

October 1996 proposed rule that we would incorporate the provisions of § 76.18, "Approval of Livestock Markets," into the single agreement in § 71.20 with four exceptions, three of which were related to the now-removed hog cholera regulations and one that dealt with recordkeeping. We have found that we failed to include one of the disease prevention requirements of § 76.18—i.e., that the pens, alleys, and sales rings for holding, inspecting, and otherwise handling swine in an approved market for swine must be imperviously surfaced—when we incorporated the agreement from § 76.18 into the single agreement in § 71.20. To correct that omission, we have amended the swine-specific provisions of the approved livestock facility agreement in § 71.20(a) to restore the impervious surface requirement.

**List of Subjects**

**9 CFR Part 71**

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

**9 CFR Part 78**

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR parts 71 and 78 are amended as follows:

**PART 71—GENERAL PROVISIONS**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 21 U.S.C. 111–113, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 71.1, the definition of *official eartag* is revised to read as follows:

**§ 71.1 Definitions.**

\* \* \* \* \*

*Official eartag.* An identification eartag approved by APHIS as being tamper-resistant and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Eartagging System, or it may bear a valid premises identification number that is used in conjunction with the producer's livestock production numbering system to provide a unique identification number.

\* \* \* \* \*

3. In § 71.3, a new paragraph (c)(4) is added to read as follows:

**§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.**

\* \* \* \* \*

(c) \* \* \*

(4) Swine infected with or exposed to pseudorabies may be moved interstate in accordance with part 85 of this chapter.

\* \* \* \* \*

4. In § 71.19, paragraph (b)(7) is revised to read as follows:

**§ 71.19 Identification of swine in interstate commerce.**

\* \* \* \* \*

(b) \* \* \*

(7) For slaughter swine and feeder swine, an eartag or tattoo bearing the premises identification number assigned by the State animal health official to the premises on which the swine originated.

\* \* \* \* \*

5. In § 71.20, paragraph (a), in the sample agreement, paragraphs (15)(ii) through (15)(v) are redesignated as paragraphs (15)(iii) through (15)(vi) and a new paragraph (15)(ii) is added to read follows:

**§ 71.20 Approval of livestock facilities.**

(a) \* \* \*

(15) \* \* \*

(ii) Pens, alleys, and sales rings for holding, inspecting, and otherwise handling swine shall be imperviously surfaced.

\* \* \* \* \*

**PART 78—BRUCellosis**

6. The authority citation for part 78 continues to read as follows:

**Authority:** 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

7. In § 78.1, the definition of *official eartag* is revised to read as follows:

**§ 78.1 Definitions.**

\* \* \* \* \*

*Official eartag.* An identification eartag approved by APHIS as being tamper-resistant and providing unique identification for each animal. An official eartag may conform to the alphanumeric National Uniform Eartagging System, or it may bear a valid premises identification number that is used in conjunction with the producer's livestock production numbering system to provide a unique identification number.

\* \* \* \* \*

Done in Washington, DC, this 14th day of October 1997.

**Craig M. Reed,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97–27953 Filed 10–21–97; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

**9 CFR Parts 318 and 381**

[Docket No. 95–032F]

RIN 0583–AB93

**Elimination of Prior Approval Requirements for Establishment Drawings and Specifications, Equipment, and Certain Partial Quality Control Programs; Correction**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Correction to final rule.

**SUMMARY:** This document contains corrections to the final rule (Docket No. 95–032F) which was published Monday, August 25, 1997 (62 FR 45016). The final rule concerned the elimination of prior approval requirements for establishment drawings and specifications, equipment, and certain partial quality control programs.

**EFFECTIVE DATE:** October 22, 1997.

**FOR FURTHER INFORMATION CONTACT:** Patricia F. Stolfa, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, FSIS, Room 402 Annex Building, Washington DC 20250–3700; (202) 205–0699.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final rule that is the subject of these corrections eliminates requirements for establishments applying for inspection to submit to FSIS multiple sets of drawings and specifications of facilities for the preparation of meat or poultry products. The final rule also eliminates requirements for Agency prior approval of equipment and utensils to be used in preparing edible product and of most partial quality control programs used for the control of food processing or for other purposes.

**Need for Correction**

As published, the final rule contained errors rendering the regulatory text inconsistent with the preamble explanation.

**Correction of Publication**

Accordingly, the publication on August 25, 1997, of the final rule (Docket No. 95–032F), which was the subject of FR Doc. 97–21882, is corrected as follows:

**§ 318.4 [Corrected]**

Paragraph 1. On page 45025, in the second column, in § 318.4, in the

paragraph (g) heading, the word "Establishment" is corrected to read "Plant".

\* \* \* \* \*

#### § 381.145 [Corrected]

Paragraph 1. On page 45026, in the third column, the § 381.145 heading is corrected to read "Poultry products and other articles entering or at official establishments; examination and other requirements."

Paragraph 2. On page 45027, in the first column, in § 381.145, the paragraph (g) heading is corrected to read "Termination of Quality Control Systems".

\* \* \* \* \*

Dated: October 10, 1997.

**Thomas J. Billy,**  
Administrator.

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## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

12 CFR Parts 506, 545, 556, 557, 561, 563, 563g

[No. 97-108]

RIN 1550-AB00

#### Deposits

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Thrift Supervision (OTS) is issuing a final rule streamlining its deposit-related regulations. The final rule will eliminate duplicative, overlapping, and outdated regulations, and those that micromanage savings associations. The final rule also codifies the OTS position on federal preemption of state laws affecting deposit-related activities.

**EFFECTIVE DATE:** January 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Edward J. O'Connell, III, Project Manager, (202) 906-5694, Supervision Policy; Robyn H. Dennis, Manager, Thrift Policy, (202) 906-5751; Christine Harrington, Counsel (Banking and Finance), (202) 906-7957; or Karen Osterloh, Assistant Chief Counsel, (202) 906-6639, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, D.C. 20552.

#### SUPPLEMENTARY INFORMATION:

##### I. Background of the Proposal

OTS published a notice of proposed rulemaking (NPR) on April 2, 1997

proposing to amend its deposit-related regulations.<sup>1</sup> The NPR proposed to streamline the regulations by eliminating duplicative, overlapping, and outdated regulations, and those that micromanage savings associations. Additionally, OTS sought to codify its long-standing position on federal preemption of state laws affecting deposit-related activities. Finally, OTS proposed to remove regulations that merely restate existing statutory authority or universally recognized incidental deposit-related powers.

With these goals in mind, OTS proposed to consolidate all remaining deposit-related regulations in a new part 557. OTS predicted that this change would make deposit-related regulations easier to locate and follow. OTS issued the NPR pursuant to the Regulatory Reinvention Initiative of the Vice President's National Performance Review and section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994.

##### II. General Discussion of the Comments

Eight commenters responded to the NPR including five federal thrift institutions and three trade associations. The commenters generally supported the proposal to remove unnecessary, duplicative, or outdated regulations. They specifically endorsed the removal of OTS regulations duplicating areas covered by the Federal Reserve Board's (FRB) Regulation D and Regulation DD.<sup>2</sup> Commenters also generally endorsed the proposed consolidation of the remaining deposit-related regulations at new part 557. Comments addressing specific regulations are discussed in the section-by-section analysis below.

##### III. Section-by-Section Analysis

###### A. Disposition of Existing Deposit-Related Regulations

The OTS proposed to delete certain existing regulations, and consolidate the remaining relevant provisions in a new part. Sections proposed for deletion included: § 545.10 (Savings Deposits or Shares); § 545.11 (Issuance of Accounts); § 545.12 (Demand Deposit Accounts); § 545.13 (Account Records); § 545.14 (Determination and Distribution of Earnings); § 556.12 (Deposit Assurance of Direct Deposit of Social Security

<sup>1</sup> 62 FR 15626 (April 2, 1997). (Notice of Proposed Rulemaking on Deposits and Advance Notice of Proposed Rulemaking on Electronic Banking). OTS has separately published a proposed rule on Electronic Banking. 62 FR 51817 (October 3, 1997).

<sup>2</sup> Regulation D addresses the Reserve Requirements of Depository Institutions. 12 CFR part 204 (1997). Regulation DD implements the Truth in Savings Act (TISA). 12 CFR part 230 (1997).

Payments); § 563.2 (Simple Form of Certificate; Passbooks); § 563.3 (Long Form of Membership Certificate); § 563.6 (Payment of Accounts on Demand); § 563.7 (Fixed-Term Accounts); § 563.9 (Eurodollar Deposits); and § 563.10 (Earnings-Based Accounts).

OTS received comments supporting the deletion of most of the cited sections. These sections are deleted as proposed. Comments opposing the deletion of specific sections, however, are discussed below. Comments received on existing provisions that were retained and incorporated into the new part 557 are discussed in connection with the relevant section under that part. A derivation chart has been provided at the end of this preamble.

OTS emphasizes that the changes made in this final rule are not intended to reduce, in any way, the scope of federal thrifts' authority to conduct deposit activities.

*Section 545.12 Demand Deposit Accounts.* Existing § 545.12(b) prohibits a federal association from paying interest on demand deposits and specifically states that finders' fees, as defined in § 561.16(b), are not interest. OTS proposed to delete this paragraph and to include the finders' fees exception in the Thrift Activities Handbook ("Handbook"). One commenter supported retaining the finders' fee provisions in OTS regulations. This commenter argued that the Handbook would not override the statutory prohibition on interest on demand deposits at 12 U.S.C. 1464(b)(1)(B)(i), and feared that the Handbook may not be issued until after the effective date of the new deposit regulation. Another commenter supported deleting the finders' fee provision.

OTS regulations at § 561.16 define "demand accounts" for the purposes of 12 U.S.C. 1464(b) and the implementing regulations. This definition specifically states that fees paid by a savings association to a person who introduces a depositor to the savings association shall not be deemed an interest payment, if the fee meets certain criteria. OTS believes this definition is sufficient to qualify for the statutory prohibition. Accordingly, the final rule deletes § 545.12(b) as proposed.

Like section 5 of the HOLA, section 11 of the Banking Act of 1933 (12 U.S.C. 371a) and section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) prohibit the payment of interest on demand deposits. The Federal Reserve Board (FRB) and the Federal Deposit Insurance Corporation (FDIC)