

affecting a decision regarding whether an alien has violated a condition of his or her nonimmigrant stay or eligibility for benefits. See *Kungys v. United States*, 485 U.S. 759, 771 (1988).

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not, if promulgated, have a significant adverse economic impact on a substantial number of small entities. This rule merely clarifies that a nonimmigrant's status in this country is conditioned on, among other things, his or her providing full and truthful disclosure of all information deemed necessary to ensure that the alien has acquired, and is maintaining, lawful nonimmigrant status during the entire period of his or her stay, or to ensure that the alien is eligible to receive any other benefit under the Act. Any impact this proposed regulation will have on small business entities, therefore, will be negligible.

Executive Order 12866

This proposed rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federal Assessment.

Paperwork Reduction Act

This rule contains information collection requirements which have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control numbers for these collections are contained in 8 CFR 299.5, Display of control numbers.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Reporting and recordkeeping requirements.

Accordingly, part 214 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; 8 CFR part 2.

2. In § 214.1, paragraph (f) is revised to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Disclosure of information.* (1) A condition of a nonimmigrant's admission and maintenance of status in the United States is that he or she fully and truthfully disclose all information deemed by the Service to be material in determining whether the nonimmigrant:

(i) Is eligible for, and/or is maintaining the nonimmigrant status in which the alien was admitted or to which the alien has changed under section 248 of the Act, or

(ii) Is eligible to receive any benefit under the Act.

(2) Willful failure by a nonimmigrant to provide full and truthful disclosure of such material information when requested by a Service officer constitutes a failure to maintain nonimmigrant status under section 241(a)(1)(C)(i) of the Act.

* * * * *

Dated: March 4, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-15169 Filed 6-13-96; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 95

[Docket No. 89-174-3]

Importation of Fetal Bovine Serum

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule that would have allowed, under certain conditions, the importation of fetal bovine serum into the United States from countries in which foot-and-mouth disease or rinderpest exists. We are taking this action after considering the comments

we received following the publication of the proposed rule.

DATES: This withdrawal is effective June 14, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. John H. Gray, Senior Staff Veterinarian, Import/Export Products, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737, (301) 734-7837.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 95 govern importation into the United States of certain animal byproducts, including blood serum and other blood products. Blood serum is that part of blood that is left after the blood cells are removed.

Fetal bovine serum (FBS) is that part of the blood from bovine fetuses that is left after the blood cells are removed. It is used in tissue culture media to produce various pharmaceuticals and biological products, such as vaccines, and cannot be derived synthetically.

On February 25, 1994, we published in the Federal Register (59 FR 9142-9146, Docket No. 89-174-1) a proposed rule that would have allowed, under certain conditions, the importation of FBS into the United States from countries in which foot-and-mouth disease (FMD) or rinderpest exists. The proposed conditions included certification of the origin of the donor fetuses and treatment of the FBS with gamma radiation.

We solicited comments on the proposed rule for 60 days ending April 26, 1994. However, on April 15, 1994, we published in the Federal Register (59 FR 18003-18004, Docket No. 89-174-2) a notice extending the comment period on the proposed rule until June 27, 1994.

By the close of the comment period, we received a total of 22 comments. One commenter supported the proposed rule as written. Several commenters supported it with changes. The remainder of the commenters either opposed the proposed rule or expressed reservations concerning it.

The commenters in opposition to the proposal raised a number of issues, including that of the efficacy of the proposed required dosage of gamma radiation in destroying FMD virus. Several of the commenters stated that the size and configuration of the containers in which the FBS is irradiated could influence the effectiveness of the treatment. A number of commenters stated that the potential difficulties in adequately monitoring the source of donor fetuses could create an

unacceptable risk of the introduction of disease into the United States.

We have considered all of the comments we received on the proposal and have determined that the expressed concerns have merit. Therefore, we are withdrawing the proposed rule of February 25, 1994, referenced above.

Authority: 21 U.S.C. 111, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 7th day of June 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-15173 Filed 6-13-96; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 545, 556, 560, 563, and 571

[No. 96-48]

RIN 1550-AA89

Conflicts of Interest, Corporate Opportunity and Hazard Insurance

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Thrift Supervision (OTS or agency) is proposing to update and substantially streamline its regulations and policy statements concerning conflicts of interest, usurpation of corporate opportunity and hazard insurance. This notice of proposed rulemaking is based on a detailed staff review of each pertinent regulation and policy statement to determine whether they are necessary, impose the least possible burden consistent with safety and soundness and statutory requirements and are written in a clear, straightforward manner. Today's proposal is being made pursuant to the Regulatory Reinvention Initiative of the Vice President's National Performance Review and section 303 of the Community Development and Regulatory Improvement Act of 1994.

DATES: Comments must be received on or before August 13, 1996.

ADDRESSES: Send comments to Manager, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. 96-48. These submissions may be hand-delivered to 1700 G Street, NW., from 9:00 a.m. to

5:00 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755. Comments will be available for inspection at 1700 G Street, NW., from 9:00 a.m. until 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT:

Robyn Dennis, Program Manager, (202) 906-5751; or Francis Raue, Policy Analyst, (202) 906-5750, Supervision Policy; or Dorene Rosenthal, Counsel (Banking and Finance), (202) 906-7268, Regulations and Legislation Division, Chief Counsel's Office.

SUPPLEMENTARY INFORMATION:

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I. Background of the Proposal

In a comprehensive review of the agency's regulations in the spring of 1995, OTS identified numerous obsolete or redundant regulations that could be quickly repealed. OTS also identified several key regulatory areas for a more intensive, systematic regulatory burden review. These areas—lending and investment authority, subsidiaries and equity investments, corporate governance, conflicts of interest, corporate opportunity and hazard insurance—were selected because they have a significant impact on thrift operations, and have not been developed on an interagency basis or been comprehensively reviewed for many years. Today's proposal presents the results of an intensive review of OTS's regulations and policy statements on conflicts of interest, corporate opportunity and hazard insurance.

Since commencing its reinvention initiative in the spring of 1995, OTS has already repealed eight percent of its regulations. In addition, in January of 1996, OTS issued a comprehensive proposal on its lending and investment regulations.¹ Burden reduction proposals regarding corporate governance and subsidiaries and equity investments will be issued in the near future.

Today's proposal regarding conflicts of interest, corporate opportunity and hazard insurance will also result in significant regulatory burden reduction.

The proposal affects the following regulatory sections:

- Section 545.126—Referral of insurance business
- Section 556.16—Insurance agencies—usurpation of corporate opportunity
- Section 563.35—Restrictions involving loan services
- Section 563.40—Restrictions on loan procurement fees, kickbacks and unearned fees
- Section 563.44—Loans involving mortgage insurance
- Section 571.4—Hazard insurance
- Section 571.7—Conflicts of interest
- Section 571.9—Corporate opportunity in savings associations

OTS is proposing to repeal five of these provisions in their entirety. The remaining three provisions—loan procurement fees, conflicts of interest, and corporate opportunity—will be retained in the form of regulations, but streamlined and clarified. The proposed changes will, if adopted in final form, reduce the amount of CFR text devoted to conflicts, corporate opportunity and hazard insurance from six pages to half a page.

In developing this proposal, we have consulted with those who use the regulations on a daily basis, including OTS regional staff and representatives of the thrift industry. A focus group of five thrift institutions and an industry trade association discussed staff's initial recommendations. We have also reviewed the other federal banking agencies' regulations and policy statements concerning conflicts, corporate opportunity and hazard insurance.

II. Objectives

The overarching goal of OTS's reinvention initiative is to reduce regulatory burden on savings associations to the greatest extent possible consistent with statutory requirements and safety and soundness. In the context of conflicts, corporate opportunity and hazard insurance, we believe maximum burden reduction can be achieved by pursuing three specific objectives.

First, we are attempting to eliminate duplication and overlap. The conflicts, corporate opportunity and hazard insurance regulations have existed essentially unchanged for over 20 years. During this time, there have been significant statutory and regulatory advances, including enactment of the Real Estate Settlement Procedures Act of 1974 (RESPA),² amendments to the Home Owners' Loan Act of 1933

¹ 61 FR 1162 (January 17, 1996).

² Pub. L. 93-533, 88 Stat. 1724, Dec. 22, 1974.