

# Rules and Regulations

Federal Register

Vol. 62, No. 39

Thursday, February 27, 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 94

[Docket No. 97-007-1]

#### Change in Disease Status of the Netherlands Because of Hog Cholera

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

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

**SUMMARY:** We are amending the regulations by removing The Netherlands from the list of countries free from hog cholera. We are taking this action based on reports we have received from The Netherlands that an outbreak of hog cholera has occurred in The Netherlands. As a result of this action, there will be additional restrictions on the importation of pork and pork products into the United States from The Netherlands, and the importation of swine from The Netherlands will be prohibited.

**DATES:** Interim rule effective February 21, 1997. Consideration will be given only to comments received on or before April 28, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-007-1, 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. 97-007-1. 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. John Cougill, Staff Veterinarian, Animal Products Program, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-3399; or e-mail: [jcougill@aphis.usda.gov](mailto:jcougill@aphis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.9 of the regulations restricts the importation into the United States of pork and pork products from countries where hog cholera is known to exist. Section 94.10 of the regulations, with certain exceptions, prohibits the importation of swine which originate in or are shipped from or transit any country in which hog cholera is known to exist. Sections 94.9(a) and 94.10(a) of the regulations provide that hog cholera exists in all countries of the world except for certain countries listed in those sections.

Prior to the effective date of this interim rule, The Netherlands was included in the lists in §§ 94.9(a) and 94.10(a). The Netherlands has reported that an outbreak of hog cholera has occurred in that country. After reviewing the reports submitted by The Netherlands, APHIS has determined to remove The Netherlands from the list of countries free of hog cholera.

Therefore, we are amending §§ 94.9(a) and 94.10(a) by removing The Netherlands from the list of countries declared to be free of hog cholera. As a result of this action, the importation of swine from The Netherlands is prohibited, and pork and pork products from The Netherlands will not be eligible for entry into the United States unless the pork or pork products are cooked or cured and dried in accordance with the regulations.

##### Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has

determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction of hog cholera 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 it 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. It 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.

The United States has been notified that an outbreak of hog cholera has occurred in The Netherlands. Hog cholera is a contagious viral disease of swine. The impact of an outbreak for U.S. swine producers would be economically damaging, as described in a recent APHIS study ("Costs of a Potential Hog Cholera Outbreak," C. Matthew Rendleman, May 9, 1994). In that study, a range of scenarios was set forth, from infection of herds in a single State to a nationwide outbreak. Potential costs to producers, consumers, and taxpayers were estimated to range from \$34 million to \$5.4 billion in 1992 dollars.

The Netherlands has only been recognized free of hog cholera since August 1996 (61 FR 40292-40293, Docket No. 96-014-2, which was published on August 2, 1996 and effective on August 19, 1996). Consequently, any effects of that rule change on pork imports from The Netherlands would have had little time to develop. Moreover, even with hog cholera free status, inspection and certification procedures were required to ensure that pork imports originating in The Netherlands were not commingled with pork from neighboring countries having swine vesicular disease.

In 1995, the year before The Netherlands was declared free of hog cholera, U.S. pork imports from The Netherlands were valued at \$14.5 million (less than 2 percent of the total value of all U.S. pork imports that year). No live swine or fresh pork were imported from The Netherlands in 1995.

Removing The Netherlands from the list of countries free of hog cholera is not expected to significantly affect U.S. entities, large or small. The value of pork products imported by the United States from The Netherlands is expected to be much the same as it was before The Netherlands acquired hog cholera free status 6 months ago.

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 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 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 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended 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).

**§ 94.9 [Amended]**

2. In § 94.9, paragraph (a) is amended by removing the phrase “The Netherlands,”.

**§ 94.10 [Amended]**

3. In § 94.10, paragraph (a) is amended by removing the phrase “The Netherlands,”.

Done in Washington, DC, this 21st day of February 1997.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-4932 Filed 2-26-97; 8:45 am]

BILLING CODE 3410-34-P

**FEDERAL HOUSING FINANCE BOARD**

**12 CFR Part 935**

[No. 97-12]

**Restrictions on Advances to Non-Qualified Thrift Lenders**

**AGENCY:** Federal Housing Finance Board.

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

**SUMMARY:** The Board of Directors of the Federal Housing Finance Board (Finance Board) is amending its regulations on advances to members that are not qualified thrift lenders to implement certain changes made by the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPA). Among other things, the EGRPA broadened the universe of assets that a savings association may use in meeting its qualified thrift lender (QTL) requirement. Non-savings association members are not directly subject to the QTL requirement, although their ability to obtain advances is restricted if they do not meet the QTL requirement. The amendments should prove beneficial to many non-savings association members by allowing them to report increases in their levels of qualified thrift investments and, in some cases, satisfy the QTL requirement. Because certain of the items authorized by EGRPA to be included in the QTL calculation are not separately identified on a non-savings association member's published financial reports, such as a call report, the Federal Home Loan Banks (Banks) have no readily available source from which to obtain or verify that information. To allow the Banks to include the newly authorized items when conducting their annual QTL calculation of their non-savings association members, the Finance Board

has determined that the Banks may rely on a certification from their members of any relevant QTL financial information that is not available from published financial reports. Because the Banks must complete the annual QTL calculations for calendar year 1996 no later than April 15, 1997, the Finance Board is issuing this rule as an interim final rule. As the certification process raises a number of questions about how best the Banks can determine the QTL status of their non-savings association members, and because the Office of Thrift Supervision (OTS) is in the process of a rulemaking relating to the EGRPA amendments, the Finance Board has determined to solicit comments on the interim final rule for a period of 30 days.

**DATES:** The interim rule is effective on February 27, 1997. Comments must be received by March 31, 1997.

**ADDRESSES:** Mail comments to Elaine L. Baker, Executive Secretary, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Comments will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** Steven P. Wojtaszek, Financial Analyst, Financial Research Division, Office of Policy, (202) 408-2863, or Neil R. Crowley, Senior Attorney, Office of General Counsel, (202) 408-2990, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Historically, membership in the Federal Home Loan Bank System (System) had been comprised predominantly of savings associations, which tended to concentrate their investments in residential mortgage loans. In 1987, Congress established the QTL test, which required savings associations to maintain 60 percent of their assets in instruments related to domestic residential real estate or manufactured housing. Competitive Equality Banking Act of 1987, Public Law 100-86, section 104(c), 101 Stat. 571-573 (August 10, 1987). Among other things, a savings association that failed the QTL test was limited in the amount of advances that it could receive from its Bank. *Id.* section 105. In 1989, Congress authorized commercial banks and credit unions, institutions that historically had not been so concentrated in residential mortgage lending, to become members of the System. Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Public Law 101-73, section 704(a), 103 Stat. 415 (August 9, 1989),