Monday,
October 31, 2005

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 Fall 2005 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, 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.

In this edition of the Fall 2005 Agenda, the FDIC published three proposed rules: (1) The “Annual Independent Audits and Reporting Requirements” published August 2, 2005; (2) the “Deposit Insurance Coverage; Stored Value Cards and Other Nontraditional Access Mechanisms” published August 8, 2005, (3) “One-Year Post-Employment Restrictions for Senior Examiners” published jointly with the Office of the Comptroller of the Currency (OCC), Federal Reserve System (Board), and the Office of Thrift Supervision (OTS) August 5, 2005. Also published were two interim final rules: (1) “Deposit Insurance Coverage, Accounts of Qualified Tuition Savings Programs Under Section 529 of the Internal Revenue Code” published June 9, 2005; (2) the “Fair Credit Reporting Medical Information Regulations” published jointly with the Board, OCC, OTS and the National Credit Union Administration June 10, 2005. In addition, the FDIC published a final rule, “Community Reinvestment Act Regulations” on August 2, 2005.

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.

Robert E. Feldman,
Executive Secretary.
Federal Deposit Insurance Corporation.

Federal Deposit Insurance Corporation—Proposed Rule Stage

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Federal Deposit Insurance Corporation—Completed Actions

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Federal Deposit Insurance Corporation (FDIC) Proposed Rule Stage

3972. REGULATORY PUBLICATION AND REVIEW
Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Legal Authority: Not Yet Determined
CFR Citation: None
Legal Deadline: None
Abstract: OCC, FRB, FDIC, and OTS are reviewing their regulations to reduce burden imposed on insured depository institutions as required by section 2222 of the Economic Growth and Regulatory Act of 1996.

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

3973. DEPOSIT INSURANCE COVERAGE; STORED VALUE CARDS AND OTHER NONTRADITIONAL ACCESS MECHANISMS
Priority: Other Significant
Unfunded Mandates: Undetermined
Legal Authority: 12 USC 1813(l); 12 USC 1813(m); 12 USC 1817(i); 12 USC 1818(q); 12 USC 1819 (Tenth)
CFR Citation: 12 CFR 330
Legal Deadline: None

Abstract: FDIC published a proposed regulation that would clarify the insurance coverage of funds subject to transfer or withdrawal through the use of stored value cards and other nontraditional access mechanisms. This proposed rule is a revision of a proposed rule published by the FDIC in April of 2004 (the “First Proposed Rule”). See 69 FR 20558 (April 16, 2004). The purpose of the revised proposed rule (the “Second Proposed Rule”) is to address certain issues raised by commenters in response to the original proposal.

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

3974. ONE-YEAR POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS
Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
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 1829(b); 12 USC 1831; 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 12 3102; 12 USC 3108(a); 12 USC 3349; 12 USC 3909; 12 USC 4717; 15 USC 78h(b) to 78(i); 15 USC 78b–4(c); 15 USC 78b to 78b–1; 15 USC 78s; 15 USC 78u; 15 USC 878u–2 to 878–3; 15 USC 878w; 15 USC 6801(b); 15 USC 6805(b)(1); 28 USC 2461 note; 31 USC 330; 31 USC 5321; 42 USC 4012a; sec 3100s, PL 104–134, 110 Stat 1321–358; 12 USC 1819; 12 USC 1820(k)

CFR Citation: 12 CFR 308; 12 CFR 336
Legal Deadline: None

Abstract: The OCC, Board, FDIC and OTS (The Agencies) propose to adopt rules to implement section 6303(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 which added a new section 10(k) to the Federal Deposit Insurance Act. Section 10(k) imposes post-employment restrictions on senior examiners of depository institutions and depository institution holding companies.

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### Federal Deposit Insurance Corporation (FDIC)

#### Proposed Rule Stage

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**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Washington, DC 20429

**Deposit Insurance Corporation, Counsel, Legal Division, Federal Agency Contact:**


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

**Phone:** 202 898–3730

**RIN:** 3064–AC78

### Final Rule Stage

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**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Washington, DC 20429

**Deposit Insurance Corporation, Counsel, Legal Division, Federal Agency Contact:**


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

**Phone:** 202 898–3730

**RIN:** 3064–AC78

### 3975. 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 1831q; 12 USC 1831r; 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.

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None


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

**Phone:** 202 898–3730

**RIN:** 3064–AC81

### 3976. FAIR CREDIT REPORTING MEDICAL INFORMATION REGULATIONS

**Priority:** Other Significant

**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.

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<td>Interim Final Rule</td>
<td>06/09/05</td>
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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None


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

**Phone:** 202 898–3730

**RIN:** 3064–AC81

### 3977. FAIR CREDIT REPORTING AFFILIATE MARKETING REGULATIONS

**Priority:** Other Significant

**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.

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None


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

**Phone:** 202 898–3730

**RIN:** 3064–AC81
3978. DEPOSIT INSURANCE COVERAGE; ACCOUNTS OF QUALIFIED TUITION SAVINGS PROGRAMS UNDER SECTION 529 OF THE INTERNAL REVENUE CODE.

**Priority:** Substantive, Nonsignificant.

**Legal Authority:**
- 12 USC 1813(1); 1813(m); 1817(i); 1818(q); 1819 (Tenth); 1820 (f); 1821(a); 1822(c)

**CFR Citation:** 12 CFR Part 330

**Legal Deadline:** None

**Abstract:** The FDIC revised its insurance regulations for accounts of qualified tuition savings programs under section 529 of the Internal Revenue Code. Qualified tuition savings programs or prepaid tuition plans may be established by states or state instrumentalities under section 529 of the Internal Revenue Code.

**Timetable:**
- Interim Final Rule: 06/09/05
- Interim Final Rule Comment Period End: 08/08/05
- Final Action: 10/00/05

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


**URL For Public Comments:** http://www.fdic.gov/regulations/laws/federal/index.html

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

**RIN:** 3064–AC90

3979. ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 1831m

**CFR Citation:** 12 CFR 363

**Legal Deadline:** None

**Abstract:** The FDIC is proposing to amend its regulations concerning annual independent audits and reporting requirements, which implement Section 36 of the Federal Deposit Insurance Act (FDI Act). Section 36 and the FDIC’s implementing regulations are generally intended to facilitate early identification of problems in financial management at insured depository institutions with total assets above a certain threshold (currently $500 million) through annual independent audits, assessments of effectiveness of internal control over financial reporting and compliance with designated laws and regulations, and related reporting requirements.

**Timetable:**
- NPRM: 08/02/05
- NPRM Comment Period End: 09/16/05
- Final Action: 12/00/05

**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/2005/05comaudits.html

**Agency Contact:**
- Michelle Borzillo, Counsel, Legal Division, Federal Deposit Insurance Corporation, NW, Washington, DC 20429
- Phone: 202 898–7400

**RIN:** 3064–AC91

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**Federal Deposit Insurance Corporation (FDIC)**

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3980. ASSESSMENTS—ASSESSMENT BASE

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

**CFR Citation:** 12 CFR 327

**Timetable:**
- ANPRM: 10/05/94
- ANPRM Comment Period End: 02/02/95
- To Be Determined

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

**Agency Contact:**
- Munsell St. Clair
- Phone: 202 898–8967

**RIN:** 3064–AB46

3981. QUALIFICATION REQUIREMENTS FOR THE RECOMMENDATION OR SALE OF CERTAIN SECURITIES

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 12 CFR 342

**Timetable:**
- NPRM: 12/30/96
- NPRM Comment Period End: 02/28/97
- Second NPRM: To Be Determined

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

**Agency Contact:**
- Michael Phillips
- Phone: 202 898–3581

**Related RIN:** Related to 3064–AC42

**RIN:** 3064–AB85

3982. FAIR CREDIT REPORTING ACT REGULATIONS

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

**CFR Citation:** 12 CFR 334

**Timetable:**
- NPRM: 10/20/00
- NPRM Comment Period End: 12/04/00
- Second NPRM: To Be Determined

**Regulatory Flexibility Analysis**
- Required: No
### FDIC Long-Term Actions

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#### Regulatory Flexibility Analysis

- **Required:** No

#### Small Entities Affected

- **No**

#### Government Levels Affected

- **None**

#### Agency Contact

- Richard M. Schwartz
  - Phone: 202 898–7424
  - RIN: 3064–AC35

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### 3984. RISK–BASED CAPITAL STANDARDS: IMPLEMENTATION OF NEW BASEL CAPITAL ACCORD

#### Priority

- **Other Significant**. Major under 5 USC 801 is undetermined.

#### CFR Citation

- 12 CFR 325

#### Timetable

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#### Regulatory Flexibility Analysis

- **Required:** No

#### Small Entities Affected

- **No**

#### Government Levels Affected

- **None**

#### Agency Contact

- Michael Phillips
  - Phone: 202 898–3581
  - RIN: 3064–AC73

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### Federal Deposit Insurance Corporation (FDIC) Completed Actions

#### 3985. COMMUNITY REINVESTMENT ACT REGULATIONS (COMPLETION OF A SECTION 610 REVIEW)

#### Priority

- **Other Significant**

#### Legal Authority

- 12 USC 2901

#### CFR Citation

- 12 CFR 345

#### Legal Deadline

- **None**

#### Abstract

This notice, sponsored jointly by OCC, FRB, FDIC, and OTS, advises the public that the agencies are seeking comment on a wide range of questions relating to Community Reinvestment Act (CRA) regulations and solicits suggestions about ways to improve existing CRA regulations.

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<td>70 FR 44269</td>
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#### Regulatory Flexibility Analysis

- **Required:** No

#### Small Entities Affected

- **No**

#### Government Levels Affected

- **None**

#### Agency Contact

- Richard M. Schwartz, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW, MB–3101, Washington, DC 20429
  - Phone: 202 898–7424
  - RIN: 3064–AC50

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### 3986. SECURITIES OF NONMEMBER INSURED BANKS

#### Priority

- **Economically Significant**

#### Legal Authority

- 12 USC 1819; 15 USC 78l(i); 15 USC 78(m); 15 USC 78(n); 15 USC 78(w); 15 USC 7241 to 7244; 15 USC 7261; 15 USC 7262; 15 USC 7264; 15 USC 7265

#### CFR Citation

- 12 CFR 335

#### Legal Deadline

- **None**

#### Abstract

FDIC is revising its securities disclosure regulations applicable to State nonmember banks with securities required to be registered under section 12 of the Securities Exchange Act of 1934.

#### Timetable

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#### Regulatory Flexibility Analysis

- **Required:** No

#### Small Entities Affected

- **No**

#### Government Levels Affected

- **None**

#### Agency Contact

- Mark Flanigan, Federal Deposit Insurance Corporation, Washington, DC 20429
  - Phone: 202 898–7426
  - RIN: 3064–AC88

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### 3987. COMMUNITY REINVESTMENT ACT REGULATIONS

#### Priority

- **Economically Significant**

#### 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; 12 USC 3104; 12 USC 3108(a); . . .

#### CFR Citation

- 12 CFR 345

#### Legal Deadline

- **None**

#### Abstract

OCC, FRB, and FDIC are issuing this notice of proposed rulemaking that would revise certain provisions of our rules implementing the Community Reinvestment Act.
### Timetable:

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### Regulatory Flexibility Analysis

**Required:** No

### Small Entities Affected:

**No**

### Government Levels Affected:

**None**

### URL For More Information:


### URL For Public Comments:


### Agency Contact:

Richard M. Schwartz, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW, MB–3101, Washington, DC 20429

Phone: 202 898–7424

**RIN:** 3064–AC89

[FR Doc. 05–18111 Filed 10–28–05; 8:45 am]

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