

Proposed Rules

Federal Register

Vol. 79, No. 107

Wednesday, June 4, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID FFIEC-2014-0001]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. OP-1491]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCIES: Office of the Comptroller of the Currency ("OCC"), Treasury; Board of Governors of the Federal Reserve System ("Board"); and Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The OCC, Board, and FDIC ("we" or "Agencies") are conducting a review of the regulations we have issued to identify outdated, unnecessary, or unduly burdensome regulations for insured depository institutions. This review is required by section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 ("EGRPA"). To facilitate this review, the Agencies have divided these regulations into 12 subject-matter categories and identified the regulations within each category. At regular intervals over the next two years, the Agencies will publish four **Federal Register** requests for comment. Each will address one or more categories. We will invite the public to identify the regulations in each category that they believe are outdated, unnecessary, or unduly burdensome for insured

depository institutions and their regulated holding companies. This is the first of the four **Federal Register** requests for comment. In it, we are seeking comment on the regulations in the following three categories: Applications and Reporting, Powers and Activities, and International Operations. We will address the remaining nine categories in the three subsequent requests for comment. To aid the public, we also are publishing a chart that sets forth the rules addressed in this document, as well as those that we will address in the remaining three.

DATES: Written comments must be received no later than September 2, 2014.

ADDRESSES: Comments may be submitted through the Federal eRulemaking Portal: "Regulations.gov." You can reach this portal through the Agencies' EGRPA Web site, <http://egrpra.ffiec.gov>. On this site, click "Submit a Comment" and follow the instructions. Alternatively, go to <http://www.regulations.gov>, enter "FFIEC-2014-0001" in the Search Box, click "Search," and click "Comment Now." Those who wish to submit their comments by an alternate means may do so as indicated below.

OCC

We encourage commenters to submit comments through the Federal eRulemaking Portal, Regulations.gov, in accordance with the previous paragraph. Alternatively, comments may be emailed to regs.comments@occ.treas.gov or sent by mail to Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Mail Stop 9W-11, 400 7th Street SW., Washington, DC 20219. Comments also may be faxed to (571) 465-4326 or hand delivered or sent by courier to 400 7th Street SW., Washington, DC 20219. For comments submitted by any means other than Regulations.gov, you must include "OCC" as the agency name and "Docket ID FFIEC-2014-0001" in your comment.

In general, the OCC will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and

address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not include any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the OCC at 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect or photocopy comments. You may make an appointment by calling (202) 649-6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

Board

We encourage commenters to submit comments regarding the Board's regulations by any of the following methods:

- Agency Web site: <http://www.federalreserve.gov/apps/foia/proposedregs.aspx>. Follow the instructions for submitting comments on the Agency Web site.
- Federal eRulemaking Portal, in accordance with the directions above.
- Email: regs.comments@federalreserve.gov. Include "EGRPA" and Docket No. OP-1491 in the subject line of the message.
- FAX: (202) 452-3819.
- Mail: Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

In general, the Board will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not enclose any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the Board at 20th and Constitution Avenue NW., Washington, DC 20551. For

security reasons, the Board requires that visitors make an appointment to inspect comments. You may make an appointment by calling (202) 452-3000. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

FDIC

We encourage commenters to submit comments through the Federal eRulemaking Portal, "Regulations.gov," in accordance with the directions above. Alternatively, you may submit comments by any of the following methods:

- Agency Web site: <http://www.fdic.gov/regulations/laws/federal>. Follow instructions for submitting comments on the Agency Web site.
- Email: Comments@FDIC.gov. Include "EGRPRA" in the subject line of the message.
- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- Hand Delivery/Courier: Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).

We will post all comments received to <http://www.fdic.gov/regulations/laws/federal> without change, including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E-1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by calling (877) 275-3342.

FOR FURTHER INFORMATION CONTACT:

OCC: Karen McSweeney, Counsel (202) 649-6295; for persons who are deaf or hard of hearing, TTY (202) 649-5597.

Board: Walter McEwen, Senior Counsel (202) 452-3321; Claudia Von Pervieux, Counsel (202) 452-2552; Matthew Bornfreund, Attorney (202) 452-3818.

FDIC: Michelle M. Borzillo, Senior Counsel (703) 562-6083; Claude A. Rollin, Counsel (703) 562-6327; Ann Taylor, Counsel (202) 898-3573.

SUPPLEMENTARY INFORMATION:

I. Introduction

Congress enacted section 2222 of EGRPRA¹ to minimize unnecessary government regulation consistent with

safety and soundness, to promote consistency between the Agencies' regulations, and to support consumer protection. The statute requires that not less frequently than once every 10 years, the Federal Financial Institutions Examination Council ("FFIEC"),² along with the Agencies,³ conduct a review of their regulations to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions. In conducting this review, the FFIEC or Agencies shall (a) categorize their regulations by type and (b) at regular intervals, provide notice and solicit public comment on categories of regulations, requesting commenters to identify areas of regulations that are outdated, unnecessary, or unduly burdensome.⁴

EGRPRA also requires the FFIEC or the Agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. It also directs the Agencies to eliminate unnecessary regulations to the extent that such action is appropriate. Finally, the statute requires the FFIEC to submit to Congress a report that summarizes any significant issues raised in the public comments and the relative merits of such issues. The report also must include an analysis of whether the Agencies are able to address the regulatory burdens associated with such issues or whether these burdens must be addressed by legislative action.

² The FFIEC is an interagency body empowered to prescribe uniform principles, standards, and report forms for the Federal examination of financial institutions and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC does not issue regulations that impose burden on financial institutions and, therefore, we have not separately captioned the FFIEC in this notice.

³ The FFIEC is comprised of the OCC, Board, FDIC, National Credit Union Administration ("NCUA"), Consumer Financial Protection Bureau ("CFPB"), and State Liaison Committee. Of these, only the OCC, Board, and FDIC are statutorily required to undertake the EGRPRA review. The NCUA elected to participate in the first EGRPRA review ten years ago, and the NCUA Board again has elected to participate in this review process. Consistent with its approach during the first EGRPRA review, NCUA will separately issue notices and requests for comment on its rules. The CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect. See 12 U.S.C. 5512(d). This process is separate from the EGRPRA process.

⁴ Insured depository institutions also are subject to regulations that are not required to be reviewed under the EGRPRA process. Examples include rules for which rulemaking authority has transferred to the CFPB and anti-money laundering regulations issued by the Department of the Treasury's Financial Crimes Enforcement Network, among others. If, during the EGRPRA process, the Agencies receive a comment about a regulation that is not subject to the EGRPRA review, we will forward that comment to the appropriate agency.

II. The EGRPRA Review's Targeted Focus

The EGRPRA regulatory review provides an opportunity for the public and the Agencies to look at groups of related regulations and to identify opportunities for burden reduction. For example, the EGRPRA review may facilitate the identification of statutes and regulations that share similar goals or complementary methods where one or more Agencies could eliminate overlapping requirements. Alternatively, commenters may identify regulations or statutes that impose requirements that are no longer consistent with the way that business is conducted and that, therefore, the Agencies might eliminate.

The EGRPRA review also provides the Agencies and the public with an opportunity to consider how to reduce burden on community banks and other small, insured depository institutions or holding companies. We are keenly aware of the role that these institutions play in providing consumers and businesses across the nation with essential financial services and access to credit, and we are concerned about the impact of regulatory burden on these smaller institutions. We understand that when an Agency issues a new regulation or amends a current regulation, smaller institutions may have to devote considerable resources to determine if and how the regulation will affect them. Through the public comment process, the EGRPRA review can help the Agencies identify and target regulatory changes to reduce burden on these smaller institutions.

Burden reduction must, however, be compatible with the safety and soundness of insured depository institutions, their affiliates, and the financial system as a whole. It also must be consistent with the Agencies' statutory mandates, many of which require the issuance of regulations. EGRPRA recognizes that effective burden reduction may require legislative change. Accordingly, as part of this review, we specifically ask the public to comment on the relationship among burden reduction, regulatory requirements, and statutory mandates.

In addition, we note that the Agencies also consider regulatory burden each time we propose, adopt, or amend a rule. For example, under the Paperwork Reduction Act of 1995 and the Regulatory Flexibility Act, the Agencies assess each rulemaking with respect to the burdens the rule might impose. Furthermore, we invite the public to comment on every rule we propose, as

¹ Public Law 104-208 (1996), codified at 12 U.S.C. 3311.

required by the Administrative Procedure Act (“APA”).

III. The EGRPRA Review Process

Taken together for purposes of EGRPRA, the Agencies’ regulations covering insured depository institutions encompass more than 100 subjects.⁵ Consistent with the EGRPRA statute, the Agencies have grouped these regulations into the following 12 regulatory categories: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection;⁶ Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. To determine these categories, we divided the regulations by type and sought to have no category be too large or broad.

Over the next two years, the Agencies plan to publish four **Federal Register** notices, each addressing one or more categories of rules. Each **Federal Register** notice will have a 90-day comment period. Today, we are publishing the first of these four notices, addressing the following three categories of regulations: Applications and Reporting, Powers and Activities, and International Operations. We invite the public to identify outdated, unnecessary, or unduly burdensome regulatory requirements imposed on insured depository institutions and their holding companies in these three categories.

To assist the public’s understanding of how we have organized the EGRPRA review, the Agencies have prepared a chart that lists the three categories of regulations for which we are currently requesting comments, as well as the remaining nine categories on which we will seek comment in the future. On the chart, the left column divides the categories into specific subject-matter areas. The headings at the top of the

chart identify the types of institutions affected by the regulations.

After comments have been received, the Agencies will review the comments and decide whether further action is appropriate with respect to the regulations. The Agencies will make this decision jointly in the case of rules that we have issued on an interagency basis. Similarly, we will undertake any rulemaking to amend or repeal those rules on an interagency basis. For rules issued by a single agency, the issuing agency will review the comments received and independently determine whether amendments to or repeal of its rules are appropriate. If so, that Agency will initiate a rulemaking to effect such change. In all cases, the Agencies will provide the public with an opportunity to comment on any proposed amendment to or repeal of a regulation, as required by the APA.

IV. Request for Burden Reduction Comments on the First Three Categories of Regulations: Applications and Reporting, Powers and Activities, and International Operations

As noted previously, the Agencies are asking the public to comment on regulations in three specific categories to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions and their regulated holding companies. Where possible, we ask commenters to cite to specific regulatory language or provisions. We also welcome suggested alternative provisions or language in support of a comment, where appropriate. Where implementation of a suggestion would require modification of a statute, we ask the commenter to identify the statute and the needed change, where possible.

Comments on Application and Reporting rules for Federal savings associations. The Dodd-Frank Act transferred the rulewriting authority for Federal consumer financial laws to the CFPB (with some exceptions) and the rulewriting authority for all other Federal and state savings association and savings and loan holding company rules to the relevant Agency. Following this transfer, each Agency made its own decision about how to incorporate these former Office of Thrift Supervision (“OTS”) rules into its regulations. The OCC republished the former OTS rules at 12 CFR parts 100 through 197. As a result, in most cases, the OCC has one set of rules applicable to national banks and another set of rules applicable to Federal savings associations or, where appropriate, to all savings associations.

However, the OCC has decided to propose integrating its Application and

Reporting rules (also referred to as Licensing rules)⁷—to the extent appropriate and consistent with statutory charter differences—for national banks and Federal savings associations, in order to streamline its applications processing and to facilitate improvements in its electronic filing systems. Accordingly, on May 21, 2014, the OCC issued a Notice of Proposed Rulemaking (“NPR”) (a) to integrate its national bank and savings association Application and Reporting rules, and (b) to revise some of these rules with the goal of eliminating unnecessary requirements consistent with safety and soundness.⁸

The OCC recognizes that the timing and substance of this NPR and the EGRPRA review of the Application and Reporting rules overlap. In an effort to provide the fullest opportunity for public comment, the OCC invites comment on its current Application and Reporting rules pursuant to this notice, on its proposed revisions to the Application and Reporting rules set forth in the NPR, or on both. The OCC will consider all comments it receives when it finalizes its integrated Application and Reporting rules.

Comments on rules transferred from the OTS to the FDIC that involve state savings associations. Pursuant to section 316(b) of the Dodd-Frank Act, rules transferred from the OTS to the FDIC and other successor agencies remain in effect “until modified, terminated, set aside, or superseded in accordance with applicable law” by the relevant successor agency, by a court of competent jurisdiction, or by operation of law. When the FDIC republished the transferred OTS regulations as new FDIC regulations applicable to state savings associations, the FDIC stated in its **Federal Register** notice that its staff would evaluate the transferred OTS rules and might later recommend incorporating the transferred OTS regulations into other FDIC rules, amending them, or rescinding them.⁹ This process began in 2013 and continues, involving publication in the **Federal Register** of a series of NPRs and rulemakings.

The FDIC will consider public comments submitted either through the EGRPRA review process or through any notice and comment rulemaking related to the FDIC’s determinations regarding the transferred OTS regulations.

⁵ Consistent with EGRPRA’s focus on reducing burden on insured depository institutions, the Agencies have not included their internal, organizational or operational regulations in this review. These regulations impose minimal, if any, burden on insured depository institutions. Furthermore, we have not included in this review those rules that will go into effect during the EGRPRA review, new regulations that have only recently gone into effect, or rules that we have yet to fully implement. As previously noted, the Agencies were required to take burden into account in adopting these regulations.

⁶ The Agencies are seeking comment only on those consumer protection regulations for which they retain rulemaking authority for insured depository institutions, and regulated holding companies following passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010) (“Dodd-Frank Act”).

⁷ These rules are set forth on pages 1–2 of the chart.

⁸ <http://www.occ.gov/news-issuances/bulletins/2014/bulletin-2014-22a.pdf>.

⁹ 76 FR 47652, 47653 (Aug. 5, 2011).

Comments on rules transferred from the OTS to the Board on savings and loan holding companies. In August 2011, the Board adopted interim final rules for savings and loan holding companies as Regulations LL and MM.¹⁰ In connection with the action, the Board requested comments on the rules. Any comments received during the EGRPRA process will be taken into account in connection with the adoption of the final rules or in connection with any subsequent requests for comment on additional changes to these regulations.

Specific issues for commenters to consider. The Agencies specifically invite comment on the following issues as they pertain to the Agencies' Applications and Reporting, Powers and Activities, and International Operations rules addressed in this notice. We will ask these same questions for each notice we issue in connection with the EGRPRA process.

- *Need for statutory change.* Do the statutes underlying the regulations in these categories impose outdated, unnecessary, or unduly burdensome requirements on insured depository institutions or their regulated holding companies? If so, how should the statutes be amended?

- *Need and purpose of the regulations.* Have there been changes in the financial services industry, consumer behavior, or other circumstances that cause any regulations in these categories to be outdated, unnecessary, or unduly

burdensome? If so, how should these regulations be amended? Do any of these regulations impose burdens not required by their underlying statutes? If so, what regulatory changes do you recommend?

- *Overarching approaches/flexibility.* With respect to the regulations and underlying statutes in these categories, could an Agency use a different regulatory approach to impose less regulatory burden on the entities it supervises, while remaining faithful to statutory intent? Are any of the regulations or underlying statutes in these categories unnecessarily inflexible? If so, which ones and how should they be amended?

- *Effect on competition.* Do any of the regulations or underlying statutes in these categories create a competitive disadvantage for one part of the financial services industry compared to another? If so, how should they be amended?

- *Reporting, recordkeeping and disclosure requirements.* Do any of the regulations or underlying statutes in these categories impose unnecessarily burdensome reporting, recordkeeping, or disclosure requirements on insured depository institutions and their holding companies? Could the Agencies consolidate or eliminate any of these requirements? Could a financial institution fulfill any of these requirements electronically (if they are not already permitted to do so) and experience a burden reduction? If so,

please provide specific recommendations.

- *Unique characteristics of a type of institution.* Do any of the regulations or underlying statutes in these categories impose requirements that are unwarranted by the unique characteristics of a particular type of insured depository institution or holding company? If so, how should these regulations be amended?

- *Clarity.* Are the regulations and underlying statutes in these categories clear and easy to understand? Are there specific regulations or underlying statutes in need of clarification? If so, please identify the regulations and statutes.

- *Burden on community banks and other smaller, insured depository institutions.* Are there regulations or underlying statutes in these categories that impose outdated, unnecessary, or unduly burdensome requirements on a substantial number of community banks or other smaller, insured depository institutions or holding companies? Should any of these regulations be amended or repealed in order to minimize this impact? If so, please specify the regulation(s).

- *Scope of rules.* Is the scope of each rule in these categories consistent with the intent of the underlying statute(s)? Could we amend the scope of a rule to clarify its applicability or to reduce the burden, while remaining faithful to statutory intent? If so, specify which regulation(s) should be clarified.

BILLING CODE 4810-33-P; 6210-01-P; 6714-01-P

¹⁰ 12 CFR parts 238 and 239.

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
1. Applications and Reporting						
Interagency Regulations						
Bank Merger Act	12 CFR 5.33	12 CFR 262.3 (processing and notice) 12 CFR 225 Subpart B	12 CFR Part 303, Subpart D	12 CFR 163.22 (also includes bulk asset transfers and thrift-to-bank conversions)	12 CFR Part 390, Subpart E	
Change in Bank Control	12 CFR 5.50	12 CFR Part 225, Subpart E [Reg. Y]	12 CFR Part 303, Subpart E Part 308, Subparts D and E	12 CFR Part 174 (includes control under the Savings and Loan Holding Company Act);	12 CFR Part 391, Subpart E	12 CFR Part 225, Subpart E ----- 12 CFR Part 238, Subpart D
Notice of Addition or Change of Directors	12 CFR 5.51	12 CFR Part 225, Subpart H [Reg. Y]	12 CFR Part 303, Subpart F	12 CFR Part 163, Subpart H	12 CFR 390.360-.368	12 CFR Part 225, Subpart H ----- 12 CFR Part 238, Subpart H
OCC Regulations						
National Bank Rules, Policies, and Procedures for Corporate Activities	12 CFR Part 5 (Generally)					
Federal Savings Association Application Processing Procedures				12 CFR Part 116 (Additional OCC application and notice requirements are associated with specific regulations included elsewhere on this list. E.g., fiduciary powers applications, 12 CFR Part 150; subordinate organization activities, 12 CFR Part 159)		
Federal Savings Association Capital Distribution				12 CFR Part 163, Subpart E		
Federal Mutual Savings Associations – Incorporation, Organization and Conversion; or Merger,				12 CFR Parts 143, 146		

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Dissolution, Reorganization and Conversion						
Federal Stock Savings Associations—Incorporation, Organization and Conversion				12 CFR Part 152		
Federal Savings Association Mutual to Stock Conversions				12 CFR Part 192	12 CFR Part 192 (Conversions from Mutual to Stock Form)	
Federal Savings Association Offices				12 CFR 145.92-.96		
Federal Savings Association Regulatory Reporting Standards; Other Reporting Requirements; and Recordkeeping				12 CFR Part 162; 12 CFR 163.170; 12 CFR 163.180		
Board Regulations						
Holding Companies – Formations, Acquisitions and Nonbanking Activities						12 CFR Part 225 [Reg. Y], Subparts A, B, C, D, I, Appx. C 12 CFR 262.3 ----- 12 CFR Part 238 [Reg. LL] Subparts A, B, C, E, F 12 CFR Part 239 [Reg. MM] 12 CFR 262.3
State Member Banks		12 CFR Part 208 [Reg. H], Subparts A, B, C, G 12 CFR Part 209 [Reg. I] 12 CFR 262.3				
FDIC Regulations						
Call Reports and Other Forms, Instructions and Reports	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304			
Deposit Insurance Filing Procedures	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 390, Subpart F	

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Extension of Corporate Powers			12 CFR Part 333			
Filing Procedures and Delegations of Authority			12 CFR Part 303		12 CFR Part 390, Subpart F	
2. Powers and Activities						
OCC Regulations						
National Bank Activities and Operations	12 CFR Part 7, Subparts A, D, and E					
National Bank Community Development Corporations, Community Development Projects, and Other Public Welfare Investments	12 CFR Part 24					
National Bank Debt Cancellation Contracts and Debt Suspension Agreements	12 CFR Part 37					
National Bank Fiduciary Activities	12 CFR Part 9					
National Bank Investment in Bank Premises	12 CFR 5.37					
National Bank Investment Securities	12 CFR Part 1	12 CFR Part 1				
National Bank Leasing	12 CFR Part 23					
National Bank Real Estate Lending	12 CFR Part 34, Subparts A and B					
National Bank Sales of Credit Life Insurance	12 CFR Part 2					
Federal Savings Association				12 CFR Parts 157, 161		

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Deposits				(definitions)		
Federal Savings Association Electronic Operations				12 CFR Part 155		
Federal Savings Association Fiduciary Powers of Federal Savings Associations				12 CFR Part 150		
Federal Savings Association General				12 CFR Part 145; See also: provisions on chartering, organization and bylaws at 12 CFR Part 152 (Federal Stock Associations); 12 CFR Parts 143, 144, 146 (Federal Mutual Savings Associations)		
Federal Savings Association Lending and Investment				12 CFR Part 160		
Preemption of State Due-On-Sale Laws (Implementation of Garn-St Germain)	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191 (Preemption of State Due-on-Sale Laws)	
Preemption of State Usury Laws (Implementation of DIDMCA)	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190 (Preemption of State Usury Laws)	
Federal Savings Association Subordinate Organizations				12 CFR Part 159		
Retail Foreign Exchange Transactions	12 CFR Part 48			12 CFR Part 48		

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Preemption Generally	12 CFR Part 7, Subpart D			12 CFR 7.4010		
Board Regulations						
Bank Holding Companies, Financial Holding Companies, Savings and Loan Holding Companies (General provisions not included elsewhere in this list)						12 CFR Part 225, Subparts A, F, J ----- 12 CFR Part 238, Subparts A, G, K, I 12 CFR Part 239
Activities and Operations		12 CFR Part 208, 208.37, Subparts A, G 12 CFR Part 209				
Community Development; Public Welfare Investments; Investment in Bank Premises; Investment Securities		12 CFR Part 208, Subpart B				
Fiduciary Activities		12 CFR 225.28(b)(5)				
Leasing of Real Property Personal Property		12 CFR 225.28(b)(3)				
Real Estate Lending		12 CFR Part 208, Subpart E				12 CFR Part 225, Subpart G -----
Sales of Insurance		12 CFR Part 208, Subpart H				
FDIC Regulations						
Activities of Insured State Banks		12 CFR Part 362, Subpart A; 12 CFR Part 303, Subpart G	12 CFR Part 362, Subparts A, B, and E; 12 CFR Part 303, Subpart G		12 CFR Part 362, Subparts C and D; 12 CFR Part 303, Subpart H	
Activities of Insured State Savings Associations					12 CFR Part 362, Subparts C and D; 12 CFR Part 303, Subpart H; 12 CFR Part 390, Subpart O	

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
3. International Operations						
Interagency Regulations						
International Lending Supervision	12 CFR Part 28, Subpart C	12 CFR Part 211, Subpart D [Reg. K]	12 CFR Part 347, Subpart C			12 CFR Part 211, Subpart D [Reg. K] -----
OCC Regulations						
Foreign Operations of National Banks	12 CFR Part 28, Subpart A					
Board Regulations						
International Operations of U.S. Banking Organizations	12 CFR Part 211, Subpart A	12 CFR Part 211, Subpart A				12 CFR Part 211 Subpart A -----
Edge and Agreement Corporations	12 CFR 11.5-7	12 CFR 211.5-7				12 CFR 211.5-7 -----
Foreign Banking Organizations Interstate Banking Operations Nonbanking Activities U.S. Offices						12 CFR Part 211 Subpart B -----
Export Trading Companies; International Lending Supervision						12 CFR Part 211, Subparts C, D -----
FDIC Regulations						
Foreign Banking and Investment by Insured State Nonmember Banks			12 CFR Part 347, Subpart A; 12 CFR Part 303, Subpart J			

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
1. Banking Operations						
OCC Regulations						
Assessment of Fees	12 CFR Part 8			12 CFR Part 8		
Bank Operations	12 CFR Part 7, Subpart C					
Board Regulations						
Availability of Funds and Collection of Checks	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	
Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	
Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	
Reserve Requirements of Depository Institutions	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	
The Payment System Risk Reduction Policy	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	
FDIC Regulations						
Assessments	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
2. Capital						
Interagency Regulations						
Prompt Corrective Action	12 CFR Part 6	12 CFR Part 208, Subpart D 12 CFR Part 263, Subpart H	12 CFR Part 325, Subpart B	12 CFR Part 6 (effective Jan. 1, 2014).	12 CFR Part 390, Subpart Y	12 CFR 208, Subpart D 12 CFR 263, Subpart H -----
Risk-Based and Leverage Capital Adequacy Standards	12 CFR Part 3	12 CFR Part 208, Subpart D, Appx. A, B, E, and F 12 CFR Part 263, Subpart E	12 CFR Part 325, Subpart A and all Appendices	12 CFR Part 6 (effective Jan. 1, 2014).	12 CFR Part 390, Subpart Z	12 CFR Part 225, Appx. A, B, D, E, G 12 CFR Part 263, Subpart E -----
Annual Stress Tests	12 CFR Part 46	12 CFR Part 252	12 CFR Part 325, Subpart C	12 CFR Part 46	12 CFR Part 325	12 CFR Part 252 ----- 12 CFR Part 252
OCC Regulations						
National Bank Changes in Permanent Capital; Subordinated Debt as Capital	12 CFR 5.46-.47					
3. Community Reinvestment Act¹¹						
Interagency Regulations						
Community Reinvestment Act	12 CFR Part 25	12 CFR Part 228 [Reg. BB]	12 CFR Part 345	12 CFR Part 195	12 CFR Part 195	12 CFR 228 ----- 12 CFR 228
Disclosure and Reporting of CRA-Related Agreements	12 CFR Part 35	12 CFR Part 207 [Reg. G]	12 CFR Part 346	12 CFR Part 35 (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart H	12 CFR 207 ----- 12 CFR 207
4. Consumer Protection¹²						
Interagency Regulations						
Consumer Protection in Sales of Insurance	12 CFR Part 14	12 CFR Part 208, Subpart H [Reg. H]	12 CFR Part 343	12 CFR Part 14 (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart I	

¹¹ Community development regulations are being published for comment as part of the Powers and Activities category.

¹² Regulations for which rulemaking authority has transferred to the CFPB are not included in this Consumer Protection category. As described in the Supplementary Information section of this notice, the CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect, in a process separate from the EGRPRA process.

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Fair Housing	12 CFR Part 27		12 CFR Part 338	12 CFR Part 128 (including other nondiscrimination requirements)	12 CFR Part 390, Subpart G	
Loans in Identified Flood Hazard Areas	12 CFR Part 22 (See also proposal to amend Part 22 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR 208.25 [Reg. H] (See also proposal to amend Part 208 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 339 (See also proposal to amend Part 339 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 172 (See also proposal to apply proposed amendments to Part 22 to Federal savings associations at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 391, Subpart D (See also proposal to apply proposed amendments to Part 339 to state savings associations at 78 FR 65108 (Oct. 30, 2013)).	
Prohibition Against Use of Interstate Branches Primarily for Deposit Production	12 CFR Part 25, Subpart E	12 CFR 208.7 [Reg. H]	12 CFR Part 369			
Safeguarding Customer Information	12 CFR Part 30, Appx. B	12 CFR Part 208, Appx. D-2 [Reg. H]	12 CFR Part 364, Appx. B	12 CFR Part 170, Appx. B	12 CFR 391.14, Appx. B	12 CFR Part 225, Appx. F -----
Fair Credit Reporting Act Duties of Users of Consumer Reports Regarding Address Discrepancies and Records Disposal	12 CFR Part 41, Subpart I	12 CFR Part 222, Subpart I	12 CFR Part 334, Subpart I	12 CFR Part 41, Subpart I (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 391, Subpart C	
Fair Credit Reporting Act Consumer Information Identity Theft Red Flags	12 CFR Part 41, Subpart J	12 CFR Part 222, Subpart J	12 CFR Part 334, Subpart J	12 CFR Part 41, Subpart J (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 391, Subpart C	
FDIC Regulations						
Advertisement of Membership	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328; See also 12 CFR 390.333	
Deposit Insurance Coverage	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330; See also 12 CFR 390.231	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Certification of Assumption of Deposits and Notification of Changes of Insured Status	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307; See also 12 CFR 390.332	
OCC Regulations						
Federal Savings Association Advertising				12 CFR 163.27	12 CFR Part 163 (Savings Association Operations)	
Federal Savings Association Tying Restriction Exception				12 CFR 163.36		
5. Directors, Officers and Employees						
Interagency Regulations						
Disclosure of Financial Information	12 CFR Part 18		12 CFR Part 350			
Golden Parachute and Indemnification Programs	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359; See also 12 CFR 145.121	12 CFR Part 359	12 CFR Part 359 ----- 12 CFR Part 359
Limits on Extensions of Credit to Executive Officers, Directors and Principal Shareholders; Related Disclosure Requirements	12 CFR Part 31	12 CFR Part 215 [Reg. O]	12 CFR 337.3; 12 CFR Part 349	12 CFR 163.43		
Management Official Interlocks	12 CFR Part 26	12 CFR Part 212 [Reg. L]	12 CFR Part 348	12 CFR Part 26 (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart V	12 CFR Part 212 ----- 12 CFR Part 238, Subpart J

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
OCC Regulations						
National Bank Activities and Operations – Corporate Practices	12 CFR Part 7, Subpart B					
Federal Savings Association Board of Directors Composition				12 CFR 163.33		
Federal Savings Association Bond Coverage				12 CFR 163.190-.191		
Federal Savings Association Employment Contracts, Compensation, Pension Plans				12 CFR 163.39; 12 CFR 163.47; 12 CFR 163.161		
Federal Savings Association Restrictions on Transactions with Officers, Directors, and Others				12 CFR 160.130; 12 CFR 163.200-.201	12 CFR Part 160 (Lending and Investment)	
6. Money Laundering						
Interagency Regulations						
Bank Secrecy Act Compliance	12 CFR Part 21, Subpart C	12 CFR 208.63 [Reg. H]	12 CFR Part 326, Subpart B	12 CFR Part 21, Subpart C (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR 390.354	
Reports of Crimes or Suspected Crimes	12 CFR Part 21, Subpart B	12 CFR 208.62-.63 [Reg. H]	12 CFR Part 353	12 CFR 163.180(d)	12 CFR 390.355	12 CFR 225.4(f)
7. Rules of Procedure						
Interagency Regulations						
Uniform Rules of Practice and Procedure	12 CFR Part 19	12 CFR Part 263	12 CFR Part 308	12 CFR Part 109	12 CFR Part 390.30	12 CFR Part 263 ----- 12 CFR Part 263

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
OCC Regulations						
National Bank Voluntary Liquidation	12 CFR 5.48					
Federal Savings Association Investigative Proceedings and Formal Examinations				12 CFR Part 112		
Federal Savings Association Possession by Conservators and Receivers for Federal and State Savings Associations				12 CFR Part 158		
Federal Savings Association Removals, Suspensions and Prohibitions Where a Crime is Charged or Proven				12 CFR Part 108		
FDIC Regulations						
Resolution and Receivership Rules	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360; See also 12 CFR Part 390, Subpart N	
Recordkeeping Requirements for Qualified Financial Contracts	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	
Restrictions on Sale of Assets by the Federal Deposit Insurance Corporation	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	
8. Safety and Soundness						
Interagency Regulations						
Appraisal Standards for Federally Related Transactions	12 CFR Part 34, Subpart C	12 CFR 208.50 [Reg. H]; 12 CFR Part 225, Subpart G [Reg. Y]	12 CFR Part 323	12 CFR Part 34, Subpart C (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart X	12 CFR Part 225, Subpart G -----

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Frequency of Safety and Soundness Examination	12 CFR 4.6-.7	12 CFR 208.64	12 CFR 337.12	12 CFR 4.6 (See also: 12 CFR 163.170)	12 CFR 390.351	
Lending Limits	12 CFR Part 32	12 CFR Part 215, Subpart A		12 CFR Part 32		
Real Estate Lending Standards	12 CFR Part 34, Subpart D	12 CFR Part 208, Subpart E and Appx. C [Reg. H]	12 CFR Part 365	12 CFR 160.100; 12 CFR 163.101	12 CFR Part 390, Subpart P	12 CFR Part 225, Subpart G -----
Security Devices and Procedures	12 CFR Part 21, Subpart A	12 CFR 208.61 [Reg. H]	12 CFR Part 326, Subpart A	12 CFR Part 168	12 CFR Part 391, Subpart A	
Standards for Safety and Soundness	12 CFR Part 30	12 CFR Part 208, Appx. D-1 [Reg. H]	12 CFR Part 364	12 CFR Part 170	12 CFR Part 391, Subpart B	
Transactions with Affiliates	12 CFR Part 223 [Reg. W]; 12 CFR Part 31	12 CFR Part 223 [Reg. W]		12 CFR 163.41		
OCC Regulations						
National Bank Other Real Estate Owned	12 CFR Part 34, Subpart E					
Savings Associations and Savings Association Holding Companies Audits				12 CFR 162.4, See also 12 CFR Part 363		
Federal Savings Association Financial Management Policies				12 CFR Part 163, Subpart F		
Federal Savings Association Lending and Investment – Additional Safety and Soundness Limitations				12 CFR Part 160	12 CFR Part 160 (Lending and Investment)	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Board Regulations						
Extensions of Credit by Federal Reserve Banks	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	
Limitations on Interbank Liabilities	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	
FDIC Regulations						
Annual Independent Audits and Reporting Requirements	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363; See also 12 CFR 162.4	12 CFR Part 363; See also 12 CFR 390.322	
Unsafe and Unsound Banking Practices (Standby Letters of Credit)			12 CFR 337.2			
Unsafe and Unsound Banking Practices (Brokered Deposits)	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	
9. Securities						
Interagency Regulations						
Banks as Registered Clearing Agencies	12 CFR 19.135	12 CFR 208.32-33 [Reg. H]	12 CFR Part 308, Subpart S			
Banks as Securities Transfer Agents	12 CFR 9.20	12 CFR 208.31 [Reg. H]	12 CFR Part 341			
Government Securities Sales Practices	12 CFR Part 13	12 CFR 208.37 [Reg. H]	12 CFR Part 368			
Recordkeeping and Confirmation of Securities Transactions Effected by Banks	12 CFR Part 12	12 CFR 208.34 [Reg. H]	12 CFR Part 344	12 CFR Part 151	12 CFR Part 344	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs ----- SLHCs
Reporting Requirements for Reported Securities Under the Securities Exchange Act of 1934	12 CFR Part 11	12 CFR 208.36 [Reg. H]	12 CFR Part 335	12 CFR Part 194	12 CFR Part 390, Subpart U	
Securities Offerings	12 CFR Part 16			12 CFR Part 197		
OCC Regulations						
National Bank Municipal Securities Dealer Activities of Banks	12 CFR Part 10					
Federal Savings Associations Accounting Requirements/Financial Statements				12 CFR Part 193		
Federal Savings Associations Proxies				12 CFR Part 169	12 CFR Part 169 (Proxies)	
Federal Savings Associations Rules on the Issuance and Sale of Institution Securities				12 CFR 163.5; 12 CFR Part 163, Subpart C		
Board Regulations						
Credit by Banks and Persons Other than Brokers or Dealers for the Purpose of Purchasing or Carrying Margin Stock	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U] ----- 12 CFR Part 221 [Reg. U]

Dated: May 26, 2014.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, May 22, 2014.

Robert DeV. Frierson,

Secretary of the Board.

Dated: May 23, 2014.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014-12741 Filed 6-3-14; 8:45 am]

BILLING CODE 4810-33-C; 6210-01-C; 6714-01-C

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCY: National Credit Union Administration.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The NCUA Board (Board) is beginning its second, comprehensive review of its regulations to identify outdated, unnecessary, or burdensome regulatory requirements imposed on federally insured credit unions, as contemplated by section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA). In accordance with EGRPRA, the Board has categorized its regulations for the purpose of the review and proposes to publish categories of regulations for public comment at regular intervals over the next two years. The categories, and the regulations that the Board considers to be part of those categories, are detailed below. This review presents a significant opportunity to consider the possibilities for burden reduction in groups of similar regulations. The Board welcomes comment on the categories, the order of review, and all other aspects of this initiative in order to maximize the review's effectiveness. In 2003, the Board commenced an initial review of all its regulations pursuant to EGRPRA, a process that ended in 2006. Today, the Board initiates its second EGRPRA review by issuing the first in a series of four requests for public comment, comprising two of the categories—"Applications and Reporting" and "Powers and Activities." We will address the remaining eight categories in the next three requests for comment.

DATES: Comment must be received on or before September 2, 2014.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *NCUA Web site:* http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html. Follow the instructions for submitting comments.

- *Email:* Address to regcomments@ncua.gov. Include "[Your name] Comments on Regulatory Review pursuant to EGRPRA" in the email subject line.

- *Fax:* (703) 518-6319. Use the subject line described above for email.

- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street Alexandria, Virginia 22314-3428.

- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: All public comments are available on the agency's Web site at <http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx> as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518-6546 or send an email to OGCMail@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Ross P. Kendall, Special Counsel to the General Counsel, at the above address, or telephone: (703) 518-6562.

SUPPLEMENTARY INFORMATION:

I. Introduction

Congress enacted EGRPRA¹ as part of an effort to minimize unnecessary government regulation of financial institutions consistent with safety and soundness, consumer protection, and other public policy goals. Under EGRPRA, the appropriate federal banking agencies (Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation; herein Agencies²) and the Federal Financial Institutions

Examination Council (FFIEC) must review their regulations to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions. The Agencies are required, jointly or individually, to categorize regulations by type, such as "consumer regulations" or "safety and soundness" regulations. Once the categories have been established, the Agencies must provide notice and ask for public comment on one or more of these regulatory categories.

NCUA is not technically required to participate in the EGRPRA review process, since NCUA is not an "appropriate Federal banking agency" as specified in EGRPRA. In keeping with the spirit of the law, however, the Board has once again elected to participate in the review process. Thus, NCUA has participated along with the Agencies in the planning process, but has developed its own regulatory categories that are comparable with those developed by the Agencies. Because of the unique circumstances of federally insured credit unions and their members, the Board is issuing a separate notice from the Agencies. NCUA's notice is consistent and comparable with the Agencies' notice, except on issues that are unique to credit unions.

In accordance with the objectives of EGRPRA, the Board asks the public to identify areas of its regulations that are outdated, unnecessary, or unduly burdensome. In addition to this initial notice, the Board will issue three more notices for comment over the course of the next two years, at regular intervals. The EGRPRA review supplements and complements the reviews of regulations that NCUA conducts under other laws and its internal policies.³

In addition to the elimination of the Office of Thrift Supervision, another significant development since the first EGRPRA review is the creation of the Consumer Financial Protection Bureau (CFPB). Created with the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010,⁴ the CFPB has assumed responsibility for the administration of several consumer protection regulations that had previously been the responsibility of the Agencies and/or NCUA, such as Regulation Z and rules governing consumer privacy. Because the CFPB is

¹ Public Law 104-208, Div. A, Title II, section 2222, 110 Stat. 3009 (1996); codified at 12 U.S.C. 3311.

² The Office of Thrift Supervision was still in existence at the time EGRPRA was enacted and was included in the listing of Agencies. Since that time, the OTS has been eliminated and its responsibilities have passed to the Agencies and the Consumer Financial Protection Bureau.

³ Interpretive Ruling and Policy Statement (IRPS) 87-2, 52 FR 35231 (Sept. 8, 1987) as amended by IRPS 03-2, 68 FR 32127 (May 29, 2003.) (Reflecting NCUA's commitment to "periodically update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.")

⁴ Public Law 111-203, 124 Stat. 1376 (2010).