

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-A110

Prevailing Rate Systems; Removal of Umatilla County, OR, From Spokane, WA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing an interim rule to remove Umatilla County, OR, from the area of application of the Spokane, WA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area.

DATES: This interim rule becomes effective on January 1, 1998. Comments must be received by January 22, 1998.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Mark Allen at (202) 606-2848, or send an e-mail message to maallen@opm.gov.

SUPPLEMENTARY INFORMATION: The Spokane wage area is presently composed of one survey area county (Spokane, WA) and three area of application counties (Adams County, WA; Walla Walla County, WA; and Umatilla County, OR). The removal of Umatilla County from the area of application of the Spokane wage area is appropriate because there are no NAF FWS employees stationed in Umatilla County and no Federal agency anticipates future employment in the county. Under section 5343(a)(1)(B)(i) of

title 5, United States Code, NAF wage areas "shall not extend beyond the immediate locality in which the particular prevailing rate employees are employed."

The Federal Prevailing Rate Advisory Committee, the statutory national-level labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with this change.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because it is not in the public interest for Umatilla County to remain in the Spokane wage area after December 31, 1997. Under section 532.205 of title 5, Code of Federal Regulations, the highest minimum wage applicable within a wage area must be applied to the entire wage area. The current Federal minimum wage is \$5.15 an hour, and the minimum wage in the State of Oregon will increase to \$6.00 an hour on January 1, 1998. If Umatilla County is not removed from the Spokane wage area by January 1, 1998, the pending increase in the minimum wage for the State of Oregon would require that pay rates for NAF FWS employees who are stationed in Adams, Spokane, and Walla Walla Counties, WA, be increased to account for the higher minimum wage in the State of Oregon even though none of the NAF FWS employees who are stationed in the Spokane wage area work in Oregon.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Janice R. Lachance,*Director.*

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix D to subpart B of part 532 is amended by revising the wage area listing for the Spokane, Washington, nonappropriated fund Federal Wage System wage area to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

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Washington

*	*	*	*	*
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Spokane

Survey Area

Washington:
Spokane

Area of Application. Survey Area Plus

Washington:

Adams
Walla Walla

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[FR Doc. 97-33435 Filed 12-22-97; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1209

[FV-97-705IFR]

Mushroom Promotion, Research, and Consumer Information Order; Referendum Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule provides procedures which the Department of Agriculture (Department) will use in conducting the referendum to determine whether

mushroom producers and importers favor continuance of the Mushroom Promotion, Research, and Consumer Information Order (Order). In order to continue, the Order must be approved by a simple majority of producers and importers voting in the referendum and that majority must represent more than 50 percent of the mushrooms produced and imported by those voting in the referendum. These procedures will also apply to any subsequent referenda to amend, continue, or terminate the order.

EFFECTIVE DATE: December 24, 1997. Comments must be received by January 22, 1998.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule to: Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service (AMS), 1400 Independence Avenue, Room 2535-S, Stop Code 0244, Washington, DC 20250-0244, fax: (202) 205-2800. Three copies of all materials should be submitted, and they will be made available for public inspection at the Research and Promotion Branch during regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stacey L. Bryson, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, Room 2535-S, Stop Code 0244, Washington, DC 20250-0244, telephone (202) 720-6930 or (888) 720-9917.

SUPPLEMENTARY INFORMATION: This rule is issued under the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6107-6112), hereinafter referred to as the Act.

This rule provides the procedures under which the referendum will be conducted.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 1930 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to mushroom promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1927 of the Act, after an Order is

implemented, a person subject to the Order may file a petition with the Secretary of Agriculture (Secretary) stating that the Order or any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

Executive Order 12866 and Regulatory Flexibility Act

Paperwork Reduction Act

This rule has been determined not significant for purposes of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency has examined the impact of this rule on small entities.

The Act became effective on November 20, 1990. The Order, which is authorized under the Act, became effective on January 8, 1993.

Section 1926 of the Act provides that the Secretary shall conduct a referendum effective 5 years after the date on which the Order became effective. The referendum must be conducted among mushroom producers and importers to ascertain whether they favor continuation, termination, or suspension of the Order. Paragraph (b)(2) of § 1926 of the Act requires that the Order be approved by a majority of producers and importers voting in the referendum which majority, on average, annually produces and imports into the United States more than 50 percent of mushrooms annually produced and imported by all those persons voting in the referendum.

There are approximately 134 producers and 4 importers of fresh mushrooms covered by the program. Small agricultural service firms, which will include the importers who will vote in the referendum, have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those whose annual receipts are less than \$5 million and small agricultural producers as those having annual receipts of \$500,000. Only one importer has been

identified to have \$5 million in annual sales. In addition, there are 134 producers at or over the \$500,000 annual sales receipts threshold. Therefore, it could be concluded that a majority of producers and importers are not considered small businesses.

The total volume of mushroom sales in the United States during the 1996-97 production year (July 1, 1996, through June 30, 1997) was 776.7 million pounds (553.8 million pounds for the fresh market and 222.9 million pounds for the processed market). The value of sales for the crop was \$765.8 million. Historically, Pennsylvania produced 45 percent of total volume of sales, followed by California with 17 percent, Florida with 5 percent, Ohio with 2 percent, and Michigan with 2 percent. Eighteen other States account for the remainder.

U.S. fresh market exports of mushrooms totaled 5.3 million pounds from July 1996 through June 1997, with a value of \$20 million. Canada was the principal destination, accounting for about 74 percent of the poundage and about 38 percent of the value of U.S. exports. Japan accounted for 14 percent of the quantity exported, and 40 percent of the value of exports.

Fresh mushroom imports into the United States for the same period were about 5.1 million pounds, with a value of about \$12.1 million. About 82 percent of that poundage and 86 percent of the value came from Canada, and about 10 percent of the poundage and about 5 percent of the value came from the People's Republic of China.

This rule provides the procedures under which mushroom producers and importers may vote on whether they want the mushroom promotion and research program to continue. Such a referendum is required by the Act. There are approximately 138 eligible voters. In addition, these procedures will apply to any subsequent referenda to amend, continue, or terminate the order.

The Department will keep all of these individuals informed throughout the referendum process to ensure that they are aware of and are able to participate. In addition, trade associations and related industry media will receive news releases and other information regarding the referendum.

Voting in the referendum is optional. However, if producers and importers choose to vote, the burden of voting will be offset by the benefits of having the opportunity to vote on whether they want the program to continue or not.

The Department considered requiring eligible voters to vote in person at various Department offices across the

country. However, conducting the referendum from one central location is more cost effective for this program. In addition, the Department will accept ballots sent by fax as well as by mail. The fax number to be used will be published soon in the referendum order. The Department will provide easy access to information for potential voters through a toll free telephone line.

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the referendum ballot has been approved by the Office of Management and Budget (OMB) and has been assigned OMB number 0581-0093. It is estimated that there are 138 producers and importers who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot. The total burden on the total number of voters will be 34.5 hours.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Background

The Act authorized the Secretary to establish a national mushroom promotion, research, and consumer information program. The program is funded by an assessment levied on producers and importers of more than 500,000 pounds annually. Each producer and importer covered by the program pays an assessment of 0.45 cents per pound of fresh mushrooms.

Assessments are used to pay for: research, promotion, and consumer information; administration, maintenance, and functioning of the Board; and expenses incurred by the Secretary in implementing and administering the Order, including referendum costs.

Section 1926 of the Act provides that the Secretary of Agriculture (Secretary) shall conduct a referendum effective 5 years after the date on which the Order became effective. The Order became effective on January 8, 1993. The referendum must be conducted among mushroom producers and importers to ascertain whether they favor continuation, termination, or suspension of the Order. Paragraph (b)(2) of § 1926 of the Act requires that the Order be approved by a majority of producers and importers voting in the referendum which majority, on average, annually produces and imports into the United States more than 50 percent of mushrooms annually produced and

imported by all those persons voting in the referendum. Only mushroom producers and importers who either produced or imported, on average, over 500,000 pounds of mushrooms annually during the representative period will be eligible to vote in the referendum. Producers and importers will be required to certify the pounds of mushrooms they either produced or imported during the representative period.

In accordance with § 1923 of the Act, a producer is defined in the Order as any person engaged in the production of mushrooms who owns or shares the ownership and risk of loss of such mushrooms and who produces, on average, over 500,000 pounds of mushrooms per year. Importer is defined as any person who imports, on average, over 500,000 pounds of mushrooms annually from outside the United States.

This rule provides the procedures under which mushroom producers and importers may vote on whether they want the mushroom promotion and research program to continue. There are approximately 138 eligible voters. These procedures are similar to those published (57 FR 31948) prior to the mushroom order going into effect. This interim final rule, however, provides that ballots are to be cast only by mail or fax and not at polling places.

Persons voting in a referendum will certify their eligibility to vote and will designate their status as either a mushroom producer or importer. Producers and importers will be required to certify the pounds of mushrooms they either produced or imported during the representative period. The representative period will be announced in a referendum order at a later date.

This rule will add a new subpart which establishes procedures to be used in a referendum. This subpart covers definitions, voting, instructions, use of subagents, ballots, the referendum report, and confidentiality of information.

All written comments received in response to this rule by the date specified herein will be considered prior to finalizing this action.

After consideration of all relevant material, it is found that the order provisions subject to this action tend to effectuate the declared policy of the Act.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this action into effect and that good cause exists for not postponing the

effective date of this rule until 30 days after publication in the **Federal Register**, because: (1) This action provides procedures to be used in connection with the referendum which will take place in early 1998; (2) the Act requires that a referendum be conducted 5 years after the date on which an order became effective; (3) these procedures are very similar to procedures used in other programs and to the procedures used for the initial referendum on the mushroom program; and (4) the 30-day comment period will provide interested persons sufficient time to comment prior to the issuance of a final rule.

List of Subjects in 7 CFR Part 1209

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Mushrooms, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Title 7, chapter XI of the Code of Federal Regulations is amended as follows:

PART 1209—MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

1. The authority citation for part 1209 continues to read as follows:

Authority: 7 U.S.C. 6101-6112.

2. In part 1209, subpart C is added to read as follows:

Subpart C—Procedure for the Conduct of Referenda in Connection With the Mushroom Promotion, Research, and Consumer Information Order

Sec.	
1209.300	General.
1209.301	Definitions.
1209.302	Voting.
1209.303	Instructions.
1209.304	Subagents.
1209.305	Ballots.
1209.306	Referendum report.
1209.307	Confidential information.

§ 1209.300 General.

A referendum to determine whether eligible producers and importers favor continuation of the Mushroom Promotion, Research, and Consumer Information Order shall be conducted in accordance with these procedures.

§ 1209.301 Definitions.

Unless otherwise defined below, the definition of terms used in these procedures shall have the same meaning as the definitions in the Order.

(a) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of

the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(b) *Order* means the Mushroom Promotion, Research, and Consumer Information Order, including an amendment to the Order.

(c) *Referendum agent* or agent means the individual or individuals designated by the Secretary to conduct the referendum.

(d) *Representative period* means the period designated by the Secretary.

(e) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. For the purpose of this definition, the term "partnership" includes, but is not limited to:

(1) A husband and wife who have title to, or leasehold interest in, mushroom production facilities and equipment as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and

(2) So-called "joint ventures", wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contributed labor, management, equipment, or other services, or any variation of such contributions by two or more parties so that it results in the production or importation of fresh mushrooms and the authority to transfer title to the mushrooms so produced or imported.

(f) *Eligible producer* means any person or entity defined as a producer who produces, on average, over 500,000 pounds annually of fresh mushrooms during the representative period and who:

(1) Owns or shares in the ownership of mushroom production facilities and equipment resulting in the ownership of the mushrooms produced;

(2) Rents mushroom production facilities and equipment resulting in the ownership of all or a portion of the mushrooms produced;

(3) Owns mushroom production facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the mushrooms produced; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce mushrooms who share the risk of loss and receive a share of the mushrooms produced. No other acquisition of legal title to mushrooms shall be deemed to result in persons becoming eligible producers.

(g) *Eligible importer* means any person or entity defined as an importer who imports, on average, over 500,000 pounds annually of fresh mushrooms during the representative period. Importation occurs when commodities originating outside the United States are entered or withdrawn from the U.S. Customs Service for consumption in the United States. Included are persons who hold title to foreign-produced mushrooms immediately upon release by the U.S. Customs Service, as well as any persons who act on behalf of others, as agents or brokers, to secure the release of mushrooms from the U.S. Customs Service when such mushrooms are entered or withdrawn for consumption in the United States.

§ 1209.302 Voting.

(a) Each person who is an eligible producer or importer, as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to cast only one ballot in the referendum. However, each producer in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce mushrooms, in which more than one of the parties is a producer, shall be entitled to cast one ballot in the referendum covering only such producer's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate producer or importer, or an administrator, executor, or trustee of an eligible producing or importing entity may cast a ballot on behalf of such producer or importer entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible producer or importer, or an administrator, executor, or trustee of an eligible producing or importing entity, and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) Ballots are to be cast by mail or fax.

§ 1209.303 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the

period during which ballots may be cast.

(b) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining:

(1) Whether the person voting, or on whose behalf the vote is cast, is an eligible voter;

(2) The total volume of mushrooms produced by the voting producer during the representative period; and

(3) The total volume of mushrooms imported by the voting importer during the representative period.

(c) Give reasonable advance public notice of the referendum:

(1) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(2) By such other means as the agent may deem advisable.

(d) Mail to eligible producers and importers, whose names and addresses are known to the referendum agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the Order. No person who claims to be eligible to vote shall be refused a ballot.

(e) Collect and safeguard ballots received by fax.

(f) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results.

(g) Prepare a report on the referendum.

(h) Prepare an announcement of the results for the public.

§ 1209.304 Subagents.

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

§ 1209.305 Ballots.

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof.

Ballots invalid under this subpart shall not be counted.

§ 1209.306 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1209.307 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the identity or vote of any person covered under the Act shall be held confidential and shall not be disclosed.

Dated: December 11, 1997.

Sharon Bomer Lauritsen,

Associate Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 97-32812 Filed 12-22-97; 8:45 am]

BILLING CODE 3410-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AF73

Codes and Standards; IEEE National Consensus Standard, Withdrawal

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; withdrawal.

SUMMARY: The Nuclear Regulatory Commission is withdrawing a direct final rule that would have amended Commission's regulations to incorporate by reference the most recent published version of IEEE Std. 603-1991, a national consensus standard for power, instrumentation, and control portions of safety systems in nuclear power plants. The NRC is taking this action because it has received significant adverse comments in response to an identical proposed rule which was concurrently published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Satish K. Aggarwal, Senior Program Manager, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6005, Fax (301) 415-5074 (e-mail: SKA@NRC.GOV).

SUPPLEMENTARY INFORMATION: On October 17, 1997 (62 FR 53933), the Nuclear Regulatory Commission published in the **Federal Register** a direct final rule amending its regulations at 10 CFR 50.55a(h) to incorporate by reference the most recently published version of a national consensus standard. The direct final

rule was to become effective on January 1, 1998. The NRC also concurrently published an identical proposed rule on October 17, 1997 (62 FR 53975). In these documents, the NRC indicated that if it received significant adverse comments in response to this action, the NRC would withdraw the direct final rule and would consider the comments received as in response to the proposed rule and address these comments in a subsequent final rule. The NRC has received significant adverse comments on the direct final rule. Therefore, the Commission is withdrawing the October 17, 1997, direct final rule. The public comments received will be addressed in a subsequent final rule issued in either a notice of final rulemaking or in a notice of withdrawal of the proposed rule.

Dated at Rockville, Maryland, this 16th day of December, 1997.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 97-33424 Filed 12-22-97; 8:45 am]

BILLING CODE 7590-01-P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 960

[No. 97-N-10]

Questions and Answers Regarding The Affordable Housing Program

AGENCY: Federal Housing Finance Board.

ACTION: Staff interpretation of affordable housing regulations.

SUMMARY: The Federal Housing Finance Board (Finance Board) is publishing Questions and Answers regarding the Affordable Housing Program (AHP). The Questions and Answers have been prepared by staff of the Finance Board in response to questions about changes in the Finance Board's regulation governing the AHP that will go into effect on January 1, 1998. The Questions and Answers constitute informal staff guidance for Finance Board personnel, the Federal Home Loan Banks (Bank), Bank members, and program participants. The Answers are intended to be interpretive of the Finance Board's regulation governing the AHP, and are not statements of agency policy. The Questions and Answers have not been considered or approved by the Board of Directors of the Finance Board.

FOR FURTHER INFORMATION CONTACT: Richard Tucker, Deputy Director, Compliance Assistance Division, (202) 408-2848, or Janet M. Fronckowiak, Program Analyst, Compliance

Assistance Division, (202) 408-2575, or Diane E. Dorius, Associate Director, Program Development Division, (202) 408-2576, Office of Policy, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION: On August 4, 1997, the Finance Board published a final rule amending its existing regulation governing the AHP. See 62 FR 41812 (Aug. 4, 1997). The final rule will become effective on January 1, 1998. In the months following publication of the final rule, the Finance Board has provided training to the staffs of the Banks to assist them in making a smooth transition to operation under the amended AHP regulation. A number of questions of regulatory interpretation were raised by Bank staff as a result of the Finance Board's training sessions. The staff of the Finance Board has prepared answers to the most frequently asked questions. The Questions and Answers constitute informal interpretive guidance for Finance Board personnel, the Banks, Bank members, and program participants. The Answers are intended to be interpretive of the AHP regulation, not statements of agency policy, and they have not been considered or approved by the Board of Directors of the Finance Board.

The Questions and Answers are grouped by the provision of the AHP regulation that they discuss and are presented in the same order as the regulatory provisions. The text of the Questions and Answers follows:

Text of the Questions and Answers

Questions and Answers Regarding the AHP

Definitions (§ 960.1)

Low- and Moderate-Income and Very Low-Income Household Eligibility for Current Occupants:

Q1. When a rental project involves both purchase and rehabilitation, which point in time should be used for purposes of determining household eligibility?

A1. The regulation permits a choice of determining income eligibility either at the time of completion of the purchase or at the time of completion of the rehabilitation.

Q2. In the case of projects involving the purchase or rehabilitation of rental housing with current occupants, can an occupying household that is a very low-income or a low- or moderate-income household at the time the AHP application is submitted to the Bank be deemed to be a very low-income or a low- or moderate-income household at