

review process required by Executive Order 12866.

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.

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

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 94 and that was published at 62 FR 19032–19033 on April 18, 1997.

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).

Done in Washington, DC, this 11th day of September 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–24669 Filed 9–16–97; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–0926]

Availability of Funds and Collection of Checks; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction to an amendment.

SUMMARY: The Board is correcting an amendment to Regulation CC (Availability of Funds and Collection of Checks) that appeared in the **Federal Register** on March 24, 1997. This document corrects an error that appeared in Model Availability Policy Disclosure C–5 concerning statutory limits on funds availability of all deposits.

EFFECTIVE DATE: October 17, 1997.

FOR FURTHER INFORMATION CONTACT: Obrea Poindexter, Staff Attorney (202/452–3667), Division of Consumer and Community Affairs. For the hearing impaired *only*, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) (202/452–3544), Board of Governors of the Federal Reserve

System, 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 24, 1997 (62 FR 13801), the Board published amendments to Regulation CC (12 CFR part 229) to clarify the regulation and, in specified circumstances, reduce the compliance burden for depository institutions. Appendix C to Part 229 contains model availability policy disclosures, clauses and notices to facilitate compliance by banks with the disclosure requirements of Regulation CC. This document corrects an error that appeared in Model Availability Policy Disclosure C–5 concerning statutory limits on funds availability of all deposits.

In Model Availability Policy Disclosure C–5, the sentence that begins “If you deposit both categories of checks * * *” was inadvertently placed under the subheading “Longer Delays May Apply.” As the sentence does not pertain to exception holds pursuant to the funds availability policy, it is removed. The sentence, which stipulates the availability policy for the deposit of both local and nonlocal checks, should have instead appeared below the heading “Other Check Deposits.” To accommodate the sentence, a new subheading has been added, titled “3. Local and nonlocal checks,” and the sentence is placed under the newly formed subheading.

As this is a technical correction that does not affect the substance of Regulation CC, 5 U.S.C. 553 does not require publication for comment.

Banks that use earlier versions of the model forms are protected from civil liability under § 229.21(e), but all banks are encouraged to use the new versions when reordering or reprinting supplies.

Final Regulatory Flexibility Analysis

The technical correction should not have a negative impact on small institutions.

List of Subjects in 12 CFR Part 229

Banks, banking, Federal Reserve System, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 12 CFR part 229 is amended as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

1. The authority citation for Part 229 continues to read as follows:

Authority: 12 U.S.C. 4001 *et seq.*

2. In Appendix C to part 229, the Model Availability Policy Disclosure C–5 is revised to read as follows:

Appendix C to Part 229—Model Availability Policy Disclosures, Clauses, and Notices

* * * * *

C–5—Holds to Statutory Limits on All Deposits

Your Ability To Withdraw Funds

Our policy is to delay the availability of funds from your cash and check deposits. During the delay, you may not withdraw the funds in cash and we will not use the funds to pay checks that you have written.

Determining the Availability Of A Deposit

The length of the delay is counted in business days from the day of your deposit. Every day is a business day except Saturdays, Sundays, and federal holidays. If you make a deposit before (*time of day*) on a business day that we are open, we will consider that day to be the day of your deposit. However, if you make a deposit after (*time of day*) or on a day we are not open, we will consider that the deposit was made on the next business day we are open.

The length of the delay varies depending on the type of deposit and is explained below.

Same-Day Availability

Funds from electronic direct deposits to your account will be available on the day we receive the deposit.

Next-Day Availability

Funds from the following deposits are available on the first business day after the day of your deposit:

- U.S. Treasury checks that are payable to you.

- Wire transfers.
- Checks drawn on (*bank name*) [unless (*any limitations related to branches in different states or check processing regions*)].

If you make the deposit in person to one of our employees, funds from the following deposits are also available on the first business day after the day of your deposit:

- Cash.
- State and local government checks that are payable to you [if you use a special deposit slip available from (*where deposit slip may be obtained*)].

- Cashier's, certified, and teller's checks that are payable to you [if you use a special deposit slip available from (*where deposit slip may be obtained*)].

- Federal Reserve Bank checks, Federal Home Loan Bank checks, and postal money orders, if these items are payable to you.

If you do not make your deposit in person to one of our employees (for example, if you mail the deposit), funds from these deposits will be available on the second business day after the day we receive your deposit.

Other Check Deposits

The delay for other check deposits depends on whether the check is a local or a nonlocal check. To see whether a check is a local or a nonlocal check, look at the routing number on the check:

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Personal Check

Pay to the order of _____ _____ (Bank name and Location)	_____ 19__ \$ _____ dollars
<div style="border: 1px solid black; display: inline-block; padding: 2px;">123456789</div> 0000000000 000	_____ Routing number

Business Check

Name of Company Address, City, State	
Pay to the order of _____ _____ (Bank name and Location)	_____ 19__ \$ _____ dollars
0000000000 <div style="border: 1px solid black; display: inline-block; padding: 2px;">123456789</div> 0000000000 000	_____ Routing number

BILLING CODE 6210-01-C

If the first four digits of the routing number (1234 in the examples above) are (*list of local numbers*), then the check is a local check. Otherwise, the check is a nonlocal check. Some checks are marked "payable through" and have a four- or nine-digit number nearby. For these checks, use the four-digit number (or the first four digits of the nine-digit number), not the routing number on the bottom of the check, to determine if these checks are local or nonlocal. Our policy is to make funds from local and nonlocal checks available as follows.

1. Local checks. The first \$100 from a deposit of local checks will be available on the first business day after the day of your deposit. The remaining funds will be available on the second business day after the day of your deposit.

For example, if you deposit a local check of \$700 on a Monday, \$100 of the deposit is available on Tuesday. The remaining \$600 is available on Wednesday.

2. Nonlocal checks. The first \$100 from a deposit of nonlocal checks will be available on the first business day after the day of your deposit. The remaining funds will be available on the fifth business day after the day of your deposit.

For example, if you deposit a \$700 nonlocal check on a Monday, \$100 of the deposit is available on Tuesday. The remaining \$600 is available on Monday of the following week.

3. Local and nonlocal checks. If you deposit both categories of checks, \$100 from the checks will be available on the first business day after the day of your deposit, not \$100 from each category of check.

Longer Delays May Apply

Funds you deposit by check may be delayed for a longer period under the following circumstances:

- We believe a check you deposit will not be paid.
- You deposit checks totaling more than \$5,000 on any one day.
- You redeposit a check that has been returned unpaid.
- You have overdrawn your account repeatedly in the last six months.
- There is an emergency, such as failure of computer or communications equipment.

We will notify you if we delay your ability to withdraw funds for any of these reasons, and we will tell you when the funds will be available. They will generally be available no later than the (*number*) business day after the day of your deposit.

Special Rules For New Accounts

If you are a new customer, the following special rules will apply during the first 30 days your account is open.

Funds from electronic direct deposits to your account will be available on the day we receive the deposit. Funds from deposits of cash, wire transfers, and the first \$5,000 of a day's total deposits of cashier's, certified, teller's, traveler's, and federal, state and local government checks will be available on the first business day after the day of your deposit if the deposit meets certain conditions. For example, the checks must be payable to you (and you may have to use a special deposit slip). The excess over \$5,000 will be available on the ninth business day after the day of your deposit. If your deposit of these checks (other than a U.S. Treasury check) is not made in person to one of our employees, the first \$5,000 will not be available until the second business day after the day of your deposit.

Funds from all other check deposits will be available on the (*number*) business day after the day of your deposit.

* * * * *

By order of the Board of Governors of the Federal Reserve System, under delegated authority, September 12, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97-24702 Filed 9-16-97; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-239-AD; Amendment 39-10136; AD 97-19-15]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 767 series airplanes. This action requires revising the Airplane Flight Manual (AFM) to include procedures that will ensure that the center tank fuel pumps are not operated with less than 1,000 pounds of fuel in the center tank. This amendment is prompted by a report indicating that a fuel pump failed due to damage to an impeller unit and pumping unit housing caused by a loose diffuser ring in the fuel pump assembly. The actions specified in this AD are intended to ensure the flight crew is advised of procedures that will ensure that the center tank fuel pumps are not operated with less than 1,000 pounds of fuel, which will prevent ignition of fuel vapors due to the generation of sparks and a potential ignition source inside the fuel tank caused by metal-to-metal contact during dry fuel pump operation.

DATES: Effective October 2, 1997.

Comments for inclusion in the rules docket must be received on or before November 17, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 97-NM-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Larry Reising, Aerospace Engineer,

Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2683; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report of failure of an override and jettison fuel pump on a Boeing Model 767 series airplane. Investigation revealed that the screws that attach the inlet diffuser assembly to the pumping unit housing became loose and were ingested into the fuel pump assembly. Loose screws caused the diffuser ring to become loose and contact the impeller, which damaged the impeller and pumping unit housing and caused the fuel pump to seize. During dry fuel pump operation, a loose diffuser ring also could cause metal-to-metal contact. This condition, if not corrected, could result in the generation of sparks and a potential ignition source inside the fuel tank.

Other Relevant Rulemaking

The conditions described previously were addressed in AD 94-11-05, amendment 39-8921 (59 FR 27970, May 31, 1994), which is applicable to Boeing Model 767-200 and 767-300 series airplanes. That AD requires repetitive inspections of the pumping unit assembly on the override and jettison fuel boost pump assemblies to detect looseness of the screws that attach the inlet diffuser assembly to the pumping unit housing, and repair or replacement of the pumping unit assembly with a serviceable assembly, if necessary. For certain airplanes, that AD also provides for deactivation of the center wing fuel tank as an alternative to the repetitive inspections. The actions specified by that AD are intended to prevent the generation of sparks and a potential ignition source inside the fuel tank caused by metal-to-metal contact during dry fuel pump operation.

FAA's Findings

Since the issuance of AD 94-11-05, an alternative method of compliance was granted that entailed fuel pump modifications, which alleviated the need for repetitive inspections of the fuel pump. However, the previously described report of failure of an override fuel pump occurred on a unit that had incorporated those modifications. The FAA has determined that, even if the override fuel pump fails, operation of the center tank fuel pumps with no less than 1,000 pounds of fuel will prevent ignition of fuel vapors due to the generation of sparks inside the fuel tank due to metal-to-metal contact. Therefore, the FAA has determined that

a revision to the FAA-approved Airplane Flight Manual (AFM) for Model 767 series airplanes is necessary to ensure that the center tank fuel pumps are not operated with less than 1,000 pounds of fuel in the center tank.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 767 series airplanes of the same type design, this AD is being issued to prevent the generation of sparks and a potential ignition source inside the fuel tank caused by metal-to-metal contact during dry fuel pump operation. This AD requires revising the AFM to include procedures that will ensure that the center tank fuel pumps are not operated with less than 1,000 pounds of fuel in the center tank.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments