations. Furthermore, § 93.404(a)(3) states that the Animal and Plant Health Inspection Service may deny the importation of ruminants from regions where a communicable disease such as BSE exists.

Liechtenstein's Ministry of Agriculture has reported and confirmed that BSE was diagnosed in two bovine animals born in Liechtenstein. In order to reduce the risk of introducing BSE into the United States, we are, therefore, amending § 94.18(a)(1) by adding Liechtenstein to the list of regions

where BSE is known to exist. Thus, we are prohibiting or restricting the importation into the United States of ruminants that have been in Liechtenstein, and meat, meat products, and certain other edible products of ruminants that have been in Liechtenstein.

##### Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction of BSE into the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

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

This 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 action adds Liechtenstein to the list of regions where BSE exists. We are taking this action based on reports we have received from Liechtenstein's Ministry of Agriculture, which confirmed that two cases of BSE have occurred in Liechtenstein.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule will have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**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, we are amending 9 CFR part 94 as follows:

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

1. The authority citation for part 94 continues 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 2.22, 2.80, and 371.2(d).

**§ 94.18 [Amended]**

2. In § 94.18, paragraph (a)(1) is amended by adding the word "Liechtenstein," immediately after "the Republic of Ireland,".

Done in Washington, DC this 18th day of December 1998.

**Joan M. Arnoldi,**

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

[FR Doc. 98-34089 Filed 12-23-98; 8:45 am]

BILLING CODE 3410-34-P

**DEPARTMENT OF THE TREASURY****Office of Thrift Supervision**

**12 CFR Parts 506, 528, 545, 557, 566, 571, 574, 584**

[No. 98-121]

**Technical Amendments**

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Thrift Supervision (OTS) is amending its regulations to incorporate a number of technical and conforming amendments. OTS is updating cross-references in its regulations, consolidating several regulatory provisions, and amending regulations containing drafting or typographical errors.

**EFFECTIVE DATE:** December 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mary H. Gottlieb, Senior Paralegal (Regulations), (202) 906-7135, or Karen A. Osterloh, Assistant Chief Counsel, (202) 906-6639, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS is amending its regulations to incorporate a number of technical and conforming amendments. Specifically, OTS is amending:

- Part 506—Information Collection Requirements under the Paperwork Reduction Act. OTS has updated the display table of OMB control numbers.
- Part 545—Operations. OTS has deleted reserved but unused sections in order to clarify the part.
- Part 557—Deposits. OTS has corrected an incorrect statutory citation in § 557.11.
- Part 566—Liquidity. OTS has revised the definition of "net withdrawable accounts" at § 566.1 to correct an inadvertent drafting error that occurred in the final rule published in November, 1997.<sup>1</sup>
- Part 571—Statements of Policy. The statement of policy on nondiscrimination in lending at § 571.24 is moved to part 528. This section is the only statement of policy remaining in current part 571 and it relates to the material found in part 528. Part 571, consisting of a number of reserved but unused sections, is removed.
- Part 574—Acquisition of Control of Savings Associations. OTS has corrected a typographical error in § 574.100.
- Part 584—Regulated Activities. OTS has corrected cross-references to Federal Reserve Board regulations on permissible bank holding company activities and other outdated cross-references.

**Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994**

The OTS has found good cause to dispense with both prior notice and

comment on this final rule and a 30-day delay of its effective date mandated by the Administrative Procedure Act.<sup>2</sup> OTS believes that it is contrary to public interest to delay the effective date of the rule, as it corrects provisions that have caused confusion. Because the amendments in the rule are not substantive, making them effective immediately will not detrimentally affect savings associations.

In addition, this document is exempt from the requirement found in section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994<sup>3</sup> that regulations must not take effect before the first day of the quarter following publication, as it imposes no new requirements.

**Regulatory Flexibility Act**

Pursuant to section 605(b) of the Regulatory Flexibility Act,<sup>4</sup> it is certified that this technical corrections regulation will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12866**

OTS has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866.

**Unfunded Mandates Reform Act of 1995**

OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

**List of Subjects**

*12 CFR Part 506*

Reporting and recordkeeping requirements.

*12 CFR Part 528*

Advertising, Aged, Civil rights, Credit, Equal employment opportunity, Fair housing, Home mortgage disclosure, Individuals with disabilities, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Savings associations, Sex discrimination, Signs and symbols.

<sup>1</sup> 5 U.S.C. 553.

<sup>2</sup> Pub. L. 103-325, 12 U.S.C. 4802.

<sup>3</sup> Pub. L. 96-354, 5 U.S.C. 601.

<sup>4</sup> 62 FR 62509 (November 24, 1997).