

unable to pay Farm Service Agency (FSA) from the production and marketing period in which the disaster occurred. However, if the installment due immediately after the disaster was paid, but other creditors and expenses were not, the amount set-aside will be the lesser of the amount the borrower is unable to pay other creditors and expenses, rounded up to the nearest whole installment, or the next installment due. Expenses which the borrower is unable to pay may include the following year's operating and family living expenses if the income or commodities lost from the disaster year would have been used for these purposes, or if normal income security from the disaster year is approved for release under subpart A of 7 CFR part 1962 or otherwise authorized under subpart B of 7 CFR part 1924 for these purposes. Under no circumstances will a portion of the installment be set-aside leaving a balance still due. The portion not set-aside must be paid by the borrower on or before the date Exhibit A of FmHA Instruction 1951-T (available in any FSA office) is signed.

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4. Section 1951.957 is amended by revising paragraph (b)(7) to read as follows:

§ 1951.957 Eligibility determination and processing.

* * * * *

(b) * * *

(7) Payments applied to the amount set-aside will be applied first to interest and then to principal. If more than one installment is set-aside on the loan, payments will be applied to the oldest installment set-aside until paid in full, before applying payments to the second installment set-aside.

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Signed at Washington, D.C., on July 22, 1997.

James W. Schroeder,

Acting Under Secretary for Farm and Foreign Agricultural Services.

[FR Doc. 97-20280 Filed 7-31-97; 8:45 am]

BILLING CODE 3410-05-P

FARM CREDIT ADMINISTRATION

12 CFR Part 602

RIN 3052-AB77

Releasing Information

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA or Agency), through the FCA Board, issues a final

rule amending its regulations governing the release of information. The objective of this action is to conform applicable FCA regulations to the requirements of the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended by the Electronic Freedom of Information Act Amendments of 1996 (1996 Amendments), Pub. L. 104-231, and to clarify the address of the FCA official who receives FOIA requests for records. **DATES:** The regulation shall become effective October 2, 1997, or upon the expiration of 30 days after publication during which either or both Houses of Congress are in session, whichever is later. A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

John Hays, Policy Analyst, Regulation Development Division, Office of Policy Development and Risk Control, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498, TDD (703) 883-4444,
or

Jane Virga, Senior Attorney, Legal Counsel Division, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: Through the Electronic Freedom of Information Act Amendments of 1996, Congress amended the FOIA to address, among other things, the timing of agency responses to FOIA requests. The FOIA was amended to increase the time limit for agency responses from 10 to 20 working days. Another time-related amendment requires agencies to promulgate regulations under which requests for expedited processing will be considered and to grant such requests upon a showing of a compelling need. These amendments are effective October 2, 1997.

In response to the amendment of the FOIA, the FCA is amending its regulations at part 602, subpart B, as a final rule. The amendments to part 602, subpart B, reflect the requirements of the FOIA, as amended, and are not interpretative. The 1996 Amendments provide Federal agencies with no discretion and require the time-related amendments to be effective on October 2, 1997. Moreover, the regulations that the FCA adopts to implement the 1996 Amendments and to clarify the address of the Freedom of Information Officer are ministerial, minor, technical, and noncontroversial. For these reasons, the FCA finds good cause to determine that public notice and comments for this regulation are unnecessary, impractical,

and contrary to the public interest, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(a)(3)(B).

Sections 602.260 and 602.261(a) and (d) are amended to reflect that the Agency will have 20 days within which to respond to FOIA requests for records. Section 602.260 is also amended to provide that FOIA requests for records should be addressed to the Freedom of Information Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090.

Finally, the FCA has added new § 602.261(e) to address the new requirement that the Agency promulgate regulations concerning the granting of a request for expedited processing of a FOIA request upon a requester's showing of a compelling need for the information. The new regulation requires the Freedom of Information Officer to notify a requester within 10 calendar days after receipt of such a request whether the Agency granted expedited processing and, if so, to process the request as soon as practicable. The regulation defines "compelling need" to mean that a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or, with respect to a request made by a person primarily engaged in disseminating information, that there is an urgency to inform the public concerning actual or alleged Federal Government activity. The regulation further provides that a requester demonstrate a compelling need by a statement certified by the requester to be true and correct to the best of such person's knowledge and belief. The procedures for expedited processing apply to both requests for information and to administrative appeals.

The remaining provisions of the 1996 Amendments to the FOIA do not require amendment of the FCA's regulations governing the release of information at part 602.

List of Subjects in 12 CFR Part 602

Courts, Freedom of information, Government employees.

For the reasons stated in the preamble, part 602 of chapter VI, title 12 of the Code of Federal Regulations is amended to read as follows:

PART 602—RELEASING INFORMATION

1. The authority citation for part 602 is revised to read as follows:

Authority: Secs. 5.9, 5.17 of the Farm Credit Act (12 U.S.C. 2243, 2252); 5 U.S.C.

552; E.O. 12600, 52 FR 23781, 3 CFR 1987, p. 235; 52 FR 10012.

Subpart B—Availability of Records of the Farm Credit Administration

2. Section 602.260 is revised to read as follows:

§ 602.260 Request for records.

Requests for records shall be in writing and addressed to the attention of the Freedom of Information Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. A request improperly addressed will be deemed not to have been received for purposes of the 20-day time period set forth in § 602.261(a) of this part until it is received, or would have been received, by the Freedom of Information Officer with the exercise of due diligence by Agency personnel. Records requested in conformance with this subpart and which are not exempt records may be received in person or by mail as specified in the request. Records to be received in person will be available for inspection or copying during business hours on a regular business day in a public reference facility in the offices of the Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

3. Section 602.261 is amended by revising paragraphs (a) and (d) and adding paragraph (e) to read as follows:

§ 602.261 Response to requests for records.

(a) Within 20 days (excluding Saturdays, Sundays, and legal public holidays), or any extensions thereof as provided in paragraph (d) of this section, of the receipt of a request by the Freedom of Information Officer, the Freedom of Information Officer shall determine whether to comply with or deny such a request and transmit a written notice thereof to the requester.

* * * * *

(d) In “unusual circumstances,” the 20-day time limit prescribed in paragraphs (a) and (c) of this section, or both, may be extended by the Freedom of Information Officer or, in the case of an appeal, by the Director, Office of Resources Management, provided that the total of all extensions does not exceed 10 days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be made by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph, *unusual circumstances* means, but only to the extent reasonably necessary to the proper processing of the request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject matter interest therein.

(e) A requester may obtain, upon request, expedited processing of a request for records when the requester demonstrates a “compelling need” for the information. The Freedom of Information Officer will notify the requester within 10 calendar days after receipt of such a request whether the Agency granted expedited processing. If expedited processing was granted, the request will be processed as soon as practicable.

(1) For the purposes of this paragraph, “compelling need” means:

(i) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

(2) A requester shall demonstrate a compelling need by a statement certified by the requester to be true and correct to the best of such person’s knowledge and belief.

(3) The procedures of this paragraph (e) for expedited processing apply to both requests for information and to administrative appeals.

Dated: July 25, 1997.

Floyd Fithian,

Secretary, Farm Credit Administration Board.
[FR Doc. 97-20370 Filed 7-31-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-25-AD; Amendment 39-10093; AD 97-16-03]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires a one-time inspection of the main landing gear (MLG) retaining bolt to ensure that it is installed correctly, and adjustments or repairs, if necessary. This amendment is prompted by a report indicating that a disconnected retaining bolt was found in the MLG forward trunnion joint of a Model 767 series airplane. The actions specified by this AD are intended to prevent aft-acting trunnion loads from being transferred to the MLG beam, and consequent fracture and collapse of the MLG; this condition could result in the loss of control of the airplane on the ground.

DATES: Effective September 5, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 5, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227-2783; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on April 1, 1997 (62 FR 15435). That action