

General Counsel's Web site (<http://www.gc.doe.gov>).

DOE reviewed today's direct final rule and corresponding NOPR pursuant to the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. 68 FR 7990. Set forth below is DOE's initial regulatory flexibility analysis for the standards proposed in the NOPR, published elsewhere in today's **Federal Register**. DOE will consider any comments on the analysis or economic impacts of the rule in determining whether to proceed with the direct final rule. DOE will publish its final regulatory flexibility analysis (FRFA), including responses to any comments received, in a separate notice at the conclusion of the 110-day comment period. A description of the reasons why DOE is adopting the standards in this rule and the objectives of and legal basis for the rule are set forth elsewhere in the preamble and not repeated here.

Issued in Washington, DC, on June 29, 2011.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID OCC-2011-0017]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

RIN 3064-ZA01

List of Office of Thrift Supervision Regulations to be Enforced by the Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice.

SUMMARY: The Dodd-Frank Wall Street Reform and Consumer Protection Act (Act), transfers to the OCC the functions of the Office of Thrift Supervision (OTS) relating to Federal savings associations

and also transfers to the OCC rulemaking authority of the OTS and the Director of the OTS, respectively, relating to all savings associations. Functions of the OTS relating to State savings associations are transferred to the FDIC. Section 316(c) of the Act requires the OCC and the FDIC, after consultation with one another, to identify those regulations of the OTS that are continued under Section 316(b) of the Act that the OCC, with respect to Federal savings associations, and the FDIC, with respect to State savings associations, will enforce, and to publish a list of those regulations in the **Federal Register**. This joint notice sets out the required lists of both the OCC and the FDIC.

FOR FURTHER INFORMATION CONTACT:

OCC: Andra Shuster, Senior Counsel, Heidi Thomas, Special Counsel, or Mary Gottlieb, Regulatory Specialist, Legislative and Regulatory Activities Division, (202) 874-5090, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

FDIC: Ann Johnson Taylor, Counsel, (202) 898-3573; Rodney D. Ray, Counsel, (202) 898-3556; or Martin P. Thompson, Senior Review Examiner, (202) 898-6767, Federal Deposit Insurance Corporation, 550 17 St. NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The Act, signed into law on July 21, 2010,¹ transfers all functions of the OTS and the Director as well as all of the powers, authorities, rights, and duties vested in the OTS and the Director of the OTS relating to the transferred functions to the OCC, FDIC and the Board of Governors of the Federal Reserve System (the Board). All functions, powers, authorities, rights, and duties relating to Federal savings associations are transferred to the OCC and the Comptroller of the Currency; all functions, powers, authorities, rights, and duties relating to State savings associations are transferred to the FDIC; and all functions, powers, authorities, rights, and duties relating to the supervision of savings and loan holding companies (SLHCs) and any subsidiaries of such SLHCs other than depository institutions are transferred to the Board. The Act transfers rulemaking authority of the OTS and the Director of the OTS relating to savings associations to the OCC and the Comptroller of the Currency, and transfers rulemaking authority of the OTS and the Director of the OTS relating to SLHCs to the

Board.² The transfer of OTS functions will take place on July 21, 2011. The Act abolishes the OTS 90 days after the transfer date.

Section 316(b) of the Act provides for the continuation of OTS regulations and enforcement of such regulations that have been issued in performance of the functions transferred by Title III of the Act. Section 316(c) of the Act requires the OCC and FDIC, after consultation with each other, to identify those regulations of the OTS that are continued under Section 316(b) of the Act that will be enforced by each agency and publish a list of those regulations in the **Federal Register**.³ This list must be published no later than the transfer date.

This joint notice sets out both the OCC's and the FDIC's lists of OTS regulations that each agency will enforce beginning on the transfer date: The OCC, with respect to Federal savings associations; and the FDIC, with respect to State savings associations.⁴ This joint notice is not intended to have any substantive effect on the regulations at issue; rather it provides a reference for Federal savings associations that will be regulated and supervised by the OCC beginning on the transfer date and for State savings associations that will be regulated and supervised by the FDIC beginning on the transfer date.⁵ Separately, the OCC also plans to issue an interim final rule with a request for comment, effective on the transfer date, that republishes those OTS regulations the OCC will enforce as of the transfer date. These regulations will be added to Chapter I of Title 12 of the Code of Federal Regulations and renumbered accordingly as OCC rules, with nomenclature and other technical amendments to reflect OCC supervision. The OCC will consider more comprehensive substantive amendments to former OTS regulations, as

² Section 312(c) of the Act designated the FDIC as the "appropriate Federal banking agency" for State savings associations. Under those statutes (and others using similar terminology) for which the "appropriate Federal banking agency" is authorized to issue regulations, the FDIC will issue regulations for State savings associations.

³ Separately, the Act requires the Board to identify the OTS regulations continued under Section 316(b) that the Board will enforce after the transfer date and to publish a list in the **Federal Register**.

⁴ As set out in the tables below, certain provisions have been excluded because they relate to the supervision of SLHCs, which will be supervised by the Board, or are superseded by the Act.

⁵ Further, publication of this list should not be construed to restrict the OCC or the FDIC from enforcing violations of OTS regulations by Federal savings associations or State savings associations, respectively, that occurred prior to the transfer date.

¹ Public Law 111-203, 124 Stat. 1376 (July 21, 2010).

appropriate, with the opportunity for public comment, after the transfer date.⁶

On June 14, 2011, the FDIC's Board of Directors approved an interim rule with request for comment to revise a number of existing FDIC administrative and procedural rules to reflect the FDIC's supervision of State savings associations and to make other clarifying amendments to those rules.⁷ This

interim rule, which was published in the **Federal Register** on June 21, 2011, will be effective on the transfer date. The FDIC plans to issue a second interim rule with a request for comment, also effective on the transfer date, which will republish certain OTS rules for which the FDIC has rulemaking authority. These regulations will be renumbered and added to Chapter III of

Title 12 of the Code of Federal Regulations with nomenclature and other technical amendments. After the transfer date, and with the opportunity for public comment, the FDIC will consider incorporating these rules into its existing rules, amending them in a more substantive manner, or rescinding them, as appropriate.

OTS REGULATIONS THAT WILL BE ENFORCED BY THE OCC—TITLE 12

Part or section	Chapter V—Office of Thrift Supervision, Department of the Treasury
Part 508	Removals, Suspensions and Prohibitions where a Crime is Charged.
Part 509 (except 509.100(b) and Subparts C and D)	Rules of Practice and Procedure in Adjudicatory Proceedings.
Part 512	Rules for Investigative Proceedings and Formal Examination Proceedings.
Part 516	Application Processing Procedure.
Part 528	Nondiscrimination Requirements.
Part 533	Disclosure and Reporting of CRA-related Agreements.
Part 536	Consumer Protection in Sales of Insurance.
Part 541	Definitions for Federal Savings Association Regulations.
Part 543	Federal Mutual Savings Associations—Incorporation, Organization and Conversion.
Part 544	Federal Mutual Savings Associations—Charter and Bylaws.
Part 545 (except 545.2)	Federal Savings Associations—Operations.
Part 546	Federal Mutual Savings Associations—Merger, Dissolution, Reorganization, and Conversion.
Part 550 (except 550.10(b))	Fiduciary Powers of Savings Associations.
Part 551	Recordkeeping for Securities Transactions.
Part 552	Federal Stock Associations—Incorporation, Organization, and Conversion.
Part 555 (except 555.310(b))	Electronic Operations.
Part 557 (except 557.11, 12 and 13)	Deposits.
Part 559	Subordinate Organizations.
Part 560 ⁸ (except 560.2)	Lending and Investment.
Part 561	Definitions for Regulations Affecting All Savings Associations.
Part 562 (except 562.4(b)(2))	Regulatory Reporting Standards.
Part 563 ⁹ (except 563.171, and 563.172(b)(2))	Savings Associations—Operations.
Part 563b	Conversions from Mutual to Stock Form.
Part 563c	Accounting Requirements.
Part 563d	Securities of Savings Associations.
Part 563e	Community Reinvestment.
Part 563f	Management Official Interlocks.
Part 563g	Securities Offerings.
Part 564	Appraisals.
Part 565	Prompt Corrective Action.
Part 567	Capital.
Part 568	Security Procedures.
Part 569	Proxies.
Part 570	Safety and Soundness Guidelines Establishing Standards for Safety and Soundness.
Part 571 ¹⁰	Fair Credit Reporting.
Part 572	Loans in Areas Having Special Flood Hazards.
Part 573 ¹¹	Privacy of Consumer Information.
Part 574 (except provisions only applicable to SLHCs)	Acquisition of Control of Savings Associations.
Part 590	Preemption of State Usury Laws.
Part 591	Preemption of Due-on-Sale Laws.

⁶ The OCC also has issued a notice of proposed rulemaking to revise a number of OCC regulations to reflect the OCC's supervision of Federal savings associations and other changes necessitated by the Act. 76 FR 30557 (May 26, 2011).

⁷ 76 FR 35963 (June 21, 2011).

⁸ Pursuant to section 1025 of the Act, with respect to subpart C, the OCC will enforce this rule for Federal savings associations with assets of \$10 billion or less. The Consumer Financial Protection Bureau will enforce subpart C of this rule for institutions with assets of more than \$10 billion.

⁹ Pursuant to section 1025 of the Act, with respect to subpart D, the OCC will enforce this rule for Federal savings associations with assets of \$10 billion or less. The Consumer Financial Protection Bureau will enforce subpart D of this rule for institutions with assets of more than \$10 billion.

¹⁰ With respect to § 571.83 and subpart J, the OCC will enforce this rule for all Federal savings associations. Pursuant to section 1025 of the Act, with respect to the remaining provisions of part 571, the OCC will enforce this rule for Federal savings associations with assets of \$10 billion or less and the Consumer Financial Protection Bureau will enforce this rule for institutions with assets of more than \$10 billion.

¹¹ Pursuant to section 1025 of the Act, the OCC will enforce this rule for Federal savings associations with assets of \$10 billion or less. The Consumer Financial Protection Bureau will enforce this rule for institutions with assets of more than \$10 billion.

¹² Pursuant to section 1025 of the Dodd-Frank Act, the FDIC will enforce subpart D of this rule for State savings associations with assets of \$10 billion or less. The Consumer Financial Protection Bureau

will enforce this rule for institutions with assets of more than \$10 billion.

¹³ With respect to § 571.83 and subpart J, the FDIC will enforce this rule for all State savings associations. Pursuant to section 1025 of the Dodd-Frank Act, with respect to the remaining provisions of part 571, the FDIC will enforce this rule for State savings associations with assets of \$10 billion or less, and the Consumer Financial Protection Bureau will enforce this rule for institutions with assets of more than \$10 billion.

¹⁴ Pursuant to section 1025 of the Dodd-Frank Act, the FDIC will enforce this rule for State savings associations with assets of \$10 billion or less. The Consumer Financial Protection Bureau will enforce this rule for institutions with assets of more than \$10 billion.

OTS REGULATIONS THAT WILL BE ENFORCED BY THE FDIC—TITLE 12

Part or section	Chapter V—Office of Thrift Supervision, Department of the Treasury
Part 507 (except 507.3(b))	Restrictions on Post-Employment Activities of Senior Examiners.
Part 508	Removals, Suspensions and Prohibitions where a Crime is Charged.
Part 509 (except 509.1(e)(3), 509.100(b), 509.103(b)(2), and Subparts C and D).	Rules of Practice and Procedure in Adjudicatory Proceedings.
Part 512	Rules for Investigative Proceedings and Formal Examination Proceedings.
Part 513	Practice Before the Office.
Part 516 (except 516.45(a)(3), and 516.290(b))	Application Processing Procedure.
Part 528	Nondiscrimination Requirements.
Part 533 (except 533.1(b)(2) and 533.10)	Disclosure and Reporting of CRA-related Agreements.
Part 536	Consumer Protection in Sales of Insurance.
Part 550 (only 550.10(b))	Fiduciary Powers of Savings Associations.
Part 551	Recordkeeping for Securities Transactions.
Part 555 (only Subpart B, except 555.310(b))	Electronic Operations.
Part 557 (only Subpart C)	Deposits.
Part 558	Possession by Conservators and Receivers for Federal and State Savings Associations.
Part 559 (only Subpart B)	Subordinate Organizations.
Part 560 (only 560.1, 560.3 and Subpart B)	Lending and Investment.
Part 561 (except 561.18(b) and 561.34)	Definitions for Regulations Affecting All Savings Associations.
Part 562 (except 562.4(b)(2))	Regulatory Reporting Standards.
Part 563 ¹² (except 563.161 as to service corporations, 563.172(b)(1), 563.180(d)(4), 563.555 (definition of "Troubled condition" (2)).	Savings Associations—Operations.
Part 563b	Conversions from Mutual to Stock Form.
Part 563c	Accounting Requirements.
Part 563d (except 563d.2)	Securities of Savings Associations.
Part 563e	Community Reinvestment.
Part 563f (except 563f.2(o)(1))	Management Official Interlocks.
Part 563g	Securities Offerings.
Part 564	Appraisals.
Part 565 (except 565.5(h))	Prompt Corrective Action.
Part 567	Capital.
Part 568	Security Procedures.
Part 569	Proxies.
Part 570	Safety and Soundness Guidelines Establishing Standards for Safety and Soundness.
Part 571 ¹³ (except 571.30(a)(1)(iii), (iv), and (v))	Fair Credit Reporting.
Part 572	Loans in Areas Having Special Flood Hazards.
Part 573 ¹⁴	Privacy of Consumer Information.
Part 574 (except provisions applicable to SLHCs).	Acquisition of Control of Savings Associations.
Part 590	Preemption of State Usury Laws.
Part 591	Preemption of Due-on-Sale Laws.

Dated: June 15, 2011.

John Walsh,

Acting Comptroller of the Currency.

By order of the Board of Directors.

Dated at Washington, DC, this 14th day of June, 2011.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2010-1197; Directorate Identifier 2010-NM-044-AD; Amendment 39-16736; AD 2011-14-01]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the

products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

An operator of an A300-600 aeroplane reported finding a cracked pylon fuel drain pipe on engine #1. * * *

* * * The pipe drains the double wall of the wing-to-eyon junction in the event of fuel leakage.

After investigation, it was concluded that the damage of the pylon fuel drain pipe had been caused by chafing of the pipe against over-length screws that had been installed in accordance with the Illustrated Parts Catalogue (IPC) during a maintenance phase of the Lower Aft Pylon Fairing (LAPF).

This condition, if not detected and corrected, could, in combination with fuel leakage in the pylon, lead to an accumulation of fuel in the lowest point of the LAPF. As high temperatures are present within the