

§ 201.61 Market agencies selling or purchasing livestock on commission; relationships with dealers.

(a) *Market agencies selling on commission.* No market agency selling consigned livestock shall enter into any agreement, relationship or association with dealers or other buyers which has a tendency to lessen the loyalty of the market agency to its consignors or impair the quality of the market agency's selling services. No market agency selling livestock on commission shall provide clearing services for any independent dealer who purchases livestock from consignment to such market agency without disclosing, on the account of sale to the consignor, the name of the buyer and the nature of the financial relationship between the buyer and the market agency.

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(Approved by the Office of Management and Budget under control number 0590-0001)

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FEDERAL HOUSING FINANCE BOARD**12 CFR Part 934**

[95-17]

Procedures for Federal Home Loan Bank Access to Nonpublic Information of Federal Financial Regulatory Agencies

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is promulgating a final rule on the procedures by which the Federal Home Loan Banks (FHLBanks) request, receive and store sensitive, nonpublic financial data from the Department of the Treasury, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation and the National Credit Union Administration (federal financial regulatory agencies).

EFFECTIVE DATE: August 17, 1995.

FOR FURTHER INFORMATION CONTACT: David A. Guy, Associate General Counsel, Office of General Counsel, Federal Housing Finance Board, 1777 F Street NW., Washington, D.C. 20006, 202-408-2536.

SUPPLEMENTARY INFORMATION: Pursuant to section 22 of the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1442, the FHLBanks periodically request confidential financial data from the

federal financial regulatory agencies regarding FHLBank member institutions. On December 7, 1990, the Finance Board promulgated an interim final rule detailing the procedures by which the FHLBanks request, receive, and maintain this information. See 55 FR 50545 (Dec. 7, 1990). The interim final rule provided for a comment period. The Finance Board received just one comment letter from a savings bank, which objected to giving the FHLBanks access to nonpublic financial information about their members on the ground that such access gives the FHLBanks an unfair advantage over private enterprise competitors. However, Congress has specifically provided for the FHLBanks to have access to this information, see 12 U.S.C. 1442, and the final rule simply sets forth procedures for access and maintaining confidentiality. Further, the Finance Board believes that access to this information is necessary because it allows the FHLBanks to make credit and other decisions in a more safe and sound manner. Accordingly, the Finance Board is adopting the interim final rule as a final rule, without change.

Because this rule initially was published as an interim final rule and not as a proposed rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply. See *id.* § 603(a).

List of Subjects in 12 CFR Part 934

Federal home loan banks, Privacy, Securities, Surety bonds.

PART 934—OPERATIONS OF THE BANKS

Accordingly, the interim rule adding 12 CFR 934.15 which was published at 55 FR 50545 on December 7, 1990, is adopted as a final rule without change.

Dated: August 9, 1995.

By the Federal Housing Finance Board.

Bruce A. Morrison,
Chairman.

[FR Doc. 95-20218 Filed 8-16-95; 8:45 am]

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SMALL BUSINESS ADMINISTRATION**13 CFR Parts 120 and 122****Business Loan Policy and Business Loans; Facsimiles of SBA Forms**

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: This final rule authorizes SBA participating lenders to use computer

generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. SBA lenders, under this final rule, agree to accept liability for a substantial SBA loss attributable to deficiencies in such forms. Under the final rule, SBA could deny liability to a lender which fails to use SBA provided forms or computerized facsimile exact copies of the SBA forms if this failure would contribute to a substantial loss by the SBA on the guaranteed loan.

EFFECTIVE DATE: This rule is effective August 17, 1995.

FOR FURTHER INFORMATION CONTACT: John R. Cox, 202/205-6490.

SUPPLEMENTARY INFORMATION: On March 3, 1995, SBA published in the **Federal Register** (42 FR 11941) a proposed rule which would authorize SBA participating lenders to use computerized exact replicas of SBA application and closing forms in making SBA guaranteed loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a)). There were 46 public comments received in response to the publication and all favored the proposal. SBA will discuss the comments made in detail herein.

For many years, the SBA has required that its participating lenders use SBA provided application and closing forms in the SBA guaranteed business loan program. With advances in technology, SBA recognizes that these forms may be reproduced as mirror image facsimiles by computer and that permitting such reproductions to be used by participating lenders may be in the best interest of the SBA guaranteed loan program. Therefore, SBA proposed to permit SBA participating lenders to use computer generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. In this context, several commenters suggested that the SBA clarify what is meant by the term "exact computerized facsimile copies", as used in the proposed regulation. The Agency does not intend by this language that the type, font, line and spacing be exactly duplicated in an exact computer generated facsimile since variations in those aspects of a form do not affect the substantive nature of the documentation. The Agency is concerned with exact duplication of the language in the forms. In that regard, the regulation intends that the language represented on a permissible computer generated facsimile be exactly the same as that in the SBA form it is intended to portray. In order to avoid confusion as to which edition of a form is being reproduced, under the rule,