

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****9 CFR Part 50**

[Docket No. 97-061-2]

Expenses Associated With Transporting and Disposing of Tuberculosis-Exposed Animals

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 regulations concerning animals destroyed because of tuberculosis to allow the U.S. Department of Agriculture to pay herd owners some of their expenses for transporting tuberculosis-exposed cattle, bison, and cervids to slaughter or to the point of disposal, and for disposing of the animals. Prior to the interim rule, herd owners could only receive help with these costs for affected animals. Consequently, herd owners in some cases elected to keep exposed animals in a herd until testing revealed them to be either free of tuberculosis or affected with tuberculosis, or elected not to depopulate an affected herd, providing opportunity for further spread of the disease. The interim rule also made minor changes to the provisions for paying some of the expenses for transporting tuberculosis-affected animals to the point of disposal and disposing of them. The interim rule was necessary to ensure continued progress toward eradicating tuberculosis in the U.S. livestock population.

EFFECTIVE DATE: The interim rule was effective on September 17, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road, Unit 36, Riverdale MD 20737-1231, (301) 734-7727.

SUPPLEMENTARY INFORMATION:**Background**

In an interim rule effective September 17, 1997, and published in the **Federal Register** on September 23, 1997 (62 FR 49590-49593, Docket No. 97-061-1), we amended the regulations in 9 CFR 50.8 to allow the U.S. Department of Agriculture (the Department) to pay herd owners one-half the expenses of transporting tuberculosis-exposed cattle, bison, and cervids to slaughter or to the point of disposal, and for disposing of

the animals. The interim rule also provided that the Department may pay more than one-half of the expenses when the Administrator of the Animal and Plant Health Inspection Service (APHIS) determines that doing so will contribute to the tuberculosis eradication program. Prior to this interim rule, herd owners could only receive help with these costs for affected animals. We also amended § 50.8 in the interim rule to allow the Department to pay herd owners of tuberculosis-affected cattle, bison, and cervids more than one-half of the expenses of transporting the animals to slaughter or the point of disposal, and for disposing of the animals when the Administrator of APHIS determines that doing so will contribute to the tuberculosis eradication program. In addition, we amended § 50.8 to remove the provisions concerning forms for payment of expenses for disposal or transportation of tuberculosis-affected animals, and we amended § 50.8 to remove the provision that the Department will not pay any portion of the expenses for transporting or disposing of affected animals when the transportation or disposal is provided by the owner of the affected animals.

Comments on the interim rule were required to be received on or before November 24, 1997. We received one comment by that date. The commenter supported the interim rule as written. 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 50

Animal diseases, Bison, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements, Tuberculosis.

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 50 and that was published at 62 FR 49590-49593 on September 23, 1997.

Authority: 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 12th day of December 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-33037 Filed 12-17-97; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL RESERVE SYSTEM**12 CFR Part 203**

[Regulation C; Docket No. R-0993]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

AGENCY: Final rule; staff commentary.

SUMMARY: The Board is publishing revisions to its staff commentary that interprets the requirements of Regulation C (Home Mortgage Disclosure). The Board is required to adjust annually the asset-size exemption threshold for depository institutions based on the annual percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers. The adjustment reflects changes for the twelve-month period ending in November. In 1998, depository institutions with assets totaling \$29 million or less are not required to collect data.

DATES: *Effective date.* This rule is effective January 1, 1998.

Applicability date. This rule applies to all data collection in 1998.

FOR FURTHER INFORMATION CONTACT:

Pamela C. Morris, Staff Attorney, Division of Consumer and Community Affairs, at (202) 452-3667; for users of Telecommunications Device for the Deaf (TDD) only, contact Diane Jenkins at (202) 452-3544.

SUPPLEMENTARY INFORMATION:**I. Background**

The Home Mortgage Disclosure Act (HMDA; 12 U.S.C. 2801 *et seq.*) requires most mortgage lenders located in metropolitan statistical areas to collect data about their housing-related lending activity. Annually, lenders must file reports with their federal supervisory agencies and make disclosures available to the public. The Board's Regulation C (12 CFR part 203) implements HMDA. Provisions of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Pub. L. 104-208, 110 Stat. 3009) amended HMDA to modify the exemption threshold for small depository institutions. Until 1997, HMDA exempted depository institutions with assets of \$10 million or

less, as of the preceding year end. The statutory amendment increased the asset-size exemption threshold by requiring a one-time adjustment of the \$10 million figure based on the percentage by which the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPIW) for 1996 exceeded the CPIW for 1975, and annual adjustments thereafter based on the annual percentage increase in the CPIW. The one-time adjustment increased the exemption threshold to \$28 million for 1997 data collection.

To implement the statutory amendment, the Board published an interim rule in January 1997. (62 FR 3603, Jan. 24, 1997). The interim rule was made final in May. (62 FR 28620, May 27, 1997; correction at 62 FR 62339, June 19, 1997). Section 203.3(a)(1)(ii) provides that the Board will adjust the threshold based on the year-to-year change in the average of the CPIW, not seasonally adjusted, for each twelve-month period ending in November, rounded to the nearest million. During the period ending in November 1997, the Consumer Price Index for Urban Wage Earners and Clerical Workers increased by 2.4%. As a result, the new threshold is \$29 million. Thus, depository institutions with assets of \$29 million or less as of December 31, 1997 are exempt from data collection in 1998. An institution's exemption from collecting data in 1998 does not affect its responsibility to report the 1997 data if it was required to collect it.

The Board is adopting this amendment to the staff commentary to implement the annual change in the exemption threshold. The Administrative Procedure Act provides that notice and opportunity for public comment are not required if an agency finds that notice and public comment are unnecessary or would be contrary to the public interest. 5 U.S.C. 553(b)(B). Regulation C establishes a formula (adopted by the Board after notice and comment) for determining the annual adjustment, if any, to the exemption threshold. The Board's amendment to the staff commentary, which merely applies the formula, is technical and not subject to interpretation. For these reasons, the Board has determined that publishing a notice of proposed rulemaking for public comment for the following amendment is unnecessary. Therefore, the Board has adopted this amendment, establishing a new threshold, in final form. This rule is effective as of January 1, 1998, so that institutions that are no longer covered can avoid collecting data unnecessarily.

II. Section Analysis

Section 203.3—Exempt Institutions

Comments 3(a)-2 and 3(a)-3 have been redesignated as comments 3(a)-3 and 3(a)-4, respectively, and a new comment 3(a)-2 has been added to specify the exemption threshold, which is adjusted annually each December. Depository institutions with assets that are at or below the threshold as of December 31, 1997, need not collect the HMDA data for 1998.

List of Subjects in 12 CFR Part 203

Banks, banking, Consumer protection, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends 12 CFR part 203 as follows:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

1. The authority citation for Part 203 continues to read as follows:

Authority: 12 U.S.C. 2801-2810.

2. In Supplement I to part 203, under Section 203.3—Exempt Institutions, under 3(a) *Exemption based on location, asset size, or number of home-purchase loans*, paragraphs 2 and 3 are redesignated as paragraphs 3 and 4, respectively; and a new paragraph 2 is added to read as follows:

Supplement I to Part 203—Staff Commentary

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Section 203.3—Exempt Institutions

3(a) *Exemption based on location, asset size, or number of home-purchase loans.*

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2. *Adjustment of exemption threshold for depository institutions.* For data collection in 1998, the asset-size exemption threshold is \$29 million. Depository institutions with assets at or below \$29 million are exempt from collecting data for 1998.

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By order of the Board of Governors of the Federal Reserve System, December 12, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97-33036 Filed 12-17-97; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 506, 544, 545, 552, 559, 560, 561, 563, 565, 567, 575

[No. 97-126]

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. The OTS is amending its capital rules to remove transition periods that are outdated, making technical revisions to final rules issued during December, 1996 pursuant to the regulatory reinvention initiative, and making other miscellaneous technical changes to existing regulations.

EFFECTIVE DATE: December 18, 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:

Capital

OTS is today adopting several technical amendments to its capital regulations to remove references to transition periods that have elapsed and to streamline its definitions relating to capital.

Regulatory Burden Reduction Regulations

OTS is also making a number of technical corrections to its charter and bylaw, conversion, and subordinate organization regulations¹ that were substantially revised during December, 1996, pursuant to the Regulatory Re-invention Initiative of the Vice President's National Performance Review and section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994.²

In particular, § 552.10, regarding the mailing of annual reports to stockholders, is being amended. Section 552.10 currently requires Federal stock associations that are not wholly-owned

¹ Corporate Governance, 61 FR 64007 (December 3, 1996). Subsidiaries and Equity Investments, 61 FR 66561 (December 18, 1996).

² 12 U.S.C. 4803(a)(1).