

copy of the Secretary's notification must be submitted with the appeal.

(iv) Where the Secretary of Labor refers a person's complaint to the Special Counsel under 38 U.S.C. 4322(a) and the person receives notification that the Special Counsel declines to represent the person in an appeal to the Board, he or she may subsequently file an appeal with the Board within 30 days after the date of receipt of the Special Counsel's notification or within 180 days after the alleged act or incidence of non-compliance, whichever is later. A copy of the Special Counsel's notification must be submitted with the appeal.

(v) Where the Secretary of Labor refers a person's complaint to the Special Counsel under 38 U.S.C. 4322(a) and the Special Counsel agrees to represent the person in an appeal to the Board, the Special Counsel may file an appeal with the Board at any time thereafter.

\* \* \* \* \*

5. Section 1201.31 is amended by adding a new paragraph (d) to read as follows:

**§ 1201.31 Representatives.**

\* \* \* \* \*

(e) The Special Counsel may represent a person in an appeal alleging non-compliance with the provisions of chapter 43 of title 38 of the United States Code relating to the employment or reemployment rights or benefits to which a person is entitled after service in the uniformed services (see paragraph (a)(22) of § 1201.3 of this part and 38 U.S.C. 4324). In such an appeal, a copy of any written request by the person to the Secretary of Labor that the matter be referred to the Special Counsel for litigation before the Board will be accepted as the written designation of representative required by paragraph (a) of this section.

6. Section 1201.121 is amended by adding a new paragraph (c) to read as follows:

**§ 1201.121 Scope of jurisdiction; application of subparts B, F, and H.**

\* \* \* \* \*

(c) The provisions of this subpart do not apply to appeals alleging non-compliance with the provisions of chapter 43 of title 38 of the United States Code relating to the employment or reemployment rights or benefits to which a person is entitled after service in the uniformed services, in which the Special Counsel appears as the designated representative of the appellant. Such appeals are governed by subpart B of this part.

**§ 1201.131 [Amended]**

7. Section 1201.131 is amended at paragraph (a) by adding after "Special Counsel" the phrase, "under this subpart".

Dated: December 17, 1997.

**Robert E. Taylor,**

*Clerk of the Board.*

[FR Doc. 97-33353 Filed 12-19-97; 8:45 am]

BILLING CODE 7400-01-U

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**10 CFR Part 1703**

**Rules Implementing the Freedom of Information Act**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Final rule.

**SUMMARY:** The Defense Nuclear Facilities Safety Board (Board) is amending its Freedom of Information Act (FOIA) rules to provide for expedited processing of certain requests, to conform response deadlines with those now provided in the statute, and to add a category of documents to be made available in the Public Reading Room. These changes result from new statutory provisions in the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104-231. A minor change is also made in the Board's fee provision.

**EFFECTIVE DATE:** January 21, 1998.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Ave. NW, Suite 700, Washington, D.C. 20004, (202) 208-6387.

**SUPPLEMENTARY INFORMATION:** On October 21, 1997, the Board published proposed changes to its Freedom of Information Act rule (62 FR 54594) in response to the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104-231. One additional change was proposed to the Board's FOIA fee provision. No public comments were received on the proposed changes. Therefore, the amendments are being made final without change.

**Executive Order No. 12866**

These amendments do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to Office of Management and Budget review.

**Regulatory Flexibility Act**

These amendments will not have a significant economic impact on a

substantial number of small entities since these rules affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

**Paperwork Reduction Act**

These regulations will impose no additional reporting and recordkeeping requirements subject to Office of Management and Budget clearance.

**List of Subjects in 10 CFR Part 1703**

Freedom of information.

For the reasons stated in the preamble, the Board amends 10 CFR part 1703 as follows:

**PART 1703—PUBLIC INFORMATION AND REQUESTS**

1. The authority citation for part 1703 continues to read as follows:

**Authority:** 5 U.S.C. 552 as amended; 42 U.S.C. 2286b(c).

2. Section 1703.103 is amended by adding paragraph (b)(12) to read as follows:

**§ 1703.103 Requests for Board records available through the public reading room.**

\* \* \* \* \*

(b) \* \* \*

(12) Copies of records released pursuant to FOIA requests, along with an index to these records. The format will generally be the same as the format of the released records.

3. Section 1703.105 is amended by adding a new paragraph (e) to read as follows:

**§ 1703.105 Requests for Board records not available through the public reading room (FOIA requests).**

\* \* \* \* \*

(e)(1) *Expedited processing.* A person may request expedited processing of an FOIA request when a compelling need for the requested records has been shown. "Compelling need" means:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if the request is made by a person primarily engaged in disseminating information; or

(iii) The records pertain to an immediate source of risk to the public health and safety or worker safety at a defense nuclear facility under the Board's jurisdiction.

(2) A requester seeking expedited processing should so indicate in the

initial request, and should state all facts supporting the need to obtain the requested records rapidly. The requester must also state that these facts are true and correct to the best of the requester's knowledge and belief.

(3) When a request for expedited processing is received, the Board will respond within ten calendar days from the date of receipt of the request, stating whether or not the request has been granted. If the request for expedited processing is denied, any appeal of that decision will be acted upon expeditiously.

4. Section 1703.107(b)(2)(iv) is removed and reserved.

5. Section 1703.108(b) is revised to read as follows:

**§ 1703.108 Processing of FOIA requests.**

\* \* \* \* \*

(b) Action pursuant to this section to provide access to requested records shall be taken within twenty working days. This time period may be extended up to ten additional working days, in unusual circumstances, by written notice to the requester. If the Board will be unable to satisfy the request in this additional period of time, the requester will be so notified and given the opportunity to—

(1) Limit the scope of the request so that it can be processed within the time limit, or

(2) Arrange with the Designated FOIA Officer an alternative time frame for processing the original request or a modified request.

\* \* \* \* \*

Dated: December 15, 1997.

**John T. Conway,**  
Chairman.

[FR Doc. 97-33298 Filed 12-19-97; 8:45 am]

BILLING CODE 3670-01-M

## FARM CREDIT ADMINISTRATION

### 12 CFR Part 614

RIN 3052-AB81

#### Loan Policies and Operations; Interest Rates and Charges

**AGENCY:** Farm Credit Administration.

**ACTION:** Direct final rule with opportunity for comment.

**SUMMARY:** The Farm Credit Administration (FCA), through the FCA Board (Board), issues a direct final rule amending its regulations concerning interest rates and charges. This action is consistent with the FCA's continuing efforts to reduce regulatory burden and unnecessary prior approval

requirements whenever possible. The amendments eliminate the prior approval requirement for changes in interest rate policies at banks for cooperatives (BCs), eliminate unnecessary or duplicative regulatory requirements, clarify existing requirements that are retained.

The effect of the amendments is to enable BCs to revise rate policies for discounting negotiable paper without prior FCA approval, to eliminate the requirement that fees charged by an association are subject to bank approval, and to clarify that, in all Farm Credit System (FCS or System) banks and direct lender institutions, the board of directors is responsible for setting interest rates and annually reviewing interest rate plans in conjunction with the review and approval of the institution's annual business plan.

**DATES:** If no significant adverse comment is received on or before January 21, 1998, these regulations shall be effective upon the expiration of 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**. If significant adverse comment is received, the FCA will publish a notice of withdrawal of the regulations and indicate how the Agency expects to proceed with further rulemaking.

**ADDRESSES:** Comments may be submitted via electronic mail to "reg-comm@fca.gov" or facsimile transmission to (703) 734-5784. Comments also may be mailed or delivered to Patricia W. DiMuzio, Director, Regulation Development Division, Office of Policy Development and Risk Control, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090. Copies of all communications received will be available for review by interested parties in the Office of Policy Development and Risk Control, Farm Credit Administration.

**FOR FURTHER INFORMATION CONTACT:**

Linda C. Sherman, Policy Analyst, Regulation Development Division, Office of Policy Development and Risk Control, (703) 883-4498, TDD (703) 883-4444; or Rebecca S. Orlich, Senior Attorney, Regulatory Enforcement Division, Office of General Counsel, (703) 883-4020, TDD (703) 883-4444.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The regulations in 12 CFR part 614—subpart G pertain to interest rates and charges by FCS institutions. Most of the regulations in subpart G were originally

promulgated by the FCA in 1972 following Congress' modernization and consolidation of existing farm credit law in the Farm Credit Act of 1971. The structure of the System has changed considerably in the past 25 years, and the regulatory relationship between FCS institutions and the FCA has become an arm's-length relationship. The amendments set forth below reflect those changes, as well as the FCA's current regulatory philosophy of removing prior approval requirements not mandated by the current Farm Credit Act of 1971, as amended (Act), and unnecessary to the safe and sound operation of an institution. The FCA will continue to hold FCS institution boards and management accountable for their internal operations through the examination process. Likewise, regulatory language that merely restates statutory provisions is eliminated.

Five sections in 12 CFR part 614—subpart G are eliminated, and the two remaining sections are renumbered and moved to 12 CFR part 614—subpart D. Because the changes conform existing regulations to the statute and make only minor changes to the regulatory language, the FCA believes the rule to be noncontroversial and anticipates no significant adverse comment from the public.

## II. Description of Amendments

### 1. Section 614.4270—Policy

The provisions in this section are nearly identical to provisions in sections 1.8(b), 2.4(c), and 3.10(a) of the Act and are therefore removed, as they are duplicative and unnecessary.

### 2. Section 614.4280—Interest Rates

The FCA is amending existing § 614.4280, which concerns interest rate plans and policy, to make it applicable to direct lender associations as well as to banks. This change will clarify that the board of directors of every System direct lender is responsible for establishing interest rates or interest rate plans. This change is consistent with the underwriting regulation adopted earlier this year, § 614.4150, which requires the boards of directors of both banks and associations to adopt written policies and procedures that, at a minimum, prescribe prudent loan pricing practices.

Although no other substantive changes are made to existing § 614.4280, the FCA makes two technical changes to the final sentence. The first clause, which states that the board "may not delegate its ultimate responsibilities for setting interest rates," is deleted as unnecessary. Because the boards of