

Rules and Regulations

Federal Register

Vol. 62, No. 218

Wednesday, November 12, 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

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 97-036-2]

Brucellosis in Cattle; State and Area Classifications; Iowa

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Iowa from Class A to Class Free. We have determined that Iowa meets the standards for Class Free status. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Iowa.

EFFECTIVE DATE: The interim rule was effective on July 14, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. R. T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-7709; or e-mail: rrollo@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective July 14, 1997, and published in the **Federal Register** on July 18, 1997 (62 FR 38443-38445, Docket No. 97-036-1), we amended the brucellosis regulations in 9 CFR part 78 by removing Iowa from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a).

Comments on the interim rule were required to be received on or before

September 16, 1997. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 62 FR 38443-38445 on July 18, 1997.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 5th day of November 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-29711 Filed 11-10-97; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket Nos. R-0935; R-0936]

Bank Holding Companies and Change in Bank Control (Regulation Y); Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction to an amendment.

SUMMARY: The Board is correcting an error in the text of the comprehensive amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) that appeared in the **Federal Register** on February 28, 1997. The correction restores the time limit required for Board action in processing

nonexpedited notices under section 4 of the Bank Holding Company Act (BHC Act) that was inadvertently deleted from the text of the final rule.

EFFECTIVE DATE: November 12, 1997.

FOR FURTHER INFORMATION CONTACT: Walter R. McEwen, Attorney (202/452-3321), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired only, contact Diane Jenkins, Telecommunication Device for the Deaf (TDD), (202/452-3544), Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 19, 1997, the Board adopted comprehensive amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) to improve the competitiveness of bank holding companies by eliminating unnecessary regulatory burden and operating restrictions, and by streamlining the application/notice process.¹ In taking this action, the Board stated in the preamble that proposals that did not qualify for expedited processing under the new streamlined procedures would be processed under the Board's current procedures.² The procedures at that time and the specific provisions of the BHC Act, required action on any notice considered by the Board to engage in nonbanking activities under section 4 of the Bank Holding Company Act ("BHC Act") within 60 calendar days after the submission of a complete notice, and the text of the amendments proposed for public comment contained a provision describing the time limit required for Board action.³ This 60-day processing schedule was included in the rule as proposed in August 1996.

The final rule, however, inadvertently omitted that provision. The correction would restore the time-limit provision as originally proposed, thereby conforming the final rule to the Board's stated intent in the preamble and to the specific provisions of the BHC Act. The notice also changes certain cross-references in light of this amendment.

The provisions of 5 U.S.C. 553 relating to notice, public participation, and deferred effective date do not apply

¹ See 62 FR 9290 (February 28, 1997).

² See 62 FR at 9293.

³ See 225.24(d)(2)(ii), 61 FR 47242, 47272 (September 6, 1996).

to this amendment because the change to be effected corrects an inadvertent deletion from the rule as proposed, is necessary to prevent confusion in the administration of the Board's processing guidelines for nonexpedited notices under section 4 of the BHC Act, is technical and procedural in nature, and does not constitute a substantive rule subject to the requirements of that section. Moreover, because it restores a statutorily required processing schedule, the proposal reduces burden by assuring timely processing of applications subject to System action.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board amends part 225 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828o, 1831i, 1831p-1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331-3351, 3907, and 3909.

2. Under subpart C, § 225.24 is amended as follows:

- a. Paragraph (d)(2) is revised;
- b. Paragraphs (d)(3) and (d)(4) are redesignated as paragraphs (d)(4) and (d)(5); and
- c. A new paragraph (d)(3) is added.

The revision and addition read as follows:

§ 225.24 Procedures for other nonbanking proposals.

* * * * *

(d) * * *

(2) *Board action; internal schedule.*

The Board seeks to act on every notice referred to it for decision within 60 days of the date that the notice is filed with the Reserve Bank. If the Board is unable to act within this period, the Board shall notify the notificant and explain the reasons and the date by which the Board expects to act.

(3)(i) *Required time limit for System action.* The Board or the Reserve Bank shall act on any notice under this section within 60 days after the submission of a complete notice.

(ii) *Extension of required period for action (A) In general.*—The Board may extend the 60-day period required for Board action under paragraph (d)(3)(i) of

this section for an additional 30 days upon notice to the notificant.

(B) *Unlisted activities.* If a notice involves a proposal to engage in an activity that is not listed in § 225.28, the Board may extend the period required for Board action under paragraph (d)(3)(i) of this section for an additional 90 days. This 90-day extension is in addition to the 30-day extension period provided in paragraph (d)(3)(ii)(A) of this section. The Board shall notify the notificant that the notice period has been extended and explain the reasons for the extension.

* * * * *

3. Under subpart C, § 225.25 is amended by revising paragraph (b)(1) as follows:

§ 225.25 Hearings, alteration of activities, and other matters.

* * * * *

(b) *Approval through failure to act.* (1) Except as provided in paragraph (a) of this section or § 225.24(d)(5), a notice under this subpart shall be deemed to be approved at the conclusion of the period that begins on the date the complete notice is received by the Reserve Bank or the Board and that ends 60 calendar days plus any applicable extension and tolling period thereafter.

* * * * *

By order of the Board of Governors of the Federal Reserve System, under delegated authority, November 6, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97-29762 Filed 11-10-97; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM-144; Special Conditions No. 25-ANM-134]

Special Conditions: Learjet Inc. Model 55 Airplane; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Learjet Model 55 airplanes modified by Learjet. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These special conditions contain the additional safety

standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is October 31, 1997. Comments must be received on or before December 29, 1997.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-144, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM-144. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Connie Beane, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-2796; facsimile (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special condition number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-144." The postcard will be date stamped and returned to the commenter.

Background

On August 27, 1997, Learjet Inc. applied for a supplemental type