

statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of South Dakota. A notice will also be sent to the person(s) requesting the hearing as well as to the State of South Dakota. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on April 27, 1995. Please bring this notice to the attention of any persons known by you to have an interest in this determination.

All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA Region VIII, Drinking Water Branch, 999 18th Street (4th floor), Denver, Colorado; (2) Department of Environment and Natural Resources, Office of Drinking Water, 523 East Capital Avenue, Pierre, South Dakota.

FOR FURTHER INFORMATION CONTACT: David Schmidt, Drinking Water Branch, EPA Region VIII (8WM-DW), 999 18th Street, Suite 500, Denver, Colorado 80202-2466, telephone (303) 293-1415.

Dated: March 20, 1995.

Kerrigan Clough,

Acting Regional Administrator, EPA, Region VIII.

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FARM CREDIT ADMINISTRATION

[NV 95-13]

Policy Statement Concerning the Release of Consolidated Reporting System Information

AGENCY: Farm Credit Administration.

ACTION: Policy statement.

SUMMARY: On March 20, 1995, the Farm Credit Administration (FCA) adopted a policy statement concerning the release of reports of condition and performance (Call Reports) and other reports containing nonexempt information (such as the Uniform Performance Report (UPR) and the Uniform Peer Performance Report (UPPR)) that are produced from the FCA's Consolidated Reporting System (CRS) (hereinafter nonexempt CRS Reports). Under this policy, the UPR and UPPR will be disclosed to the institution that submitted the information 50 days after the end of a quarter or a fiscal year. All other reports containing nonexempt information that are produced from the FCA's CRS would be disclosed, as available, to System institutions and to the general public 90 days after the end of a quarter or a fiscal year. For purposes of this policy, nonexempt CRS Reports are defined as reports produced from the CRS containing information that has been routinely disclosed in System institutions' quarterly and annual financial reports to shareholders and filed with the FCA pursuant to 12 CFR part 620. The FCA intends to set user fees for the dissemination of this information sufficient to recover the cost of dissemination. Nonexempt CRS Report information has been previously disclosed on a case-by-case basis in response to Freedom of Information Act requests. The FCA believes that providing the public access to nonexempt CRS Report information under this policy statement would enhance the FCA's information management activities in an efficient, effective, and economical manner.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT:

Nan P. Mitchem, Compliance Officer, Office of Examination, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4073, TDD (703)883-4444

or

Jane M. Virga, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4071, TDD (703)883-4444.

SUPPLEMENTARY INFORMATION:

Background

Call Reports and other nonexempt information produced from the FCA's CRS contain valuable information and could be useful to Farm Credit System institutions and to members of the public by enabling them to evaluate the financial condition of the institution in comparison to its peers. This policy statement is intended to provide for the dissemination of this information in a manner that effectively balances the goals of maximizing the usefulness of the information and minimizing the cost to the Government and the public. Similarly, the Federal Financial Institutions Examination Council, which consists of the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Board of Governors of the Federal Reserve System, has made a determination to disseminate CRS-type information to banks, State banking departments, and the public in a report known as the Uniform Bank Performance Report.

The FCA's objective in adopting this policy statement is to enhance the utility of Call Reports for System institutions and the public, and to make available in an orderly and consistent way nonexempt information (i.e., information that has been routinely disclosed in System institutions' quarterly and annual financial reports and filed with the FCA) in conformance with the objectives set forth in OMB Circular A-130. This policy statement should benefit System institutions and the public by establishing a more effective and efficient means of accessing information that can be used to evaluate and compare System institutions and their performance. The release of nonexempt CRS Reports should also benefit the FCA in its regulatory role and in accomplishing its mission by enhancing the agency's communications with System institutions. Additionally, the FCA believes that the availability of nonexempt CRS Reports will enhance its ability to oversee and examine institutions.

Availability of Nonexempt CRS Reports

Under the policy statement, the UPR and UPPR will be disclosed free of charge to the institution that submitted the information 50 days after the end of a quarter or a fiscal year. All other reports containing nonexempt information that are produced from the FCA's CRS would be disclosed, as available, to System institutions and to the general public 90 days after the end

of a quarter or a fiscal year. The delay in availability of nonexempt CRS Reports would allow System institutions to publish their quarterly and annual financial reports prior to FCA dissemination. At a System institution's request, a copy of a nonexempt CRS Report containing Call Report information of another institution or computer diskettes containing nonexempt Call Report information of all System institutions would be provided for a fee. Nonexempt CRS Reports or computer diskettes containing nonexempt Call Report information would also be made available, upon request, to the general public for a fee. The FCA believes that disclosing reports such as the UPR and the UPPR will assist institutions and the public in their analyses and evaluations of the delivery of financial services by allowing comparisons of financial performance. To provide further assistance to System institutions and the public, a detailed description of the UPR and the UPPR is provided below.

A determination on a special request (i.e., ad hoc report) for nonexempt CRS information and any fees assessed from any System institution or the general public would be made on a case-by-case basis. Special requests would be granted only when the benefit to the FCA significantly outweighs the burden to the agency in complying with the request. Requests for fee waivers may be granted to educational institutions, researchers, Governmental agencies, newspapers, and other parties, only when the agency determines that the benefit derived from releasing the information exceeds the fees being waived. All requests for release of CRS information should be directed to the Office of Resources Management, Information Resources Division, Customer Planning Team.

The FCA uses the UPR and the UPPR as analytical tools for supervisory and examination purposes, offsite monitoring and evaluation, and financial analysis. The reports, which are based on data from the CRS and updated quarterly, contain information using key ratios, percentages, and dollar amounts. The UPPR also contains peer averages, as well as percentile rankings for all direct lender associations falling within one of four peer groups based on asset size. Each report displays four reporting periods. Yearend reports contain financial data for the current year and the previous 3 years. Quarterend reports contain financial data for the current quarter, the same quarter for the previous year, and yearend information for the previous 2 years.

These reports are organized to facilitate agency decisionmaking concerning the adequacy of capital, asset quality, earnings, and liquidity. Both the UPR and the UPPR are organized as follows:

Section I is a summary. It provides key balance sheet and income statement items, as well as key ratios.

Section II presents a condensed balance sheet and summary information on loan categories by performance category. The balance sheet items are combined into key categories.

Section III addresses the composition of capital as a percentage of assets and its relationship to liabilities, unallocated retained earnings, and risk-adjusted assets.

Section IV contains information on assets, changes in assets, the percentage of loans in each loan performance category, the various relationships of the allowance accounts to loans and acquired properties, and gains and losses incurred from the valuation and disposition of these assets.

Section V is a year-to-date condensed income statement.

Section VI presents earnings and profitability measurements and certain ratios involving net interest income. Also, this section contains information on the return on average assets and component ratios. Ratios of operating expenses are also shown in this section.

Section VII contains liquidity measurements and compares maturing assets to maturing liabilities. This section also addresses collateral and funds availability for investments.

User Fees

User fees for the above information would be sufficient to recover the cost of dissemination. A CRS pricing schedule will be developed. Special requests for information not listed on the CRS pricing schedule may be subject to fees to recover the agency's cost of complying with the request, which may include the cost of collecting and processing, as well as disseminating the information.

The following glossary contains definitions that may be useful to an understanding of this policy.

A. *Farm Credit System institutions* means the Farm Credit Banks, banks for cooperatives, agricultural credit banks, production credit associations, Federal land bank associations, agricultural credit associations, Federal land credit associations, service corporations chartered under the Farm Credit Act of 1971, as amended, the Federal Farm Credit Banks Funding Corporation, and Farm Credit System Financial Assistance Corporation.

B. *System Banks and associations* means the Farm Credit banks, banks for cooperatives, agricultural credit banks, production credit associations, Federal land bank associations, agricultural credit associations, and Federal land credit associations.

C. *Direct lender associations* means production credit associations, agricultural credit associations, and Federal land credit associations.

D. *Call Report* means reports of financial condition and performance prepared and filed by Farm Credit System institutions in accordance with the FCA Uniform Call Report Instructions.

E. *Call Report information* means data contained in Call Reports.

F. *Consolidated Reporting System (CRS)* means all programs, files, documentation, and interfaces with source data, created and used to store, process, and retrieve CRS Derived Data and produce CRS Reports.

G. *CRS Reports* means reports produced via the CRS System for agency use in planning, monitoring, and analyzing the performance of Farm Credit System institutions.

H. *Computer Diskette* means a standard 3 1/2" magnetic type diskette used with personal computers that contains Call Report information of all System institutions in an ASCII format.

The text of the Board's policy statement concerning the release of CRS information to System institutions and to the general public is set forth below in its entirety:

FCA BOARD ACTION ON POLICY STATEMENT CONCERNING THE RELEASE OF CONSOLIDATED REPORTING SYSTEM INFORMATION, NV 95-13, FCA-PS-65

Effective Date: March 20, 1995.

Effect on Previous Action: None.

Source of Authority: 12 CFR part 621, subpart D; 12 CFR 602.200; OMB Circular A-130 (July 2, 1993).

Purpose: The Farm Credit Administration (FCA) Board is hereby adopting a policy to disclose reports of condition and performance (Call Reports) and other reports containing nonexempt information (such as the Uniform Performance Report (UPR) and the Uniform Peer Performance Report (UPPR)) that are produced from the FCA's Consolidated Reporting System (CRS) (hereinafter nonexempt CRS Reports). Under this policy, the UPR and UPPR will be disclosed to the institution that submitted the information 50 days after the end of a quarter or a fiscal year. All other reports containing nonexempt information that are produced from the FCA's CRS

would be disclosed, as available, to System institutions and to the general public 90 days after the end of a quarter or a fiscal year. For purposes of this policy, nonexempt CRS Reports are defined as reports produced from the CRS containing information that has been routinely disclosed in Farm Credit System (System) institutions' quarterly and annual financial reports and filed with the FCA.

Objectives: The FCA's mission is to facilitate the competitive delivery of financial services to agriculture while protecting the public, the taxpayer, and the investor. Consistent with that mission, the FCA endeavors to provide information to System institutions and to the public. Call Reports and other nonexempt CRS Reports contain information of value to the agency, the System, and the public that enables an evaluation of the financial condition of a System institution in comparison to its peers. Release of this information will provide institutions with a succinct assessment of performance, in addition to that provided in the examination process. The FCA believes that implementation of this policy statement will enhance the FCA's information management activities in an efficient, effective, and economical manner consistent with the objectives of OMB Circular A-130.

Operating Principles: Certain information reported to the agency in compliance with Call Report instructions, such as asset and liability repricing schedules or loan specific data, will continue to be exempt from disclosure and will not be made available under this policy statement. Nonexempt CRS Reports will be disclosed under a pricing schedule to be subsequently determined.

Certain nonexempt CRS Reports (such as the UPR and the UPPR) that contain Call Report information will be routinely forwarded free of charge to the institution that submitted the information or will be made available, upon request, to the general public for a fee. Upon request by a System institution, the FCA will make available free of charge any other nonexempt CRS Reports that contain Call Report information submitted by that institution, or, for a fee, will make available a copy of a nonexempt CRS Report containing Call Report information of another institution or computer diskettes containing nonexempt Call Report information of all System institutions. A determination on a special request (i.e., ad hoc report) for nonexempt CRS information and any fees assessed from any System institution or the general public will be

made on a case-by-case basis. Special requests will be granted only when the benefit to the FCA significantly outweighs the burden to the agency in complying with the request. All requests for release of CRS information should be directed to the Office of Resources Management, Information Resources Division, Customer Planning Team.

Any fees assessed under this policy for disclosing routine nonexempt CRS Reports will be sufficient to recover the cost of dissemination. Special requests will be subject to fees to recover the agency's cost of complying with the request, which will include the cost of collecting and processing, as well as disseminating the information. Requests for fee waivers may be granted to educational institutions, researchers, Governmental agencies, newspapers, and other parties, only when the agency determines that the benefit derived from releasing the information exceeds the fees being waived.

Delegated Authority: The Director, Office of Resources Management, in concurrence with the Director, Office of Examination, Director, Office of Special Supervision and Corporate Affairs, and General Counsel is responsible for implementing this policy statement, developing operating procedures, developing a pricing schedule for the fees to be charged for the reports, and developing specific guidelines for fee waivers when releasing reports to educational institutions, researchers, Governmental agencies, newspapers, and other parties, as determined to be appropriate. Any of these responsibilities may be delegated.

Reporting Requirements: The Director, Office of Resources Management, shall make a report annually concerning nonexempt CRS Report releases and the number of requests and fees received to the Chief Operating Officer.

Adopted this 20th day of March, 1995 by order of the Board.

Dated: March 22, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95-7554 Filed 3-27-95; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

Intra-Agency Appellate Process

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of guidelines.

SUMMARY: On March 21, 1995, the Board of Directors (Board) of the Federal

Deposit Insurance Corporation (FDIC) adopted guidelines for the establishment of an independent intra-agency appellate process to review material supervisory determinations as required by the Riegle Community Development and Regulatory Improvement Act of 1994. The guidelines were effective upon adoption and supersede the FDIC's procedures for requesting review of supervisory determinations set forth in FIL-11-92, dated February 7, 1992. The guidelines are intended to clarify the types of determinations that are eligible for review and establish the process by which appeals will be considered and decided.

DATES: The guidelines were effective on March 21, 1995.

FOR FURTHER INFORMATION CONTACT: William G. Hrindac, Examination Specialist (202/898-6892), Division of Supervision; Ken A. Quincy, Section Chief (202/942-3088), Division of Compliance and Consumer Affairs; Gwen E. Factor, Counsel (202/898-8522), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Background

Section 309(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103-325, 108 Stat. 2160) (Act) requires the FDIC (as well as the other Federal banking agencies and the National Credit Union Administration Board) to establish an independent intra-agency appellate process to review material supervisory determinations. The process is to be established within 180 days after enactment of the Act (i.e., by March 22, 1995). The Act defines the term "independent appellate process" to mean a review by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review. In establishing the appeals process, the FDIC must ensure that: (1) any appeal of a material supervisory determination by an insured depository institution is heard and decided expeditiously; and (2) appropriate safeguards exist for protecting the appellant from retaliation by agency examiners.

Section 309(c) of the Act requires public notice and opportunity for comment on proposed guidelines for the establishment of the independent appellate process. On December 28, 1994, the FDIC published in the **Federal Register**, for a 30-day comment period, a notice of and request for comments on