

noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120, with delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 9, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Renewal of Information Collections; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning its extension without change of several information collections.

DATES: Written comments should be submitted by August 14, 1998.

ADDRESSES: Direct all written comments to the Communications Division, Attention: 1557-LIST, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202)874-5274, or by electronic mail to REGS.COMMENTS@OCC.TREAS.GOV.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the collection may be obtained by contacting Jessie Gates or Camille Dickerson, (202)874-5090, Legislative and Regulatory Activities Division (1557-LIST), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following four information collections:

1. *Title:* International Regulations (12 CFR 28).

OMB Number: 1557-0102.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the

information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

The International Banking Act of 1978, 12 U.S.C. 3101 *et seq.*, as amended, requires collection of specific information relating to licensing applications and supervision of Federal branches and agencies of foreign banks in the United States and mandates recordkeeping requirements for capital equivalency deposits, voluntary liquidations, asset pledges, and asset maintenance requirements.

The International Lending Supervision Act of 1983 (Pub. L. No. 98-181, Title IX, 97 Stat. 1153, 12 U.S.C. 3906) mandates the reporting and disclosure requirements for international assets as well as the recordkeeping requirements for accounting for fees on international loans.

The OCC's regulations in 12 CFR 28 implement requirements imposed on national banks and Federal branches and agencies concerning international activities.

The information collections in 12 CFR 28 are as follows:

Section 28.3 requires a national bank to notify the OCC when it takes certain actions regarding its foreign operations;

Section 28.12 requires a national bank to apply to the OCC before it establishes a Federal branch or agency or exercises fiduciary powers at a Federal branch;

Section 28.15 requires a national bank to maintain records and to seek OCC approval before permitting withdrawal of certain foreign bank capital equivalency deposits;

Section 28.16 contains recordkeeping requirements and allows a foreign bank to apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain certain deposit accounts;

Section 28.17 requires a Federal branch or agency to notify the OCC of certain changes in its activities or operations;

Section 28.18 requires a Federal branch or agency to maintain records, in English, and to provide the OCC with a copy of certain reports filed with other Federal regulatory agencies;

Section 28.22 requires a Federal branch or agency to make notice and filings in case of liquidation;

Section 28.52 requires a banking institution to maintain records regarding its allocated transfer risk reserve; and

Section 28.53 requires a banking institution to maintain records regarding its accounting for fees on international loans.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks, and further public policy interests.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Number of Respondents: 185.

Total Annual Responses: 185.

Frequency of Response: On occasion.

Total Annual Burden: 6,708 Hours.

2. *Title:* (MA)—Securities Offering Disclosure Rules (12 CFR 16).

OMB Number: 1557-0120.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

Under 12 U.S.C. 93a, the OCC is empowered to issue rules and regulations to carry out its responsibilities. The requirements in part 16 enable the OCC to perform its responsibilities relating to offerings of securities by national banks by providing the investing public with facts about the condition of the bank, the reasons for raising new capital, and the terms of the offering. Part 16 requires national banks to conform generally to Securities and Exchange Commission rules.

The collections of information contained in 12 CFR Part 16 are as follows:

Section 16.3 requires a national bank to file its registration statement with the OCC;

Section 16.4 states that the OCC may require a national bank to submit to the OCC certain communications not deemed an offer;

Section 16.6 requires a national bank to file documents with OCC and to make certain disclosures to purchasers in sales of nonconvertible debt;

Section 16.17 requires a national bank to file four copies of each document filed under Part 16, and requires filers of amendments or revisions to underline or otherwise indicate clearly any changed information;

Section 16.19 requires a national bank to submit a request to OCC if it wishes to withdraw a registration statement, amendment, or exhibit;

Section 16.20 requires a national bank to file current and periodic reports as required by sections 12 and 13 of the Exchange Act (15 U.S.C. 78l and m) and

SEC Regulation 15D (17 CFR 240.15d-1 through 240.15Aa-1); and

Section 16.30 requires a national bank to include certain elements and follow certain procedures in any request to OCC for a no-objection letter.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks and the public, and further public policy interests.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Number of Respondents: 80.

Total Annual Responses: 140.

Frequency of Response: On occasion.

Total Annual Burden: 2,660 Hours.

3. *Title:* Fair Housing Home Loan Data System Regulation (12 CFR 27).

OMB Number: 1557-0159.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation. This regulation requires national banks to maintain records and to make occasional filings to the OCC, upon the OCC's request, regarding home loans and certain other real estate loans.

The Fair Housing Act (42 U.S.C. 3605) prohibits discrimination in the financing of housing on the basis of race, color, religion, sex, or national origin. The Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*) prohibits discrimination in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of income from public assistance, or exercise of any right under the Consumer Credit Protection Act. The OCC is responsible for ensuring that national banks comply with those laws. This information collection is needed to promote national bank compliance and for OCC to fulfill its statutory responsibilities.

The collections of information contained in 12 CFR Part 27 are as follows:

Section 27.3 requires a national bank that is required to collect data on home loans under 12 CFR 203 to present the data on Federal Reserve Form FR HMDA-LAR, or in an automated format in accordance with the HMDA-LAR instructions, and to include one additional item (the reason for denial) on the HMDA-LAR. Section 27.3 also lists exceptions to HMDA-LAR recordkeeping requirements. Section

27.3 further lists the information that banks should obtain from an applicant as part of a home loan application, and states information that a bank must disclose to an applicant;

Section 27.5 requires a national bank to maintain the information for 25 months after the bank notifies the applicant of action taken on an application, or after withdrawal of an application; and

Section 27.7 requires that a bank submit the information to the OCC upon its request, prior to a scheduled examination.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks and the public, and further public policy interests.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Number of Respondents: 3,763.

Total Annual Responses: 3,763.

Frequency of Response: On occasion.

Total Annual Burden: 6,300 Hours.

4. *Title:* (MA)—Loans in Areas Having Special Flood Hazards (12 CFR 22).

OMB Number: 1557-0202.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation. This regulation requires national banks to make disclosures and keep records regarding whether a property securing a loan is located in a special flood hazard area.

This collection of information is required by section 303(a) and Title V of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103-325, 108 Stat. 2160, 2255-87, the National Flood Insurance Reform Act of 1994 amendments to the National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 476, and the Flood Disaster Protection Act of 1973, Pub. L. 93-234, 87 Stat. 975. (These statutes are codified at 44 U.S.C. 4001 *et seq.*)

The collections of information contained in 12 CFR Part 22 are as follows:

Section 22.6 requires a national bank to use the standard flood hazard determination form developed by the Federal Emergency Management Agency (FEMA). The bank must maintain a copy of the form, in either hard copy or electronic form, for the period of time the bank owns the loan; and

Section 22.7 requires a bank or its servicer, in case of where the borrower has not obtained required flood insurance or has purchased inadequate coverage, to notify the borrower that the borrower should obtain adequate flood insurance coverage.

Section 22.9 requires a bank making a loan secured by property located in a special flood hazard area to notify the borrower and loan servicer (whether or not flood insurance is available) that the collateral is located in a special flood hazard area, whether flood insurance coverage under the National Flood Insurance Program is available, and whether Federal disaster relief may be available in the event of flooding. The bank must maintain a record of the receipt of the notice to the borrower and loan servicer for the period of time the bank owns the loan.

Section 22.10 requires a bank making a loan secured by property located in a special flood hazard area to notify FEMA or a designee of the identity of the servicer, and of any change in servicers.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks and the public, and further public policy interests.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Number of Respondents: 3,000.

Total Annual Responses: 303,000.

Frequency of Response: On occasion.

Total Annual Burden: 78,000 Hours.

Comments

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance,

and purchase of services to provide information.

Dated: June 8, 1998.

Karen Solomon,

Director, Legislative & Regulatory Activities Division.

[FR Doc. 98-15801 Filed 6-12-98; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

Country of Origin Marking Rules for Textiles and Textile Products Advanced in Value, Improved in Condition, or Assembled Abroad

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed interpretation; solicitation of comments.

SUMMARY: This notice advises the public that Customs is proposing a new interpretation concerning the country of origin rules for certain imported textiles and textile products. It is Customs' proposed position that 19 CFR 12.130(c) should not control for purposes of country of origin marking of textiles and textile products, and that Chapter 98, Subchapter II, U.S. Note 2(a), Harmonized Tariff Schedule of the United States (HTSUS), does not apply for country of origin marking purposes.

DATES: Comments must be received on or before August 14, 1998.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Monika Brenner, Special Classification and Marking Branch, Office of Regulations and Rulings (202-927-1675).

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1984, the President issued Executive Order 12475 to address a number of problems that had arisen in the context of the U.S. textile import program. These problems included (1) the absence of specific regulatory standards for determining the origin of imported textiles and textile products for purposes of textile agreements and (2) an ever increasing number and

variety of instances in which attempts were made to circumvent and frustrate the objectives of the United States textile import program and the bilateral and multilateral textile agreements negotiated thereunder. Section 1(a) of that Executive Order instructed the Secretary of the Treasury, in accordance with policy guidance provided by the Committee for the Implementation of Textile Agreements (CITA) to issue regulations governing the entry of textiles and textile products subject to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

By T.D. 85-38, published in the **Federal Register** on March 5, 1985 (50 FR 8710), Customs adopted as a final rule interim amendments to part 12 of the Customs Regulations (19 CFR part 12), which involved the addition of a new § 12.130 that established criteria to be used in determining the country of origin of imported textiles and textile products for purposes of multilateral or bilateral textile agreements entered into by the United States pursuant to section 204, Agricultural Act of 1956, as amended. In that final rule document, Customs stated that the principles of origin contained in § 12.130 are applicable to merchandise for all purposes, including duty and marking. In T.D. 90-17 (55 FR 7303, March 1, 1990), which involved a change of practice to conform several previously published Customs positions to certain provisions within 19 CFR 12.130, Customs again stated that the criteria set forth in 19 CFR 12.130 should be used in making country of origin determinations for all Customs purposes, including determinations for purposes of country of origin marking and for assessing duty on imported articles.

Paragraph (c) of § 12.130 operates as an exception to the basic country of origin rule set forth in paragraph (b) of § 12.130. Paragraph (c)(1) of § 12.130 specifically provides, in part, that in order to have:

a single country of origin for a textile or textile product, notwithstanding paragraph (b), merchandise which falls within the purview of Chapter 98, Subchapter II, Note 2, Harmonized Tariff Schedule of the United States, may not, upon its return to the U.S., be considered a product of the U.S.

Furthermore, 19 CFR 12.130(c)(1) provides that:

Chapter 98, Subchapter II, Note 2, Harmonized Tariff Schedule of the United States, provides that any product of the U.S. which is returned after having been advanced in value or improved in condition abroad, or assembled abroad, shall be a foreign article for the purposes of the Tariff Act of 1930, as amended.

Paragraph (c)(2) of section 12.130, added by T.D. 93-27 (58 FR 19347, April 14, 1993), accords essentially the same treatment to products of insular possessions.

In T.D. 95-69, published at 60 FR 46188 (September 5, 1995), Customs issued final amendments to the Customs Regulations (set forth principally at 19 CFR 102.21) to implement the provisions of section 334 of the Uruguay Round Agreements Act (URAA) regarding the country of origin of textile and apparel products, that are to be used for purposes of the Customs laws (including the marking statute, section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304)) and the administration of quantitative restrictions and except as otherwise provided for by statute. T.D. 95-69 also amended 19 CFR 12.130(b), (d), and (e)(1) to clarify that the origin of textile and apparel products covered by 19 CFR 102.21 are determined pursuant to that regulatory provision. Since T.D. 95-69 did not amend 19 CFR 12.130(c)(1) or (2), and since T.D. 85-38 and T.D. 90-17 reflected the Customs position that 19 CFR 12.130 should be used in making country of origin determinations for all Customs purposes, including determinations for purposes of country of origin marking, 19 CFR 12.130(c) still applies to products of the United States or insular possessions advanced in value, improved in condition, or assembled abroad for purposes of country of origin marking.

In connection with the development of the final NAFTA Marking Rules (T.D. 96-48, published at 61 FR 28932, June 6, 1996), Customs stated in a notice of proposed rulemaking, published at 60 FR 22312, 22318 (May 5, 1995), that it had reconsidered the position originally set forth in the interim NAFTA Marking Rules (T.D. 94-4, published at 59 FR 110, January 3, 1994) that Chapter 98, Subchapter II, U.S. Note 2(a), HTSUS, has application for general country of origin purposes, including marking. (Chapter 98, Subchapter II, U.S. Note 2(a), HTSUS, is identical to the U.S. Note 2 referred to in 19 CFR 12.130(c); subsequent to the promulgation of 19 CFR 12.130(c), U.S. Note 2 was divided into two paragraphs, U.S. Note 2(a) and (b). U.S. Note 2(b) provides a special preferential tariff treatment only for goods imported from countries listed in General Note 7, HTSUS, that are made wholly from U.S. materials and ingredients. U.S. Note 2(b) is not applicable and totally unrelated to this proposal. See H.R. Conf. Rep. No. 650, 101st Cong., 2d Sess. 133, reprinted in 1990 U.S. Code & Admin. News 928, 1023; and subheading 9802.00.8040,