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Part LI

**Federal Deposit
Insurance
Corporation**

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 Spring 2002 Unified Agenda of 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, the 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.*). The 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.

A number of the actions identified in this agenda have been developed to implement provisions of the Gramm-Leach-Bliley Act, or to implement other recent statutory mandates. Many of the FDIC's regulatory actions are

coordinated with other Federal regulators of financial institutions, primarily the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRS), and the Office of Thrift Supervision (OTS). In some cases, the FDIC also coordinates with the National Credit Union Administration (NCUA).

Interested persons may petition the 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—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3828	12 CFR 327 Assessments—Assessment Base	3064-AB46

Federal Deposit Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3829	12 CFR 366 Contractor Conflict of Interest (Section 610 Review)	3064-AC29
3830	12 CFR 334 Fair Credit Reporting Act Regulations	3064-AC35
3831	12 CFR 313 Procedures for the Collection of Corporate Debt by Administrative Offset	3064-AC40
3832	Brokers and Dealers	3064-AC42
3833	12 CFR 330 Deposit Insurance Coverage	3064-AC43
3834	12 CFR 325 Simplified Capital Framework for Noncomplex Financial Institutions	3064-AC44
3835	12 CFR 303 Filing Procedures and Delegations of Authority	3064-AC51

Federal Deposit Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3836	12 CFR 342 Qualification Requirements for the Recommendation or Sale of Certain Securities	3064-AB85
3837	12 CFR 360 Payment of Post-Insolvency Interest in Receiverships With Surplus Funds	3064-AB92
3838	12 CFR 325 Risk-Based Capital Standards: Claims on Securities Firms	3064-AC17
3839	12 CFR 369 Prohibition Against Use of Interstate Branches Primarily For Deposit Production	3064-AC36
3840	12 CFR 325 Risk-Based Capital Guidelines: Market Risk Measure; Securities Borrowing Transactions	3064-AC46

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Federal Deposit Insurance Corporation—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3841	12 CFR 345 Community Reinvestment Act Regulations (Section 610 Review)	3064-AC50

Federal Deposit Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identification Number
3842	12 CFR 308 Censure, Suspension, and Debarment of Independent Public Accountants	3064-AA64
3843	12 CFR 325 Capital Maintenance—Recourse Arrangements and Direct Credit Substitutes	3064-AB31
3844	12 CFR 325 Capital Maintenance—Collateralized Transactions	3064-AB78
3845	12 CFR 307 Notification of Assumption of Deposits and Change of Insured Status	3064-AB88
3846	12 CFR 328 Advertisement of Membership	3064-AB99
3847	12 CFR 325 Capital; Leverage and Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Residual Interests in Asset Securitizations or Other Transfers of Financial Assets	3064-AC34
3848	12 CFR 325 Capital; Leverage and Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Nonfinancial Equity Investments	3064-AC47
3849	12 CFR 304 Technical Amendments to FDIC Regulations Relating to Forms, Instructions, and Reports	3064-AC52

Federal Deposit Insurance Corporation (FDIC)

Prerule Stage

3828. ASSESSMENTS—ASSESSMENT BASE

Priority: Substantive, Nonsignificant
Legal Authority: 12 USC 1441; 12 USC 1817 to 1819
CFR Citation: 12 CFR 327
Legal Deadline: None
Abstract: In 1994, the 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, the FDIC plans to revisit the issue with a new ANPRM 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	
Second ANPRM	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Steve Wagoner, Senior Assessment Specialist, Division of Finance, Federal Deposit Insurance Corporation
 Phone: 202 416-7152

RIN: 3064-AB46

Federal Deposit Insurance Corporation (FDIC)

Proposed Rule Stage

3829. CONTRACTOR CONFLICT OF INTEREST (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant
Legal Authority: 12 USC 1819; 12 USC 1822(f)(3); 12 USC 1822(f)(4)
CFR Citation: 12 CFR 366
Legal Deadline: None

Abstract: This rulemaking clarifies that part 366 does not pertain to FDIC contractors who intend to purchase assets from the FDIC. Conflicts of interest regarding contractors who

intend to purchase assets from the FDIC will be covered by an FDIC circular regarding the sale of assets to restricted contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Donald Rosholt, Senior Ethics Program Specialist, Office

of the Executive Secretary, Federal Deposit Insurance Corporation
 Phone: 202 898-7287

RIN: 3064-AC29

3830. FAIR CREDIT REPORTING ACT REGULATIONS

Priority: Substantive, Nonsignificant

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

CFR Citation: 12 CFR 334

Legal Deadline: None

FDIC

Proposed Rule Stage

Abstract: Section 506 of the Gramm-Leach-Bliley Act requires bank regulators and FTC to publish FCRA regulations to implement the Fair Credit Reporting Act. Due 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	08/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Deanna Caldwell, Senior Policy Analyst, Division of Compliance and Consumer Affairs, Federal Deposit Insurance Corporation Phone: 202 942-3366

RIN: 3064-AC35

3831. PROCEDURES FOR THE COLLECTION OF CORPORATE DEBT BY ADMINISTRATIVE OFFSET

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1819(a); 5 USC 5514; 31 USC 3711; 31 USC 3716

CFR Citation: 12 CFR 313

Legal Deadline: None

Abstract: This rulemaking establishes procedures for the collection of debts owed the FDIC. The rulemaking also implements the Debt Collection Improvement Act of 1996, which requires agencies to promulgate regulations on this subject. The regulation sets forth the procedures the FDIC would follow in collecting debts through salary offset, administrative offset, and tax refund offset.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Manuel Palau, Counsel, Legal Division, Federal Deposit Insurance Corporation Phone: 202 898-8829

RIN: 3064-AC40

3832. BROKERS AND DEALERS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 78a

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, May 12, 2001.

Abstract: This rulemaking implements section 204 of the Gramm-Leach-Bliley Act (GLBA), which requires the Federal banking agencies to establish recordkeeping requirements for banks relying on any of the broker-dealer exemptions listed in sections 201 and 202 of GLBA.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Keith Ligon, Chief, Policy Unit, Division of Supervision, Federal Deposit Insurance Corporation Phone: 202 898-3618

RIN: 3064-AC42

3833. DEPOSIT INSURANCE COVERAGE

Priority: Substantive, Nonsignificant

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
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Richard Osterman, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation Phone: 202 736-0617

RIN: 3064-AC43

3834. SIMPLIFIED CAPITAL FRAMEWORK FOR NONCOMPLEX FINANCIAL INSTITUTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1815(a)

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: This notice, sponsored jointly by the OCC, the FRS, the FDIC and OTS, advises the public that the Agencies are considering developing a regulatory capital framework tailored to the size, structure, complexity, and risk profile of domestic, noncomplex financial institutions. The Agencies are seeking comment on possible regulatory capital frameworks that may ease the burden on these financial institutions, such as a simplified risk-based or a modified leverage ratio framework.

Timetable:

Action	Date	FR Cite
ANPRM	11/03/00	65 FR 66193
ANPRM Comment Period End	02/01/01	
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Keith Ligon, Chief, Policy Unit, Division of Supervision, Federal Deposit Insurance Corporation Phone: 202 898-3618

RIN: 3064-AC44

3835. FILING PROCEDURES AND DELEGATIONS OF AUTHORITY

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 378

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: This rulemaking eliminates the existing requirement that the FDIC's Board act on merger applications involving a combined market share above 35 percent; it also reflects certain required Gramm-Leach-Bliley changes and revisions to enforcement delegations as well as technical amendments to part 303.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Rae-Ann Miller, Assistant Director, Division of Supervision, Federal Deposit Insurance Corporation Phone: 202 898-8523

RIN: 3064-AC51

Federal Deposit Insurance Corporation (FDIC)

Final Rule Stage

3836. 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 the OCC, the FRS, and the 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 NPRM 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 criteria in Gramm-Leach-Bliley Act sections 201 or 202 (see NPRM described at 3064-AC42).

Timetable:

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68824
NPRM Comment Period End	02/28/97	
Final Action	11/00/02	

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

Agency Contact: Keith Ligon, Chief, Policy Unit, Division of Supervision, Federal Deposit Insurance Corporation
Phone: 202 898-3618

RIN: 3064-AB85**3837. PAYMENT OF POST-INSOLVENCY INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS****Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 1821(d)(1); 12 USC 1821(d)(10)(C); 12 USC 1821(d)(11); 12 USC 1821(e)(1); 12 USC 1821(e)(8)(D)(i); 12 USC 1823(c)(4); 12 USC 1823(e)(2); PL 101-73; 103 Stat 357

CFR Citation: 12 CFR 360**Legal Deadline:** None

Abstract: This rulemaking establishes uniform rules governing the payment and priority of postinsolvency interest

in insured depository institution receiverships with surplus funds.

Timetable:

Action	Date	FR Cite
NPRM	12/18/01	66 FR 65144
NPRM Comment Period End	02/19/02	
Final Action	06/00/02	

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

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

RIN: 3064-AB92**3838. RISK-BASED CAPITAL STANDARDS: CLAIMS ON SECURITIES FIRMS****Priority:** Substantive, Nonsignificant

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

CFR Citation: 12 CFR 325**Legal Deadline:** None

Abstract: This rulemaking is sponsored jointly by the OCC, the FRS, the FDIC and OTS (the Agencies), and amends their respective risk-based capital standards for banks, bank holding companies, and savings associations with regard to the risk-weighting of claims on, and claims guaranteed by, qualifying securities firms. The rule reduces the risk weight applied to claims on, and claims guaranteed by, qualifying securities firms incorporated in countries that are members of the Organization for Economic Cooperation and Development (OECD) from 100 percent to 20 percent under the Agencies' risk-based capital rules.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76180
NPRM Comment Period End	01/22/01	
Final Action	06/00/02	

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

Agency Contact: Stephen G. Pfeifer, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation
Phone: 202 898-8904

RIN: 3064-AC17**3839. PROHIBITION AGAINST USE OF INTERSTATE BRANCHES PRIMARILY FOR DEPOSIT PRODUCTION****Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 1819(Tenth); 12 USC 1835a

CFR Citation: 12 CFR 369**Legal Deadline:** None

Abstract: The rulemaking implements section 106 of the Gramm-Leach-Bliley Act, which amends the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, to provide that any branch of a bank controlled by an out-of-state bank holding company is considered to be an interstate branch for purposes of Riegle-Neal.

Timetable:

Action	Date	FR Cite
NPRM	04/09/01	66 FR 18411
NPRM Comment Period End	06/08/01	
Final Action	05/00/02	

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

Agency Contact: Marc J. Goldstrom, Counsel, Legal Division, Federal Deposit Insurance Corporation
Phone: 202 898-8807

RIN: 3064-AC36**3840. RISK-BASED CAPITAL GUIDELINES: MARKET RISK MEASURE; SECURITIES BORROWING TRANSACTIONS****Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a) to 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 1831o; PL 102-233; 105 Stat 1761; 105 Stat 1789; 105 Stat 1790; PL 102-242; 105 Stat 2236; 105 Stat 2355; 105 Stat 2386

CFR Citation: 12 CFR 325**Legal Deadline:** None

FDIC

Final Rule Stage

Abstract: This rulemaking sponsored jointly by the OCC, the FRS and the FDIC, amends their market risk rules to revise the capital treatment for cash collateral that is posted in connection with certain securities borrowing transactions. The effect of the rule is to more appropriately align the capital requirements for these transactions with the risk involved and to provide a capital treatment for U.S. banking organizations that is more in line with

the capital treatment applied to their domestic and foreign competitors.

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	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen G. Pfeifer, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation
Phone: 202 898-8904

RIN: 3064-AC46

Federal Deposit Insurance Corporation (FDIC)

Long-Term Actions

3841. COMMUNITY REINVESTMENT ACT REGULATIONS (SECTION 610 REVIEW)

Priority: Substantive, Nonsignificant

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	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Deanna Caldwell
Phone: 202 942-3366

RIN: 3064-AC50

Federal Deposit Insurance Corporation (FDIC)

Completed Actions

3842. CENSURE, SUSPENSION, AND DEBARMENT OF INDEPENDENT PUBLIC ACCOUNTANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-242, sec 112

CFR Citation: 12 CFR 308

Legal Deadline: None

Abstract: This regulation implements section 36(g)(4) of the Federal Deposit Insurance Act (as amended by section 112 of FDICIA) and requires the FDIC, the OCC, the FRS, and the OTS, to develop joint rules of practice for the suspension, removal, or debarment of independent public accountants.

Timetable:

Action	Date	FR Cite
Withdrawn	03/14/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Doris L. Marsh, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation
Phone: 202 898-8905

RIN: 3064-AA64

3843. CAPITAL MAINTENANCE—RECURSE ARRANGEMENTS AND DIRECT CREDIT SUBSTITUTES

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1815(a); 12 USC 1816; 12 USC 1818(a); 12 USC 1819(Tenth); 12 USC 1828(d); 12 USC 1831o; 12 USC 3907; 12 USC 3909; 12 USC 1815(b); 12 USC 1818(b); 12 USC 1818(c); 12 USC 1818(t); 12 USC 1828(i); 12 USC 1828(n); 12 USC 1828(o); 12 USC 1835; 12 USC 4808; 12 USC 1828(c); PL 102-233; 105 Stat 1761; 105 Stat 1789; 105 Stat 1790; 105 Stat 2236

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: The interagency rulemaking revises risk-based capital standards by addressing the regulatory capital treatment of recourse obligations and direct credit substitutes that expose banks, bank holding companies, and thrifts to credit risk. The revision treats recourse obligations and direct credit substitutes more consistently than under the agencies' current risk-based capital standards. In addition, the revision allows the agencies to use credit ratings and certain alternative approaches to match the risk-based capital requirement more closely to a

banking organization's relative risk of loss in asset securitizations. The rulemaking also requires the sponsor of a revolving credit securitization that involves an early amortization feature to hold capital against the amount of assets under management; i.e., the off balance sheet securitized receivables. The rulemaking is intended to result in more consistent treatment of recourse obligations and similar transactions among the agencies, more consistent risk-based capital treatment for certain types of transactions involving similar risk, and capital requirements that more closely reflect a banking organization's relative exposure to credit risk. This rulemaking and the rulemaking on residual interests (see 3064-AC34) are interrelated in that both address the regulatory capital treatment for residual interests in securitizations and other financial asset transfers. The agencies participating in these two rulemakings are ensuring that the treatment of residual interests will be consistent and may issue a single combined final rule rather than separate final rules.

FDIC

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	11/29/01	66 FR 59614
Final Action Effective	01/01/02	

Credit Ratings

ANPRM 05/25/94 (59 FR 27116)
Final Action 11/29/01 (66 FR 59614)
Final Action Effective 01/01/02

Recourse/Direct Credit Substitutes

NPRM 05/25/94 (59 FR 27116)
Second NPRM 03/08/00 (65 FR 12320)
Second NPRM Comment Period End
06/07/00
Final Action 11/29/01 (66 FR 59614)
Final Action Effective 01/01/02

Synthesis of Credit Ratings/Recourse/Direct Credit Substitutes

NPRM 11/05/97 (62 FR 59944)
Final Action 11/29/01 (66 FR 59614)
Final Action Effective 01/01/02

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

Agency Contact: Robert F. Storch,
Chief, Accounting Section, Division of
Supervision, Federal Deposit Insurance
Corporation
Phone: 202 898-8906

RIN: 3064-AB31**3844. CAPITAL MAINTENANCE—
COLLATERALIZED TRANSACTIONS****Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 1815; PL 102-
233; PL 102-242; 12 USC 1816; 12 USC
1818; 12 USC 1819; 12 USC 1828; 12
USC 1831; 12 USC 3907; 12 USC 3909;
12 USC 4808

CFR Citation: 12 CFR 325**Legal Deadline:** None

Abstract: This rule was developed in
consultation with the OCC, the FRS,
and the OTS (Agencies). It amends
FDIC's risk-based capital standards to
make the standards uniform with the
Agencies' treatments for transactions
supported by collateral. The effect of
the proposal is to allow banks to hold
less capital for certain transactions
collateralized by cash or qualifying
securities.

Timetable:

Action	Date	FR Cite
NPRM	08/16/96	61 FR 42565
NPRM Comment Period End	10/15/96	
Withdrawn	03/14/02	

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

Agency Contact: Stephen G. Pfeifer,
Examination Specialist, Division of
Supervision, Federal Deposit Insurance
Corporation
Phone: 202 898-8904

RIN: 3064-AB78**3845. NOTIFICATION OF ASSUMPTION
OF DEPOSITS AND CHANGE OF
INSURED STATUS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1818; 12 USC
1819**CFR Citation:** 12 CFR 307**Legal Deadline:** None

Abstract: This rulemaking clarifies
reporting and disclosure requirements
already applicable to insured
depository institutions. Due to
comments received, a second NPRM on
this subject will be issued rather than
finalizing the rule proposed in May
1997.

Timetable:

Action	Date	FR Cite
NPRM	05/14/97	62 FR 26431
NPRM Comment Period End	07/14/97	
Withdrawn	03/14/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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

RIN: 3064-AB88**3846. ADVERTISEMENT OF
MEMBERSHIP****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1818; 12 USC
1819; 12 USC 1828**CFR Citation:** 12 CFR 328**Legal Deadline:** None

Abstract: This regulatory action
consolidates provisions relating to
display of official signs; extends the
official advertising statement that is
currently required for insured banks to
all insured depository institutions;
streamlines exceptions to the use of the
statement; prohibits use of the
statement in advertisements concerning

nondeposit investment products; and
delegates authority to approve
translations of the statement to certain
FDIC officials. In addition, this action
solicits comment on issues relating to
advertisement of membership in the
FDIC over a computer network such as
the Internet.

Timetable:

Action	Date	FR Cite
NPRM	02/11/97	62 FR 6142
NPRM Comment Period End	04/14/97	
Withdrawn	03/14/02	

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

Agency Contact: Marc J. Goldstrom,
Counsel, Legal Division, Federal
Deposit Insurance Corporation
Phone: 202 898-8807

RIN: 3064-AB99**3847. CAPITAL; LEVERAGE AND
RISK-BASED CAPITAL GUIDELINES;
CAPITAL ADEQUACY GUIDELINES;
CAPITAL MAINTENANCE: RESIDUAL
INTERESTS IN ASSET
SECURITIZATIONS OR OTHER
TRANSFERS OF FINANCIAL ASSETS****Priority:** Substantive, Nonsignificant

Legal Authority: 12 USC 1815(a); 12
USC 1815(b); 12 USC 1816; 12 USC
1818(a) to 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
1831o; 12 USC 1835; 12 USC 3907; 12
USC 3909; 12 USC 4808; PL 102-233;
105 Stat 1761; 105 Stat 1789

CFR Citation: 12 CFR 325**Legal Deadline:** None

Abstract: This interagency rulemaking
amends capital rules to restrict
excessive concentrations in residual
interests by limiting the amounts that
are included in Tier 1 capital for both
leverage and risk-based capital
purposes. Residual interests in excess
of this limitation would be deducted
from Tier 1 capital. The rulemaking
also requires that risk-based capital be
held in an amount equal to the amount
of residual interests that are within this
limitation. This rulemaking and the
rulemaking on recourse and direct
credit substitutes (see 3064-AB31) are
interrelated in that both address the

FDIC

Completed Actions

regulatory capital treatment for residual interests in securitizations and other financial asset transfers. The agencies participating in these two rulemakings are ensuring that the treatment of residual interests will be consistent and may issue a single combined final rule rather than separate final rules.

Timetable:

Action	Date	FR Cite
NPRM	09/27/00	65 FR 57993
NPRM Comment Period End	12/26/00	
Final Action	11/29/01	66 FR 59614
Final Action Effective	01/01/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Keith Ligon, Chief, Policy Unit, Division of Supervision, Federal Deposit Insurance Corporation
Phone: 202 898-3618

RIN: 3064-AC34

3848. CAPITAL; LEVERAGE AND RISK-BASED CAPITAL GUIDELINES; CAPITAL ADEQUACY GUIDELINES; CAPITAL MAINTENANCE; NONFINANCIAL EQUITY INVESTMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a) to 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 1831o; 12 USC 1835; 12 USC 3907; 12 USC 3909; 12 USC 4808; PL 102-233; 105 Stat 1761; 105 Stat 1789; PL 102-242; 105 Stat 2236

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: This rulemaking, sponsored jointly by the OCC, the FRS and the FDIC, amends respective risk-based and leverage capital standards for banks and bank holding companies with respect to the capital treatment of nonfinancial equity investments. The rule would deduct from Tier 1 capital certain percentages of the adjusted carrying value of all nonfinancial equity investments.

Timetable:

Action	Date	FR Cite
NPRM	02/14/01	66 FR 10212
NPRM Comment Period End	04/16/01	
Final Action	01/25/02	67 FR 3784
Final Action Effective	04/01/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen G. Pfeifer, Examination Specialist, Division of Supervision, Federal Deposit Insurance Corporation

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RIN: 3064-AC47

3849. • TECHNICAL AMENDMENTS TO FDIC REGULATIONS RELATING TO FORMS, INSTRUCTIONS, AND REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1817

CFR Citation: 12 CFR 304

Legal Deadline: None

Abstract: This rulemaking revises the FDIC regulation on forms, instructions and reports. The rulemaking also eliminates obsolete and incorrect references.

Timetable:

Action	Date	FR Cite
Final Action	04/17/02	67 FR 18793

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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