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**Monday,
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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 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

Sequence Number	Title	Regulation Identifier Number
3972	Regulatory Publication and Review	3064-AC59
3973	Deposit Insurance Coverage; Stored Value Cards and Other Nontraditional Access Mechanisms	3064-AC80
3974	12 CFR 308 One-Year Post-employment Restrictions for Senior Examiners	3064-AC92

Federal Deposit Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3975	12 CFR 303 Filing Procedures; Transactions With Affiliates	3064-AC78
3976	Fair Credit Reporting Medical Information Regulations	3064-AC81
3977	Fair Credit Reporting Affiliate Marketing Regulations	3064-AC83
3978	Deposit Insurance Coverage; Accounts of Qualified Tuition Savings Programs Under Section 529 of the Internal Revenue Code.	3064-AC90
3979	Annual Independent Audits and Reporting Requirements	3064-AC91

Federal Deposit Insurance Corporation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3980	12 CFR 327 Assessments—Assessment Base	3064-AB46
3981	12 CFR 342 Qualification Requirements for the Recommendation or Sale of Certain Securities	3064-AB85
3982	12 CFR 334 Fair Credit Reporting Act Regulations	3064-AC35
3983	12 CFR 325 Risk-Based Capital Guidelines: Market Risk Measure; Securities Borrowing Transactions	3064-AC46
3984	Risk-Based Capital Standards: Implementation of New Basel Capital Accord	3064-AC73

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Federal Deposit Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3985	12 CFR 345 Community Reinvestment Act Regulations (Completion of a Section 610 Review)	3064-AC50
3986	Securities of Nonmember Insured Banks	3064-AC88
3987	Community Reinvestment Act Regulations	3064-AC89

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.

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	
Fourth Notice	02/03/05	70 FR 5571
Fourth Notice Comment Period End	05/04/05	
Fifth Notice	08/11/05	70 FR 46779
Fifth Notice Comment Period End	11/09/05	
Sixth Notice	01/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

www.egrpra.gov

URL For Public Comments:

www.egrpra.gov

Agency Contact: Claude A. Rollin, Senior Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429
Phone: 202 898-8741

RIN: 3064-AC59

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.

Timetable:

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20588
NPRM Comment Period End	07/15/04	
Second NPRM	08/08/05	70 FR 45571
Second NPRM Comment Period End	11/07/05	
Final Action	01/00/06	

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: Christopher L. Hencke, Counsel, Legal Division,

Federal Deposit Insurance Corporation, Washington, DC 20429
Phone: 202 898-8839

RIN: 3064-AC80

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 1831i; 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 USC 3102; 12 USC 3108(a); 12 USC 3349; 12 USC 3909; 12 USC 4717; 15 USC 78(h) to 78(i); 15 USC 78o-4(c); 15 USC 78o-5; 15 USC 78q-1; 15 USC 78s; 15 USC 78u; 15 USC 78u-2 to 78u-3; 15 USC 78w; 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 CFRt 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.

Timetable:

Action	Date	FR Cite
NPRM	08/05/05	70 FR 45332

FDIC

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/04/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
URL For More Information:
<http://www.fdic.gov/regulations/laws/federal/final.html>

Agency Contact: Kimberly K. Copa, Federal Deposit Insurance Corporation, 550 17th Street NW., MB-3052, NW, Washington, DC 20429
Phone: 202 898-8832
RIN: 3064-AC92

Federal Deposit Insurance Corporation (FDIC)

Final Rule Stage

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 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	12/00/05	

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/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

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.

Timetable:

Action	Date	FR Cite
NPRM	04/28/04	69 FR 23380
NPRM Comment Period End	05/28/04	
Interim Final Rule	06/09/05	70 FR 33985
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/04comfaircredit.html>

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-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.

Timetable:

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

Agency Contact: Richard M. Schwartz, Counsel, Federal Deposit Insurance

FDIC

Final Rule Stage

Corporation, 550 17th Street NW,
MB-3101, Washington, DC 20429
Phone: 202 898-7424

RIN: 3064-AC83

**3978. • DEPOSIT INSURANCE
COVERAGE; ACCOUNTS OF
QUALIFIED TUITION SAVINGS
PROGRAMS UNDER SECTION 529 OF
THE INTERNAL REVENUE CODE.**

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

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:

Action	Date	FR Cite
Interim Final Rule	06/09/05	70 FR 33692
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 More Information:

[http://www.fdic.gov/regulations/laws/
federal/index.html](http://www.fdic.gov/regulations/laws/federal/index.html)

URL For Public Comments:

[http://www.fdic.gov/regulations/laws/
federal/index.html](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:

Action	Date	FR Cite
NPRM	08/02/05	70 FR 44293
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](http://www.fdic.gov/regulations/laws/federal/propose.html)

URL For Public Comments:

[http://www.fdic.gov/regulations/laws/
federal/2005/05comaudits.html](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

Federal Deposit Insurance Corporation (FDIC)

Long-Term Actions

**3980. ASSESSMENTS—ASSESSMENT
BASE**

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

CFR Citation: 12 CFR 327

Timetable:

Action	Date	FR Cite
ANPRM	10/05/94	59 FR 50710
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:

Action	Date	FR Cite
NPRM	12/30/96	61 FR 68824
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:

Action	Date	FR Cite
NPRM	10/20/00	65 FR 63120
NPRM Comment Period End	12/04/00	
Second NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

FDIC

Long-Term Actions

Government Levels Affected: None

Agency Contact: Richard M. Schwartz
Phone: 202 898-7424

RIN: 3064-AC35

3983. 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	

Action	Date	FR Cite
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: Richard M. Schwartz
Phone: 202 898-7424

RIN: 3064-AC46

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

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 12 CFR 325

Timetable:

Action	Date	FR Cite
ANPRM To Be Determined	08/04/03	68 FR 45900

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Phillips
Phone: 202 898-3581

RIN: 3064-AC73

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.

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	
NPRM	03/11/05	70 FR 12149
NPRM Comment Period End	03/11/05	
Final Action	08/02/05	70 FR 44269

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/04comcra2.html>

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

3986. SECURITIES OF NONMEMBER INSURED BANKS

Priority: Other Significant

Legal Authority: 12 USC 1819; 15 USC 781(i); 15 USC 78(m); 15 USC 78(n); 15 USC 78(p); 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:

Action	Date	FR Cite
Interim Final Rule	03/31/05	70 FR 16398
Interim Final Rule Comment Period End	05/31/05	
Final Action	08/02/05	70 FR 44272

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

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.

FDIC

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	03/11/05	70 FR 12149
NPRM Comment Period End	05/10/05	
Final Action	08/02/05	70 FR 44269

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:
[http://www.fdic.gov/regulations/laws/
federal/index.html](http://www.fdic.gov/regulations/laws/federal/index.html)

URL For Public Comments:
[http://www.fdic.gov/regulations/laws/
federal/index.html](http://www.fdic.gov/regulations/laws/federal/index.html)

Agency Contact: Richard M. Schwartz,
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RIN: 3064-AC89

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