



Federal Register

**Monday,
May 14, 2001**

Part LVIII

**National Credit
Union
Administration**

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Regulatory Agenda

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemakings, reviews of existing regulations, and completed actions as of January 31, 2001, to be included in the Unified Agenda of Federal Regulatory and Deregulatory Actions.

DATES: This information is current as of January 31, 2001.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing, at the above address, unless otherwise noted, or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA, and participate in that process more effectively. Entries for the Agenda appear in one of five possible categories: prerule stage; proposed rule stage; final rule stage; long-term actions; or completed actions.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2, "Developing and Reviewing Government Regulations," 54 FR 35231, (September 18, 1987), which sets out NCUA's policy

and procedures for developing and reviewing its regulations. NCUA's policy is to ensure that its regulations impose only minimum required burdens on credit unions, consumers, and the public; are appropriate for the size of the financial institutions it regulates; are issued only after full public participation; and are clear and understandable. Further, NCUA undertakes to review all regulations every three years to clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.

Executive Order 12866, signed by President Clinton on September 30, 1993, requires independent executive agencies such as NCUA to publish a regulatory agenda.

Approved by the NCUA Board on February 15, 2001.

Becky Baker,
Secretary of the Board.

National Credit Union Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
4356	Credit Practices	3133-AC43

National Credit Union Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4357	Corporate Credit Unions	3133-AC28
4358	Requirements for Insurance	3133-AC33
4359	Credit Practices	3133-AC34
4360	Regulatory Flexibility and Exemption Program	3133-AC38
4361	Records Preservation Program	3133-AC41
4362	Credit Union Service Organizations (CUSOs)	3133-AC45
4363	Requirements for Insurance	3133-AC46
4364	Investment and Deposit Activities	3133-AC49
4365	Eligible Obligations — Conflict of Interest Provision	3133-AC51
4366	Definitions and Technical Amendments	3133-AC53
4367	Reimbursement, Insurance, and Indemnification of Officials and Employees	3133-AC54

National Credit Union Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4368	Federal Credit Union Incidental Powers Activities	3133-AC07
4369	Prepayment Fees to Federal Home Loan Bank	3133-AC44
4370	Community Development Revolving Loan Program for Credit Unions	3133-AC47
4371	Proposed Interpretive Ruling and Policy Statement (IRPS-00-2) Central Liquidity Facility Advance Policy	3133-AC48
4372	OMB Control Numbers	3133-AC52
4373	Requirements for Insurance (Subpart B)	3133-AC55

NCUA

National Credit Union Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
4374	Federal Credit Union Chartering, Field of Membership Modifications and Conversions	3133-AC27
4375	Exemptions (Privacy Act)	3133-AC42
4376	Guidelines for Safeguarding Member Information	3133-AC50

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Prerule Stage

4356. CREDIT PRACTICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 57a; 15 USC 1681b**CFR Citation:** 12 CFR 706**Legal Deadline:** None**Abstract:** Along with the bank regulatory agencies, NCUA intends to issue a very broad advance notice of

proposed rulemaking seeking comment on aspects of the Fair Credit Reporting Act that require clarification through regulations.

Timetable:

Action	Date	FR Cite
End Review	04/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Chrisanthy J. Loizos, Staff Attorney, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
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Email: cloizos@ncua.gov
RIN: 3133-AC43

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Proposed Rule Stage

4357. CORPORATE CREDIT UNIONS**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 12 USC 1762; 12 USC 1766(a); 12 USC 1781; 12 USC 1789**CFR Citation:** 12 CFR 704**Legal Deadline:** None**Abstract:** NCUA requests public comment on revisions to the rule governing corporate credit unions. As part of its regulatory review process, NCUA has identified provisions for further clarification or revision. Comments on these issues will assist NCUA in its regulatory review process.**Timetable:**

Action	Date	FR Cite
ANPRM	07/28/99	64 FR 40787
ANPRM Comment Period End	11/26/99	
ANPRM	11/22/00	65 FR 70319
ANPRM Comment Period End	02/20/01	
NPRM	07/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mary F. Rupp, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6540
Email: maryr@ncua.gov
RIN: 3133-AC28**4358. REQUIREMENTS FOR INSURANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1756 to 1757; 12 USC 1757A; 12 USC 1766; 12 USC 1785; 12 USC 1781**CFR Citation:** 12 CFR 741**Legal Deadline:** None**Abstract:** NCUA is soliciting public comment on whether NCUA should adopt a regulation that would restrict the insurance coverage for State-chartered credit unions that open branches outside the United States.**Timetable:**

Action	Date	FR Cite
ANPRM	09/14/00	65 FR 55464
NPRM	05/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Michael J. McKenna, Senior Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6562
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RIN: 3133-AC33**4359. CREDIT PRACTICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 57a; 15 USC 1681b**CFR Citation:** 12 CFR 706**Legal Deadline:** None**Abstract:** NCUA will promulgate a regulation under the Fair Credit Reporting Act that addresses the sharing of opt out information between Federal credit unions and their affiliates.

NCUA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/26/00	65 FR 64168
NPRM Comment Period End	12/26/00	
NPRM	05/00/01	
NPRM Comment Period End	07/00/01	
Final Action	01/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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Phone: 703 518-6567
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RIN: 3133-AC34**4360. REGULATORY FLEXIBILITY AND EXEMPTION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1757; 12 USC 1756; 12 USC 1766**CFR Citation:** 12 CFR 742**Legal Deadline:** None

Abstract: NCUA solicited public comment on whether NCUA should adopt a regulation that would permit well-capitalized credit unions to be exempt from certain NCUA regulations, in whole or in part. A proposed rule is scheduled for March 2001.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/00	65 FR 15275
ANPRM Comment Period End	05/22/00	
NPRM	03/15/01	66 FR 15055
NPRM Comment Period End	05/14/01	
Final Action	09/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Michael J. McKenna, Senior Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6562
Email: mmckenna@ncua.gov

RIN: 3133-AC38**4361. RECORDS PRESERVATION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1766**CFR Citation:** 12 CFR 749**Legal Deadline:** None

Abstract: Review and update provisions regarding record retention requirements and electronic storage.

Timetable:

Action	Date	FR Cite
NPRM	02/23/01	66 FR 11239
NPRM Comment Period End	04/24/01	
Final Action	07/00/01	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Dianne M. Salva, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6540
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RIN: 3133-AC41**4362. ● CREDIT UNION SERVICE ORGANIZATIONS (CUSOS)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 12 USC 1756; 12 USC 1757(5)(D) and (7)(I); 12 USC 1766; 12 USC 1782; 12 USC 1784; ...**CFR Citation:** 12 CFR 712**Legal Deadline:** None

Abstract: The proposed rule clarifies that the list of permissible activities in the CUSO rule is intended to establish broad categories of permissible activities and that the listings under these categories are illustrative not exhaustive. The proposal also adds a federally chartered corporation to the list of permissible structures for a CUSO.

Timetable:

Action	Date	FR Cite
NPRM	02/22/01	66 FR 11125
NPRM Comment Period End	04/23/01	
Final Action	07/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Mary F. Rupp, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428

Phone: 703 518-6540

Email: maryr@ncua.gov

RIN: 3133-AC45**4363. ● REQUIREMENTS FOR INSURANCE****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 12 USC 1757; 12 USC 1766; 12 USC 1781 to 1790**CFR Citation:** 12 CFR 741**Legal Deadline:** None

Abstract: Currently, only credit unions with over \$50,000,000 in assets file quarterly call reports. NCUA is considering moving to a risk-based, flexible schedule examination program. This proposal will request comment on whether, as a condition of implementation of that program, all credit unions should file quarterly call reports.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Mary F. Rupp, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428

Phone: 703 518-6540

Email: maryr@ncua.gov

RIN: 3133-AC46**4364. ● INVESTMENT AND DEPOSIT ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1757(7); 12 USC 1757(8); 12 USC 1757(15)**CFR Citation:** 12 CFR 703**Legal Deadline:** None

Abstract: The proposed rule intends to update and clarify NCUA's investment and deposit activities rules.

NCUA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/01	
NPRM Comment Period End	07/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3133-AC49

4365. • ELIGIBLE OBLIGATIONS — CONFLICT OF INTEREST PROVISION

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1752(5); 12 USC 1755-1657; 12 USC 1759; 12 USC 1761a

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: Section 701.23 sets forth the requirements for purchasing, selling, and pledging eligible obligations (loans) by Federal credit unions. NCUA plans to propose a conflict of interest provision for this section, similar to section 701.21(c)(8)(i) of the lending rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Regina M. Metz, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
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RIN: 3133-AC51

4366. • DEFINITIONS AND TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1752; 12 USC 1757(6); 12 USC 1766

CFR Citation: 12 CFR 700

Legal Deadline: None

Abstract: NCUA plans to add new definitions and remove obsolete references and definitions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Regina M. Metz, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
Phone: 703 518-6540
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RIN: 3133-AC53

4367. • REIMBURSEMENT, INSURANCE, AND INDEMNIFICATION OF OFFICIALS AND EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 12 CFR 701.33

Legal Deadline: None

Abstract: Revise regulation to clarify, streamline and update to include recent interpretations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/01	
NPRM Comment Period End	08/00/01	
Final Action	10/00/01	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Dianne M. Salva, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
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RIN: 3133-AC54

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Final Rule Stage

4368. FEDERAL CREDIT UNION INCIDENTAL POWERS ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1757(16); 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 721

Legal Deadline: None

Abstract: The regulation proposes to revise this part to categorize activities deemed to be within the incidental powers of a Federal credit union.

Timetable:

Action	Date	FR Cite
ANPRM	11/26/99	64 FR 66413

Action	Date	FR Cite
NPRM	11/24/00	65 FR 70526
Final Rule	09/00/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael J. McKenna, Senior Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6562
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RIN: 3133-AC07

4369. • PREPAYMENT FEES TO FEDERAL HOME LOAN BANK

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1787

CFR Citation: 12 CFR 709

Legal Deadline: None

Abstract: NCUA is adopting a rule clarifying that as conservator or liquidating agent of a federally-insured credit union, the NCUA Board will honor a claim for prepayment fees by a Federal Home Loan Bank under certain circumstances.

NCUA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/24/01	
Interim Final Rule	04/00/01	
Final Action	06/00/01	
Final Action Effective	07/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Chrisanthy J. Loizos, Staff Attorney, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
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RIN: 3133-AC44**4370. • COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM FOR CREDIT UNIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1772C-1; 42 USC 9822**CFR Citation:** 12 CFR 705**Legal Deadline:** None

Abstract: The NCUA is revising its regulations pertaining to the Community Development Revolving Loan Program for Credit Unions (CDRLP) to make more flexible the manner in which NCUA may deliver technical assistance to participating credit unions. This revision reflects the board authority granted to NCUA by the Federal Credit Union Act (Act) in this context.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/21/00	65 FR 80298
Interim Final Rule Effective	12/21/00	
Interim Final Rule Comment Period End	02/20/01	
Final Action	04/00/01	
Final Action Effective	04/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Frank S. Kressman, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
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RIN: 3133-AC47**4371. • PROPOSED INTERPRETIVE RULING AND POLICY STATEMENT (IRPS-00-2) CENTRAL LIQUIDITY FACILITY ADVANCE POLICY****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1795 to 1795F**CFR Citation:** 12 CFR 725**Legal Deadline:** None

Abstract: The policy statement is intended to clarify the role of the Central Liquidity Facility (CLF) and the circumstances when the CLF will approve a regulator or agent member's request for a CLF advance.

Timetable:

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63892
NPRM Comment Period End	01/23/01	
Final Action	04/00/01	
Final Action Effective	05/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Frank S. Kressman, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
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Email: fkressman@ncua.gov

RIN: 3133-AC48**4372. • OMB CONTROL NUMBERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1766(a); 5 USC 3507(f)**CFR Citation:** 12 CFR 795**Legal Deadline:** None

Abstract: NCUA plans to update the display table that lists the current OMB control numbers and the 12 CFR part or section where each number is described or identified.

Timetable:

Action	Date	FR Cite
Final Action	11/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Regina M. Metz, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
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RIN: 3133-AC52**4373. • REQUIREMENTS FOR INSURANCE (SUBPART B)****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1757, 1766 and 1781-1790; 31 USC 3717**CFR Citation:** 12 CFR 741**Legal Deadline:** None

Abstract: Revise part 741 to include a cross-reference to part 702, Prompt Corrective Action.

Timetable:

Action	Date	FR Cite
Final Action	06/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Frank S. Kressman, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
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RIN: 3133-AC55

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

4374. FEDERAL CREDIT UNION CHARTERING, FIELD OF MEMBERSHIP MODIFICATIONS AND CONVERSIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1752(5); 12 USC 1755 to 1757; 12 USC 1759; 12 USC 1761b-c; 12 USC 1766 to 1767;

...

CFR Citation: 12 CFR 701.1**Legal Deadline:** None**Abstract:** The regulation sets forth all the requirements for chartering and field of membership. The rule requires community Federal credit unions to have a plan that sets forth the credit unions' efforts to serve low-income members. The final amendments also clarify existing policy and broaden chartering policies.**Timetable:**

Action	Date	FR Cite
NPRM	06/06/00	65 FR 37065
Final Rule	10/27/00	65 FR 64512

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael J. McKenna, Senior Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6562

Email: mmckenna@ncua.gov

RIN: 3133-AC27**4375. EXEMPTIONS (PRIVACY ACT)****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1757**CFR Citation:** 12 CFR 792.66**Legal Deadline:** None**Abstract:** Revised Privacy Act regulation to update offices and responsibilities and to reflect changes in the law.**Timetable:**

Action	Date	FR Cite
Final Rule	10/25/00	65 FR 63789

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Dianne M. Salva, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428
Phone: 703 518-6540
Email: dsalva@ncua.gov**RIN:** 3133-AC42**4376. • GUIDELINES FOR SAFEGUARDING MEMBER INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 1766(a); 12 USC 1786(q); 15 USC 6801 and 6805(b); 31 USC 5311**CFR Citation:** 12 CFR 748**Legal Deadline:** None**Abstract:** The NCUA Board modified its security program requirements to include security of member information. Further the NCUA Board issued "Guidelines for Safeguarding Member Information" to implement certain provisions of the Gramm-Leach Bliley Act of 1999.**Timetable:**

Action	Date	FR Cite
NPRM	06/14/00	65 FR 27302
NPRM Comment Period End	08/14/00	
Final Action	01/30/01	66 FR 8152
Final Action Effective	07/01/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Regina M. Metz, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314
Phone: 703 518-6540
Email: rmetz@ncua.gov**RIN:** 3133-AC50

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