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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3017

Governmentwide Debarment and Suspension (Nonprocurement); Delegation of Authority

AGENCY: Office of the Secretary, USDA.
ACTION: Final rule.

SUMMARY: This rule amends 7 CFR part 3017 to permit the Chief of the Forest Service to redelegate the authority to serve as Forest Service nonprocurement debarment or suspending official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

EFFECTIVE DATE: May 20, 1998.

FOR FURTHER INFORMATION CONTACT: Jim Naylor, Forest Management Staff, Forest Service, USDA, STOP 1105, P.O. Box 96090, Washington, D.C. 20090-6090 (202) 205-0858.

SUPPLEMENTARY INFORMATION: Under the Governmentwide nonprocurement debarment and suspension rules, the authority to act as the Debarment and Suspending Official is vested in the agency head or an official designated by the agency head (53 FR 19161, 19205; May 26, 1988). However, the U.S. Department of Agriculture regulations implementing the Governmentwide nonprocurement debarment and suspension rules (54 FR 4721, 4731; Jan. 30, 1989) provide that the authority to act as a Debarment and Suspending Official may not be delegated below the head of any organizational unit of the U.S. Department of Agriculture.

The time-consuming nature of the Debarment and Suspending Official's duties is inconsistent with the other duties of and demands on the Chief of the Forest Service in overseeing the Forest Service's programs. The Debarment and Suspending Official must personally review the record, conduct

informal hearings, and make the decision to suspend, propose debarment, or debar. If there is subsequent litigation, the official may be required to answer depositions or to testify. Moreover, Forest Service debarment and suspension cases are complicated because many deal with indictments for timber theft, collusive bidding, and other serious violations concerning contracts and permits for the use of natural resources.

Therefore, in recognition of the number and complexity of Forest Service nonprocurement debarment and suspension actions, the Secretary is revising the USDA rule to permit the Chief to redelegate the authority to act as the Forest Service nonprocurement Debarment and Suspending Official to a subordinate Forest Service official, namely the Deputy Chief and the Associate Deputy Chiefs for the National Forest System.

Regulatory Impact

This rule relates to internal Department management. As such, this rule has no substantive effect, nor is it subject to prior review by the Office of Management and Budget under Executive Order 12866. Because of its internal nature, this rule also is exempt from further analysis under the Civil Justice Reform Act, the Unfunded Mandates Reform Act of 1995, the Paperwork Reduction Act, and Executive Order 12630.

List of Subjects in 7 CFR Part 3017

Administrative practice and procedure, Grant administration, Grant programs (Agriculture).

Therefore, for the reasons set forth in the preamble, Part 3017 of Title 7 of the Code of Federal Regulations is amended as follows:

PART 3017—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR A DRUG-FREE WORKPLACE (GRANTS)

1. The authority citation for part 3017 continues to read as follows:

Authority: 5 U.S.C. 301; 41 U.S.C. 701 et seq.; E.O. 12549; 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

2. Section 3017.105 is amended by revising the definitions of *Debarment official* paragraph (2)(i) and *Suspending*

official paragraph (2)(i) to read as follows:

§ 3017.15 Definitions.

* * * * *

Debarment official. * * *

(2) * * *

(i) In USDA, the authority to act as a debarment official is not delegated below the agency head, except that in the case of the Forest Service, the Chief may redelegate the authority to act as a debarment official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

* * * * *

Suspending official. * * *

(2) * * *

(i) In USDA, the authority to act as a suspending official is not delegated below the agency head, except that in the case of the Forest Service, the Chief may redelegate the authority to act as a suspending official to the Deputy Chief or an Associate Deputy Chief for the National Forest System.

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Dated: May 12, 1998.

Reba Pittman Evans,

Acting Assistant Secretary, Administration.

[FR Doc. 98-13442 Filed 5-19-98; 8:45 am]

BILLING CODE 3410-11-M

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1703

FOIA Fee Schedule

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Update of FOIA fee schedule.

SUMMARY: The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

EFFECTIVE DATE: June 1, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004-2901, (202) 208-6447.

SUPPLEMENTARY INFORMATION: The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for

agency records. 5 U.S.C. 552(a)(4)(i). On March 15, 1991 the Board published for comment in the **Federal Register** its proposed FOIA Fee Schedule. 56 FR 11114. No comments were received in response to that notice and the Board issued a final Fee Schedule on May 6, 1991.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the Fee Schedule once ever 12 months. Previous Fee Schedule updates were published in the **Federal Register** and went into effect, most recently, on June 1, 1997. 62 FR 30432, June 4, 1997.

Board Action

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

Defense Nuclear Facilities Safety Board Schedule of Fees for FOIA Services (Implementing 10 CFR § 1703.107(b)(6))

Search or Review Charge: \$52 per hour

Copy Charge (paper): \$.05 per page, if done in-house, or generally available commercial rate (approximately \$.10 per page)

Copy Charge (3.5" diskette): \$5.00 per diskette

Copy Charge (audio cassette): \$3.00 per cassette

Duplication of Video: \$25.00 for each individual videotape; \$16.50 for each additional individual videotape

Copy Charge for large documents (e.g., maps, diagrams): Actual commercial rates

Dated: May 31, 1998.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 98-13345 Filed 5-19-98; 8:45 am]

BILLING CODE 3670-01-M

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 98-18]

RIN 3069-AA73

Amendment of Affordable Housing Program Regulation

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending its regulation governing the operation of the Affordable Housing Program (AHP

or Program) to make certain technical revisions to the regulation that would clarify Program requirements and improve the operation of the AHP.

EFFECTIVE DATE: The interim final rule shall be effective on June 19, 1998. The Finance Board will accept written comments on this interim final rule on or before July 20, 1998.

ADDRESSES: Mail comments to Elaine L. Baker, Secretary to the Board, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Richard Tucker, Deputy Director, Compliance Assistance Division, Office of Policy, (202) 408-2848, or Sharon B. Like, Senior Attorney-Advisor, (202) 408-2930, or Roy S. Turner, Attorney-Advisor, (202) 408-2512, Office of General Counsel, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 10(j)(1) of the Federal Home Loan Bank Act (Act) requires each Federal Home Loan Bank (Bank) to establish a Program to subsidize the interest rate on advances to members of the Federal Home Loan Bank System (Bank System) engaged in lending for long-term, low- and moderate-income, owner-occupied and affordable rental housing at subsidized interest rates. See 12 U.S.C. 1430(j)(1). The Finance Board is required to promulgate regulations governing the Program. See *id.* The Finance Board's existing regulation governing the operation of the Program is set forth in part 960 of the Finance Board's regulations (AHP regulation). See 12 CFR part 960.

On August 4, 1997, the Finance Board published a final rule adopting comprehensive revisions to the AHP regulation, which, among other changes, authorized the 12 Banks, rather than the Finance Board, to approve applications for AHP subsidies beginning January 1, 1998. See 62 FR 41812 (Aug. 4, 1997).

In the course of implementing the changes to the Program under the recent revisions to the AHP regulation, the Banks and Finance Board staff have identified a number of technical issues whose resolution would clarify Program requirements and improve the effectiveness of the Program. The Finance Board previously published a list of Questions and Answers prepared by Finance Board staff in order to provide guidance on some of these issues. See 62 FR 66977 (Dec. 23, 1997).

This interim final rule codifies portions of the Finance Board staff guidance contained in the Questions and Answers and addresses additional technical issues that have arisen in the course of implementing the 1997 revisions to the AHP regulation. Although the interim final rule will become effective 30 days after publication in the **Federal Register**, the Finance Board requests comment on all aspects of the rule during a 60-day comment period.

II. Analysis of Interim Final Rule

A. Definitions—Section 960.1

1. Definition of "Affordable"

Under § 960.5(b)(1) of the current AHP regulation, in order for rental housing to be eligible to be financed by an AHP subsidy, at least 20 percent of the units must be occupied by and affordable for very low-income households. See 12 CFR 960.1, 960.5(b)(1). Section 960.1 of the current AHP regulation provides that "affordable" means that "the rent charged to a household for a unit that is committed to be affordable in an AHP application does not exceed 30 percent of the income of a household of the maximum income and size expected, under the commitment made in the AHP application, to occupy the unit (assuming occupancy of 1.5 persons per bedroom or 1.0 person per unit without a separate bedroom)." See *id.* § 960.1 This definition is intended to make clear that the 30 percent-of-income limitation on rent applies to all units in a project which, according to the commitments made in the AHP application, are to be reserved for occupancy by households with incomes at or below 80 percent of the median income for the area. However, subsequent to the adoption of the definition, questions have arisen as to which units in a rental project are subject to the 30 percent-of-income limitation. The revised definition of "affordable" is intended to clarify this issue. The interim final rule defines "affordable" to mean that "the rent charged for a unit which is to be reserved for occupancy by a household with an income at or below 80 percent of the median income for the area, does not exceed 30 percent of the income of a household of the maximum income and size expected, under the commitment made in the AHP application, to occupy the unit (assuming occupancy of 1.5 persons per bedroom or 1.0 person per unit without a separate bedroom)."