



# Federal Register

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**Monday,  
December 11, 2006**

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**Part L**

## **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 2006 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.

The FDIC amended its regulations to reflect the recent merger of the Bank Insurance Fund and the Savings Association Insurance Fund, forming the Deposit Insurance Fund. Additionally, the FDIC amended its regulations to provide consideration of inflation adjustments to increase the current standard maximum deposit insurance amount of \$100,000 on a five-year cycle beginning in 2010; to increase the deposit insurance limit for certain retirement accounts from \$100,000 to

\$250,000 also subject to inflation adjustments; and to provide per-participant insurance coverage to employee benefit plan accounts, even if the depository institutions at which the deposits are placed are not authorized to accept employee benefit plan deposits. Both actions were taken to implement applicable revisions to the Federal Deposit Insurance Act made by the Federal Deposit Insurance Reform Act of 2005 (Pub. L. 109-171) and the Federal Deposit Insurance Reform Conforming Amendments of 2005 (Pub. L. 109-173).

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—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3923	Risk-Based Capital Standards: Implementation of New Basel Capital Accord .....	3064-AC73
3924	Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Domestic Capital Modifications .....	3064-AC96
3925	Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment; Notice ..	3064-AC97
3926	Large-Bank Deposit Insurance Determination Modernization Proposal .....	3064-AC98
3927	Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies .....	3064-AC99
3928	Risk-Based Capital Standards: Market Risk .....	3064-AD10

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

Sequence Number	Title	Regulation Identifier Number
3929	Deposit Insurance Coverage; Stored Value Cards and Other Nontraditional Access Mechanisms .....	3064-AC80
3930	Fair Credit Reporting Affiliate Marketing Regulations .....	3064-AC83
3931	Annual Independent Audits and Reporting Requirements .....	3064-AC91
3932	Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003	3064-AD00
3933	Deposit Insurance Assessments—Designated Reserve Ratio .....	3064-AD02
3934	Assessments .....	3064-AD03
3935	Advertisement of Membership .....	3064-AD05
3936	Penalties for Failure to Timely Pay Assessments .....	3064-AD06
3937	Assessments .....	3064-AD09

**FDIC**

Federal Deposit Insurance Corporation—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3938	12 CFR 303 Filing Procedures; Transactions With Affiliates .....	3064-AC78
3939	Interstate Banking; Federal Interest Rate Authority .....	3064-AC95

Federal Deposit Insurance Corporation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3940	12 CFR 327 Assessments—Assessment Base .....	3064-AB46
3941	12 CFR 342 Qualification Requirements for the Recommendation or Sale of Certain Securities .....	3064-AB85
3942	12 CFR 334 Fair Credit Reporting Act Regulations .....	3064-AC35
3943	Deposit Insurance Regulations; Inflation Index; Certain Retirement Accounts and Employee Benefit Plan Accounts	3064-AD01
3944	12 CFR 303 Revisions to Reflect the Merger of the Bank Insurance Fund and the Savings Association Insurance Fund .....	3064-AD04
3945	Dividends .....	3064-AD07
3946	One-time Assessment Credit .....	3064-AD08

**Federal Deposit Insurance Corporation (FDIC)**

**Proposed Rule Stage**

**3923. RISK-BASED CAPITAL STANDARDS: IMPLEMENTATION OF NEW BASEL CAPITAL ACCORD**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 12 CFR 325

**Legal Deadline:** None

**Abstract:** The OCC, Board, FDIC, and OTS are setting forth for industry comment their current views on a proposed framework for implementing the New Basel Capital Accord in the United States. In particular, this advance notice of proposed rulemaking describes significant elements of the Advanced Internal Ratings-Based approach for credit risk and the Advanced measurement Approaches for operational risk (together the advanced approaches).

**Timetable:**

Action	Date	FR Cite
ANPRM	08/04/03	68 FR 45900
NPRM	09/25/06	71 FR 55830
NPRM Comment Period End	01/23/07	

**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

**3924. RISK-BASED CAPITAL GUIDELINES; CAPITAL ADEQUACY GUIDELINES; CAPITAL MAINTENANCE: DOMESTIC CAPITAL MODIFICATIONS**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 12 CFR 325

**Legal Deadline:** None

**Abstract:** The OCC, Board, FDIC, and OTS are considering various revisions to the existing risk-based capital framework that would enhance its risk sensitivity. These changes would apply to banks, bank holding companies, and savings associations. The Agencies are soliciting comments on possible modifications to their risk-based capital standards that would facilitate the

development of fuller and more comprehensive proposals applicable to a range of activities and exposures.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/20/05	70 FR 61068
NPRM	12/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

<http://www.fdic.gov/regulations/laws/federal/05propose.html>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/2005/05combasel1a.html>

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

**RIN:** 3064-AC96

**3925. COMMUNITY REINVESTMENT ACT; INTERAGENCY QUESTIONS AND ANSWERS REGARDING COMMUNITY REINVESTMENT; NOTICE**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

## FDIC

## Proposed Rule Stage

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The OCC, Board, and FDIC published the revised guidance (Questions and Answers) relating to the Community Reinvestment Act. The Questions and Answers primarily addresses topics included in the revisions that the Agencies made to their CRA regulations, which became effective September 1, 2005.

**Timetable:**

Action	Date	FR Cite
Notice	11/10/05	70 FR 68450
Notice Comment Period End	01/09/06	
Second Notice	03/10/06	71 FR 12424
Third Notice	12/00/06	

**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>

**URL For Public Comments:**

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

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

**RIN:** 3064-AC97

**3926. LARGE-BANK DEPOSIT INSURANCE DETERMINATION MODERNIZATION PROPOSAL**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** In view of the significant industry consolidation in recent years, the FDIC is exploring new methods to modernize its deposit insurance determination process, whereby the

insurance status of each depositor is determined in the event of failure.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/13/05	70 FR 73652
ANPRM Comment Period End	03/13/06	
NPRM	12/00/06	

**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>

**URL For Public Comments:**

<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-AC98

**3927. ● PROCEDURES TO ENHANCE THE ACCURACY AND INTEGRITY OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 12 CFR 334

**Legal Deadline:** None

**Abstract:** The OCC, Board, FDIC, OTS, NCUA, and FTC (the Agencies) are requesting comments to gather information useful for developing the guidelines and regulations required by section 312 of the Fair and Accurate Credit Transactions Act (FACT Act).

**Timetable:**

Action	Date	FR Cite
ANPRM	03/22/06	71 FR 14419
ANPRM Comment Period End	05/22/06	
NPRM	12/00/06	

**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>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/2006/06comanprfacta.html>

**Agency Contact:** Richard M. Schwartz, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-7424

**RIN:** 3064-AC99

**3928. ● RISKED-BASED CAPITAL STANDARDS: MARKET RISK**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 12 CFR 325

**Legal Deadline:** None

**Abstract:** The OCC, the Board, and the FDIC are proposing revisions to the market risk capital rule to enhance its risk sensitivity and introduce requirements for public disclosure of certain qualitative and quantitative information about the market risk of a bank or bank holding company.

**Timetable:**

Action	Date	FR Cite
NPRM	09/25/06	71 FR 55958
NPRM Comment Period End	01/23/07	

**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

**RIN:** 3064-AD10

## Federal Deposit Insurance Corporation (FDIC)

## Final Rule Stage

**3929. 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	12/00/06	

**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>**URL For Public Comments:**<http://www.fdic.gov/regulations/laws/federal/2005/05comstoredval.html>

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

**RIN:** 3064-AC80**3930. 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	03/00/07	

**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 Corporation, Washington, DC 20429  
Phone: 202 898-7424

**RIN:** 3064-AC83**3931. 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	12/00/06	

**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>**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, Washington, DC 20429  
Phone: 202 898-7400

**RIN:** 3064-AC91**3932. • IDENTITY THEFT RED FLAGS AND ADDRESS DISCREPANCIES UNDER THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003****Priority:** Other Significant**Legal Authority:** 12 USC 1818; 12 USC 1819(Tenth); 15 USC 1681(b) to 1681(c); 15 USC 1681(m); 15 USC 1681s; 15 USC 1681w; 15 USC 6801; 15 USC 6805; ...**CFR Citation:** 12 CFR 334 and 364**Legal Deadline:** None

**Abstract:** The OCC, Board, FDIC, OTS, NCUA, and FTC (Agencies) request comment on a proposal that would implement sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). As required by section 114, the Agencies are jointly proposing guidelines for financial institutions and creditors identifying patterns, practices, and specific forms of activity, that indicated the possible existence of identity theft.

## FDIC

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/18/06	71 FR 40786
NPRM Comment Period End	09/18/06	
Final Action	01/00/07	

**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 Corporation, Washington, DC 20429  
Phone: 202 898-7424

RIN: 3064-AD00

**3933. • DEPOSIT INSURANCE ASSESSMENTS—DESIGNATED RESERVE RATIO**

Priority: Other Significant

**Legal Authority:** 12 USC 1441; 12 USC 1441b; 12 USC 1813; 12 USC 1815; 12 USC 1817 to 1819; ...

CFR Citation: 12 CFR Part 327

Legal Deadline: None

**Abstract:** Under the Federal Deposit Insurance Reform Act of 2005 (the Act), the Federal Deposit Insurance Corporation (FDIC), must by regulation set the Designated Reserve Ratio (DRR) for the Deposit Insurance Fund (DIF) within a range of 1.15 percent to 1.50 percent of estimated insured deposits. In this rulemaking, the FDIC seeks comment on the proposal to establish the DRR for the DIF at 1.25 percent of estimated insured deposits.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/06	71 FR 41976
NPRM Comment Period End	09/22/06	
Final Action	01/00/07	

**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 Bellotto, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429

Phone: 202 898-3801

RIN: 3064-AD02

**3934. • ASSESSMENTS**

Priority: Other Significant

**Legal Authority:** 12 USC 1441; 12 USC 1813; 12 USC 1815; 12 USC 1718 to 1819; 12 USC 1821; ...

CFR Citation: 12 CFR 327

Legal Deadline: None

**Abstract:** The FDIC published a proposed rule to amend 12 CFR 327 to make the deposit insurance assessment system react more quickly and more accurately to changes to institutions' risk profiles, and doing so to eliminate several cause for complaint by insured depository institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/06	71 FR 28790
NPRM Comment Period End	07/17/06	
Final Action	01/00/07	

**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 Bellotto, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3801

RIN: 3064-AD03

**3935. • ADVERTISEMENT OF MEMBERSHIP**

Priority: Other Significant

**Legal Authority:** 12 USC 1818(a); 12 USC 1819(Tenth); 12 USC 1828(a)

CFR Citation: 12 CFR 328

Legal Deadline: None

**Abstract:** The FDIC published a proposed rule to revise its regulation governing official FDIC signs and advertising of FDIC membership. The proposed rule would replace the separate signs used by Bank Insurance Fund (BIF) and Savings Association Insurance Fund (SAIF) members with a new sign, or insurance logo, to be used by all insured depository institutions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/17/06	71 FR 40440
NPRM Comment Period End	09/15/06	
Final Action	12/00/06	

**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>**URL For Public Comments:**<http://www.fdic.gov/regulations/laws/federal/2006/06commembership.html>

**Agency Contact:** Richard Foley, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3784

RIN: 3064-AD05

**3936. • PENALTIES FOR FAILURE TO TIMELY PAY ASSESSMENTS**

Priority: Other Significant

**Legal Authority:** 5 USC 504; 12 USC 93(b); 12 USC 164; 12 USC 554 to 557; ...

CFR Citation: 12 CFR 308

Legal Deadline: None

**Abstract:** The Federal Deposit Insurance Corporation published a proposed rule concerning penalties for failure to timely pay assessments in compliance with the Federal Deposit Insurance Reform Act of 2005, which amended provisions of the Federal Deposit Insurance Act. The revisions generally provide that an insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty of not more than 1 percent of the assessment due for each day the violation continues.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/06	71 FR 40938
NPRM Comment Period End	09/18/06	
Final Action	01/00/07	

**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>

## FDIC

## Final Rule Stage

**Agency Contact:** Christopher Bellotto, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3801

**RIN:** 3064-AD06

**3937. • ASSESSMENTS**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1441; 12 USC 1813; 12 USC 1815; 12 USC 1817 to 1819; ...

**CFR Citation:** 12 CFR 327

**Legal Deadline:** None

**Abstract:** The Federal Deposit Insurance Reform act of 2005 requires that the Federal Deposit Insurance Corporation prescribe final regulations, after notice and opportunity for

comment, to provide for deposit insurance assessments under section 7(b) of the Federal Deposit Insurance Act. The FDIC published a proposed rule to amend 12 CFR 327 to: (1) Create different risk differentiation frameworks for smaller and larger institutions that are well capitalized and well managed; (2) establish a common risk differentiation framework for all other insured institutions; and (3) establish a base assessment rate schedule.

On October 16th 2004, the FDIC supplemented this "Assessment" proposed rule making with an initial regulatory flexibility analysis to aid the public in commenting upon the small business impact of this rule. See 71 FR 60674, October 16, 2006.

**Timetable:**

Action	Date	FR Cite
NPRM	07/24/06	71 FR 41910
NPRM Comment Period End	09/22/06	
Final Action	01/00/07	

**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 Bellotto, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-3801

**RIN:** 3064-AD09

## Federal Deposit Insurance Corporation (FDIC)

## Long-Term Actions

**3938. FILING PROCEDURES; TRANSACTIONS WITH AFFILIATES**

**Priority:** Other Significant

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/04	69 FR 12571
NPRM Comment Period End	05/03/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas Bolt  
Phone: 202 898-6750

**RIN:** 3064-AC78

**3939. INTERSTATE BANKING; FEDERAL INTEREST RATE AUTHORITY**

**Priority:** Other Significant

**CFR Citation:** 12 CFR 331 and 362

**Timetable:**

Action	Date	FR Cite
NPRM	10/14/05	70 FR 60019
NPRM Comment Period End	12/13/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert C Fick  
Phone: 202 898-8962

**RIN:** 3064-AC95

## Federal Deposit Insurance Corporation (FDIC)

## Completed Actions

**3940. ASSESSMENTS—ASSESSMENT BASE**

**Priority:** Other Significant

**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	
Withdrawn	08/31/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**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

## FDIC

## Completed Actions

**3941. 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	
Withdrawn	08/31/06	

**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**3942. FAIR CREDIT REPORTING ACT REGULATIONS****Priority:** Other Significant**Legal Authority:** 15 USC 1681s; 12 USC 1819(a)(Tenth)**CFR Citation:** 12 CFR 334**Legal Deadline:** None

**Abstract:** The OCC, Board, FDIC, and OTS published for comment proposed regulations implementing the provisions of the Fair Credit Reporting Act that permit institutions to

communicate consumer information to their affiliates (affiliate information sharing) without incurring the obligations of consumer reporting agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	10/20/00	65 FR 63120
NPRM Comment Period End	12/04/00	
Withdrawn	08/31/06	

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

<http://www.fdic.gov/regulations/laws/federal/00propose.html>

**Agency Contact:** Richard M. Schwartz, Counsel, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-7424

**RIN:** 3064-AC35**3943. • DEPOSIT INSURANCE REGULATIONS; INFLATION INDEX; CERTAIN RETIREMENT ACCOUNTS AND EMPLOYEE BENEFIT PLAN ACCOUNTS****Priority:** Other Significant

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

**CFR Citation:** 12 CFR Part 330**Legal Deadline:** None

**Abstract:** The FDIC published a proposed rule amending its deposit insurance regulations to implement applicable revisions to the Federal Deposit Insurance Act made by the Federal Deposit Insurance Reform Act of 2005 and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005. The interim rule: Provides for consideration of inflation adjustments to increase the current standard maximum deposit insurance amount of \$100,000 on a five-year cycle beginning in 2010; increases the deposit insurance limit for certain retirement accounts from \$100,00 to 250,000 also subject to inflation adjustments; and provides per-participant insurance coverage to employee benefit plan accounts, even if the depository institution at which the deposits are placed is not

authorized to accept employee benefit plan deposits.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/23/06	71 FR 14629
Interim Final Rule Effective	04/01/06	
Interim Final Rule Comment Period End	05/22/06	
Final Action	09/12/06	71 FR 53547

**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>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/2006/06cominflation.html>

**Agency Contact:** Joseph A. DiNuzzo, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-7349

**RIN:** 3064-AD01**3944. • REVISIONS TO REFLECT THE MERGER OF THE BANK INSURANCE FUND AND THE SAVINGS ASSOCIATION INSURANCE FUND****Priority:** Other Significant

**Legal Authority:** 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1817 to 1818; 12 USC 1819(Seventh); 12 USC 1819(Tenth); 12 USC 1820; 12 USC 1823; 12 USC 1828; 12 USC 1831a; ...

**CFR Citation:** 12 CFR 303; 12 CFR 308; 12 CFR 312; 12 CFR 336; 12 CFR 347 to 348; 12 CFR 357; 12 CFR 362 to 364; 12 CFR 366 to 367

**Legal Deadline:** None

**Abstract:** The FDIC amended its regulations to reflect the recent merger of the Bank Insurance Fund and the Savings Association Insurance Fund, forming the Deposit Insurance Fund. The merger of the two deposit insurance funds was required by the Federal Deposit Insurance Reform Act of 2005 and was effectuated by the FDIC as of March 31, 2006.

**Timetable:**

Action	Date	FR Cite
Final Action	04/21/06	71 FR 20524

**Regulatory Flexibility Analysis****Required:** No



## FDIC

## Completed Actions

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

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

**Agency Contact:** Joseph A. DiNuzzo, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-7349

**RIN:** 3064-AD04

**3945. • DIVIDENDS**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1817(e)(2); 12 USC 1817(e)(4)

**CFR Citation:** 12 CFR 327

**Legal Deadline:** None

**Abstract:** The Federal Deposit Insurance Corporation ("FDIC") published a proposed rule to amend 12 CFR 327 to implement the dividend requirements in the recently enacted Federal Deposit Insurance Reform Act of 2005 ("Reform Act") and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 ("Amendments Act") for an initial two-year period. The proposed rule would sunset on December 31, 2008. If this proposal is adopted, during 2007, the FDIC would plan to undertake a second notice-and-comment rulemaking beginning with an Advanced Notice of Proposed Rulemaking to explore alternative methods for distributing

future dividends after this initial two-year period.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/06	71 FR 28804
NPRM Comment Period End	07/17/06	
Final Action	10/18/06	71 FR 61385

**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/2006/06comonetime.html>

**Agency Contact:** Joseph A. DiNuzzo, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-7349

**RIN:** 3064-AD07

**3946. • ONE-TIME ASSESSMENT CREDIT**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1817(e)(3)

**CFR Citation:** 12 CFR 327

**Legal Deadline:** None

**Abstract:** The Federal Deposit Insurance Corporation published a proposed rule to amend 12 CFR 327

to implement the one-time assessment credit for certain eligible insured depository institutions required by the Federal Deposit Insurance Act as amended by the Federal Deposit Insurance Reform Act of 2005. The proposed covers: the aggregate amount of the one-time credit; the institutions that are eligible to receive credits and the amount of each eligible institution's credit.

**Timetable:**

Action	Date	FR Cite
NPRM	05/18/06	71 FR 28809
NPRM Comment Period End	07/17/06	
Final Action	10/18/06	71 FR 61374

**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>

**URL For Public Comments:**

<http://www.fdic.gov/regulations/laws/federal/2006/06comonetime.html>

**Agency Contact:** Joseph A. DiNuzzo, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429  
Phone: 202 898-7349

**RIN:** 3064-AD08

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