

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures that must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

This rule contains no new 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 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 113 is amended as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 113.207, the section heading, the introductory text, the introductory text of paragraph (b), and paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) are revised to read as follows:

§ 113.207 Encephalomyelitis Vaccine, Eastern, Western, and Venezuelan, Killed Virus.

Encephalomyelitis Vaccine, Eastern, Western, and Venezuelan, Killed Virus, shall be prepared from virus-bearing cell culture fluids. Each serial or subserial shall meet the requirements prescribed in this section and the general requirements prescribed in § 113.200, except those in § 113.200(d). Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

* * * * *

(b) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency in accordance with the two-stage test provided in this paragraph. For each fraction contained in the product—Eastern type, Western type, or Venezuelan type—the serological interpretations required in this test shall be made independently. A serial or subserial found unsatisfactory for any of the fractions shall not be released.

(1) * * *

(2) Fourteen to 21 days after the second injection, serum samples from each vaccinate and each control shall be tested by a plaque reduction, serum neutralization test using Vero 76 cells.

(3) If the control serum samples show a titer of 1:4 or greater for any fraction, the test is inconclusive for that fraction and may be repeated: *Provided*, That, if four or more of the vaccinate serum samples show a titer of less than 1:40 for the Eastern type fraction, less than 1:40 for the Western type fraction, or less than 1:4 for the Venezuelan type fraction, the serial or subserial is unsatisfactory without further testing.

(4) If two or three of the vaccinate serum samples show a titer of less than 1:40 for the Eastern type fraction, less than 1:40 for the Western type fraction, or less than 1:4 for the Venezuelan type fraction, the second stage of the test may be used for the relevant fraction(s): *Provided*, That, if a fraction is found acceptable by the first stage of the test, the second stage need not be conducted for that fraction.

(5) If the second stage is used and four or more of the vaccinate serum samples show a titer of less than 1:40 for the Eastern type fraction or the Western type fraction, or less than 1:4 for the Venezuelan type fraction, the serial or subserial is unsatisfactory.

* * * * *

Done in Washington, DC, this 16th day of December 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–32725 Filed 12–24–96; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 206

[Docket No. FR–2958–C–06]

RIN 2502–AF32

Home Equity Conversion Mortgage Insurance Demonstration: Additional Streamlining; Correction and Delay of Effective Date for the Definition of “Principal Limit” in § 206.3

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule correction and delay of effective date.

SUMMARY: On September 17, 1996 (61 FR 49030), the Department issued a final rule to changes proposed on May 10, 1996, to the Home Equity Conversion Mortgage (HECM) Insurance Demonstration. The final rule had an effective date of October 17, 1996, except that the amendment to the definition of “principal limit” in § 206.3, had a delayed effective date of January 5, 1997. This document further delays the effective date of the definition of “principal limit” in § 206.3 until May 1, 1997. In addition, § 206.121(c) is corrected to remove language that should have been omitted which allowed HUD to change a monthly adjustable ARM to annual interest rate adjustments if assigned to HUD.

DATES: Effective date of this document: October 17, 1996.

Effective date for amended definition of “principal limit” in § 206.3 is delayed until May 1, 1997.

FOR FURTHER INFORMATION CONTACT: Richard K. Manuel, Director, Home Mortgage Insurance Division, Office of Insured Single Family Housing, Room number 9272, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2700; TTY (202) 708–4594. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: The September 17, 1996 final rule delayed the effective date for the amendment to the definition of “principal limit” in § 206.3, until January 5, 1997. The Department recognized at that time that the Lockheed/Martin (CDSI) system would have to be changed to accommodate the new calculation. The Department now realizes that the change will not be completed by the January 5, 1997 effective date and by this notice delays further the effective date.

Accordingly, the effective date for the amendment to the definition of "principal limit" in § 206.3, as stated in the final rule published on September 17, 1996, at 61 FR 49030, is delayed until May 1, 1997.

The September 17, 1996 final rule inadvertently failed to delete from § 206.121(c) the language allowing HUD to change a monthly adjustable ARM to annual interest rate adjustments if assigned to HUD. This language had been proposed in the May 10, 1996 proposed rule, at 61 FR 21918, and opposed by public comment. Therefore, in the preamble to the September 17, 1996 final rule, at 61 FR 49030, the Department agreed not to make the disputed language final.

Accordingly, in FR Doc. 96-23717, in the final rule published on September 17, 1996 (61 FR 49030), the first and second sentences in 24 CFR 206.121, are corrected as follows:

§ 206.121 Secretary authorized to make payments.

* * * * *

(c) *Second mortgage.* If the contract of insurance is terminated as provided in § 206.133(c), all payments to the mortgagor by the Secretary will be secured by the second mortgage, if any. Payments will be due and payable in the same manner as under the insured first mortgage. * * *

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Dated: December 19, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96-32769 Filed 12-24-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Special Trustee for American Indians

25 CFR Chapter VII and Part 1200

RIN 1035-AAOO

The American Indian Trust Fund Management Reform Act of 1994

AGENCY: Office of the Special Trustee for American Indians, Interior.

ACTION: Final rule.

SUMMARY: The Office of Special Trustee for American Indians (OST) in the Office of the Secretary of the Interior is promulgating this regulation to implement Title II of Public Law 103-412, the American Indian Trust Fund Management Reform Act of 1994 (the Act). The Act, for the first time, permits American Indian tribes to take tribal

funds out of trust status with the Department of the Interior (DOI). The purpose of the Act is to enable tribes to manage the funds by themselves, or with the help of capable commercial fund managers. The regulation affects tribal funds only, not Individual Indian Monies (IIM) funds.

EFFECTIVE DATE: These regulations take effect on January 27, 1997.

SUPPLEMENTARY INFORMATION: 25 CFR Part 1200 in chapter VII contains provisions which affect 240 tribes with trust funds. These tribes currently have approximately \$1.5 billion in judgments, settlements, awards, and associated earnings held in trust status by the Department of the Interior. Key concepts of the regulation are as follows: (a) Tribes wishing to withdraw some or all of their tribal funds under the Act (not IIM funds) must present a tribal resolution acknowledging that when funds leave the U.S. Treasury, the federal government has no further liability relating to those funds; (b) tribes must also present a management plan for Secretarial approval, detailing how the funds will be managed once they are out of trust, including a protection against a significant loss of principal; (c) if the funds are not managed by the tribes, they are to be managed by capable investment managers or investment firms with proof of liability insurance; (d) tribes must provide notification to tribal members regarding their intent to withdraw funds from trust; (e) tribes may return any or all of their funds withdrawn under this act, including any earnings, to trust status; (f) tribes may request technical assistance and/or grants from the Department in order to develop the management plan. The ability to take funds from trust creates new tribal opportunities for investment of funds and for economic development; therefore, establishment of the regulation has a high priority in Indian Country.

Summary of Regulation and Comment Received

In accordance with the Act, this regulation was developed with the active participation of tribal representatives. The policy of the Department is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. A Regulatory Workgroup was established by the Office of Trust Funds Management (OTFM), which had tribal representation, as well as representation from the InterTribal Monitoring Association (ITMA), Departmental Office of the Solicitor (SOL), and Bureau

of Indian Affairs (BIA). Also in furtherance of tribal participation, draft regulations were sent to all tribes with trust funds in August, 1995; a formal presentation was made by OTFM at a National Tribal Consultation in September, 1995. The consultation session was announced in the Federal Register and was open to the public. Comments which were incorporated from this consultation are as follows: (a) A specific provision for notifying the tribal membership of an intent to remove funds was included based on comments by the Delaware Tribe of Oklahoma; (b) the "certification" by tribe's legal counsel of authority of tribal government to withdraw funds was changed to a requirement for a "legal opinion" to be included in the application package based on comments from both the Hopi and Cheyenne River Tribes; (c) a requirement to provide a copy of audit or investment report when requesting to withdraw additional funds was included based on comments from the First Nations Development Institute; (d) a requirement for liability insurance of tribal officials was added based on a suggestion from the Skokomish Tribe of Washington State. Other changes were made, such as changing the approving official to the Secretary, Department of the Interior, from the Commissioner of Indian Affairs, Bureau of Indian Affairs; removing duplicative language from the policy statement; adding clarifying language regarding applicability of these regulations to "proceeds of labor" funds; and requiring tribes to submit copies of applicable distribution plans or settlement acts when making application to withdraw funds. The regulation was also rewritten in a "user-friendly" format after the consultation.

On February 9, 1996, the OTFM was moved from the BIA to the OST by Secretarial Order Number 3197. This action was taken to implement Title III of the Act which established the Office of the Special Trustee for American Indians. The Director, OTFM, reports directly to the Special Trustee.

The Department published a Notice of Proposed Rulemaking in the Federal Register as part 144 in Chapter I of 25 CFR on May 16, 1996, on page 24731, with a 60-day open comment period. This final rule is being published as new part 1200 in the newly established chapter VII of 25 CFR, which is reserved for rules published by the Office of the Special Trustee.

Only one formal comment was received on the proposed rule. An Oklahoma City law firm commented that in discussions with representatives of three tribes, concerns had been expressed relating to the ability of tribes