

- 12.85 Boat declarations (CG-5096) and USCG exemption
- 12.91 FDA form 2877 and required declarations for electronics products
- 12.99 Declarations for switchblade knives
- 12.104-.104i Cultural property declarations, statements and certificates of origin
- 12.105-.109 Pre-Columbian monumental and architectural sculpture and murals certificate of legal exportation evidence of exemption
- 12.110 Pesticides, etc. notice of arrival
- 12.118-.127 Toxic substances: TSCA statements
- 12.130 Textiles & textile products
 - Single country declaration
 - Multiple country declaration
 - VISA
- 12.132 NAFTA textile requirements
- 54.5 Declaration by importer of use of use of certain metal articles
- 54.6(a) Re-Melting Certificate
- 114 Carnets (serves as entry and bond document where applicable)
- 115 Container certificate of approval
- 128 Express consignments
- 128.21 *Manifests with required information (filed by carrier)
- 132.23 Acknowledgment of delivery for mailed items subject to quota
- 133.21(b)(6) Consent from trademark or trade name holder to import otherwise restricted goods
- 134.25,.36 Certificate of marking; notice to repacker
- 141.88 Computed value information
- 141.89 Additional invoice information required for certain classes of merchandise including, but not limited to:
 - Textile Entries:* Quota charge Statement, if applicable including Style Number, Article Number and Product
 - Steel Entries:* Ordering specifications, including but not limited to, all applicable industry standards and mill certificates, including but not limited to, chemical composition.
- 143.13 Documents required for appraisement entries bills, statements of costs of production value declaration
- 143.23 Informal entry: commercial invoice plus declaration
- 144.12 Warehouse entry information
- 145.11 Customs Declaration for Mail, Invoice
- 145.12 Mail entry information (CF 3419 is completed by Customs but formal entry may be required.)
- 148 Supporting documents for personal importations
- 151 subpart B Scale Weight
- 151 subpart B Sugar imports sampling/lab information (Chemical Analysis)
- 151 subpart C Petroleum imports sampling/lab information
 - Out turn Report 24. to 25.—Reserved
- 151 subpart E Wool and Hair invoice information, additional documents
- 151 subpart F Cotton invoice information, additional documents
- 181.22 NAFTA Certificate of origin and supporting records
- 19 U.S.C. 1356k Coffee Form O (currently suspended)

Other Federal and State Agency Documents
 State and Local Government Records
 Other Federal Agency Records (See 19 CFR Part 12, 19 U.S.C. 1484, 1499)
 Licenses, Authorizations, Permits

Foreign Trade Zones

146.32 Supporting documents to CF 214
 [FR Doc. 96-17833 Filed 7-12-96; 8:45 am]
BILLING CODE 4820-02-P

Office of Thrift Supervision

[96-65]

Review of OTS Decisions

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final guidelines.

SUMMARY: The Office of Thrift Supervision (OTS) is issuing guidelines for the review, appeal and reconsideration of various agency findings and decisions as Thrift Bulletin 68 (TB 68). The guidelines issued today establish an independent appellate process available to review supervisory decisions, examination findings and application decisions. TB 68 also provides for an agency Ombudsman to act as a liaison between the OTS and persons dealing with the OTS. The text of TB 68 appears as Appendix A to this document.

Section 309(a) of the Community Development and Regulatory Improvement Act of 1994 (CDRIA) requires the OTS and the other Federal banking agencies to develop an intra-agency supervisory review process. One purpose of TB 68 is to fulfill OTS's statutory mandate under section 309 of the CDRIA. The guidelines that the OTS previously followed for its supervisory review process were set forth in Regulatory Bulletin 4a (RB 4a), dated September 20, 1993. TB 68 incorporates, with certain modifications, the guidelines provided for in RB 4a and RB 4a is hereby rescinded.

Irrespective of the statutory mandate of Section 309(a) of the CDRIA, but related to the appellate process, TB 68 also provides a process for the reconsideration of decisions made with respect to applications filed with the OTS. Previously, as part of a restructuring of its applications regulations, in April 1992, the OTS deleted review provisions in several individual application regulations with the intent of developing uniform procedures that would cover all applications filed with the OTS. The guidelines issued today in TB 68 set forth these procedures.

The CDRIA also requires that each Federal banking agency appoint an Ombudsman to "act as a liaison between the agency and any affected person with respect to any problem such party may have in dealing with the agency resulting from the regulatory activities of the agency; and assure that safeguards exist to encourage complainants to come forward and preserve confidentiality." The responsibilities of and procedures to be used by the OTS Ombudsman are also set forth in TB 68.

DATES: The final guidelines are effective July 15, 1996.

FOR FURTHER INFORMATION CONTACT: The Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552: Alvin W. Smuzynski, Director, Regional Operations (202) 906-5669 or Valerie J. Lithotomos, Counsel (Banking and Finance), Regulations and Legislation Division, Chief Counsel's Office (202) 906-6439, regarding supervisory appeals; David A. Sjogren, Program Manager, Applications, Corporate Activities Division (202) 906-6739 or John P. Harootunian, Senior Counsel, Business Transactions Division, Chief Counsel's Office (202) 906-6415, regarding application reconsiderations; and Lee Lassiter (202) 906-5685, regarding Ombudsman matters.

SUPPLEMENTARY INFORMATION:

I. Supervisory Review and Appeals

Section 309(a) of the CDRIA¹ requires the OTS and the other banking agencies to establish an "independent intra-agency appellate process" for the review of "material supervisory determinations" (as defined in Section 309(f)(1) of the CDRIA) made at insured depository institutions. Prior to the statutory mandate of section 309 of the CDRIA, the OTS provided a supervisory review process since 1992 that is described in RB 4a. On December 29, 1994, the OTS published a notice of proposed guidelines with a request for comments, describing a revised supervisory review and appeals process.² The public comment period closed on February 27, 1995. No comments were received and so the guidelines published today incorporate the supervisory review and appeals process proposed in December 1994. To ensure that OTS decisions and findings are fair, equitable and consistent, the guidelines in TB 68 being issued today go beyond the statutory mandate of section 309 by providing an appellate

¹ Pub. L. 103-325, 108 Stat. 2160, 2218-20 (September 23, 1994) (codified at 12 U.S.C. 4806).

² 59 FR 67383 (December 29, 1994).

process for *all* supervisory decisions and examination findings which is more expansive than the statutorily required "material supervisory determination." The discussion below sets forth OTS's compliance with the statutory mandate of section 309 of the CDRIA.

A. Independence

Section 309 of the CDRIA sets forth certain standards for the agencies' supervisory appeals process. First, the process must be "independent." The statute defines independence to mean that the review provided must be conducted "by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review."

TB 68 specifies that the final decision maker for supervisory appeals is the Executive Director, Supervision in Washington, D.C. who reports directly to the Director of OTS. This reporting arrangement satisfies the independence requirement of Section 309. Furthermore, supervisory reviews will be conducted by an agency official who does not directly report to the agency official who made the determination under review.

Notwithstanding the supervisory appeals process at the Executive Director's level, the OTS believes that open discussions between examination and supervisory staff at the regional level is a productive means to address a savings association's concerns. Accordingly, the OTS continues to encourage savings associations to attempt to resolve issues directly with regional examination or supervisory staff before filing an appeal with the Executive Director, Supervision in Washington, D.C.

B. Prompt Disposition of Appeal

The statute also requires that the supervisory appeals process be structured so that appeals are "heard and decided expeditiously." TB 68 sets a deadline of sixty calendar days for review by the Executive Director, Supervision. Before filing an appeal with the Executive Director, however, savings associations are encouraged to utilize an optional regional review procedure. The deadline for action on a regional review is thirty calendar days. These deadlines may be extended in writing by the OTS stating the reason for the extension and the expected date of decision.

C. Material Supervisory Determinations

Section 309 of the CDRIA requires that the appeals process be available for the review of "material supervisory

determinations" (as defined in section 309(f)(1) of the CDRIA). The guidelines in TB 68 specifically include "material supervisory determinations" within the scope of the appeals process in conformance with section 309 of the CDRIA. In addition, under the guidelines contained in TB 68, savings associations may also appeal *all* supervisory decisions and examination findings. TB 68 may also be used to appeal supervisory actions affecting individuals or affiliates of savings associations. Such appeals may be filed by the individual or affiliate and do not require the concurrence of the savings association's board of directors.

The guidelines in TB 68 recite the statutory definition of "material supervisory determinations" and clarify that the reference to "examination ratings" in such definition includes ratings for any type of examination that the OTS conducts, including safety and soundness, trust, information systems, compliance and savings and loan holding company examinations and CRA evaluations of savings associations.

The OTS will initially exclude from the section 309 appeals process, matters for which some other special review process is available. However, a savings association may appeal a supervisory action resulting from a special review process using the supervisory appeals process described in TB 68 if the specialized review process results in a decision adverse to the savings association and an additional appeal would further the OTS's mandate under section 309 of the CDRIA.

The statute specifically exempts from the supervisory appeals process decisions to appoint a conservator or receiver and decisions to take action pursuant to the prompt corrective action provisions of section 38 of the Federal Deposit Insurance Act.³ The revised guidelines also retain the exclusions for preliminary examination results and formal enforcement-related actions.

D. Safeguards Against Retaliation

Section 309 requires that the appeals process contain "appropriate safeguards" to protect savings associations from retaliation by agency examiners. TB 68 makes explicit the OTS's policy of prohibiting any employee, including examiners and supervisory staff, from taking retaliatory action against a savings association or other parties that pursue a review or an appeal.

In addition, section 309 of the CDRIA requires that the OTS appoint an Ombudsman whose duties include

assuring "that safeguards exist to encourage complainants to come forward and preserve confidentiality." The OTS does not contemplate that its Ombudsman will be involved in the review of the merits of supervisory decisions in dispute. However, the Ombudsman will be the appropriate recipient for any complaints of retaliation and will investigate and resolve such complaints. The OTS will take appropriate action to remedy any occurrence of employee retaliation against a savings association or other party that seeks a review of a supervisory determination.

II. Application Reconsiderations

The 1992 Applications Restructuring Regulation⁴ deleted various procedures from individual application regulations for the reconsideration of applications that had been denied by the OTS. The intent was to develop a single uniform procedure that would cover all applications filed with the agency. In order to consolidate the OTS's appellate process for all decisions and findings, the OTS has described the procedures for reconsideration of an application in TB 68.

The application reconsideration process provides for prompt review and decision by an independent decision maker. An applicant that believes that the OTS's decision on an application is inconsistent with existing regulations, policies, procedures or facts presented in the application may request the OTS's reconsideration of that decision. The right to request reconsideration extends to decisions to deny applications and decisions to impose non-standard conditions of approval. Applicants are encouraged to discuss any concerns they have about an OTS decision on an application with the office that made the initial decision (e.g., the OTS Regional Office or the Washington, D.C. office) before requesting reconsideration. Reconsideration decisions will be made in Washington, D.C. by either the Director or the Director's designee.

The application reconsideration process described in TB 68 does not supersede any statutory provisions for judicial or administrative review of OTS decisions concerning applications.

III. Ombudsman

Section 309 of the Act provides that the Ombudsman is to:

(1) Act as a liaison between the agency and any affected person with respect to any problem such party may have in dealing with the agency

³ 12 U.S.C. 1831o.

⁴ 57 FR 14329 (April 20, 1992).

resulting from the regulatory activities of the agency; and

(2) assure that safeguards exist to encourage complainants to come forward and preserve confidentiality.

TB 68 describes the responsibilities of and procedures to be used by the Ombudsman. TB 68 also provides guidance regarding the relationship between the Ombudsman and the agency's other appeals processes.

Dated: July 9, 1996.

By the Office of Thrift Supervision.

John F. Downey,

Executive Director, Supervision.

Appendix A to Final Guidelines Regarding Review of OTS Decisions

Office of Thrift Supervision

Thrift Bulletin

Handbook:	Thrift Activities	Section: 060, 310.
Subject:	Examination Strategy, Management and Scoping Oversight by Board of Directors	TB 68, July 15, 1996.

Supervisory Review, Appeal and Reconsideration Process and Ombudsman Matters

Summary: This bulletin provides a process for the review and appeal of OTS supervisory decisions and examination findings; reconsideration of OTS application decisions; and utilization of the OTS Ombudsman. Regulatory Bulletin 4a, dated September 20, 1993, is rescinded.

For Further Information Contact: Director, Regional Operations (202) 906-5669 regarding the OTS supervisory review and appeals process; Program Manager, Corporate Activities (202) 906-6739 regarding application reconsiderations; and Ombudsman (202) 906-5685 regarding complaints, concerns or problems in dealing with the OTS.

The OTS recognizes that its decisions have a significant effect on OTS regulated savings associations and that certain OTS supervisory decisions and examination findings may be challenged. Because it is the OTS's objective to ensure OTS decisions and findings are fair, equitable and consistent, the OTS has developed a process for the review, appeal and reconsideration of disputed OTS decisions and findings. Filings and submissions made pursuant to this Bulletin are not subject to 12 CFR Part 516.

The OTS supervisory review and appeals process is provided in Section I of this Bulletin. The reconsideration of application decisions process is provided in Section II of this Bulletin. Section III provides for the utilization of the OTS Ombudsman in dealing with the OTS in any matter, regardless of whether the matter relates to the OTS supervisory review and appeals process or the application reconsideration process.

I. Appeal of OTS Supervisory Decisions and Examination Findings, Including "Material Supervisory Determinations"

Background

Section 309(b) of the Community Development and Regulatory Improvement Act of 1994 (CDRIA) requires that the OTS (and the other Federal banking agencies) establish an intra-agency appellate process for the review of "material supervisory determinations" made by agency officials. Decisions and findings made during the examination process by the OTS staff may affect savings associations directly and immediately. From time to time, savings associations may disagree with supervisory decisions or with examination findings upon which those decisions are based. The OTS previously followed guidelines set forth in Regulatory Bulletin 4a (RB 4a), dated September 20, 1993, for its supervisory review process which was applicable to all supervisory decisions and examination findings. This section of this Bulletin incorporates, with certain modification, the guidelines set forth in RB 4a and establishes the guidelines that govern the OTS supervisory review and appeals process for all OTS supervisory decisions and examination findings, including all "material supervisory determinations" as defined in Section 309 of the CDRIA (these terms shall be collectively referred to as "supervisory determinations"). RB 4a is hereby rescinded and replaced by this Thrift Bulletin 68 (TB 68).

The OTS encourages the resolution of supervisory disputes through informal communications between savings associations and the OTS regional supervisory and examination staff. If disputes cannot be resolved successfully at the regional level, however, savings associations may appeal and seek independent review by the Executive Director, Supervision in Washington, D.C. pursuant to the procedures specified below. Other parties affected by an OTS supervisory determination may also seek review under these guidelines.

Scope of the OTS Supervisory Review and Appeals Process

Matters that may be reviewed or appealed are all OTS supervisory decisions and examination findings, including "material supervisory determinations" such as:

- examination ratings;
- the adequacy of loan loss reserve provisions; and
- classifications of loans that are significant to the savings association.

Matters that may not be reviewed or appealed include:

- decision to appoint a conservator or receiver;
- preliminary examination findings and conclusions prior to issuance of a final report of examination;
- any decision relating to formal enforcement-related action, such as a decision to initiate a formal investigation, to file a notice of charges, or to assess civil money penalties; or
- any decision to take action pursuant to the Prompt Corrective Action provisions that

appear at Section 38 of the Federal Deposit Insurance Act, 12 U.S.C. Section 1831o.

Matters that are subject to a special review or appeals process, such as modification of the interest rate risk component discussed in Thrift Bulletin 67, dated August 21, 1995, are not immediately appealable through the OTS supervisory review and appeals process. However, if the special review or appeals process results in a supervisory determination that is adverse to the savings association and an additional appeal would further OTS's mandate under Section 309 of the CDRIA, the savings association may seek OTS supervisory review and appeal of the determination under these guidelines.

Supervisory Review at the Regional Level

A. During the On-Site Examination. If a disagreement arises during an on-site examination, the matter should be raised directly with the examiner-in-charge (EIC) while the EIC is at the savings association. If issues remain unresolved, the savings association should request that the EIC's supervisor (e.g., Field Manager or Assistant Regional Director) be included in the discussions. Disagreements will be briefly noted in the final report of examination.

B. With the Regional Office. Savings associations are encouraged to raise with the appropriate OTS Regional Office disagreements with examination findings during the examination or disagreements with supervisory decisions at any time. A final supervisory determination in dispute may be raised either orally or in writing to the Assistant Regional Director, Deputy Regional Director, or Regional Director or his designee, who was not directly involved in the determination being reviewed. If the savings association elects to state the issue or problem in writing, the written request for review should describe the issue or problem, specify the related facts, and be signed by the Chief Executive Officer. The Regional Office will act within 30 calendar days of receipt of the request for a supervisory review, unless the Regional Director responds to the savings association, in writing, stating the reason why a decision will take longer than 30 calendar days and specifying the expected date for a decision.

Supervisory Appeal to the Executive Director, Supervision

A. The Savings Association's Appeal Submission. If the above-described discussions or supervisory review do not result in satisfactory resolution of the disagreement or if the savings association elects to use the supervisory appeals process without first obtaining regional supervisory review, an appeal may be filed with the Executive Director, Supervision. The following procedures apply to supervisory appeals:

- The board of directors of the savings association must authorize the supervisory appeal by resolution and forward one copy of such resolution to the Executive Director, Supervision with the appeal. A supervisory appeal by an individual or affiliate does not require an authorization from the savings association's board of directors.
- The savings association will have 60 calendar days from notification of a

supervisory determination (or, in the event a request for regional supervisory review has been made, from the date of the Regional Office's decision) to file a supervisory appeal with the Executive Director, Supervision.¹ Requests for a supervisory appeal should be directed to: Executive Director, Supervision, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552.

- The supervisory appeal should contain:
 - A concise statement, no longer than five pages, of the dispute and why it is material. For example, identify the precise loans(s), property, appraisal, etc.
 - The remedy being sought and its financial effect.
 - A statement of whether the savings association has attempted to resolve the dispute at the regional level.
 - A description of any applicable statutes, regulations, policies, or procedures on which the savings association relies.
 - Confirmation as to whether the savings association has, in the interim, complied with the supervisory determination being appealed. If the savings association has not complied with the supervisory determination, the supervisory appeal must include a request for a suspension of the supervisory determination.
 - Copies of any relevant excerpts from supervisory documents, reports and correspondence with the region about the supervisory determination. (These copies do not count toward the five page limit.)
 - The name, address and telephone number of an individual at the savings association designated to provide additional information.

- No fee is required for submission of the supervisory appeal. Savings associations are encouraged to minimize costs by internally preparing the supervisory appeal rather than using outside attorneys, accountants or consultants. If warranted by the circumstances and agreed to by the savings association, the OTS may use outside experts to evaluate issues. In such circumstances, the savings association shall pay the costs of such experts.

B. Review by the Executive Director, Supervision

- The OTS will acknowledge receipt of a supervisory appeal within five calendar days of receipt.
 - Within 15 calendar days of receipt, the OTS will make a request for any additional information necessary to complete the decision on the supervisory appeal.
 - The savings association shall furnish additional information within 15 calendar days of receipt of the OTS's request, unless the time is extended by the Executive Director, Supervision or his designee.
 - Absent unusual circumstances, the OTS will provide its decision on the supervisory appeal within 60 calendar days of receipt of

the filing of the supervisory appeal or, if additional information is requested, within 60 calendar days of receipt of any additional information.

- Any of the above timeframes may be extended by the Executive Director, Supervision or his designee. Any extensions granted will be in writing, and will include the reason for the extension, and the expected date that a decision will be made.

Effect of Initiating a Supervisory Review or Appeal

An OTS supervisory review or appeal will not suspend or delay the pursuit of any enforcement action or formal investigation. An OTS supervisory review or appeal will not stay the obligation of a savings association or an institution-affiliated party to comply with any order or other determination resulting from an enforcement action. An OTS supervisory review or appeal will not operate automatically to relieve a savings association or other party of the obligation to comply with the supervisory determination under review. Upon the request of the savings association or other party filed simultaneously with its supervisory appeal, the Executive Director, Supervision may relieve the savings association or other party of the obligation to comply while the supervisory appeal is pending in Washington, D.C. The appropriate regional official may grant similar relief while a supervisory review is pending at the regional level. The OTS retains the right to take any action and to apply any standards deemed appropriate to ensure the safety and soundness of a savings association.

Prohibition on Retaliation

The OTS prohibits any employee, including members of its examination and supervision staff, from acts of retaliation against a savings association or other party that seeks review or appeal of a supervisory determination. See Section III of this Bulletin.

II. Reconsideration of Application Decisions

A request to reconsider a decision made on an application or notice (collectively referred to as an "application") may be made when, in the applicant's judgment, the OTS's decision on an application or its decision to impose non-standard conditions of approval is inconsistent with existing OTS regulations, policies, procedures or the facts presented in the application. In all cases, before filing a request to reconsider a decision made on an application, applicants are encouraged to discuss with the decision-making office (e.g., Regional or Washington, D.C.) any concerns regarding the OTS decision on the application.

Requests for reconsideration of application decisions or non-standard conditions of approval should be filed in the following manner:

- Applicants requesting a reconsideration of an application should file an original request with the OTS Applications Filing Room, and conformed copies with the Corporate Activities Division and Business Transactions Division, 1700 G Street, N.W., Washington, D.C. 20552 within 30 calendar days of the OTS action on the application.

- The request should contain:
 - The type of application on which review is sought.
 - A statement of whether the applicant is submitting a request for reconsideration of an OTS application decision or the imposition of non-standard conditions of approval.
 - A concise statement of the reasons why the applicant disagrees with the OTS application decision or non-standard conditions of approval.
 - A description of any applicable statutes, regulations, policies or procedures on which the applicant relies.
 - Confirmation as to whether the applicant has, in the interim, complied with the terms of the application decision or non-standard conditions of approval.
 - Copies of any supporting documents.
 - The name, address and telephone number of an individual designated to provide additional information.
 - No fees will be charged for a request for reconsideration.
 - The Director, or his designee(s) will make every effort to take action upon a request for reconsideration within 60 calendar days of the receipt of a request, or if additional information is requested, within 60 calendar days of receipt of any additional information.

Effects of Filing a Request for Reconsideration

The procedures described in this section of the Bulletin regarding the reconsideration of application decisions do not supersede any statutory provisions for judicial or administrative review of agency decisions concerning applications. An applicant's election to use the procedures in this section of this Bulletin will not toll or suspend the running of any statutorily-prescribed period for seeking judicial review. In addition, when a statute requires the OTS to make a decision on an application within a specific period of time, the OTS will deem the original decision, and not the decision rendered in response to a request for reconsideration, to determine compliance with such a requirement.

Prohibition on Retaliation

The OTS prohibits any employee, including members of its examination and supervisory staff, from acts of retaliation against an applicant that files for the reconsideration of an application. See Section III of this Bulletin.

III. Ombudsman Matters

Section 309(d) of the CDRIA requires that each Federal banking agency appoint an Ombudsman. Section 309 provides that the Ombudsman is to:

- (1) Act as a liaison between the agency and any affected person with respect to any problem such party may have in dealing with the agency resulting from the regulatory activities of the agency; and
- (2) Assure that safeguards exist to encourage complainants to come forward and preserve confidentiality.

Section 309(b)(2) of the CDRIA provides that each Federal banking agency shall

¹ The OTS will grant to a savings association a suspension from the requirement to publicly disclose the savings associations's Community Reinvestment Act (CRA) Performance Evaluation in its public file within 30 calendar days after its receipt from the OTS; provided, however, that the savings association submits a supervisory appeal pertaining to its CRA rating within the 30 calendar day period.

ensure that appropriate safeguards exist for protecting any party who appeals a "material supervisory determination" from retaliation by agency examiners.

Responsibilities of the Ombudsman. The OTS believes that the proper role of the Ombudsman under Section 309 is to act as a facilitator and mediator for the resolution of complaints. The Ombudsman will ensure that complaints about OTS regulatory actions are addressed in a fair and timely manner. The Ombudsman's major function is to provide assistance as a liaison with the thrift industry and the public on issues, concerns or problems that they may have in dealing with the OTS. The OTS Ombudsman reports directly to the Director.

Handling of Complaints. When a problem is brought to the attention of the Ombudsman for which there is an existing avenue of appeal on the merits or another appropriate forum for resolution, the Ombudsman will explain the process or forum for resolution, and direct the party to the appropriate appeals process or forum for the dispute. The OTS's regulations provide existing mechanisms for resolutions of disputes in many instances, such as: prompt corrective action directives under Section 38 of the Federal Deposit Insurance Act; denials or partial denials of Freedom of Information or Privacy Act requests; issuance of capital directives; and supervisory decisions and examination findings; application decisions; and matters within the jurisdiction of the Department of the Treasury's Inspector General or Federal or State investigatory or prosecutorial authorities.

Where an established appeals process or forum may not be available to resolve a dispute or if a party has a complaint with regard to the process, the Ombudsman will meet with the appropriate OTS official, or arrange a meeting between the complainant and the appropriate OTS official and attempt to resolve the problem. If the Ombudsman believes a problem or complaint has not been satisfactorily addressed, the Ombudsman may raise the matter with a higher level official and/or the Director for resolution.

Safeguards. Section 309(d)(2)(B) of the CDRIA requires that the Ombudsman ensure that safeguards exist to encourage complainants to come forward and preserve

confidentiality. In the OTS's view, the OTS's existing avenues for appeal or complaints, the Ombudsman's authority to compel meetings with appropriate OTS officials at all levels in Washington, D.C. and the regions, as well as the authority of the Ombudsman to review complaints of retaliation, should encourage complainants to come forward.

All information and materials utilized in the Ombudsman's review of a complaint shall be used only for purposes of the review and not disclosed outside of the Ombudsman's office, except to appropriate reviewing officials or with appropriate authorization. The Ombudsman will honor requests to keep confidential the identity of a complaining party. It must be recognized, however, that the resolution of certain complaints (such as complaints of retaliation against an individual institution) may not be possible should the identity of the complainant remain confidential. In such cases, the Ombudsman will discuss the circumstances limiting confidentiality with the complaining party involved. The OTS believes these provisions should assist in preserving the confidentiality of complainants and the Ombudsman function.

Retaliation. The Ombudsman is authorized to receive complaints of retaliation against a party as a result of utilizing the Ombudsman or any existing avenue of appeal or complaint forum. Upon receiving a complaint of retaliation, the Ombudsman will investigate the supervisory basis for the alleged retaliatory conduct. Upon completion of the review, the Ombudsman will report any findings of retaliation to the Director of OTS with a recommendation for remedial action to protect the complainant. A finding of retaliation will be referred to the Chief Counsel, for possible disciplinary action against the OTS employee who retaliated.

Procedures. A party may contact the Ombudsman at any time regarding a problem resulting from the regulatory activities of the OTS by calling (202) 906-5685 or writing to: Ombudsman, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552. John F. Downey,

Executive Director, Supervision.

[FR Doc. 96-17878 Filed 7-12-96; 8:45 am]

BILLING CODE 6720-01-P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "From Court Jews to the Rothschilds: Art, Patronage and Power 1600-1800" (See list ¹), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at the Jewish Museum in New York City from on or about September 8, 1996, through January 19, 1997, is in the national interest. Public Notice of this determination is ordered to be published in the Federal Register.

Dated: July 10, 1996.

Les Jin,

General Counsel.

[FR Doc. 96-17970 Filed 7-12-96; 8:45 am]

BILLING CODE 8230-01-M

¹ A copy of this list may be obtained by contacting Ms. Carol Epstein, Assistant General Counsel, at 202/619-6981, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547-0001.