

b. In paragraph (h)(2), by removing the words "Regulatory Enforcement and Animal Care,".

§ 2.52 [Amended]

17. In § 2.52, footnote 4 is amended by removing the words "APHIS, REAC Sector Supervisor" and adding in their place the words "AC Regional Director".

§ 2.78 [Amended]

18. In § 2.78, paragraph (b) is amended by removing the words "Regulatory Enforcement and Animal Care,".

§ 2.102 [Amended]

19. In § 2.102, paragraphs (a) and (b) are amended by removing the words "APHIS, REAC Sector Supervisor" and adding in their place the words "AC Regional Director".

§ 2.127 [Amended]

20. Section 2.127 is amended by removing the words "APHIS, REAC Sector Supervisor" and adding in their place the words "AC Regional Director".

PART 11—HORSE PROTECTION REGULATIONS

21. The authority citation for part 11 continues to read as follows:

Authority: 15 U.S.C. 1823, 1824, 1825, and 1828; 44 U.S.C. 3506.

22. In § 11.1, the definition of *Sector Supervisor* is removed and a definition of *Regional Director* is added, in alphabetical order, to read as follows:

§ 11.1 Definitions.

* * * * *

Regional Director means the APHIS veterinarian who is assigned by the Administrator to supervise and perform official duties of APHIS under the Act in a specified State or States.¹

* * * * *

§ 11.7 [Amended]

23. In § 11.7, footnote 6 is amended by removing the words "Regulatory Enforcement and Animal Care,".

§ 11.24 [Amended]

24. In § 11.24, paragraphs (a) and (b) are amended by removing the words "Sector Supervisor" and adding in their place the words "Regional Director".

¹ Information as to the name and address of the Regional Director for the State or States concerned can be obtained by writing to the Animal and Plant Health Inspection Service, Animal Care, 4700 River Road Unit 84, Riverdale, MD 20737-1234.

Done in Washington, DC, this 30th day of October, 1998.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-30137 Filed 11-9-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 92, 93, 94, 95, 96, and 98

[Docket No. 94-106-14]

RIN 0579-AA11

Importation of Animals and Animal Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are announcing the availability through the World Wide Web of requests received by the Animal and Plant Health Inspection Service (APHIS) to recognize regions for the purpose of exporting animals or animal products to the United States and to assess the disease risk presented by specific commodities exported from those regions.

ADDRESSES: To review requests received by APHIS, along with information submitted to support those requests, go to the APHIS Regionalization Request page on the World Wide Web. The Web page URL is <http://www.aphis.usda.gov/vs/reg-request.html>. Once you have reached the Web page, click on the box labeled "Click Here."

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231. (301) 734-8590; or e-mail: gary.s.colgrove@usda.gov.

SUPPLEMENTARY INFORMATION: On October 28, 1997, we published in the **Federal Register** (62 FR 56000-56026, Docket No. 94-106-9) a final rule establishing procedures for recognizing regions, rather than only countries, for the purpose of exporting animals and animal products to the United States. The final rule also established procedures by which regions may request permission to export animals and animal products to the United States under specified conditions, based on the regions disease status.

In the final rule, we stated that we will, in general, process applications and risk assessments according to the following procedures:

1. The official of the national government of any country who has the authority in that country to request such a change may submit a request to the Administrator of the Animal and Plant Health Inspection Service (APHIS) that all or part of the country be recognized as a region, be included within an adjacent previously recognized region, or be made part of a region larger than the country.

2. Each request for approval to export a particular type of animal or animal product to the United States from a foreign region must be made to the Administrator, and must include information regarding the following: The veterinary services organization in the region; the disease and vaccination status of the region; the disease status of adjacent regions and the degree of separation from those regions; the control of the movement of animals and products from regions of higher risk; policies and infrastructure for disease control in the region; surveillance practices and diagnostic laboratory capabilities in the region; and livestock demographics and marketing practices in the region.

In the final rule, we also stated that the above information would be made available to the public prior to our initiating any rulemaking action on the request. We are giving notice that this information may be viewed at the Web page described under the heading **ADDRESSES**.

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450, and 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 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 3rd day of November, 1998.

John R. Clifford,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-30136 Filed 11-9-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket No. 98-18]

RIN 1557-AB65

Organization and Functions, Availability and Release of Information, Contracting Outreach Program

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is amending its disclosure regulation. Among other things, the amendment clarifies that Suspicious Activity Reports are non-public documents and that the OCC may make non-public OCC information available to a supervised entity and to other persons, as in the sole discretion of the Comptroller may be necessary or appropriate, without a request for records or testimony.

DATES: This interim rule is effective on November 10, 1998. Comments must be received by January 11, 1999.

ADDRESSES: Comments should be directed to: Office of the Comptroller of the Currency, Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 98-18. Comments will be available for public inspection and photocopying at the same location. In addition, comments may be sent by facsimile transmission to FAX number (202) 874-5274 or by electronic mail to REGS.COMMENTS@OCC.TREAS.GOV.

FOR FURTHER INFORMATION CONTACT: Ursula Pfeil, Attorney, Legislative and Regulatory Activities (202) 874-5090; or Stuart Feldstein, Assistant Director, Legislative and Regulatory Activities (202) 874-5090.

SUPPLEMENTARY INFORMATION:

Background and Discussion of Interim Rule

The OCC is amending subpart C of 12 CFR Part 4 which governs the release of non-public OCC information. Part 4 currently requires a person seeking non-public OCC information to submit a request in writing to the OCC. The current rule does not include a procedure for the release of non-public OCC information to supervised entities and other persons without a specific request for the information.

The OCC has authority to prescribe rules governing the release of agency records and information under its grant of statutory authority to promulgate substantive regulations to carry out the responsibilities of the office, 12 U.S.C. 93a, as well as under statutes that contemplate the sharing of information with other agencies and persons. *See, e.g.,* 12 U.S.C. 481; 12 U.S.C. 1867; 12 U.S.C. 1820(d)(6).

In some circumstances, the safety and soundness or financial stability of national banks may be affected unless the OCC discloses non-public information to supervised entities or certain other persons without a request.

For example, if the OCC obtains information that a check fraud ring has targeted multiple banks in a particular area, it may be necessary for the OCC to disclose confidential supervisory information obtained from one of the targeted banks to other banks that may also be targets of the same scheme. Similarly, the OCC's ability to help national banks attain Year 2000 readiness depends, in part, on the OCC's ability to share information concerning third parties with supervised entities and other persons.¹

This interim rule amends part 4 to include a new section on the dissemination of non-public OCC information without a request. This new section authorizes the OCC to make non-public OCC information available to a supervised entity and to other persons, as in the sole discretion of the Comptroller may be necessary or appropriate, without a request for records or testimony.² This interim rule defines the term "supervised entity" to include a national bank, a subsidiary of a national bank, or a federal branch or agency of a foreign bank licensed by the OCC. The OCC may continue to impose conditions and limitations on the disclosure of information through the entry of a protective order or a written agreement of confidentiality, as provided for under the current rule.

Current § 4.32 defines non-public OCC information as information, confidential or otherwise, that the OCC is not required to release under the Freedom of Information Act (FOIA) (5 U.S.C. 552) or that the OCC has not yet published or made available under 12 U.S.C. 1818(u), the statute requiring publication of certain enforcement orders. FOIA specifically exempts from disclosure several categories of information including records contained in, or related to, examination and operating or condition reports concerning financial institutions. This interim rule adds a new provision to the part 4 definition of non-public OCC information to include a Suspicious Activity Report (SAR) filed by the OCC or a supervised entity under 12 CFR 21.11. This new provision clarifies that SARs, which are sensitive and confidential documents, are subject to

¹ For example, "other persons" may include self-regulatory organizations or state banks with whom the OCC seeks to share information.

² This approach is consistent with the long-standing disclosure regulation of the Federal Reserve Board (FRB). *See* 12 CFR 261.20. The FRB disclosure regulation similarly authorizes the FRB to share confidential supervisory information with supervised financial institutions and, from time to time, to make other discretionary disclosures that the FRB determines necessary.

the procedures for the release of non-public OCC information under part 4.

This interim rule also clarifies that non-public OCC information remains the property of the OCC even after it is disclosed, and that it may not be disclosed to others except as authorized by the OCC. In addition, no current or former OCC employee or agent may disclose or permit the disclosure of any non-public OCC information to anyone other than an employee or agent of the OCC who is entitled to the information for the performance of OCC duties. Current or former OCC employees or agents subpoenaed or otherwise requested to provide OCC information must notify the OCC immediately under procedures set forth in § 4.37(a)(2).

Effective Date

Section 553 of the Administrative Procedure Act permits an agency to issue a rule without prior notice and comment when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B); 5 U.S.C. 553(d). Likewise, section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI), Pub. L. 103-325, authorizes a banking agency to issue a rule without notice and comment to be effective before the first day of the calendar quarter that begins on or after the date on which the regulations are published in final form if the agency finds good cause for an earlier effective date. 12 U.S.C. 4802(b)(1).

The OCC finds good cause for issuing this interim rule without prior notice and comment and for the rule to take effect upon publication in the **Federal Register**. Among other things, making this interim rule effective immediately will allow the OCC to disclose non-public OCC information to supervised entities and other persons in certain enforcement contexts requiring immediate action where a request for the information may not be forthcoming or may be delayed. The OCC's ability to help national banks attain Year 2000 readiness in the short time remaining also depends, in part, on the OCC's ability to provide information rapidly concerning third parties to supervised entities and other persons without a request. The OCC's ability to carry out its mission to ensure national banks' safety and soundness, in certain circumstances, may be impaired unless it can make disclosures, as authorized by this interim rule, promptly after acquiring the information in question. For these reasons, the OCC concludes that prior notice and comment

procedures and a delayed effective date are impracticable and would be contrary to the public interest. 5 U.S.C. 553(b)(B).

Request for Comment

The OCC is interested in the views of the public regarding this interim rule and therefore welcomes comments on any and all aspects of this interim rule.

Regulatory Flexibility Act

An initial regulatory flexibility analysis under the Regulatory Flexibility Act is only required whenever an agency is required to publish a general notice of proposed rulemaking. 5 U.S.C. 603. As noted previously, the OCC has determined that it is not necessary to publish a notice of proposed rulemaking for this rule. Accordingly, an initial regulatory flexibility analysis is not required. Nonetheless, since this interim rule imposes no new requirements on any national bank, the OCC finds that this interim rule does not have a secondary or incidental effect on a substantial number of small entities or create any additional burden on small entities.

OCC Executive Order 12866 Statement

The OCC has determined that the interim rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, Public Law 104-4 (Unfunded Mandates Act), applies only when an agency is required to promulgate a general notice of proposed rulemaking or a final rule for which a general notice of proposed rulemaking was published. 2 U.S.C. 1532. As noted previously, the Agencies have determined that it is not necessary to publish a notice of proposed rulemaking for these Guidelines. Accordingly, an unfunded mandates act analysis is not required. Nonetheless, since this interim rule prescribed no mandate of any kind, the OCC finds that this interim rule will not result in expenditure by State, local, and tribal governments, or by the private sector, of more than \$100 million in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects in 12 CFR Part 4

Freedom of information, National banks, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, part 4 of chapter I of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 4—ORGANIZATIONS AND FUNCTIONS, AVAILABILITY AND RELEASE OF INFORMATION, CONTRACTING OUTREACH PROGRAM

1. The authority citation for part 4 is revised to read as follows:

Authority: 12 U.S.C. 93a. Subpart A also issued under 5 U.S.C. 552; Subpart B also issued under 5 U.S.C. 552; E.O. 12600 (3 CFR 1987 Comp., p. 235). Subpart C also issued under 5 U.S.C. 301, 552; 12 U.S.C. 161, 481, 482, 484(a), 1442, 1817(a)(3), 1818(u) and (v), 1820(d)(6), 1821(c), 1821(o), 1821(t), 1831m, 1831p-1, 1831o, 1867, 1951 *et seq.*, 2601 *et seq.*, 2801 *et seq.*, 2901 *et seq.*, 3101 *et seq.*, 3401 *et seq.*; 15 U.S.C. 77uu(b), 78q(c)(3); 18 U.S.C. 641, 1905, 1906; 29 U.S.C. 1204; 31 U.S.C. 9701; 42 U.S.C. 3601; 44 U.S.C. 3506, 3510. Subpart D also issued under 12 U.S.C. 1833e.

Subpart C—Release of Non-Public OCC Information

2. Section 4.31 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 4.31 Purpose and scope.

(a) *Purpose.* * * *

(1) Afford an orderly mechanism for the OCC to process expeditiously requests for non-public OCC information; to address the release of non-public OCC information without a request; and, when appropriate, for the OCC to assert evidentiary privileges in litigation;

* * * * *

(b) *Scope.* (1) This subpart applies to requests for, and dissemination of, non-public OCC information, including requests for records or testimony arising out of civil lawsuits and administrative proceedings to which the OCC is not a party and the release of non-public OCC information without a specific request. Lawsuits and administrative proceedings to which the OCC is not a party include proceedings in which a Federal agency is a party in opposition to the private requester.

* * * * *

3. Section 4.32 is amended by redesignating paragraph (e) as paragraph (f); by removing the word "and" from paragraph (b)(1)(v); and by adding new paragraphs (b)(1)(vii) and (e) to read as follows:

§ 4.32 Definitions.

* * * * *

(b) * * *

(1) * * *

(vii) A Suspicious Activity Report filed by the OCC or a supervised entity under 12 CFR 21.11; and

* * * * *

(e) *Supervised entity* includes a national bank, a subsidiary of a national bank, a Federal branch or agency of a foreign bank licensed by the OCC as defined under 12 CFR 28.11(h) and (i), or any other entity supervised by the OCC.

* * * * *

4. Sections 4.36 through 4.39 are redesignated as §§ 4.37 through 4.40, respectively.

5. A new § 4.36 is added to read as follows:

§ 4.36 Disclosure of non-public OCC information.

(a) *Discretionary disclosure of non-public OCC information.* The OCC may make non-public OCC information available to a supervised entity and to other persons, as in the sole discretion of the Comptroller may be necessary or appropriate, without a request for records or testimony.

(b) *Conditions and limitations.* The OCC may impose any conditions or limitations on disclosures under this section, including the restrictions on dissemination contained in § 4.38, that it determines are necessary to effect the purposes of this section.

(c) *Unauthorized disclosures prohibited.* All non-public OCC information remains the property of the OCC. No supervised entity, government agency, person, or other party to whom the information is made available, or any officer, director, employee, or agent thereof, may disclose non-public OCC information without the prior written permission of the OCC, except in published statistical material that does not disclose, either directly or when used in conjunction with other publicly available information, the affairs of any individual, corporation, or other entity. Except as authorized by the OCC, no person obtaining access to non-public OCC information under this section may make a copy of the information and no person may remove non-public OCC information from the premises of the institution, agency, or other party in authorized possession of the information.

6. Paragraph (a) of newly designated § 4.37 is revised to read as follows:

§ 4.37 Persons and entities with access to OCC information; prohibition on dissemination.

(a) *Current and former OCC employees or agents—(1) Generally.*

Except as authorized by this subpart or otherwise by the OCC, no current or former OCC employee or agent in any manner, may disclose or permit the disclosure of any non-public OCC information to anyone other than an employee or agent of the Comptroller for use in the performance of OCC duties.

(2) *Duty of person served.* Any current or former OCC employee or agent subpoenaed or otherwise requested to provide information covered by this subpart must immediately notify the OCC as provided in this paragraph. The OCC may intervene, attempt to have the compulsory process withdrawn, and register appropriate objections when a current or former OCC employee or agent receives a subpoena and the subpoena requires the current or former employee or agent to appear or produce OCC information. If necessary, the current or former employee or agent must appear as required and respectfully decline to produce the information sought, citing this subpart as authority and United States ex rel. Touhy v. Ragen, 340 U.S. 462 (1951). The current or former OCC employee or agent must immediately notify the OCC if subpoenaed or otherwise asked for non-public OCC information:

(i) In a civil action, by notifying the Director of the OCC's Litigation Division at the Washington, DC office; or

(ii) In a criminal action, by notifying the appropriate district counsel for current and former district employees or agents; or the Director of the OCC's Enforcement and Compliance Division at the Washington, DC office, for current and former Washington employees or agents.

* * * * *

Dated: October 28, 1998.

Julie L. Williams,

Acting Comptroller of the Currency.

[FR Doc. 98-30044 Filed 11-9-98; 8:45 am]

BILLING CODE 4870-33-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE147, Special Conditions No. 23-094-SC]

Special Conditions: Raytheon Aircraft Company, Model 3000, Airplane Design

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Raytheon Model 3000

airplane. This airplane will have novel or unusual design features associated with the digital electronic engine/propeller controls and the suction defueling system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: December 10, 1998.

FOR FURTHER INFORMATION CONTACT:

Dave Keenan, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE-111, 601 East 12th Street, Kansas City, Missouri, 816-426-6934, fax 816-426-2169.

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1996, Raytheon Aircraft Company (formerly Beech Aircraft Corporation) applied for a Type Certificate (TC) for their new Model 3000. The Model 3000 is an all-metal, low-wing monoplane of conventional construction, powered by a single Pratt & Whitney (P&W) PT6A-68 engine flat rated at 1100 SHP. The airframe will be stressed for 7g positive and 3.5g negative loading. Maximum takeoff weight will be 6,300 pounds. The crew compartment will be pressurized to a maximum differential of 3.6 psig and accommodate two pilots equipped with zero-zero ejection seats in a stepped tandem seating arrangement. The airplane will feature a 3,000 psi hydraulic system, powered by a single engine driven pump, to operate the landing gear, flaps, and speed brakes. The V_{MO} for the Model 3000 will be 320 KCAS, and the maximum altitude will be 31,000 feet MSL. Each cockpit will be equipped with electronic flight instruments for primary attitude, heading, and navigation information display.

Type Certification Basis

Under the provisions of 14 CFR part 21.17, Raytheon Aircraft Company must show that the Model 3000 meets the applicable provisions of part 23, effective February 1, 1965, as amended by Amendments 23-1 through 23-47; 14 CFR part 23, 23.201, 23.203, and 23.207, as amended by Amendment 23-50; 14 CFR part 34, effective September 10, 1990, as amended by the amendment in effect on the date of certification; 14 CFR part 36, effective December 1, 1969, as amended by Amendment 36-1 through the amendment in effect on the

day of certification; The Noise Control Act of 1972; and special conditions for Protection from High Intensity Radiated Fields (HIRF); exemptions, if any; equivalent level of safety findings, if any; and the special conditions adopted by this rulemaking action.

If the Administrator finds that the applicable airworthiness regulations (part 23) do not contain adequate or appropriate safety standards for the Model 3000 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Model 3000 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy pursuant to § 611 of Public Law 92-574, the "Noise Control Act of 1972."

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Model 3000 will incorporate the following novel or unusual design features:

Digital Electronic Engine Controls

The Model 3000 design includes a digital electronic engine/propeller control, known as a Power Management Unit (PMU). Although the precedent for electronic engine controls has been previously established, the PMU utilized on the Model 3000 performs functions not envisaged when part 23 was developed. With the Model 3000, the (Power Control Lever) PCL is a single lever, which has a mechanical and electrical interface to the PMU in order to produce "jet-like" thrust characteristics during rapid power changes and at low power conditions. PCL movement is transmitted to the PMU, which, in turn, controls fuel flow, gas generator speed, and propeller speed. Propeller pitch is not pilot controllable; therefore, a separate propeller control lever is not supplied.