

From: Kramer, Paul
Sent: Friday, September 15, 2006 4:19 PM
To: Comments
Subject: Advertisement of Membership - 12 CFR Part 328

September 15, 2006

Robert E. Feldman
Executive Secretary
Attention: Comments/Legal ESS
Federal Deposit Insurance Corporation
550 17th Street
Washington, DC 20429

Re: Proposed Rule on Advertisement of Membership
12 CFR Part 328
RIN 3064-AD05

Dear Mr. Feldman:

Thank you for the opportunity to comment on the FDIC's proposed revisions to its regulation governing official FDIC signs and the advertising of FDIC membership. Our comments concern the official sign.

We propose that the proposed rule be amended to permit a bank that is procuring its own official signs from a commercial supplier to vary the color scheme for signs used even in locations where deposits are received.

The proposed rule, at 12 CFR section 328.1(a), would define the color scheme of the official sign as "black lettering and gold background." While the proposed rule would allow signs that vary from this color scheme to be used in locations other than where deposits are received, 12 CFR section 328.2(a) would only permit official signs with this color scheme to be used where insured deposits are usually and normally received.

The FDIC has previously permitted banks to use official signs that vary the black and gold color scheme, provided they preserve the integrity of the design. See, for example, FDIC Advisory Opinion FDIC-92-20, Letter dated April 9, 1992 from Valerie J. Best.
<http://www.fdic.gov/regulations/laws/rules/4000-7110.html> We propose that similar standards for varying the color scheme be included in the proposed rule.

Thank you for considering our comments.

Sincerely,

Paul Kramer
Assistant General Counsel

Bank of America, N.A.