

DEPARTMENT OF AGRICULTURE**Rural Utilities Service****7 CFR Chapter XVII****Policy Statement for Direct Final Rulemaking****AGENCY:** Rural Utilities Service, USDA.**ACTION:** Policy statement.

SUMMARY: The Rural Utilities Service (RUS) is implementing a new rulemaking procedure to expedite making noncontroversial changes to its regulations. Rules that RUS judges to be noncontroversial and unlikely to result in adverse comments will be published as "direct final" rules. "Adverse comments" are those comments that suggest a rule should not be adopted or suggest that a change should be made to the rule. Each direct final rule will advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments is received within 30 days from the date the direct final rule is published in the Federal Register, the rule will be effective 45 days from the date the direct final rule is published in the Federal Register.

At the same time, RUS will publish a document in the proposed rules section of the same issue of the Federal Register proposing approval of and soliciting comments on the same action contained in the direct final rule. If adverse comments or notice of intent to file adverse comments are received by RUS, the direct final rule will be withdrawn prior to the effective date.

RUS will address the comments received in response to the direct final rule in a subsequent final rule. This new policy should expedite the promulgation of noncontroversial rules by reducing the time that would be required to develop, review, clear and publish separate proposed and final rules.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Room 4034-S, 1400 Independence Avenue, SW., STOP 1522, Washington, DC 20250-1522. Telephone: 202-720-0736. FAX: 202-720-4120. E-mail: fheppe@rus.usda.gov.

SUPPLEMENTARY INFORMATION: RUS are committed to improving the efficiency of its regulatory process. In pursuit of this goal, we plan to employ the rulemaking procedure known as "direct final rulemaking" to promulgate some RUS rules.

The Direct Final Rule Process

Rules that RUS judges to be noncontroversial and unlikely to result in adverse comments will be published in the Federal Register as direct final rules. At the same time, RUS will publish a document in the proposed rules section of the same issue of the Federal Register proposing approval of and soliciting comments on the same action contained in the direct final rule. Each direct final rule will advise the public that no adverse comments are anticipated, and that unless within 30 days, the direct final rule will be effective 45 days from the date the direct final rule is published in the Federal Register.

"Adverse Comments" are comments that suggest that the rule should not be adopted, or that suggest that a change should be made to the rule. A comment expressing support for the rule as published will not be considered adverse. Further, a comment suggesting that requirements in the rule should, or should not, be employed by RUS in other programs or situations outside the scope of the direct final rule will not be considered adverse.

If RUS receives written adverse comments or written notice of intent to submit adverse comments within 30 days of the publication of a direct final rule, a document withdrawing the direct final rule prior to its effective date, will be published in the Federal Register stating that adverse comments were received. RUS will address the comments received in response to the direct final rule in a subsequent final rule on the related proposed rule. RUS will not institute a second comment period on the action.

In accordance with rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 533), the direct final rulemaking procedure gives the public general notice of RUS's intent to adopt a new rule, and gives interested persons an opportunity to participate in the rulemaking process through submission of and consideration by RUS of comments. The major feature of the direct final rulemaking process is that if RUS receives no written adverse comments and no written notice of intent to submit adverse comments within the comment period specified in the RUS will publish a document in the Federal Register stating that no adverse comments were received regarding the direct final rule, and confirming that the direct final rule is effective on the date specified in the direct final rule.

Determining When To Use Direct Final Rulemaking

Not all RUS rules are good candidates for the direct final rulemaking. RUS intends to use the direct final rulemaking procedure only for rules that we consider to be non-controversial and unlikely to generate adverse comments. The decision whether to use the direct final rulemaking process for a particular action will be based on RUS experience with similar actions.

Dated: February 5, 1997.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 97-3373 Filed 2-11-97; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency****12 CFR Part 4**

[Docket No. 97-02]

RIN 1557-AB56

FEDERAL RESERVE SYSTEM**12 CFR Part 208**

[Regulation H; Docket No. R-0957]

FEDERAL DEPOSIT INSURANCE CORPORATION**112 CFR Part 337**

RIN 3064-AB90

DEPARTMENT OF THE TREASURY**Office of Thrift Supervision****12 CFR Part 563**

[Docket No. 96-114]

RIN 1550-AB02

Expanded Examination Cycle for Certain Small Insured Institutions

AGENCIES: Board of Governors of the Federal Reserve System, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and Office of Thrift Supervision.

ACTION: Interim rule with request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), the Federal Deposit