PROPOSED RULES

[45 FRR Part 1639]

PUBLIC DISCLOSURE OF RECIPIENT POLICIES

Proposed Rulemaking


Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning public disclosure of recipient policies. Public comment will be received by the Corporation at its headquarters offices, Suite 1000, 733 15th Street, N.W., Washington, D.C. 20005 or on or before October 25, 1978. Comments must be in writing and may be sent by first class mail or express mail to the office of the recipient during business hours. Advance notice or appointment may be required when it would be difficult for a recipient to produce the records requested on short notice.

(a) Every recipient shall designate an employee to act as Records Officer, with the responsibility for responding to requests to inspect recipient records.

(b) Any member of the public who wishes to inspect or copy records regularly maintained by a recipient may request access to such records in the office of the recipient during business hours. Advance notice or appointment may be required when it would be difficult for a recipient to produce the records requested on short notice.

(c) A request shall identify a record with sufficient specificity to enable the recipient to locate it with a reasonable amount of effort, and without undue burdening staff or materially interfering with legal assistance activities. If it is not essential that a request does not adequately describe the record sought, the response denying the request on that ground shall state how the request failed to meet the requirements of this paragraph, and shall extend to the requesting party an opportunity to confer with recipient personnel in order to attempt to reformulate the request in an acceptable manner.

(d) A recipient is not required to create a record to satisfy a request for information. When a request is made in the form of several records at several locations, the requesting party shall be referred to those records only if their information would unduly burden or materially interfere with operations of the recipient.

(e) The Records Officer shall make an initial determination whether to comply with a request for records, and shall notify the requesting party of the determination within ten working days after receipt of the request. In unusual circumstances, the time limit may be extended for no more than an additional ten working days. As used herein, "unusual circumstances" includes:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office to which the request was made;

(2) The need for search, collect, and appropriately examine a voluminous amount of separate and distinct records that are included in a single request; or

(3) The need for consultation with another entity having a substantial in-
interest in the determination of the request.

(1) If no determination has been made as of the last extension thereof, the requesting party may deem the request denied, and appeal pursuant to § 1616.8. When no determination can be made within the applicable time limit, the Records Officer shall nevertheless continue to process the request, and upon expiration of the time limit shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be made, and of the right to treat the denial as a denial and to appeal to the Director of the record pursuant to § 1616.8, or to forego appeal until a determination is made.

(2) If after it has been determined that a request will be granted, the request shall provide a substantive response promptly.

§ 1619.4 Exemptions.

(a) Nothing in this part shall require disclosure of:
(1) Any information furnished to a recipient by a client;
(2) The work product of an attorney or legal aid;
(3) Any material used by a recipient in providing representation to clients;
(4) Any material that is related solely to the internal personnel rules and practices of the requesting party;
(5) Personnel, medical, or similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(b) If one or more of the above exemptions applies, any reasonably separable portion of a record shall be provided to the requesting party after deletion of the portions that are exempt. In appropriate circumstances, subject to the discretion of the recipient, a requesting party may be provided with:
(1) A summary of information in the exempt portion of a record; or
(2) An oral description of the exempt portion of a record.

§ 1619.5 Denials.

Whenever a recipient denies a request for a record or deletes part of a record, the requesting party shall be provided with a written statement including:
(a) A reference to the applicable exemption or exemptions in § 1619.3 on which the denial or deletion is based;
(b) An explanation of how the exemption applies to the requested records;
(c) A statement explaining why it is deemed unreasonable to provide separable portions of the record after deleting the exempt portions;
(d) The name and title of the person or persons responsible for denying the request; and
(e) An explanation of the right to appeal the denial or deletion and of the procedure for submitting an appeal.

§ 1619.6 Appeals of denials.

(a) Any person whose request to inspect a record has been denied in whole or in part may appeal to the Director of the recipient by written request made within thirty days after denial. An appeal should identify the record to which the appeal pertains, and state the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted, but upon request and a showing of special circumstances, an informal conference may be arranged with the Director or the Director's designee.

(c) The decision of the Director shall be in writing and, if the denial is upheld in whole or in part, shall state the reasons for denial. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to § 1619.5(d).

THOMAS ECKHOLZ,
President,
Legal Services Corporation.
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NATIONAL CREDIT UNION ADMINISTRATION
[12 CFR Part 704]
CORPORATE CENTRAL FEDERAL CREDIT UNION
UNION

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 1303, 73 Stat. 416, 12 U.S.C. 1761, and sections 111 of and 417 of 1016, 12 U.S.C. 1763, proposes to establish a regulation on corporate central Federal credit unions, such regulation to be designated as Part 704 (12 CFR Part 704).

The proposed regulation recognizes that a central Federal credit union that is operated for the primary purpose of serving corporate accounts should be classified as a corporate central Federal credit union (CCFCU), as that term is defined in and used in the rulemaking for a CCFCU should be modified to more accurately reflect the lower risk involved in granting loans to corporate accounts, i.e., loans to credit unions. The proposed regulation would establish a reserve requirement for a CCFCU which would differ from that described in § 702.2 (12 CFR 702.2) by clarifying risk assets as defined in § 702.1 (12 CFR 702.1), and by creating a "corporate central reserve" (CCR). A CCFCU would be required to transfer to the regular reserve amounts as set forth in § 702.3 (12 CFR 702.3), except that in computing the amount that must be transferred to the regular reserve pursuant to § 702.3 (12 CFR 702.3), loans made to credit unions by a CCFCU would be authorized. This provision would be required to transfer the regular reserve is intended to cover any potential losses on loans to corporate accounts, a CCFCU would be required to establish and maintain a CCR which could be considered a reserve in the event of a corporate central CCFCU. The CCR would be considered, together with the reserve and the CCFCU reserves, as part of the corporate central CCFCU's net worth. Loans received from corporate members, except those received from intermediate credit unions, may be considered as part of the reserve. The amount of the CCFCU reserves would be equal to 1% per

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