

§ 114.12 [Amended]

6. Section 114.12 is amended by removing paragraph (d).

Dated: June 9, 1995.

Danny Lee McDonald,

Chairman.

[FR Doc. 95-14592 Filed 6-14-95; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION
12 CFR Parts 303, 304, 308, 309, 324, 337, 341, 343, 346, 361 and 362

Applications, Requests, Submittals, Delegations of Authority, and Notices Required To Be Filed by Statute or Regulation; Forms, Instructions and Reports; Rules of Practice and Procedure; Disclosure of Information; Agricultural Loan Loss Amortization; Unsafe and Unsound Banking Practices; Registration of Securities Transfer Agents; Insured State Nonmember Banks Which Are Municipal Securities Dealers; Foreign Banks; Minority and Women Outreach Program—Contracting; Activities and Investments of Insured State Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is adopting final amendments concerning delegations of authority and other technical amendments to its regulations in order to reflect a recent internal reorganization. Under the revised organizational structure, which becomes effective June 18, 1995, the FDIC's divisions and offices will report to one of three deputies to the Chairman. As part of the restructuring, a new Division of Insurance is being established to identify and assess risks to the deposit insurance funds, which the FDIC administers. In addition, a new Division of Administration is being created by abolishing the Offices of Personnel Management, Corporate Services, and Training and Educational Services and transferring their functions to the new division. As a result of the reorganization, the position of Executive Director for Compliance, Resolutions, and Supervision is being abolished as no longer necessary. The intended effect of these amendments is to provide the Director of the Division of Supervision with appropriate delegated authority and to make other technical and conforming amendments to implement the agency's reorganization.

EFFECTIVE DATE: June 18, 1995.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:
Background

On May 16, 1995, the FDIC's Board of Directors adopted a resolution approving an internal reorganization of the agency, which will result in several organizational and management changes that become effective June 18, 1995. Under the revised organizational structure, the FDIC's divisions and offices will report to one of three deputies to the Chairman: the Deputy to the Chairman/Chief Operating Officer (Deputy/COO), the Deputy to the Chairman for Finance/Chief Financial Officer (Deputy/CFO), and the Deputy to the Chairman for Policy (Deputy/Policy). Specifically, the Divisions of Supervision, Compliance and Consumer Affairs, Research and Statistics, and Information Resources Management, as well as the Offices of the Executive Secretary and Equal Employment Opportunity, will report to the Chairman through the Deputy/COO. The Deputy/CFO will provide general oversight over the operations of the Divisions of Resolutions, Depositor and Asset Services, and Finance, and the Deputy/Policy will serve the same function with respect to the Offices of Corporate Communications, Legislative Affairs, and Ombudsman. The General Counsel and the Inspector General, however, will continue to report directly to the Chairman.

As part of the reorganization, a new Division of Insurance is being established to identify and assess existing and emerging risks to the deposit insurance funds, which the FDIC administers. Furthermore, a new Division of Administration is being created by abolishing the Offices of Personnel Management, Corporate Services, and Training and Educational Services and transferring their functions to the new division. As a result of the reorganization, the position of Executive Director for Compliance, Resolutions, and Supervision (Executive Director), which provided general oversight for the Divisions of Compliance and Consumer Affairs, Resolutions and Supervision, is being abolished as no longer necessary. Other management changes are being made as part of the restructuring, but those do not require regulatory amendments.

Discussion

The FDIC has identified portions of its regulations that will be directly affected by the aforementioned corporate reorganization and thus require modification. The first set of technical changes amend Parts 303, 337, 346 and 362 to delete all references to the position of Executive Director and to provide the Director of the Division of Supervision (DOS) with appropriate delegated authority. The second set of amendments involve conforming changes to reflect the new names of a division affected by the reorganization and to conform obsolete names of divisions found throughout the FDIC's regulations to their current nomenclature. Specifically, most references to the Division of Accounting and Corporate Services (DACS) are being changed to either the Division of Administration, which will assume part of the duties and functions of DACS as part of the restructuring, or the Division of Finance (DOF), which already assumed a portion of DACS' duties and functions during a prior reorganization. Two references to DACS are being changed to DOS to reflect the availability of forms from the latter division. Further, references to the obsolete terms "Division of Liquidation" and "Division of Bank Supervision" are being amended to reflect their current names, the Division of Depositor and Asset Services (DDAS) and DOS, respectively.

A. Technical Amendments to Parts 303, 337, 346 and 362

1. Part 303 (Applications, Requests, Submittals, Delegations of Authority, and Notices Required To Be Filed by Statute or Regulation)

Part 303 of the FDIC's regulations generally describes the procedures to be followed by both the FDIC and applicants with respect to applications, requests, or notices required to be filed by statute or regulation. Part 303 also sets forth delegations of authority from the FDIC's Board of Directors to the Directors of DOS and the Division of Compliance and Consumer Affairs (DCA) and, in some cases, their designees to act on certain applications and other matters. Section 303.0(c)(1) of the FDIC's regulations (12 CFR 303.0(c)(1)) provides that, for purposes of Part 303, the Executive Director may exercise any authority delegated to the Director of DOS or the Director of DCA or, in the event the Executive Director becomes obsolete, an official of equivalent authority. Since the title of Executive Director has been abolished and an "official of equivalent authority"

does not exist, this provision is no longer necessary. Accordingly, § 303.0(c)(1) is removed.

2. Part 337 (Unsafe and Unsound Banking Practices)

Part 337 of the FDIC's regulations governs certain banking practices which are likely to have adverse effects on the safety and soundness of insured state nonmember banks or which are likely to result in violations of law or regulations. Sections 337.6(e) and 337.6(h)(3) of the FDIC regulations (12 CFR 337.6(e), (h)(3)) provide delegated authority to both the Executive Director and the Director of DOS in connection with brokered deposits. Section 337.6(e) provides that the Executive Director, the Director of DOS and, when confirmed in writing by the Director, an associate director or appropriate regional director or deputy regional director may approve waiver applications to accept, renew or roll over brokered deposits. Section 337.6(h)(3) provides that the Executive Director or the Director of DOS or any of their designees may request, from time to time, quarterly written reports from deposit brokers regarding the volume of brokered deposits placed with a specific insured depository institution and the maturities, rates and costs associated with such deposits. These sections are amended only to delete the reference to Executive Director; the Director of DOS or designee will retain this delegated authority.

3. Part 346 (Foreign Banks)

The activities and operations of branches of foreign banks (both insured and uninsured) are governed by Part 346 of the FDIC's regulations. Section 346.101(g) (12 CFR 346.101(g)) delegates authority to the Executive Director and the Director of DOS and, where confirmed in writing by the Director, to an associate director or appropriate regional director or deputy regional director to approve divestiture and cessation plans submitted by insured state branches of foreign banks. This section is amended to delete the reference to Executive Director. Again, the Director of DOS or designee will retain this delegated authority.

4. Part 362 (Activities and Investments of Insured State Banks)

Part 362 implements section 24 of the Federal Deposit Insurance Act (12 U.S.C. 1831a), which sets forth certain restrictions and prohibitions on the activities and investments of insured state banks and their subsidiaries. Section 362.6 of the FDIC's regulations (12 CFR 362.6) delegates to the

Executive Director the authority to act on applications by state banks to engage in activities or make equity investments not permissible for national banks and to take related actions. The Executive Director may then subdelegate this authority in writing to the Director of DOS or designee. Since the position Executive Director has been abolished, this section is being amended to delegate such authority directly from the Board of Directors to the Director of DOS, who may then subdelegate the authority in writing to appropriate officials within DOS.

B. Conforming Amendments: Division Names

Several conforming amendments are being made to reflect the new names of a division directly affected by the reorganization. Specifically, most references to DACS are being changed to either the "Division of Administration" or the "Division of Finance" in order to reflect the names of the divisions to which DACS' duties and functions have been transferred. Two references to DACS are being changed to DOS to indicate the availability of certain forms (Form 8020/05 [Summary of Deposits] and FFIEC Form 001 [Annual Report of Trust Assets]) from the latter division.

In addition, the FDIC is taking this opportunity to correct obsolete references to two divisions within the Corporation that are found throughout the agency's regulations. All references to the Division of Liquidation and the Division of Bank Supervision are being changed to "Division of Depositor and Asset Services" and "Division of Supervision," respectively, to reflect the current names of those divisions.

Exemption From Public Comment

Rules of agency organization, procedure or practice are exempt from the public comment requirements of section 553 of the Administrative Procedure Act (5 U.S.C. 553(b)(A)). The FDIC believes that it is unnecessary to seek public comment in this case because these amendments clearly concern rules of agency organization, procedure or practice which fall within this exemption. Therefore, the amendments are being issued as a final, rather than proposed, rule.

Effective Date of Amendments

Section 553 of the Administrative Procedure Act (5 U.S.C. 553) generally requires that a final rule be published 30 days prior to its effective date, subject to certain exceptions. One such exception is that if an agency finds good cause for making a rule immediately effective and publishes the basis for its

determination, then the rule need not be published 30 days before it becomes effective. 5 U.S.C. 553(d)(3). These amendments merely pertain to internal organization and delegations of authority and do not affect any substantive rights of entities regulated by the FDIC. Accordingly, the FDIC Board of Directors finds good cause to waive the 30-day delayed effective date in order to quickly effectuate the corporate reorganization and to reflect the name of the newly created Division of Administration.

Regulatory Flexibility Act

The Board of Directors hereby certifies that the final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will not impose burdens on depository institutions of any size and will not have the type of economic impact addressed by the Act. Therefore, the Act's requirements regarding an initial and final regulatory flexibility analysis (*Id.* at 603 & 604) do not apply.

Paperwork Reduction Act

This rulemaking does not require any collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Accordingly, no information has been submitted to the Office of Management and Budget for review.

Authority

These amendments are promulgated under the FDIC's general authority to prescribe, through its Board of Directors, such rules and regulations as it may deem necessary to carry out the provisions of the Federal Deposit Insurance Act or any other law which the FDIC has the responsibility of administering or enforcing (except to the extent that authority to issue such rules and regulations has been expressly and exclusively granted to any other regulatory agency). 12 U.S.C. 1819(a)(Tenth).

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Insured depository institutions, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 337

Banks, banking, Reporting and recordkeeping requirements, Securities.

12 CFR Part 346

Bank deposit insurance, Foreign banking, Reporting and recordkeeping requirements.

12 CFR Part 362

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Insured depository institutions, Investments.

The Board of Directors of the Federal Deposit Insurance Corporation, under the authority of 12 U.S.C. 1819(a)(Tenth), hereby amends Parts 303, 304, 308, 309, 324, 337, 341, 343, 346, 361 and 362 of title 12 of the Code of Federal Regulations as follows:

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES REQUIRED TO BE FILED BY STATUTE OR REGULATION

1. The authority citation for Part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 1813, 1815, 1816, 1817(a)(2)(b), 1817(j), 1818, 1819 (“Seventh,” “Eighth” and “Tenth”), 1828, 1831e, 1831o, 1831p-1(a); 15 U.S.C. 1607.

§ 303.0 [Amended]

2. In § 303.0, the heading for paragraph (c) and paragraph (c)(1) are removed and paragraph (c)(2) is redesignated as paragraph (c).

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 continues to read as follows:

Authority: 12 U.S.C. 375a(4), 375b, 1816, 1818(a), 1818(b), 1819, 1821(f), 1828(j)(2), 1831f, 1831f-1.

2. Section 337.6 is amended by revising the first sentence of paragraph (e)(1) and paragraph (h)(3) to read as follows:

§ 337.6 Brokered deposits.

* * * * *

(e) *Decision.* (1) The Director of the Division of Supervision and, when confirmed in writing by the Director, an associate director or the appropriate regional director or deputy regional director, shall each have the authority to approve any waiver application properly filed. * * *

* * * * *

(h) * * *

(3) The Director of the Division of Supervision or designee may request, from time to time, quarterly written reports from any deposit broker regarding the volume of brokered deposits placed with a specified insured

depository institution and the maturities, rates and costs associated with such deposits.

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PART 346—FOREIGN BANKS

1. The authority citation for Part 346 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820, 3103, 3104, 3105, 3108.

2. Section 346.101 is amended by revising paragraph (g) to read as follows:

§ 346.101 Applications.

* * * * *

(g) *Delegation of authority.* Authority is hereby delegated to the Director of the Division of Supervision and, when confirmed in writing by the Director, to an associate director, or to the appropriate regional director or deputy regional director, to approve plans of divestiture and cessation submitted pursuant to paragraph (f) of this section.

PART 362—ACTIVITIES AND INVESTMENTS OF INSURED STATE BANKS

1. The authority citation for Part 362 continues to read as follows:

Authority: 12 U.S.C. 1816, 1818, 1819(Tenth), 1831a.

2. Section 362.6 is revised to read as follows:

§ 362.6 Delegation of authority.

The authority to review and act upon divestiture plans submitted pursuant to § 362.3(c)(2); the authority to approve or deny notices filed pursuant to § 362.3(d); the authority to approve or deny applications pursuant to § 362.3(b)(7)(ii); and the authority to approve or deny requests for consent pursuant to § 362.4(d) as well as to take any other action authorized by § 362.4(d) is delegated to the Director of the Division of Supervision or the Director’s designee.

PARTS 304, 308, 309, 324, 341, 343, 346 AND 361—[AMENDED]

§ 304.5 [Amended]

1. In § 304.5(a) and (c), by removing the words “Bank Financial Reporting Section, Division of Accounting and Corporate Services” and adding in lieu thereof the words “Division of Supervision” each place they appear.

§ 309.4 [Amended]

2. In § 309.4(e) introductory text, by removing the words “Information Center Unit, Bank Systems Section, Management Information Services Branch, Division of Accounting and

Corporate Services” and adding in lieu thereof the words “Division of Finance” and by removing the semicolon at the end of the paragraph and adding a colon in its place.

§ 361.7 [Amended]

3. In § 361.7(b), by removing the words “Corporate Services Branch, Division of Accounting and Corporate Services” and adding in lieu thereof the words “Division of Administration”.

§§ 308.145, 309.4, 309.5 [Amended]

4. By removing the words “Division of Liquidation” and adding in lieu thereof the words “Division of Depositor and Asset Services” where they appear in the following places:

- a. § 308.145
- b. § 309.4(g)
- c. § 309.5(h)

§§ 324.2, 324.7, 341.3, 341.5, 343.3, 346.20 [Amended]

5. By removing the words “Division of Bank Supervision” and adding in lieu thereof the words “Division of Supervision” where they appear in the following places:

- a. § 324.2(d)
- b. § 324.7(a)
- c. § 341.3(c)
- d. § 341.5(b)
- e. § 343.3(e)
- f. § 346.20(a)

By Order of the Board of Directors.

Dated at Washington, D.C. this 8th day of June, 1995.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Acting Executive Secretary.

[FR Doc. 95-14661 Filed 6-14-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM-110; Special Conditions No. 25-ANM-100]

Special Conditions: Modified Gulfstream American Corporation Model 1159 Airplane; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Gulfstream American Corporation (GAC) Model 1159 airplane, modified by Learjet, Inc., of Denver, Colorado. This airplane will be