

DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****9 CFR Parts 381 and 441**

[Docket No. 97-054R]

RIN 0583-AC26

Retained Water in Raw Meat and Poultry Products: Poultry Chilling Performance Standards**AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Notice; reopening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is reopening the comment period for the proposed rulemaking, "Retained Water in Raw Meat and Poultry Products: Poultry Chilling Performance Standards" (63 FR 48961, 9/11/98), in response to a request for additional time to submit comments. The comment period will reopen for 30 days.

DATES: Comments must be received on or before January 13, 1999.

ADDRESSES: Send one original and two copies of written comments to: FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, 300 12th Street, SW., Washington, DC 20250-3700. Please refer to docket number 97-054P.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolf, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 205-0699.

Done at Washington, DC, on December 8, 1998.

Thomas J. Billy,

Administrator, Food Safety and Inspection Service.

[FR Doc. 98-33047 Filed 12-11-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION**10 CFR Parts 32 and 40**

RIN 3150-AE33

Distribution of Source and Byproduct Material: Licensing and Reporting Requirements**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Advance notice of proposed rulemaking; Withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing an advance notice of proposed rulemaking (ANPRM) that had presented preliminary plans for updating the licensing of source material and mill tailings. The contemplated rulemaking would have improved the control of source material and updated the applicable requirements to conform with the revised standards for protection against radiation. This ANPRM solicited comments and recommendations from interested parties on issues that were to be considered in the proposed rulemaking and a subsequent rulemaking, if needed. However, the comments received in response to this request did not provide any significant new information on the issues associated with the contemplated rulemaking. The NRC believes that additional information concerning the distribution of source material is needed before it is able to proceed with a rulemaking in this area. The NRC is performing the necessary research and evaluating additional sources of information to determine the best approach to address these issues in a proposed rulemaking. Therefore, pending completion of this research and the development of the required information, the ANPRM is being withdrawn.

ADDRESSES: The Commission paper, the staff requirement memoranda (SRM), and associated documents are available for public inspection, and copying for a fee, at the NRC Public Document Room located at 2120 L Street NW. (Lower Level), Washington, DC 20012-7082, telephone: (202) 634-3273.

FOR FURTHER INFORMATION CONTACT: Catherine R. Mattsen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6264, e-mail CRM@nrc.gov.

SUPPLEMENTARY INFORMATION: On October 28, 1992 (57 FR 48749), the Commission published an ANPRM that described contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. The issues raised in the ANPRM concerned the possible need to update 10 CFR Part 40, particularly because of recent changes to 10 CFR Part 20, "Standards for Protection against Radiation." The ANPRM was issued to solicit comments from interested parties on issues that had been identified as candidates for consideration in rulemaking. The specific issues were—

(1) The level of control of source material being distributed for exempt use;

(2) The adequacy of the general license in 10 CFR 40.22;

(3) The usefulness of the general license in 10 CFR 40.25;

(4) The degree of specificity of the requirements for source material licensees; and

(5) The need for clarification or consistency of the mill tailings requirements in Appendix A to 10 CFR Part 40 with respect to NRC staff regulatory positions in this area.

The ANPRM also included a specific request for information on how the exemptions in 10 CFR Part 40 and the general license in § 40.22 are used. The questions raised in the ANPRM also included how the general license in § 40.25 could be made more useful; and the benefits of various structure and format options, such as the creation of additional parts or subparts to the requirements governing source material. A contractor report prepared to support the ANPRM, NUREG/CR-5881, "An Examination of Source Material Requirements Contained in 10 CFR Part 40" (October 1992), was also made available.

The comment period for the ANPRM closed on January 26, 1993. Fifteen comment letters were received. The commenters included the National Aeronautics and Space Administration, three States, and one public interest group. The remaining commenters were industry or industrial organizations, some of which were licensees, including four groups representing the mining and milling industry. The comments received were generally in favor of revising the requirements governing the licensing of source material and mill tailings. The comments, however, provided little additional information in response to the specific Commission requests.

The Commission was considering expanding the ANPRM to include the distribution of by-product material (10 CFR part 32). This contemplated rulemaking was presented in the NRC regulatory agenda as a result of this ANPRM (NUREG-0936).

After further progress is achieved in obtaining the needed information, the NRC will reconsider changes to 10 CFR Parts 32 and 40 with respect to exemptions and requirements for the distribution of byproduct and source material to exempt persons. The NRC will also consider appropriate actions in the other areas addressed in the ANPRM. In the interim, because the NRC is not yet prepared to determine

the best approach to rulemaking, the ANPRM is being withdrawn.

Dated at Rockville, Maryland, this 7th day of December, 1998.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 98-32954 Filed 12-11-98; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Parts 210 and 229

[Regulations J and CC; Docket No. R-1009]

Collection of Checks and Other Items by Federal Reserve Banks and Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking; termination.

SUMMARY: In March 1998, the Board issued an advance notice of proposed rulemaking requesting comment on the benefits and drawbacks associated with its same-day settlement rule, which became effective in January 1994. The same-day settlement rule, which is part of Regulation CC, requires paying banks to settle in same-day funds for checks presented to them by private-sector banks by 8:00 a.m. local time at a location specified by the paying bank. The Board also requested comment on the implications of potential rule changes to reduce or eliminate the remaining legal disparities between Federal Reserve Banks and private-sector banks in the presentment and settlement of checks. The Board considered whether such changes would enhance the efficiency of the interbank check collection market, the check collection process, and the payments system as a whole. Based on its analysis of the comments received, the Board concluded that the costs associated with reducing the remaining legal disparities would outweigh any payments system efficiency gains. Therefore, the Board has decided not to propose any specific regulatory changes at this time to reduce these remaining legal disparities.

FOR FURTHER INFORMATION CONTACT:

Louise L. Roseman, Associate Director (202/452-2789) or Jack K. Walton II, Manager, Check Payments Section (202/452-2660), Division of Reserve Bank Operations and Payment Systems; Oliver Ireland, Associate General Counsel (202/452-3625), or Stephanie Martin, Senior Counsel (202/452-3198),

Legal Division. For the hearing impaired *only*, contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) (202/452-3544).

SUPPLEMENTARY INFORMATION:

I. Background

In 1987 Congress passed the Expedited Funds Availability Act (EFAA). That act gave the Board the responsibility to regulate "any aspect of the payment system, including the receipt, payment, collection, or clearing of checks, and any related function of the payment system with respect to checks" to carry out provisions of the act. (12 U.S.C. 4008(c)(1)) The Board issued Regulation CC, Availability of Funds and Collection of Checks, to carry out its responsibilities under the EFAA. (12 CFR part 229) In October 1992, the Board amended Regulation CC by adopting the same-day settlement rule, effective January 1994. (57 FR 46956, October 14, 1992) The same-day settlement rule requires a paying bank to settle on the day of presentment by Fedwire for checks presented by a private-sector collecting bank, without the imposition of presentment fees, if the checks are presented at a location designated by the paying bank by 8:00 a.m. local time.¹ (12 CFR 229.36(f))

The same-day settlement rule was designed to improve payments system efficiency by 1) enhancing competition between private-sector banks and Reserve Banks in the provision of check collection services, 2) encouraging agreements between presenting banks and paying banks that would reduce the cost of the check collection system, 3) reducing inefficient intermediation in the check collection process, and 4) encouraging the migration from checks to more efficient payment mechanisms. At the same time, the rule was designed to address the concerns of large check drawers and banks that their controlled disbursement arrangements and paying bank operations would not be unduly disrupted.

In March 1998, the Board issued an advance notice of proposed rulemaking requesting comment on the effect that the same-day settlement rule has had on the interbank check collection market, on the check collection process, and,

more broadly, on the payments system. (63 FR 12700, March 16, 1998) The notice also requested comment on the benefits and drawbacks of reducing legal disparities between Federal Reserve Banks and private-sector collecting banks. These legal disparities include the rules governing presentment deadlines, presentment locations, reasonable delivery requirements, the control and timing of settlement, and the obligation to settle on a non-banking day.

The Board undertook this evaluation to consider whether reducing these disparities would enhance the efficiency of the interbank check collection market, the check collection process, and the payments system as a whole either directly, by expediting the collection and return of checks, or indirectly, by fostering competition. Improved competition among collecting banks that would likely result from a reduction in legal disparities and the efficiency gains derived from this competition were weighed against any increased costs to paying banks and their check-writing customers that could result from the changes. Consistent with its policy, the Board's evaluation of potential regulatory changes included an analysis of the competitive impact any changes might have on the ability of other service providers to compete with the Reserve Banks.² The following is a summary of the comments received and the Board's analysis of those comments.

II. Summary of Comments

The Board received a total of eighty-one comment letters in response to the March 1998 advance notice of proposed rulemaking. The following table shows the number of comments received by category of commenter:

¹ The term "bank" as used in this notice and in Regulation CC includes a commercial bank, savings bank, savings and loan association, credit union, and U.S. agency or branch of a foreign bank. (12 CFR 229.2(e)) A "collecting bank" is a bank handling a check for collection, except the paying bank. A "correspondent bank" is an intermediary collecting bank that provides check collection services to other banks. A "presenting bank" is the collecting bank that presents a check to the paying bank. A "paying bank" generally is the bank by, at, or through which a check is payable.

² The Board has established procedures for assessing the competitive impact of rule changes that may have a substantial impact on payments system participants. Under these procedures, the Board will assess whether a change would have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services due to differing legal powers or constraints, or due to a dominant market position of the Federal Reserve deriving from such differences. If no reasonable modifications would mitigate the adverse competitive effects, the Board will determine whether the anticipated benefits are significant enough to proceed with the change despite the adverse effects. These procedures are described in the Board's policy statement "The Federal Reserve in the Payments System," as revised in March 1990. (55 FR 11648, March 29, 1990; FRRS 7-145.2)