(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or TS.

For additional procedural information and the regulatory analysis, see the directional rule published in the Rules and Regulations section of this Federal Register.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended, and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

1. The authority citation for Part 72 continues to read as follows:


2. In §72.214, Certificate of Compliance 1015 is revised to read as follows:

§72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1015.

Initial Certificate Effective Date: November 20, 2000.

Amendment Number 1 Effective Date: February 20, 2001.

Amendment Number 2 Effective Date: December 31, 2001.

Amendment Number 3 Effective Date: March 31, 2004.

Amendment Number 4 Effective Date: October 11, 2005.

Amendment Number 5 Effective Date: January 12, 2009.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the NAC–UMS Universal Storage System.

Docket Number: 72–1015.


Model Number: NAC–UMS.

* * * * *

Dated at Rockville, Maryland, this 7th day of October, 2008.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Executive Director for Operations.

[FR Doc. E8–25539 Filed 10–24–08; 8:45 am]
proposing to adopt a 10 percent risk weight for claims on, and the portion of claims guaranteed by, Fannie Mae or Freddie Mac. The 10 percent risk weight would apply so long as an Agreement would apply so long as an Agreement
claims guaranteed by, Fannie Mae or
weight for claims on, and the portion of
proposing to adopt a 10 percent risk
methods:

Federal eRulemaking Portal—
“Regulations.gov”: Go to http://
www.regulations.gov, under the “More
Search Options” tab click next to the
“Advanced Docket Search” option where indicated, select “Comptroller of the Currency” from the agency
down menu, then click “Submit.” In the “Docket ID” column, select “OCC–2008–0016” to view public
Comments Personally: You may personally inspect and photocopy
Docket: You may also view or request available background
documents and project summaries using
Board: You may submit comments, identified by Docket No. R–1335, by any of the following methods:
Agency Web Site: http://www.federalreserve.gov/
generalinfo/foia/ProposedRegs.cfm.
E-mail: regs.comments@federalreserve.gov.

Fax: (202) 874–4448.

Instructions: You must include
OCC” as the agency name and “Docket
Number OCC–2008–0016” in your
comment. In general, OCC will enter all
commits received into the docket and
publish them on the Regulations.gov
Web site without change, including any
business information that you provide such as name and address
information, e-mail addresses, or phone
numbers. Comments received, including
attachments and other supporting
materials, are part of the public record
and subject to public disclosure. Do not
close any information in your
comment or supporting materials that
you consider confidential or inappropriate for public disclosure.
You may review comments and other
related materials that pertain to this
notice of proposed rulemaking by any of
the following methods:

Viewing Comments Electronically: Go to http://www.regulations.gov, under the “More Search Options” tab click next to
the “Advanced Document Search” option where indicated, select “Comptroller of the Currency” from the
agency drop-down menu, then click “Submit.” In the “Docket ID” column, select “OCC–2008–0016” to view public
commits for this rulemaking action.

Viewing Comments Personally: You may personally inspect and photocopy
comments at the OCC’s Public
Information Room, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an
appointment to inspect comments. You
may do so by calling (202) 874–5043.

Upon arrival, visitors will be required to
present valid government-issued photo
documentation and personal information provided.

All submissions received must include the agency name
and docket number for this rulemaking.

You may also view or request available background
documents and project summaries using
the methods described above.

Board: You may submit comments, identified by Docket No. R–1335, by any of the following methods:

Agency Web Site: http://

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

E-mail: regs.comments@federalreserve.gov.

Include docket number in the subject
line of the message.

FAX: (202) 452–3819 or (202) 452–
3102.

Mail: Jennifer J. Johnson, Secretary,
Board of Governors of the Federal
Reserve System, 20th Street and
Constitution Avenue, NW., Washington,
DC 20551.

All public comments are available from the Board’s Web site at http://
www.federalreserve.gov/generalinfo/
foia/ProposedRegs.cfm as submitted,
unless modified for technical reasons.
Accordingly, your comments will not be
edited to remove any identifying or
contact information. Public comments
may also be viewed electronically or in
paper form in Room MP–500 of the
Board’s Martin Building (20th and C
Street, NW.) between 9 a.m. and 5 p.m.
on weekdays.

OTS: You may submit comments, identified by OTS–2008–0014, by any of the following methods:

Federal eRulemaking Portal—
“Regulations.gov”: Go to http://
www.regulations.gov, under the “More
Search Options” tab click next to the
“Advanced Docket Search” option
where indicated, select “Office of Thrift
Supervision” from the agency dropdown menu, then click “Submit.” In the “Docket ID” column, select
“OTS–2008–0014” to submit or view public
comments and to view supporting and
related materials for this proposed
rulemaking. The “How to Use This Site” link on the Regulations.gov
home page provides information on
using Regulations.gov, including
instructions for submitting or viewing
public comments, viewing other
supporting and related materials, and
viewing the docket after the close of the
comment period.

E-mail: regs.comments@occ.treas.gov.

Fax: (202) 874–4448.

Instructions: You must include
“OCC” as the agency name and “Docket
Number OCC–2008–0016” in your
comment. In general, OCC will enter all
commits received into the docket and
publish them on the Regulations.gov
Web site without change, including any
business information that you provide such as name and address
information, e-mail addresses, or phone
numbers. Comments received, including
attachments and other supporting
materials, are part of the public record
and subject to public disclosure. Do not
close any information in your
comment or supporting materials that
you consider confidential or inappropriate for public disclosure.
You may review comments and other
related materials that pertain to this
notice of proposed rulemaking by any of
the following methods:

Viewing Comments Electronically: Go to http://www.regulations.gov, under the “More Search Options” tab click next to
the “Advanced Document Search” option where indicated, select “Comptroller of the Currency” from the
agency drop-down menu, then click “Submit.” In the “Docket ID” column, select “OCC–2008–0016” to view public
comments for this rulemaking action.

Viewing Comments Personally: You may personally inspect and photocopy
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Information Room, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an
appointment to inspect comments. You
may do so by calling (202) 874–5043.

Upon arrival, visitors will be required to
present valid government-issued photo
documentation and personal information provided.

All submissions received must include the agency name
and docket number for this rulemaking.

You may also view or request available background
documents and project summaries using
the methods described above.

Board: You may submit comments, identified by Docket No. R–1335, by any of the following methods:

Agency Web Site: http://

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

E-mail: regs.comments@federalreserve.gov.

Include docket number in the subject
line of the message.

FAX: (202) 452–3819 or (202) 452–
3102.

Mail: Jennifer J. Johnson, Secretary,
Board of Governors of the Federal
Reserve System, 20th Street and
Constitution Avenue, NW., Washington,
DC 20551.

All public comments are available from the Board’s Web site at http://
www.federalreserve.gov/generalinfo/
foia/ProposedRegs.cfm as submitted,
unless modified for technical reasons.
Accordingly, your comments will not be
edited to remove any identifying or
contact information. Public comments
may also be viewed electronically or in
paper form in Room MP–500 of the
Board’s Martin Building (20th and C
Street, NW.) between 9 a.m. and 5 p.m.
on weekdays.

OTS: You may submit comments, identified by OTS–2008–0014, by any of the following methods:

Federal eRulemaking Portal—
“Regulations.gov”: Go to http://
www.regulations.gov, under the “More
Search Options” tab click next to the
“Advanced Docket Search” option
where indicated, select “Office of Thrift
Supervision” from the agency dropdown menu, then click “Submit.” In the “Docket ID” column, select
“OTS–2008–0014” to submit or view public
comments and to view supporting and
related materials for this proposed
rulemaking. The “How to Use This Site” link on the Regulations.gov
home page provides information on
using Regulations.gov, including
instructions for submitting or viewing
public comments, viewing other
supporting and related materials, and
viewing the docket after the close of the
comment period.

Mail: Regulatory Comments, Chief
Counsel’s Office, Office of Thrift
Supervision, 1700 G Street, NW.,
Washington, DC 20552, Attention: OTS–
2008–0014.

Fax: (202) 906–6518.
Hand Delivery/Courier: Guard’s
Desk, East Lobby Entrance, 1700 G
Street, NW., from 9 a.m. to 4 p.m. on
business days, Attention: Regulation
Comments, Chief Counsel’s Office,

Instructions: All submissions received must include the agency name and docket number for this rulemaking.
All comments received will be posted without change, including any personal information provided. Comments, including attachments and other supporting materials received are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

- Viewing Comments Electronically: Go to http://www.regulations.gov, under the “More Search Options” tab click next to the “Advanced Document Search” option where indicated, select “Office of Thrift Supervision” from the agency drop-down menu, then click “Submit.” In the “Docket ID” column, select “OTS–2008–0014” to view public comments for this notice of proposed rulemaking action.

- Viewing Comments On-Site: You may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to public.info@ots.treas.gov, or send a facsimile transmission to (202) 906–6518. (Prior notice identifying the materials you will be requesting will assist us in serving you.) We schedule appointments on business days between 9 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date we receive a request.


Board: Barbara J. Bouchard, Associate Director, (202) 452–3072; or Anna Lee Hewko, Senior Project Manager, (202) 530–6260, Division of Banking Supervision and Regulation; or Mark E. Van Der Weide, Assistant General Counsel, (202) 452–2263; or Benjamin W. McDonough, Senior Attorney, (202) 452–2036. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.


SUPPLEMENTARY INFORMATION: On September 7, 2008, Treasury announced the establishment of the Government-Sponsored Enterprise Credit Facility to ensure credit availability to Fannie Mae and Freddie Mac. Treasury also entered into senior preferred stock purchase agreements, which ensure that each entity maintains a positive net worth and effectively support the holders of debt and MBS issued or guaranteed by Fannie Mae and Freddie Mac. The agreements enhance market stability by providing additional security to debt holders—senior and subordinated—and improve mortgage affordability by providing additional confidence to investors in MBS guaranteed by Fannie Mae and Freddie Mac. Treasury indicated that these actions were necessary because ambiguities in the Congressional charters of Fannie Mae and Freddie Mac created a market perception of government backing.

Under the agencies’ general risk-based capital rules, claims on, and the portion of claims guaranteed by, U.S. government-sponsored agencies receive a 20 percent risk weight. In light of the additional financial support Treasury has committed to provide under the Agreements, the agencies believe that a reduced risk weight is appropriate for claims on, or guaranteed by, Fannie Mae or Freddie Mac. Specifically, the agencies are proposing to amend their respective general risk-based capital rules to permit banks, bank holding companies, and savings associations to assign a 10 percent risk weight to claims on, or guaranteed by, Fannie Mae or Freddie Mac. Claims include all credit exposures, such as senior and subordinated debt and counterparty credit risk exposures, but do not include preferred or common stock. This risk weight could be applied to credit exposures created on, before, or after September 7, 2008. The 10 percent risk weight, which would reflect the reduced credit risk of Fannie Mae and Freddie Mac in light of the Agreements, would apply to these exposures so long as an Agreement remains in effect with the respective entity. This proposal would not affect the calculation of the leverage ratio with respect to these exposures.

The Board is also proposing a technical amendment to the advanced approaches capital rule to conform a cross reference affected by the proposed change to the general risk-based capital rule. The Board, FDIC, and OTS are proposing technical revisions to the general risk-based capital rules that update references to the risk-weight categories to reflect this proposal.

The agencies seek comment on all aspects of this notice of proposed rulemaking. In particular, the agencies request comment on the potential effects of this proposal on other banking organization claims on GSEs, such as Federal Home Loan Bank debt. In that regard, the agencies generally request comment on the appropriateness of the current 20 percent risk weight on claims on GSEs.

Regulatory Analysis Executive Order 12866

Executive Order 12866 requires federal agencies to prepare a regulatory impact analysis for agency actions that are found to be “significant regulatory actions.” Significant regulatory actions include, among other things, rulemakings that “have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.” Regulatory actions that satisfy one or more of these criteria are referred to as “economically significant regulatory actions.”

The OCC and OTS have each determined that this notice of proposed rulemaking likely would be an economically significant regulatory action for purposes of Executive Order 12866. However, in light of the exigent market circumstances resulting from the
The Agencies have determined that a substantial number of small banking organizations hold claims on or are guaranteed by Fannie Mae or Freddie Mac, the cost for each such a banking organization to adjust its systems to implement the proposed rule would not be significant since the only change would be a simple mathematical computation. Although reducing the risk weight for claims on or guaranteed by Fannie Mae and Freddie Mac to 10 percent would reduce required minimum regulatory capital, the agencies have determined that the average change in total risk-weighted assets, Tier 1 risk-based capital, and total risk-based capital would not be significant. Additionally, the Agencies note that the proposed rule would be elective. The proposed rule would apply only to banking organizations that choose to take advantage of the proposed 10 percent risk weight. Banking organizations not exercising this option would continue to apply the current 20 percent risk weight applicable to claims on or guaranteed by U.S. government-sponsored entities. The proposed rule does not impose any new mandatory requirements or burdens. Finally, because the proposed rule would apply to all banking organizations, the proposed rule does not have a disproportionate effect on small entities.

Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), each agency has reviewed the proposed rule to assess any information collections. There are no collections of information as defined by the Paperwork Reduction Act in the notice of proposed rulemaking.

OCC and OTS Unfunded Mandates Reform Act of 1995 Determinations

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (UMRA) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more (adjusted annually for inflation) in any one year. (The inflation adjusted threshold is $133 million or more.) If a budgetary impact statement is required, section 205 of the UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC and OTS each determined that its proposed rule will not result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $133 million or more in any one year. Accordingly, neither OCC nor OTS has prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

Solicitation of Comments on Use of Plain Language

Section 722 of the GLBA required the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Federal banking agencies invite comment on how to make this proposed rule easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could the rule be more clearly stated?
- Are the requirements in the rule clearly stated? If not, how could the rule be more clearly stated?
- Do the regulations contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes would make the regulation easier to understand?
- Would more, but shorter, sections be better? If so, which sections should be changed?
- What else could we do to make the regulation easier to understand?

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Banks, Banking, Capital, National banks, Reporting and recordkeeping requirements, Risk.

12 CFR Part 208

Administrative practice and procedure, Banks, Banking, Capital, Reporting and recordkeeping requirements, Risk.

12 CFR Part 225

Administrative practice and procedure, Banks, Banking, Capital, Adequacy, Reporting and recordkeeping requirements, Risk.

12 CFR Part 325

Administrative practice and procedure, Banks, Banking, Capital, Adequacy, Reporting and recordkeeping requirements, Risk.
Board of Governors of the Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons stated in the common preamble, the Board of Governors of the Federal Reserve System proposes to amend parts 208 and 225 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1823(j), 1823(o), 1831, 1833, 1835, 1835i–1, 1835r, 1835s, 1835a, 1835c, 1835e, 1835f, 1835g, 1882, 2901–2907, 3105, 3310, 3331–3351, and 3900–3909; 15 U.S.C. 78b, 78l(b), 78l(g), 78l(i), 78o–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4014a, 4014b, 4106, and 4128.

2. In Appendix A to part 208, amend section III.C. as set forth below:

a. Remove the introductory paragraph to section III.C.;
   b. Redesignate paragraphs 2, 3, and 4 as paragraphs 3, 4, and 5, respectively;
   c. Add new paragraph 2:
      d. In newly redesignated paragraph 3, revise the heading, paragraph 3(b), and footnote 36, except footnote 37; and
      e. In newly redesignated paragraphs 4 and 5, revise the headings to read as follows:

Appendix A to Part 208—Capital Adequacy Guidelines for State Member Banks: Risk-Based Measure

III. * * * *

C. * * * * *

2. Category 2: 10 percent. This category includes claims on, and the portions of claims that are guaranteed by, the Federal Home Loan Mortgage Corporation (Freddie Mac) and the Federal National Mortgage Corporation (Fannie Mae), as long as the U.S. Department of Treasury’s senior preferred stock purchase agreement, dated as of September 7, 2008, remains in effect with the respective entity. However, at its option, a bank may choose to assign claims described in this ten percent risk weight category to the twenty percent risk weight category.

3. Category 3: 20 percent.

b. This category also includes the portions of claims that are conditionally guaranteed by OECD central governments and U.S. government agencies, as well as the portions of local currency claims that are conditionally guaranteed by non-OECD central governments, to the extent that the bank has liabilities booked in that currency. In addition, except as provided in paragraph 2 of this section, this category also includes claims on, and the portions of claims that are guaranteed by, U.S. government-sponsored agencies and claims on, and the portions of claims guaranteed by, the International Bank for Reconstruction and Development (World Bank), the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the European Investment Bank for Reconstruction and Development, the Nordic Investment Bank, and other multilateral lending institutions or regional development banks in which the U.S. government is a shareholder or contributing member. General obligation claims on, or portions of claims guaranteed by the full faith and credit of, states or other political subdivisions of the United States or other countries of the OECD-based group are also assigned to this category.36

4. Category 4: 50 percent. * * * *

5. Category 5: 100 percent. * * * *

3. In Appendix F to part 208, Part I, section 2, revise the definition of “Excluded mortgage exposure” as set forth below:

Appendix F to Part 208—Capital Adequacy Guidelines for Banks: Internal-Ratings-Based and Advanced Measurements Approaches

Part I. * * *

Section 2. * * *

* * * * *

Excluded mortgage exposure means any one-to-four-family residential pre-sold construction loan for a residence for which the purchase contract is cancelled that would receive a 100 percent risk weight under section 618(a)(2) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act and under 12 CFR part 208, appendix A, section III.C.4.

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1845(c), 1846, 1847; 12 CFR 225.11, 225.22.

36 For this purpose, U.S. government-sponsored agencies are defined as agencies originally established or charted by the Federal government to serve public purposes specified by the U.S. Congress but whose obligations are not explicitly guaranteed by the full faith and credit of the U.S. government. These agencies include Freddie Mac, Fannie Mae, the Farm Credit System, the Federal Home Loan Bank System, and the Student Loan Marketing Association (SLMA). Claims on U.S. government-sponsored agencies include capital stock in a Federal Home Loan Bank that is held as a condition of membership in that Bank.

37 * * *
2. In Appendix A to part 225, amend section III.C as set forth below:
   a. Remove the introductory paragraph;
   b. Redesignate paragraphs 2, 3, and 4 as paragraphs 3, 4, and 5, respectively;
   c. Add new paragraph 2;
   d. In newly redesignated paragraph 3, revise the heading, paragraph 3(b), and footnote 43, except footnote 44; and
   e. In newly redesignated paragraphs 4 and 5, revise the headings to read as follows:

Appendix A to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Risk-Based Measure

III. * * * 
   C. * * *  

2. Category 2: 10 percent. This category includes claims on, and the portions of claims that are guaranteed by, the Federal Home Loan Mortgage Corporation (Freddie Mac) and the Federal National Mortgage Corporation (Fannie Mae), so long as the U.S. Department of Treasury’s senior preferred stock purchase agreement, dated as of September 7, 2008, remains in effect with the respective entity. However, at its option, a banking organization may choose to assign claims described in this ten percent risk weight category to the twenty percent risk weight category.

3. Category 3: 20 percent.

b. This category also includes the portions of claims that are conditionally guaranteed by OECD central governments and U.S. government agencies, as well as the portions of local currency claims that are conditionally guaranteed by non-OECD central governments, to the extent that the bank has liabilities booked in that currency. In addition, except as provided in paragraph 2 of this section, this category also includes claims on, and the portions of claims that are guaranteed by, U.S. government-sponsored agencies and claims on, and the portions of claims guaranteed by, the International Bank for Reconstruction and Development (World Bank), the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the European Investment Bank for Reconstruction and Development, the Nordic Investment Bank, and other multilateral lending institutions or regional development banks in which the U.S. government is a shareholder or contributing member. General obligation claims on, or portions of claims guaranteed by the full faith and credit of, states or other political subdivisions of the United States or other countries of the OECD-based group are also assigned to this category.44


5. Category 5: 100 percent.

3. In Appendix G to part 225, Part I, section 2, revise the definition of “Excluded mortgage exposure” as set forth below:

Appendix G to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Internal-Ratings-Based and Advanced Measurement Approaches

PART I. * * * 
   Section 2. * * * 

Excluded mortgage exposure means any one-to-four-family residential pre-sold construction loan for a residence for which the purchase contract is cancelled that would receive a 100 percent risk weight under section 618(a)(2) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act and under 12 CFR part 225, appendix A, section III.C.4.

* * * * * 

Federal Deposit Insurance Corporation

12 CFR Chapter III

Authority and Issuance

For the reasons stated in the common preamble, the Federal Deposit Insurance Corporation proposes to amend Part 325 of chapter III of Title 12, Code of Federal Regulations as follows:

PART 325—CAPITAL MAINTENANCE

1. The authority citation for part 325 continues to read as follows:


2. In Appendix A to part 325, amend section II.A by revising paragraph 1 to read as follows:

Appendix A to Part 325—Statement of Policy on Risk-Based Capital

* * * * * 
   II. * * * 
   A. * * * 

1. Under the risk-based capital framework, a bank’s balance sheet assets and credit equivalent amounts of off-balance sheet items are assigned to one of six broad risk categories according to the obligor or, if relevant, the guarantor or the nature of the collateral. The aggregate dollar amount in each category is then multiplied by the risk weight assigned to that category. The resulting weighted values from each of the six risk categories are added together and this sum is the risk-weighted assets total that, as adjusted, 34 comprises the denominator of the risk-based capital ratio.

* * * * * 

3. In Appendix A to part 325, amend section II.C as follows:

b. Except as provided in the ten percent risk weight category, this category includes claims on, or portions of claims guaranteed by, U.S. Government-sponsored agencies;34 and claims of portions of claims (including repurchase agreements) collateralized by securities issued or guaranteed by OECD central governments, U.S. Government agencies, as well as portions of local currency claims that are conditionally guaranteed by OECD central governments to the extent that the bank has liabilities booked in that currency.

34 For risk-based capital purposes, U.S. Government-sponsored agencies are defined as agencies originally established or
chartered by the U.S. Government to serve public purposes specified by the U.S. Congress but whose debt obligations are not explicitly guaranteed by the full faith and credit of the U.S. Government. These agencies include the Farm Credit System, the Federal Home Loan Bank System, the Student Loan Marketing Association, Freddie Mac, and Fannie Mae. For risk-based capital purposes, claims on U.S. Government-sponsored agencies also include capital stock in a Federal Home Loan Bank that is held as a condition of membership in that bank.

**Category 4—50 Percent Risk Weight.**

* * * * *

**Category 5—100 Percent Risk Weight.**

* * * * *

**Category 6—200 Percent Risk Weight.**

* * * * *

4. In Appendix A to part 325, amend the Table II to section II.C. as follows:

- a. Redesignate Category 2 through Category 5 as Category 3 through Category 6 respectively;
- b. Add new Category 2;
- c. Revise redesignated Category 3, paragraph (5);
- d. Revise footnote 2; and
- e. Revise the headings for redesignated Categories 3, 4, 5, and 6 to read as follows:

### Appendix A to Part 325—Statement of Policy on Risk-Based Capital

* * * * *

II. * * * *

C. * * * *

**TABLE II—SUMMARY OF RISK WEIGHTS AND RISK CATEGORIES**

* * * * *

**Category 2—10 Percent Risk Weight.** This category includes claims on, or portions of claims guaranteed by, the Federal Home Loan Mortgage Corporation (Freddie Mac) and the Federal National Mortgage Corporation (Fannie Mae), so long as the U.S. Department of Treasury’s Senior Preferred Stock Purchase Agreement, dated as of September 7, 2008, remains in effect with Freddie Mac and Fannie Mae, respectively. However, at its option, a bank may choose to assign claims described in this category to the 20 percent risk weight category.

**Category 3—20 Percent Risk Weight.**

* * * * *

5. Except as provided in the ten percent risk weight category, securities and other claims on, or portions of claims guaranteed by, U.S. Government-sponsored agencies;

2 For risk-based capital purposes, U.S. Government-sponsored agencies are defined as agencies originally established or chartered by the U.S. Government to serve public purposes specified by the U.S. Congress but whose debt obligations are not explicitly guaranteed by the full faith and credit of the U.S. Government. These agencies include the Farm Credit System, the Federal Home Loan Bank System, the Student Loan Marketing Association, Freddie Mac, and Fannie Mae. For risk-based capital purposes, claims on U.S. Government-sponsored agencies also include capital stock in a Federal Home Loan Bank that is held as a condition of membership in that bank.

**Category 4—50 Percent Risk Weight.**

* * * * *

**Category 5—100 Percent Risk Weight.**

* * * * *

**Category 6—200 Percent Risk Weight.**

* * * * *

### Department of the Treasury

Office of Thrift Supervision

12 CFR Chapter V

For the reasons set forth in the common preamble, the Office of Thrift Supervision proposes to amend part 567 of chapter V of title 12 of the Code of Federal Regulations as follows:

### PART 567—CAPITAL

1. The authority citation for part 567 continues to read as follows:

**Authority:** 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1828 (note).

2. Section 567.6 is amended as set forth below:

- a. Redesignate paragraphs (a)(1)(ii) through (a)(1)(iv) as paragraphs (a)(1)(iii) through (a)(1)(v), respectively;
- b. Revise paragraph (a)(1) and add paragraph (a)(1)(ii);
- c. Revise the headings in redesignated paragraphs (a)(1)(iii), (a)(1)(iv) and (a)(1)v; and
- d. Revise redesignated paragraphs (a)(1)(iii)(E) and (a)(1)(iii)(F) to read as follows:

#### §567.6 Risk-based capital credit risk-weight categories.

- (a) * * * *

(1) **On-balance sheet assets.** Except as provided in paragraph (b) of this section, risk-weighted on-balance sheet assets are computed by multiplying the on-balance sheet asset amounts times the appropriate risk-weight categories.

The risk-weight categories are zero percent risk weight (Category 1) at section 567.6(a)(1)(i), 10 percent risk weight (Category 2) at section 567.6(a)(1)(ii), 20 percent risk weight (Category 3) at section 567.6(a)(1)(iii), 50 percent risk weight (Category 4) at section 567.6(a)(1)(iv), and 100 percent risk weight (Category 5) at section 567.6(a)(1)(v).

(i) **Category 1—Zero Percent Risk Weight.**

* * * * *

(ii) **Category 2—10 Percent Risk Weight.**

* * * * *

To the extent that the U.S. Department of Treasury’s Senior Preferred Stock Purchase Agreement, dated as of September 7, 2008, remains in effect with the respective corporations, this category includes (A) Securities (not including common stock or preferred stock) issued by, or other direct claims on, the Federal Home Loan Mortgage Corporation (Freddie Mac) or Federal National Mortgage Association (Fannie Mae).

(B) That portion of assets guaranteed by the Federal Home Loan Mortgage Corporation (Freddie Mac) or Federal National Mortgage Association (Fannie Mae).

(C) At its option, a savings association may choose to assign assets described in section 567.6(a)(1)(ii)(A) and (B) to the twenty percent risk weight category.

(iii) **Category 3—20 Percent Risk Weight.**

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(E) Securities (not including equity securities) issued by, or other direct claims on, United States Government-sponsored agencies, other than the Federal Home Loan Mortgage Corporation (Freddie Mac) or Federal National Mortgage Association (Fannie Mae).

(F) That portion of assets guaranteed by United States Government-sponsored agencies, other than the Federal Home Loan Mortgage Corporation (Freddie Mac) or Federal National Mortgage Association (Fannie Mae).


John C. Dugan,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, October 21, 2008.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, this 7th day of October 2008.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

Dated: October 2, 2008.

John M. Reich,

Director.