



# Federal Register

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**Monday,  
December 13, 2004**

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**Part LII**

## **Federal Deposit Insurance Corporation**

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**Semiannual Regulatory Agenda**

**FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**12 CFR Ch. III**

**Semiannual Agenda of Regulations**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the fall 2004 Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

**FOR FURTHER INFORMATION CONTACT:**

Persons identified under regulations listed in the agenda. Unless otherwise noted, the address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** Twice each year, FDIC publishes an agenda of regulations to inform the public of its

regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

During the past six months, FDIC amended its regulations in 12 CFR 352 in order to update certain information and implement section 508 of the Rehabilitation Act. Section 508 requires each Federal agency or department to ensure that the electronic and information technology (EIT) they develop or procure allows individuals with disabilities access to EIT comparable to the access of those who are not disabled, unless the agency would incur an undue burden.

Additionally, FDIC, along with the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Office of Thrift Supervision, amended their risk-based capital standards by

removing a sunset provision that would preclude a certain capital treatment for asset-backed commercial paper (ABCP) programs after a certain date. The final rule permanently permits sponsoring banks, bank holding companies, and thrifts (collectively, sponsoring banking organizations) to exclude from their risk-weighted asset base those assets in ABCP programs that are consolidated onto sponsoring banking organizations' balance sheets as a result of Financial Accounting Standards Board Interpretation No. 46, Consolidation of Variable Interest Entities, as revised (FIN 46-R).

Interested persons may petition FDIC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

**Federal Deposit Insurance Corporation—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3998	12 CFR 327 Assessments—Assessment Base .....	3064-AB46
3999	12 CFR 342 Qualification Requirements for the Recommendation or Sale of Certain Securities .....	3064-AB85
4000	12 CFR 334 Fair Credit Reporting Act Regulations .....	3064-AC35
4001	Risk-Based Guidelines: Implementation of New Basel Capital Accord .....	3064-AC73

**Federal Deposit Insurance Corporation—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
4002	12 CFR 303 Filing Procedures; Transactions With Affiliates .....	3064-AC78
4003	Definition of "Deposit" Stored Value Cards .....	3064-AC80
4004	Fair Credit Reporting Medical Information Regulations .....	3064-AC81
4005	Community Reinvestment Act .....	3064-AC82
4006	Fair Credit Reporting Affiliate Marketing Regulations .....	3064-AC83
4007	Deposit Insurance Assessments: Certified Statements .....	3064-AC84
4008	12 CFR 303 International Banking .....	3064-AC85

**Federal Deposit Insurance Corporation—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
4009	12 CFR 325 Risk-Based Capital Guidelines: Market Risk Measure; Securities Borrowing Transactions .....	3064-AC46

**FDIC**

Federal Deposit Insurance Corporation—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4010	12 CFR 345 Community Reinvestment Act Regulations ( <b>Section 610 Review</b> ) .....	3064-AC50
4011	Regulatory Publication and Review .....	3064-AC59
4012	12 CFR 334 Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003 .....	3064-AC77

Federal Deposit Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
4013	12 CFR 330 Deposit Insurance Coverage .....	3064-AC43
4014	Risk-Based Guidelines: Capital Adequacy Guidelines; Capital Maintenance .....	3064-AC74
4015	Risk-Based Capital Guidelines: Capital Adequacy Guidelines; Capital Maintenance .....	3064-AC75
4016	Securities of Nonmember Insured Banks .....	3064-AC79
4017	Rules of Practice and Procedure .....	3064-AC86

**Federal Deposit Insurance Corporation (FDIC)**

**Proposed Rule Stage**

**3998. ASSESSMENTS—ASSESSMENT BASE**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1441; 12 USC 1817 to 1819

**CFR Citation:** 12 CFR 327

**Legal Deadline:** None

**Abstract:** In 1994, FDIC sought comment on a proposal to revise the assessment base used by insured institutions to determine the premium paid for deposit insurance. That initiative did not lead to a proposed rule. Instead, FDIC plans to revisit the issue with a new advance notice of proposed rulemaking on alternative options for the deposit component of the assessment base and on options regarding the float deduction and use of average daily deposit balances.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/05/94	59 FR 50710
ANPRM Comment Period End	02/02/95	
NPRM	03/00/05	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Munsell St. Clair, Senior Policy Analyst, Division of Insurance and Research, Federal

Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-8967

**RIN:** 3064-AB46

**3999. QUALIFICATION REQUIREMENTS FOR THE RECOMMENDATION OR SALE OF CERTAIN SECURITIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1818; 12 USC 1831

**CFR Citation:** 12 CFR 342

**Legal Deadline:** Final, Statutory, May 12, 2001, recordkeeping requirement.

**Abstract:** This proposal, sponsored jointly by OCC, FRB, and FDIC, would establish qualifications for banks that sell certain securities to their customers without having to register as a broker under the Securities Exchange Act. FDIC staff are contemplating a recommendation to rescind this proposal and replace it with a second notice of proposed rulemaking to exempt banks from registering with the NASD/SEC as securities brokers or dealers in the event that they qualify under any of the exemption criterion in the Gramm-Leach-Bliley Act, sections 201 or 202, which are being withdrawn until further notice.

**Timetable:**

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68824
NPRM Comment Period End	02/28/97	
Second NPRM	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3581

**Related RIN:** Related to 3064-AC42

**RIN:** 3064-AB85

**4000. FAIR CREDIT REPORTING ACT REGULATIONS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 15 USC 1681s; 12 USC 1819(a)(Tenth)

**CFR Citation:** 12 CFR 334

**Legal Deadline:** None

**Abstract:** Section 506 of the Gramm-Leach-Bliley Act (Act) authorizes the Federal banking agencies to publish Fair Credit Reporting Act regulations to carry out the purposes of the Act. Due

## FDIC

## Proposed Rule Stage

to comments received from a joint notice of proposed rulemaking, dated October 20, 2000, it is anticipated that the agencies will issue a new proposed rulemaking for public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/00	65 FR 63120
NPRM Comment Period End	12/04/00	
Second NPRM	06/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert A. Patrick, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3757

**RIN:** 3064-AC35

**4001. RISK-BASED GUIDELINES: IMPLEMENTATION OF NEW BASEL CAPITAL ACCORD**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 12 CFR 325

**Legal Deadline:** None

**Abstract:** This joint advance notice of proposed rulemaking sponsored by OCC, FRB, FDIC, and OTS, describes significant elements of the advanced internal ratings-based approach for credit risk and the advanced measurement approaches for operational risk.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/04/03	68 FR 45900
NPRM	07/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/publiccomments/basel/index.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/publiccomments/basel/index.html>

**Agency Contact:** Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3581

**RIN:** 3064-AC73

## Federal Deposit Insurance Corporation (FDIC)

## Final Rule Stage

**4002. FILING PROCEDURES; TRANSACTIONS WITH AFFILIATES**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1819 (Tenth); 12 USC 1828 (j)(1); 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1817; 12 USC 1818; 12 USC 1819 (Seventh); 12 USC 1820; 12 USC 1823; 12 USC 1828; 12 USC 1831a; 12 USC 1831e; 12 USC 1831o; 12 USC 1831p-1; 12 USC 1831w; 12 USC 1835a; 12 USC 1843(l); 12 USC 3104; 12 USC 3105; 12 USC 3108; 12 USC 3207; 15 USC 1601 to 1607

**CFR Citation:** 12 CFR 303; 12 CFR 324

**Legal Deadline:** None

**Abstract:** FDIC is proposing to adopt its own regulation that would cross reference Regulation W to make it clear that insured State nonmember banks are subject to the restrictions and limitations, and may take advantage of the exemptions, contained in Regulation W.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/04	69 FR 12571
NPRM Comment Period End	05/03/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/propose.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/04comfiling.html>

**Agency Contact:** Pamela E. F. LeCren, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3730

**RIN:** 3064-AC78

**4003. DEFINITION OF "DEPOSIT" STORED VALUE CARDS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Unfunded Mandates:** Undetermined

**Legal Authority:** 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819 (Seventh); 12 USC 1820; 12 USC 1823; 12 USC 1828; 12 USC 1831a; 12 USC 1831e; 12 USC 1831o; 12 USC 1831p-1; 12 USC 1835a; 12 USC 3104; 12 USC 3105; 12 USC 3108; 12 USC 3207; 15 USC 1601 to 1607; 12 USC 1819 (Tenth)

**CFR Citation:** 12 CFR 303

**Legal Deadline:** None

**Abstract:** FDIC is publishing for notice and comment a proposed rule that would clarify the meaning of "deposit" as that term relates to funds at insured depository institutions underlying stored value cards.

**Timetable:**

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20588
NPRM Comment Period End	07/15/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/propose.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/04comdepositdef.html>

**Agency Contact:** Christopher L. Hencke, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-8839

**RIN:** 3064-AC80

## FDIC

## Final Rule Stage

**4004. FAIR CREDIT REPORTING MEDICAL INFORMATION REGULATIONS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1818; 12 USC 1819 (Tenth); 15 USC 1681b; 15 USC 1681s

**CFR Citation:** 12 CFR 334

**Legal Deadline:** None

**Abstract:** OCC, FRB, FDIC, OTS, and NCUA are publishing for comment proposed regulations implementing section 411 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). Public Law 108-159, 117 Stat. 1952. The FACT Act substantially amends the Fair Credit Reporting Act (FCRA or Act), 15 U.S.C. 1681 et. seq. Section 411(a) of the FACT Act adds a new section to the FCRA to restrict the circumstances under which consumer reporting agencies may furnish consumer reports that contain medical information about consumers.

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/04	69 FR 23380
NPRM Comment Period End	05/28/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/propose.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/04comfaircredit.html>

**Agency Contact:** Robert A. Patrick, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3757

**RIN:** 3064-AC81

**4005. COMMUNITY REINVESTMENT ACT**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1814 to 1817; 12 USC 1819 to 1820; 12 USC 1828; 12 USC 1831u; 12 USC 2901 to 2907; 12 USC 3103 to 3104; 12 USC 3108(a)

**CFR Citation:** 12 CFR 345

**Legal Deadline:** None

**Abstract:** OCC, FRB, FDIC, and OTS (collectively), are publishing this joint interim rule to conform our regulations implementing the Community Reinvestment Act (CRA) to changes in the Standards for Defining Metropolitan and Micropolitan Statistical Areas published by the U.S. Office of Management and Budget (OMB) in December 2000; census tracts designated by the U.S. Bureau of the Census (Census); and FRB's Regulation C, which implements the Home Mortgage Disclosure Act (HMDA).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/08/04	69 FR 41181
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/rules.html>

**Agency Contact:** Susan Van den Toorn, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-8707

**RIN:** 3064-AC82

**4006. FAIR CREDIT REPORTING AFFILIATE MARKETING REGULATIONS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1818; 12 USC 1819 (Tenth); 15 USC 1681b; 15 USC 1681s

**CFR Citation:** 12 CFR 334

**Legal Deadline:** None

**Abstract:** OCC, FRB, FDIC, OTS, and NCUA are publishing for comment proposed regulations to implement the affiliate marketing provisions in section 214 of the Fair and Accurate Credit Transactions Act of 2003, which amends the Fair Credit Reporting Act. The proposed regulations generally prohibit a person from using information received from an affiliate to make a solicitation for marketing purposes to a consumer, unless the consumer is given notice, an opportunity, and a simple method to opt out of the making of such solicitations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42502
NPRM Comment Period End	08/16/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/propose.html>

**Agency Contact:** Robert A. Patrick, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3757

**RIN:** 3064-AC83

**4007. DEPOSIT INSURANCE ASSESSMENTS: CERTIFIED STATEMENTS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1441; 12 USC 1441b; 12 USC 1813; 12 USC 1815; 12 USC 1817 to 1819; PL 104-208, 110 Stat 3009-479; 12 USC 1821

**CFR Citation:** 12 CFR 327

**Legal Deadline:** None

**Abstract:** FDIC proposes to modernize and simplify its deposit insurance assessment regulations governing certified statements to provide regulatory burden relief to insured depository institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	06/08/04	69 FR 31922
NPRM Comment Period End	08/09/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/propose.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/04comdispose.html>

**Agency Contact:** Christopher Bellotto, Counsel, Federal Deposit Insurance Corporation

## FDIC

## Final Rule Stage

Phone: 202 898-3801

RIN: 3064-AC84

**4008. • INTERNATIONAL BANKING**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 378; 12 USC 1441; 12 USC 1441b; 12 USC 1813; 12 USC 1815; 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816 to 1818; 12 USC 1818(a) to 1818(c); 12 USC 1819 (Seventh); PL 104-208, 110 Stat 3009-479; 12 USC 1820; 12 USC 1821; 12 USC 1823; 12 USC 1828; 12 USC 1828(c); 12 USC 1828(d); 12 USC 1828(i); 12 USC 1828(n); 12 USC 1828(o); 12 USC 1831(a); 12 USC 1831(e); 12 USC 1831(o); 12 USC 1831p-1; 12 USC 1831w; 12 USC 1835; 12 USC 1835a; 12 USC 1843(i); 12 USC 3103 to 3105; 12 USC 3108 to 3109; Title IX, PL 98-181, 97 Stat 1153; 12 USC 3207; 12 USC 3907; 12 USC 3909;

12 USC 4808; PL 102-133, 105 Stat 1761 (12 USC 1828 note); PL 102-242, 105 Stat 2236, 2286, as amended by PL 102-550, 106 Stat 3672, 4089 (12 USC 1828 note); PL 102-242, 105 Stat 2286, as amended by PL 102-550; 106 Stat 3672 (12 USC 1828 note); 106 Stat 4089 (12 USC 1828 note); 15 USC 1601 to 1607; 12 USC 1819 (Tenth)

**CFR Citation:** 12 CFR 303; 12 CFR 325; 12 CFR 327; 12 CFR 347

**Legal Deadline:** None

**Abstract:** FDIC is proposing amendments to the international banking rules contained in subpart J of part 303, containing the procedural rules implementing part 347. And to revise the rules contained in subpart A, relating to the international activities and investments of insured state nonmember banks, and subpart B, relating principally insured and noninsured U.S. branches of foreign banks.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/04	69 FR 43060
NPRM Comment Period End	09/17/04	
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/propose.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/04cominternational.html>

**Agency Contact:** Rodney D. Ray, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3556

RIN: 3064-AC85

## Federal Deposit Insurance Corporation (FDIC)

## Long-Term Actions

**4009. RISK-BASED CAPITAL GUIDELINES: MARKET RISK MEASURE; SECURITIES BORROWING TRANSACTIONS**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 12 CFR 325

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/05/00	65 FR 75856
Interim Final Rule Effective	01/04/01	
Interim Final Rule Comment Period End	01/19/01	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert F. Storch  
Phone: 202 898-8906

RIN: 3064-AC46

**4010. COMMUNITY REINVESTMENT ACT REGULATIONS (SECTION 610 REVIEW)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 12 CFR 345

**Timetable:**

Action	Date	FR Cite
ANPRM	07/19/01	66 FR 37602
ANPRM Comment Period End	10/17/01	
NPRM	02/06/04	69 FR 5729
NPRM Comment Period End	04/06/04	
NPRM	08/20/04	69 FR 51611
NPRM Comment Period End	09/20/04	
NPRM	09/20/04	69 FR 56175
NPRM Comment Period End	10/20/04	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Susan Van den Toorn  
Phone: 202 898-8707

RIN: 3064-AC50

**4011. REGULATORY PUBLICATION AND REVIEW**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** None

**Timetable:**

Action	Date	FR Cite
Notice	06/16/03	68 FR 35589
Second Notice	01/21/04	69 FR 2852
Second Notice Comment Period End	04/20/04	
Third Notice	07/20/04	69 FR 43347
Third Notice Comment Period End	10/18/04	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Claude A. Rollin  
Phone: 202 898-8741

RIN: 3064-AC59

## FDIC

## Long-Term Actions

**4012. PROPER DISPOSAL OF CONSUMER INFORMATION UNDER THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**CFR Citation:** 12 CFR 334; 12 CFR 364

**Timetable:**

Action	Date	FR Cite
ANPRM	12/30/03	68 FR 75164
ANPRM Comment Period End	03/29/04	
NPRM	06/08/04	69 FR 31913
NPRM Comment Period End	07/23/04	
Final Action	12/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert A. Patrick  
Phone: 202 898-3757

**RIN:** 3064-AC77

## Federal Deposit Insurance Corporation (FDIC)

## Completed Actions

**4013. DEPOSIT INSURANCE COVERAGE**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1813(l)

**CFR Citation:** 12 CFR 330

**Legal Deadline:** None

**Abstract:** This rulemaking establishes a uniform and streamlined appeals process for deposit insurance claims.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/22/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Catherine Ribnick, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 736-0117

**RIN:** 3064-AC43

asset-backed commercial paper (ABCP) programs that are consolidated onto the balance sheets of sponsoring banks, bank holding companies, and thrifts. The interim capital treatment allows sponsoring banking organizations to remove the consolidated ABCP program assets from their risk-weighted asset bases for the purpose of calculating their risk-based capital ratios.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/01/03	68 FR 56530
Interim Final Rule Effective	10/01/03	
Interim Final Rule Comment Period End	11/17/03	
Interim Final Rule	04/26/04	69 FR 2232
Interim Final Rule Effective	04/26/04	
Final Action	07/28/04	69 FR 44908

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/rules.html>

**Agency Contact:** Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3581

**RIN:** 3064-AC74

(Tenth); 12 USC 1828(c); 12 USC 1828(d); 12 USC 1828(i); 12 USC 1828(n); 12 USC 1828(o); 12 USC 1831(o); 12 USC 1835; 12 USC 3907; 12 USC 3909; 12 USC 4808

**CFR Citation:** 12 CFR 325

**Legal Deadline:** None

**Abstract:** OCC, FRB, FDIC, and OTS, collectively, are proposing to amend their risk-based capital standards. The amendments removed a sunset provision in order to permit sponsoring banks, bank holding companies, and thrifts to exclude from their risk-weighted asset base those assets in asset-backed commercial paper programs that are consolidated onto sponsoring banking organizations' balance sheets as a result of a recently issued accounting interpretation, Financial Accounting Standards Board Interpretation No. 46, Consolidation of Variable Interest Entities (FIN 46).

**Timetable:**

Action	Date	FR Cite
NPRM	10/01/03	68 FR 56568
Final Action	07/28/04	69 FR 44908

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/rules.html>

**Agency Contact:** Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3581

**RIN:** 3064-AC75

**4014. RISK-BASED GUIDELINES: CAPITAL ADEQUACY GUIDELINES; CAPITAL MAINTENANCE**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1818(c); 12 USC 1818(t); 12 USC 1819 (Tenth); 12 USC 1828(c); 12 USC 1828(d); 12 USC 1828(i); 12 USC 1828(n); 12 USC 1828(o); 12 USC 1831(o); 12 USC 1835; 12 USC 3907; 12 USC 3909; 12 USC 4808

**CFR Citation:** 12 CFR 325

**Legal Deadline:** None

**Abstract:** OCC, FRB, FDIC, and OTS, collectively, are amending their risk-based capital standards by providing an interim capital treatment for assets in

**4015. RISK-BASED CAPITAL GUIDELINES: CAPITAL ADEQUACY GUIDELINES; CAPITAL MAINTENANCE**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1818(c); 12 USC 1818(t); 12 USC 1819

## FDIC

## Completed Actions

**4016. SECURITIES OF NONMEMBER INSURED BANKS****Priority:** Other Significant**Legal Authority:** 15USC 781(i)**CFR Citation:** 12 CFR 335**Legal Deadline:** None

**Abstract:** FDIC is adopting, on an interim basis, a final rule amending its securities disclosure regulations applicable to banks with securities registered under section 12 of the Securities Exchange Act of 1924.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/12/04	69 FR 19085
Interim Final Rule	06/11/04	
Comment Period End		
Final Action	10/06/04	69 FR 59780

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/rules.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/04comsecur.html>

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**RIN:** 3064-AC79**4017. • RULES OF PRACTICE AND PROCEDURE****Priority:** Other Significant

**Legal Authority:** 5 USC 504; 5 USC 554 to 557; 12 USC 93(b); 12 USC 164; 12 USC 505; 12 USC 1815(e); 12 USC 1817 to 1818; 12 USC 1820; 12 USC 1828 to 1829; 12 USC 1829b; 12 USC 1831i; 12 USC 1831m; 12 USC 1831m(g)(4); 12 USC 1831o; 12 USC 1831p-1; 12 USC 1832(c); 12 USC 1884(b); 12 USC 1972; 12 USC 3102; 12 USC 3108(a); 12 USC 3349; 12 USC 3909; 12 USC 4717; 15 USC 78h; 15 USC 78i; 15 USC 78o-4(c); 15 USC 78q-1; 15 USC 78s; 15 USC 78u; 15 USC 78u-2; 15 USC 78u-3; 15 USC 78w; 15 USC 6081(b); 15 USC 6805(b)(1); 28 USC 2461 note; 31 USC 330; 31 USC 5321; 42 USC 4012a; PL 104-134, section 3100(s), 110 Stat 1321-358

**CFR Citation:** 12 CFR 308**Legal Deadline:** None

**Abstract:** The Federal Civil Monetary Penalties Inflation Adjustment Act of 1990, as amended, requires all Federal agencies with statutory authority to impose civil money penalties (CMPs) to evaluate and adjust those CMPs every four years. FDIC last adjusted its CMP statutes in 2000. FDIC is issuing this final rule to implement the required adjustments to its CMP statutes. FDIC is also correcting a technical error as to one CMP that occurred when FDIC last adjusted CMPs in 2000.

**Timetable:**

Action	Date	FR Cite
Final Action	10/18/04	69 FR 61301

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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**RIN:** 3064-AC86

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