

**§ 1217.8 Statute of Limitations.**

The statute of limitations for commencing a hearing under this part shall be tolled:

- (a) If the hearing is commenced in accordance with 31 U.S.C. 3803(d)(2)(B) within 6 years after the date on which the claim or statement is made; or
- (b) If the parties agree to such tolling.

**§ 1217.9 Hearings.**

(a) *General.* Hearings under this part shall be conducted in accordance with the procedures in subpart B of part 1209 of this chapter, governing actions in accordance with subchapter II of chapter 5, U.S.C. (commonly known as the Administrative Procedure Act).

(b) *Factors to consider in determining amount of penalties and assessments.* In determining an appropriate amount of any civil penalty and, if appropriate, any assessment, the presiding officer and, upon appeal, the Director or designee thereof, shall consider and state in his or her opinion any mitigating or aggravating circumstances. The amount of penalties and assessments imposed shall be based on the presiding officer's and the Director's or designee's consideration of evidence in support of one or more of the following factors:

- (1) The number of false, fictitious, or fraudulent claims or statements;
- (2) The time period over which such claims or statements were made;
- (3) The degree of the respondent's culpability with respect to the misconduct;
- (4) The amount of money or the value of the property, services, or benefit falsely claimed;
- (5) The value of the actual loss to FHFA as a result of the misconduct, including foreseeable consequential damages and the cost of investigation;
- (6) The relationship of the civil penalties to the amount of the loss to FHFA;
- (7) The potential or actual impact of the misconduct upon public health or safety or public confidence in the management of FHFA programs and operations, including particularly the impact on the intended beneficiaries of such programs;
- (8) Whether the respondent has engaged in a pattern of the same or similar misconduct;
- (9) Whether the respondent attempted to conceal the misconduct;
- (10) The degree to which the respondent has involved others in the misconduct or in concealing it;
- (11) If the misconduct of employees or agents is imputed to the respondent, the extent to which the respondent's practices fostered or attempted to preclude the misconduct;

(12) Whether the respondent cooperated in or obstructed an investigation of the misconduct;

(13) Whether the respondent assisted in identifying and prosecuting other wrongdoers;

(14) The complexity of the program or transaction, and the degree of the respondent's sophistication with respect to it, including the extent of the respondent's prior participation in the program or in similar transactions;

(15) Whether the respondent has been found, in any criminal, civil, or administrative proceeding, to have engaged in similar misconduct or to have dealt dishonestly with the Government of the United States or of a State, directly or indirectly;

(16) The need to deter the respondent and others from engaging in the same or similar misconduct;

(17) The respondent's ability to pay; and

(18) Any other factors that in any given case may mitigate or aggravate the seriousness of the false claim or statement.

(c) *Stays ordered by the Department of Justice.* If at any time the Attorney General or an Assistant Attorney General designated by the Attorney General notifies the Director in writing that continuation of FHFA's action may adversely affect any pending or potential criminal or civil action related to the claim or statement at issue, the presiding officer or the Director shall stay the FHFA action immediately. The FHFA action may be resumed only upon receipt of the written authorization of the Attorney General.

**§ 1217.10 Settlements.**

(a) *General.* The reviewing official, on behalf of FHFA, and the respondent may enter into a settlement agreement under § 1209.20 of this chapter at any time prior to the issuing of a notice of final decision under § 1209.55 of this chapter.

(b) *Failure to comply.* Failure of the respondent to comply with a settlement agreement shall be sufficient cause for resuming an action under this part, or for any other judicial or administrative action.

Dated: December 16, 2015.

**Melvin L. Watt,**

*Director, Federal Housing Finance Agency.*  
[FR Doc. 2015-32182 Filed 12-22-15; 8:45 am]

**BILLING CODE 8070-01-P**

**DEPARTMENT OF THE TREASURY****Office of the Comptroller of the Currency****12 CFR Chapter I**

[Docket ID FFIEC-2014-0001]

**FEDERAL RESERVE SYSTEM****12 CFR Chapter II**

[Docket No. R-1510]

**FEDERAL DEPOSIT INSURANCE CORPORATION****12 CFR Chapter III****Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996**

**AGENCY:** 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 (each an "Agency"; together "we" or "Agencies") are conducting a review of the regulations we have issued in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions, as required by the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA). EGRPRA requires the Agencies to organize the regulations into categories and publish groups of categories for comment. In this notice, the Agencies are seeking public comment on regulations in the following categories: Rules of Procedure; Safety and Soundness; and Securities. We have listed these rules on a chart included with this notice.

In addition, as we previously announced, the Agencies have expanded the scope of the EGRPRA review to include the Agencies' recently issued final rules. Accordingly, in this notice, the Agencies invite the public to comment on any Agency final rule not included in a previous EGRPRA **Federal Register** notice. To facilitate identification of these recently issued rules, we have included with this notice a separate chart that lists these rules.

Finally, in order to be as inclusive as possible, the Agencies also invite comment during the comment period for this notice on any Agency rule that is issued in final form on or before December 31, 2015. We will list these

rules on the EGRPRA Web site, <http://egrpra.ffiec.gov/>. The public may also comment on any other Agency rule, including rules covered by the three prior notices during the open comment period for this notice.

**DATES:** Written comments must be received by no later than March 22, 2016.

**ADDRESSES:** Any interested individual may submit comments through the EGRPRA Web site during open comment periods at: <http://egrpra.ffiec.gov/submit-comment/submit-comment-index.html>. On this site, click "Submit a Comment" and follow the instructions. Alternatively, comments also may be submitted through the Federal eRulemaking Portal "Regulations.gov" at: <http://www.regulations.gov>. Enter "Docket ID 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 by each Agency below.

#### OCC

The OCC encourages 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](mailto: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 or, for persons who are deaf or hard of hearing, TTY (202) 649-5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

#### Board

The Board encourages 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](mailto:regs.comments@federalreserve.gov). Include "EGRPRA" and Docket No. R-1510 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 the Board's public Web site [www.federalreserve.gov/Regulations.gov](http://www.federalreserve.gov/Regulations.gov); and <http://egrpra.ffiec.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 in Room 3515, 1801 K Street NW., (between 18th and 19th Street NW.) Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. 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

The FDIC encourages 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](mailto: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 7:00 a.m. and 5:00 p.m. (EDT).

The FDIC 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 9:00 a.m. and 5:00 p.m. (EDT) 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; Heidi M. Thomas, Special Counsel (202) 649-5490; Rima Kundnani, Attorney (202) 649-5545; for persons who are deaf or hard of hearing, TTY (202) 649-5597.

**Board:** Claudia Von Pervieux, Counsel (202) 452-2552; Brian Phillips, Attorney (202) 452-3321; for persons who are deaf or hard of hearing, TTY (202) 263-4869.

**FDIC:** Ruth R. Amberg, Assistant General Counsel (202) 898-3736; Ann Taylor, Supervisory Counsel (202) 898-3573; for persons who are deaf or hard of hearing, TTY 1-800-925-4618.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Section 2222 of EGRPRA<sup>1</sup> requires that, not less frequently than once every 10 years, the Federal Financial Institutions Examination Council

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

(FFIEC),<sup>2</sup> along with the Agencies,<sup>3</sup> conduct a review of their regulations to identify outdated or otherwise unnecessary requirements imposed on insured depository institutions.<sup>4</sup> 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 the Agencies should eliminate or revise.

In addition to providing an opportunity to consider burden reduction generally, the EGRPRA review also provides the Agencies and the public with an opportunity to consider burden reduction 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 unnecessary burden on these smaller institutions.

Burden reduction must, however, be consistent with the Agencies' statutory mandates, many of which require the issuance of regulations. These mandates include ensuring the safety and soundness of insured depository institutions, their affiliates, and the financial system as a whole. 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 relationships among burden reduction, regulatory requirements, and statutory mandates.

In addition, we note that the Agencies consider potential 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 required by the Administrative Procedure Act (APA).

## II. The EGRPRA Review Process

Taken together for purposes of EGRPRA, the Agencies' regulations covering insured depository institutions encompass more than 100 subjects.<sup>5</sup> Consistent with the EGRPRA statute, the Agencies grouped these regulations into the following 12 regulatory categories: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection;<sup>6</sup> 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.

To carry out the EGRPRA review, the Agencies have published three **Federal Register** notices, each addressing one or more categories of rules. Each **Federal Register** notice provided a 90-day comment period. On June 4, 2014, the Agencies published the first such notice, seeking comment on three categories of rules: Applications and Reporting; Powers and Activities; and International Operations.<sup>7</sup> On February 13, 2015, the Agencies published the second notice, seeking comment on three additional categories of rules: Banking Operations; Capital; and the Community Reinvestment Act.<sup>8</sup> On June 5, 2015, the Agencies published the third notice, seeking comment on three additional categories: Consumer Protection; Directors, Officers and Employees; and Money Laundering (Third Notice).<sup>9</sup> The comment period for the Third Notice closed on September 3, 2015.

In the Third Notice, the Agencies also announced their decision to expand the scope of the EGRPRA review to include recently issued rules, such as those issued pursuant to the Dodd-Frank Act and the recently promulgated domestic capital and liquidity rules. The Agencies identified these rules, referred to as "Newly Listed Rules," on a chart included with the Third Notice. The Third Notice stated that the public could comment on the Newly Listed Rules during the comment period for the final EGRPRA notice.

Today, we are publishing the fourth and final EGRPRA notice, addressing the categories of Rules of Procedure; Safety and Soundness; and Securities. We invite the public to identify outdated, unduly burdensome, or otherwise unnecessary regulatory requirements imposed on insured depository institutions and their holding companies in these three categories. Chart A in Section IV contains the Agencies' rules in these three categories, including the Newly Listed Rules in these three categories. In addition, consistent with the expanded scope of the EGRPRA review, we invite the public to identify outdated, unduly burdensome, or otherwise unnecessary regulatory requirements imposed on insured depository institutions and their holding companies by the Newly Listed Rules in the nine categories covered by the Prior Notices. Chart B in Section IV contains the Newly Listed Rules in

<sup>2</sup> 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.

<sup>3</sup> 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 10 years ago, and the NCUA Board again has elected to participate in this review process. Consistent with its approach during the first EGRPRA review, the 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.

<sup>4</sup> 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 review, 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.

<sup>5</sup> 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.

<sup>6</sup> As we have previously noted, the Agencies are seeking comment only on those consumer protection regulations for which we retain rulemaking authority for insured depository institutions and regulated holding companies following passage of section 1061 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203 (2010) (Dodd-Frank Act), codified at 12 U.S.C. 5581(b).

<sup>7</sup> 79 FR 32172.

<sup>8</sup> 80 FR 7980.

<sup>9</sup> 80 FR 32046. Together, the three EGRPRA notices are referred to as the "Prior Notices."

these nine categories, including rules issued in final form since the Third Notice.

Finally, in order to be as inclusive as possible, the Agencies invite comment on any other rule issued in final form on or before December 31, 2015, which will be listed on the EGRPRA Web site, <http://egrpra.ffiec.gov/>. Furthermore, as has been the practice of the Agencies, we invite comment on any of the Agencies' final rules included in this EGRPRA review during the open comment period for this notice.

As part of the EGRPRA review, the Agencies have held a series of outreach meetings around the country to provide an opportunity for bankers, consumer and community groups, and other interested persons to present their views directly to Agency senior management and staff on any of the regulations in the EGRPRA review. The Agencies held a final outreach meeting on December 2, 2015, in the Washington, DC area. Transcripts from and other information about the outreach meetings can be found on the Agencies' EGRPRA Web site, <http://egrpra.ffiec.gov/>.

Following the close of the comment period for this final notice, the Agencies will review all of the comments we have received 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. For rules issued by one 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.

Finally, 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. The statute additionally 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.

### III. Request for Burden Reduction Comments on Regulations in the Rules of Procedure, Safety and Soundness, and Securities Categories; on Newly Listed Rules in the Other Categories of Regulations; and on Any Other Final Rule Issued by December 31, 2015

As stated previously in this notice, the Agencies are asking the public to comment on regulations in the Rules of Procedure; Safety and Soundness; and Securities categories. Chart A in Section IV contains the Agencies' rules that are in these three categories. The Agencies are also asking the public to comment on the Newly Listed Rules in the nine categories covered by the Prior Notices. Chart B in Section IV contains the Newly Listed Rules. Both charts include any rules issued on or before December 23, 2015. The Agencies will also accept comment during the open comment period of this notice on any other Agency rule issued in final form by December 31, 2015. In addition, we will accept comments on any of the Agencies' rules, including those rules in categories covered in the Prior Notices.

Where possible, we ask commenters to cite 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.

*Specific issues for commenters to consider.* The Agencies specifically invite comment on the following issues as they pertain to (a) the Agencies' Rules of Procedure; Safety and Soundness rules; and Securities rules, on Chart A; (b) any of the Newly Listed Rules on Chart B; and (c) any other Agency rule that is issued in final form by December 31, 2015.

- *Need for statutory change.* (1) Do any statutory requirements underlying the rules in these categories impose outdated or otherwise unnecessary regulatory requirements? (2) If so, please identify the statutes and indicate how they should be amended.

- *Need and purpose of the regulations.* (1) Have there been changes in the financial services industry, consumer behavior, or other circumstances that cause any regulations in these categories to be outdated or otherwise unnecessary? (2) If so, please identify and indicate how they should be amended. (3) Do any of these regulations impose burdens not required by their underlying statutes? (4) If so, please identify the regulations

and indicate how they should be amended.

- *Overarching approaches/flexibility.* (1) With respect to the regulations in these categories, could an Agency use a different approach to lessen the burden imposed by the regulations and achieve statutory intent? (2) Do any of these rules impose unnecessarily inflexible requirements? (3) If so, please identify the regulations and indicate how they should be amended.

- *Effect on competition.* (1) Do any of the regulations or underlying statutes create competitive disadvantages for one part of the financial services industry compared to another or for one type of insured depository institution compared to another? (2) If so, please identify the regulations and indicate how they should be amended.

- *Reporting, recordkeeping and disclosure requirements.* (1) Do any of the regulations or underlying statutes in these categories impose outdated or otherwise unnecessary reporting, recordkeeping, or disclosure requirements on insured depository institutions or their holding companies? (2) Could a financial institution fulfill any of these requirements electronically (if it is not already permitted to do so) and experience burden reduction? (3) If so, please identify the regulations and indicate how they should be amended.

- *Unique characteristics of a type of institution.* (1) 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? (2) If so, please identify the regulations and indicate how they should be amended.

- *Clarity.* (1) Are the regulations in these categories clear and easy to understand? (2) Are there specific regulations for which clarification is needed? (3) If so, please identify the regulations and indicate how they should be amended.

- *Burden on community banks and other smaller, insured depository institutions.* (1) Are there regulations or underlying statutes in these categories that impose outdated or otherwise unnecessary requirements on a substantial number of community banks or other smaller, insured depository institutions or holding companies? (2) Have the Agencies issued regulations pursuant to a common statute that, as applied by the Agencies, create redundancies or impose inconsistent requirements? (3) Should any of these regulations be amended or repealed in order to minimize this impact? (4) If so,

please identify the regulations and indicate how they should be amended.

• *Scope of rules.* (1) Is the scope of each rule in these categories consistent

with the intent of the underlying statute(s)? (2) Could we amend the scope of a rule to clarify its applicability or reduce burden, while remaining

faithful to statutory intent? (3) If so, please identify the regulations and indicate how they should be amended.

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
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#### 10. Rules of Procedure

##### Interagency Regulations

Uniform Rules of Practice and Procedure.	12 CFR Part 19, Subpart A.	12 CFR Part 263	12 CFR Part 308	12 CFR Part 109, Subpart A.	12 CFR Part 390.30.	12 CFR Part 263.
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##### OCC Regulations

National Bank Voluntary Liquidation.	12 CFR 5.48.			12 CFR Part 112.		
Federal Savings Association—Investigative Proceedings and Formal Examinations.				12 CFR Part 158.		
Federal Savings Association—Possession by Conservators and Receivers for Federal and State Savings Associations.				12 CFR Part 108.		
Federal Savings Association—Removals, Suspensions and Prohibitions Where a Crime is Charged or Proven.				12 CFR Part 109, Subpart B.		
Rules of Practice and Procedure.	12 CFR Part 19, Subparts B–P.					

##### FDIC Regulations

Orderly Liquidation Authority.						12 CFR Part 380. 12 CFR Part 380.
Resolution and Receivership Rules.	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360.	
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.	

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
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## 11. Safety and Soundness

## Interagency Regulations

Appraisals: Higher-priced Mortgages.	12 CFR Part 34, Subpart G.	12 CFR 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z].	12 CFR Part 1026 [Reg. Z].	12 CFR Part 34, Subpart G.		12 CFR 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z]. 12 CFR 226.43; 12 CFR Part 226, Appx. N and O, and Supp. I [Reg. Z].
Appraisals: Minimum Requirements for Appraisal Management Companies.	12 CFR part 34, Subpart H.	12 CFR 208.50 [Reg. H]; 12 CFR Part 225, Subpart M [Reg. Y].	12 CFR Part 323, Subpart B.	12 CFR part 34, Subpart H.	12 CFR Part 323 Subpart B.	12 CFR Part 225, Subpart M [Reg. Y].
Appraisals: 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.	12 CFR Part 323	12 CFR Part 225, Subpart G [Reg. Y].
Credit Risk Retention.	12 CFR Part 43	12 CFR Part 244 [Reg. RR].	12 CFR Part 373	12 CFR Part 43	12 CFR Part 373	12 CFR Part 244 [Reg. RR]. 12 CFR Part 244 [Reg. RR].
Frequency of Safety and Soundness Examination.	12 CFR 4.6–7	12 CFR 208.64 [Reg. H].	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 [Reg. O].	12 CFR 337.3	12 CFR Part 32	12 CFR 390.338.	
Liquidity Risk .....	12 CFR Part 50	12 CFR Part 249 [Reg. WW].	12 CFR Part 329	12 CFR Part 50	12 CFR Part 329	12 CFR Part 249 [Reg. WW]. 12 CFR Part 249 [Reg. WW].
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 [Reg. Y].
Resolution Plans ....						12 CFR Part 381; 12 CFR Part 243 [Reg. QQ].
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 30	12 CFR Part 364.	
Transactions with Affiliates.	12 CFR Part 223 [Reg. W]; 12 CFR Part 31.	12 CFR Part 223 [Reg. W].	12 CFR Part 223 [Reg. W].	12 CFR 163.41	12 CFR 390.337.	

## OCC Regulations

Heightened Expectations Guidelines. National Bank— Other Real Estate Owned. Federal Savings Association—Financial Management Policies.	12 CFR Part 30, Appx. D. 12 CFR Part 34, Subpart E.			12 CFR Part 30, Appx. D.  12 CFR Part 163, Subpart F (See also 12 CFR 5.59(e)(7) (service corporations only)).		
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Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Savings Association—Lending and Investment Additional Safety and Soundness Limitations.				12 CFR Part 160	12 CFR Part 160 (Lending and Investment).	
Savings Associations and Savings Association Holding Companies Audits.				12 CFR 162.4; See also, 12 CFR Part 363.		

#### Board Regulations

Appraisals: Appraiser Independence.		12 CFR 226.42; 12 CFR Part 226, Supp. I [Reg. Z].	12 CFR Part 1026 [Reg. Z].			12 CFR 226.42; 12 CFR Part 226, Supp. I [Reg. Z]. 12 CFR 226.42; 12 CFR Part 226, Supp. I [Reg. Z]. 12 CFR Part 242 [Reg. PP].
Definitions related to the Financial Stability Oversight Council.						12 CFR Part 252, Subparts B and C [Reg. YY].
Enhanced Prudential Standards Risk Committee Requirement (for certain BHCs) Standards for BHCs with consolidated assets \$50 billion or more.						
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].	
Financial Market Utilities.		12 CFR Part 234 [Reg. HH]				
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].	
Securities Holding Companies.						12 CFR Part 241 [Reg. OO]

#### 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.	
Resolution Plans ....	12 CFR Part 360.10	12 CFR Part 360.10	12 CFR Part 360.10 12 CFR 337.2.	12 CFR Part 360.10.	12 CFR Part 360.10.	
Unsafe and Unsound Banking Practices Standby Letters of Credit.						
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.	

#### 12. 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.			

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
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.	
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 335.	
Securities Offerings	12 CFR Part 16			12 CFR Part 197	12 CFR Part 390, Subpart W.	
Swaps Margin .....	12 CFR Part 45	12 CFR Part 237	12 CFR Part 349	12 CFR Part 45	12 CFR Part 349.	

**OCC Regulations**

National Bank—Municipal Securities Dealer Activities of Banks.	12 CFR Part 10.					
Federal Savings Association—Accounting Requirements and Financial Statements.				12 CFR Part 193.		
Savings Association—Proxies.				12 CFR Part 169	12 CFR Part 169.	
Federal Savings Association—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].
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**1. Applications and Reporting****Interagency Regulations**

Bank Merger Act ....	12 CFR 5.33			12 CFR 5.33.		
Change in Bank Control.	12 CFR Part 5.50		12 CFR Part 303 Subpart E.	12 CFR Part 5.50	12 CFR Part 303 Subpart E.	
Notice of Addition or Change of Directors.	12 CFR 5.51			12 CFR 5.51.		

**OCC Regulations**

Rules, Policies, and Procedures for Corporate Activities.	12 CFR Part 5			12 CFR Part 5 (Generally).		
Federal Savings Association Capital Distribution.				12 CFR 5.55.		



Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Federal Mutual Savings Associations—Incorporation, Organization and Conversion; or Merger, Dissolution, Reorganization and Conversion.				12 CFR 5.20; 12 CFR 5.21; 12 CFR 5.23; 12 CFR 5.25; 12 CFR 5.33; 12 CFR 5.48.		
Federal Stock Savings Associations—Incorporation, Organization and Conversion.				12 CFR 5.20; 12 CFR 5.22; 12 CFR 5.23; 12 CFR 5.25; 12 CFR 5.33; 12 CFR 5.48.		
Federal Savings Association Offices.				12 CFR 5.31; 12 CFR 5.40; 12 CFR 5.52.		

#### Board Regulations

Concentration Limits.	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX].	12 CFR Part 251 [Reg. XX]. 12 CFR Part 251 [Reg. XX].
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#### 2. Powers and Activities

##### Interagency Regulations

Proprietary Trading and Relationships with Covered Funds.	12 CFR Part 44	12 CFR Part 248 [Reg. VV].	12 CFR Part 351	12 CFR Part 44	12 CFR Part 351	12 CFR Part 248 [Reg. VV]. 12 CFR Part 248 [Reg. VV].
Retail Foreign Exchange Transactions.	12 CFR Part 48	12 CFR Part 240 [Reg. NN].	12 CFR Part 349	12 CFR Part 48	12 CFR Part 349	12 CFR Part 240 [Reg. NN].

##### OCC Regulations

Federal Savings Association Fiduciary Powers. Federal Savings Association General.				12 CFR 5.26; 12 CFR Part 150.  <i>See also Federal Stock Associations provisions on chartering, organization and bylaws at 12 CFR 5.20; 12 CFR 5.21.</i> <i>See also Federal Mutual Savings Associations provisions on chartering, organization and bylaws at 12 CFR 5.20; 12 CFR 5.22.</i>		
Federal Savings Association Lending and Investment.				12 CFR Part 160.32; 12 CFR 160.35. <i>See also 12 CFR 5.37; 12 CFR 5.58; 12 CFR 7.1000; 12 CFR 7.3001.</i>		

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Federal Savings Association Subordinate Organizations.				12 CFR 5.38; 12 CFR 5.59.		

**Board Regulations**

Proprietary Trading and Relationships with Covered Funds.						12 CFR Part 225, Subpart K [Reg. Y]. 12 CFR Part 225, Subpart K [Reg. Y].
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**3. International Operations****Board Regulations**

Foreign Banking Organizations: Stress Tests, Risk Committee Requirements, and Enhanced Prudential Standards.						12 CFR Part 252 Subparts L–O and U [Reg. YY].
Swaps Entities .....		12 CFR Part 237 [Reg. KK].				12 CFR Part 237 [Reg. KK].

**4. Banking Operations****Board Regulations**

Assessment of Fees.						12 CFR Part 246 [Reg. TT]. 12 CFR Part 246 [Reg. TT].
Debit Card Interchange Fees.	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	12 CFR Part 235 [Reg. II].	
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].	

**5. Capital****Interagency Regulations**

Capital Adequacy: General Ratio and Buffers Definition of Capital Transition.	12 CFR Part 3, Subparts A–C, G–J.	12 CFR Part 217, Subparts A–C, G [Reg. Q].	12 CFR Part 324, Subparts A–C, G [Previously found in 12 CFR Part 325].	12 CFR Part 3, Subparts A–C, G–J.	12 CFR Part 324, Subparts A–C, G [Previously found in 12 CFR Part 390, Subpart Z].	12 CFR Part 217, Subparts A–C, G [Reg. Q]. 12 CFR Part 217, Subparts A–C, G [Reg. Q].
Capital Adequacy: Risk-based Capital Surcharge for Globally Systemically Important Bank Holding Companies.	12 CFR Part 3, Subpart H.	12 CFR Part 217, Subpart H [Reg. Q].	12 CFR Part 324, Subpart H.	12 CFR Part 3, Subpart H.	12 CFR Part 324, Subpart H.	12 CFR Part 217, Subpart H [Reg. Q]. 12 CFR Part 217, Subpart H [Reg. Q].
Capital Adequacy: Risk-Weighted Assets—Standardized Approach.	12 CFR Part 3, Subpart D.	12 CFR Part 217, Subpart D [Reg. Q].	12 CFR Part 324, Subpart D [Previously found in 12 CFR Part 325 Appx. A].	12 CFR Part 3, Subpart D.	12 CFR Part 324, Subpart D [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 217, Subpart D [Reg. Q]. 12 CFR Part 217, Subpart D [Reg. Q].
Capital Adequacy: Risk-Weighted Assets—Advanced Measurement Approaches.	12 CFR Part 3, Subpart E.	12 CFR Part 217, Subpart E [Reg. Q].	12 CFR Part 324, Subpart E [Previously found in 12 CFR Part 325 Appx. D].	12 CFR Part 3, Subpart E.	12 CFR Part 324, Subpart E [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 217, Subpart E [Reg. Q]. 12 CFR Part 217, Subpart E [Reg. Q].

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
Capital Adequacy: Risk-Weighted Assets—Market Risk.	12 CFR Part 3, Subpart F.	12 CFR Part 217, Subpart F [Reg. Q].	12 CFR Part 324, Subpart F [Previously found in 12 CFR Part 325 Appx. C].	12 CFR Part 3, Subpart F.	12 CFR Part 324, Subpart F [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 217, Subpart F [Reg. Q]. 12 CFR Part 217, Subpart F [Reg. Q].
Capital Adequacy Guidelines.	12 CFR Part 3, Appx. A and B.	12 CFR Part 208, Appx. A, B, and E [Reg. H].	12 CFR Part 324 [Previously found in 12 CFR Part 325 Appx. A–D].	12 CFR Part 3, Appx. A and B.	12 CFR Part 324 [Previously found in 12 CFR Part 390, Subpart Z, Appx. A].	12 CFR Part 225, Appx. A, B, D, and E [Reg. Y].
Prompt Corrective Action.	12 CFR Part 6	12 CFR Part 208, Subpart D [Reg. H]; 12 CFR Part 263, Subpart H	12 CFR Part 324, Subpart H [Previously found in 12 CFR Part 325, Subpart B]	12 CFR Part 6;	12 CFR Part 324, Subpart H [Previously found in 12 CFR Part 390, Subpart Y].	12 CFR Part 208, Subpart D [Reg. H]; 12 CFR Part 263, Subpart H.
Small Bank Holding Company and Savings and Loan Holding Company Policy Statement.						12 CFR Part 225, Appx. C [Reg. Y]. 12 CFR Part 225, Appx. C [Reg. Y].

#### OCC Regulations

Annual Stress Tests	12 CFR Part 46			12 CFR Part 46.		
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#### Board Regulations

Capital Planning .....						12 CFR Part 225.8 [Reg. Y].
Domestic Banking Organizations: Stress Tests, Risk Committee Requirements, Company Run and Supervisory, and Enhanced Prudential Standards.		12 CFR Part 252, Subparts B–F and U [Reg. YY].				12 CFR Part 252, Subparts B–F and U [Reg. YY]. 12 CFR Part 252, Subpart B [Reg. YY].

#### FDIC Regulations

Annual Stress Tests			12 CFR Part 325, Subpart C.		12 CFR Part 325, Subpart C.	
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#### 6. Community Reinvestment Act

All rules under this category were included in the charts published in the First Notice

#### 7. Consumer Protection

##### Interagency Regulations

Loans in Areas Having Special Flood Hazards.	12 CFR Part 22.	12 CFR Part 208.25, 208.25 Appx. A, B [Reg. H].	12 CFR Part 339	12 CFR Part 22	12 CFR Part 339.	
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#### 8. Directors, Officers, and Employees

##### FDIC Regulations

Management Official Interlocks.					12 CFR Part 348.	
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#### 9. Money Laundering

All rules under this category were included in the charts published in the First Notice

Subject	National banks	State member banks	State non-member banks	Federal savings associations	State savings associations	BHCs & FHCs SLHCs
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### 10. Rules of Procedure

All rules under this category are included in Chart A above

### 11. Safety and Soundness

All rules under this category are included in Chart A above

### 12. Securities

All rules under this category are included in Chart A above

Dated: December 16, 2015.

**Thomas J. Curry,**

*Comptroller of the Currency.*

By order of the Board of Governors of the Federal Reserve System, December 11, 2015.

**Robert deV. Frierson,**

*Secretary of the Board.*

Dated: December 16, 2015.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2015-32312 Filed 12-22-15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2015-7525; Directorate Identifier 2015-NM-064-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 747-400, 747-400D, and 747-400F series airplanes; Model 757 airplanes; and Model 767 airplanes. This proposed AD was prompted by reports of uncommanded autopilot engagement events resulting in incorrect stabilizer trim adjustment during takeoff. This proposed AD would require, depending on the model/configuration for Model 747 airplanes, installing an on-ground stabilizer autotrim inhibit system, doing routine functional testing of the automatic stabilizer trim inhibit system and corrective actions if necessary; for Model 757 airplanes and Model 767 airplanes, installing relays and related

wiring to open and close the flight control computer (FCC) analog output that controls the stabilizer trim adjustment, doing routine functional testing of the automatic stabilizer trim inhibit system, and corrective actions if necessary; and for Model 767-300, and -300F series airplanes, installing new operational program software (OPS) into the FCCs. We are proposing this AD to prevent stabilizer mistrim, which could result in a high-speed rejected takeoff and runway overrun, or reduced controllability of the airplane after takeoff due to insufficient pitch control.

**DATES:** We must receive comments on this proposed AD by February 8, 2016.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, WA 98124-2207; telephone: 206-544-5000, extension 1; fax: 206-766-5680; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-7525.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-7525; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Fnu Winarto, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6659; fax: 425-917-6590; email: [fnu.winarto@faa.gov](mailto:fnu.winarto@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2015-7525; Directorate Identifier 2015-NM-064-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.