III. Summary

The NRC has determined the 10 CFR part 171 annual fees significantly impacts a substantial number of small entities. A maximum fee for small entities strikes a balance between the requirement to collect 100 percent of the NRC budget and the requirement to consider means of reducing the impact of the fee on small entities. On the basis of its regulatory flexibility analyses, the NRC concludes that a maximum annual fee of $1,800 for small entities and a lower-tier small entity annual fee of $400 for small businesses and not-for-profit organizations with gross annual receipts of less than $350,000, small governmental jurisdictions with a population of less than 20,000, small manufacturing entities that have less than 35 employees and educational institutions that are not State or publicly supported and have less than 35 employees reduces the impact on small entities. At the same time, these reduced annual fees are consistent with the objectives of OBRA–90. Thus, the revised fees for small entities maintain a balance between the objectives of OBRA–90 and the RFA. Therefore, the analysis and conclusions established in the FY 1991–1995 rules remain valid for this proposed rule for FY 1996.

[FR Doc. 96–1524 Filed 1–29–96; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Regulation Z; Docket No. R-0913]

Truth in Lending

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comments.

SUMMARY: The Board is soliciting comment on whether the Truth in Lending Act cost disclosure and other rules for open-end home-secured lines of credit provide adequate consumer protections. The Riegle Community Development and Regulatory Improvement Act of 1994 directs the Board to submit a report to the Congress regarding this matter. Under present law, creditors offering open-end home-equity lending programs have to provide detailed disclosures at the time a consumer applies for a line of credit. The law also imposes specific substantive limitations on how these programs may be structured; however they are not subject to the type of disclosure and restrictions imposed by the Home Ownership and Equity Act of 1994 for closed-end credit.

DATES: Comments must be received on or before April 1, 1996.

ADDRESSES: Comments should refer to Docket No. R–0913, and may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. Comments also may be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street NW. (between Constitution Avenue and C Street) at any time. Comments may be inspected in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding the availability of information.

FOR FURTHER INFORMATION CONTACT: Obrea Poindexter, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667 or 452–2412. For users of Telecommunications Device for the Deaf (TDD), please contact Dorothea Thompson at (202) 452–3544.

SUPPLEMENTARY INFORMATION:

I. Background

The Home Ownership and Equity Protection Act (HOEPA) amendments to the Truth in Lending Act, contained in the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) require special disclosures and impose substantive limitations on certain closed-end home-equity loans with rates or fees above a certain percentage or amount. The requirements and prohibitions contained in the HOEPA, which became effective in October 1995, do not apply to open-end home-secured lines of credit. The legislative history notes that congressional hearings on home-equity lending practices revealed little evidence of abusive practices in the open-end home-equity credit market. The legislative history also states that, if the market changes or if the Board finds that open-end credit plans are being used to circumvent the HOEPA, the Board has the authority to address abuses under section 152(d) of the HOEPA.

In addition, the RCDRIA directs the Board to conduct a study and submit a report to the Congress, including recommendations for legislation, on whether existing rules for open-end home-equity lending programs provide consumers obtaining home-equity lines of credit with adequate protections.

II. Current Rules for Home-Equity Lines of Credit

The Home Equity Loan Consumer Protection Act amendments to the Truth in Lending Act, enacted in November 1988, require creditors to give consumers extensive disclosures and an educational brochure for home-equity plans at the time an application is provided. For example, creditors must provide information about payment terms, fees imposed under the plans, and, for variable-rate plans, information about the index used to determine the rate and a fifteen-year history of changes in the index values. In addition, the law imposes certain substantive limitations on home-equity plans, such as limiting the right of creditors to terminate a plan and accelerate an outstanding balance or to change the terms of a plan after it has been opened.

The Board's Regulation Z (12 CFR part 226) implements the Truth in Lending Act. Regulation Z requirements for home-equity lines of credit closely mirror the statutory requirements. As the statute sets forth specific requirements that are restrictive in many cases, the rules implementing the statute are similarly restrictive.

Specific rules on home-equity lines of credit are contained in Regulation Z, §§ 226.5b, 226.6(e), 226.9(c)(3), and 226.16(d) and its accompanying commentary. Requirements for home-equity lines of credit apply to all open-end credit plans secured by a consumer's dwelling. The rules require creditors offering home-equity plans (and third-parties in some instances) to give specific disclosures about costs and terms and limits how creditors may structure programs.

Format and Timing of Disclosures

In most cases, at the time a consumer is provided with an application for a home-secured line of credit, disclosures must be given. These disclosures must be in writing, grouped together, and segregated from all unrelated information. Each consumer must also be given an educational pamphlet prepared by the Board entitled ''When Your Home is On the Line: What You Should Know About Home Equity Lines of Credit,'' or a similar substitute. Program-specific initial disclosures must be given in writing before the first transaction is made under the plan.

Content of Disclosures

Creditors offering home-equity plans must provide information to consumers that is required under section 226.5b of the regulation. This includes, but is not limited to, the following:

(1) The payment terms, including the length of the draw and any repayment period, an explanation of how the minimum periodic payment will be determined and the timing of payments, and an example based on a $10,000

outstanding balance and a recent annual percentage rate (APR): [1]

(2) The APR;

(3) Fees imposed by the creditor and third parties;

(4) A statement that negative amortization may occur and that as a result a consumer's equity in a home may decrease; and

(5) Several statements, including a statement that loss of the home could occur in the event of default.

Subsequent Disclosures

Subject to certain limitations on changes in terms, creditors are generally required to send the consumer a fifteen-day advance notice if a term on the plan is changed. In addition, a notice must also be sent if additional extensions of credit are prohibited or if the credit limit is reduced; this notice must be sent no later than three business days after the action is taken. 12 CFR 226.9(c)

Limitations on Home-equity Plans

Regulation Z prescribes substantive limitations on the changes that a creditor can make in the annual percentage rate, termination of a plan, and any other change in the credit terms that were initially disclosed. For example, a creditor cannot terminate a plan and demand repayment of the entire outstanding balance unless the consumer has engaged in fraud or misrepresentation, failed to meet the repayment terms, or adversely affected the creditor's security by action or inaction. A creditor generally cannot change a term unless the change was provided for in the initial agreement, the consumer agrees to the change in writing, or the change is insignificant or ''unequivocally beneficial'' to the consumer throughout the remainder of the plan; and cannot apply a new index and margin unless the original index becomes unavailable. 12 CFR 226.5b(f)

Advertising

Creditors generally trigger additional disclosures, in advertisements, if they advertise account-opening disclosures relating to finance charges and other significant charges or repayment terms for a plan. If a home-equity plan advertisement contains a trigger term, creditors must also state the following:

(1) The periodic rate used to compute the finance charge (expressed as an APR);

(2) Loan fees that are a percentage of the credit limit, along with an estimate of other plan fees; and

(3) The maximum APR that could be imposed in a variable-rate plan.

If a minimum payment for the home-equity plan is stated, the advertisement must also state if a balloon payment will result. For a variable-rate plan, if the advertisement states a rate other than one based on the contract's index and margin, the advertisement must also state how long the introductory rate will be in effect. The introductory rate and the fully-indexed rate must be disclosed with equal prominence. In addition, creditors cannot advertise home-equity plans as ''free money'' (or using a similar term) and cannot discuss the tax consequences of interest deductions in a misleading way. 12 CFR 226.16(d)

III. Request for Comments

The Board requests comment on whether the existing home-equity lending rules provide adequate protections for consumers and whether any statutory or regulatory changes are warranted to ensure adequate disclosure and other consumer protections in connection with open-end home-equity lines of credit.

The Board will submit its report to the Congress in early fall 1996, based on the comments of interested parties and its own analysis.

By order of the Board of Governors of the Federal Reserve System, January 24, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–1651 Filed 1–29–96; 8:45 am]

BILLING CODE 6210–01–P

[1] The example must show the minimum periodic payment and the time it would take to repay the $10,000 balance if the consumer made only those payments and obtained no additional credit extensions.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 981

[Docket No. 951213299–5299–01]

RIN 0648–AI42

Ocean Thermal Energy Conversion Licensing Program

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Proposed rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is proposing to remove Part 981 from Title 15 of the Code of Federal Regulations (Part 981). Part 981 implements the Ocean Thermal Energy Conversion (OTEC) Licensing Program, which was established under the Ocean Thermal Energy Conversion Act of 1980, as amended, (OTEC Act), 42 U.S.C. 9101 *et seq*. No applications under Part 981 for licenses of commercial OTEC facilities or plantships have yet been received by NOAA, and there has been a low level of NOAA activity under the OTEC Act. During this 15 year period of time, the availability and relatively low price of fossil fuels, coupled with the risks to potential investors, has limited the interest in the commercial development of OTEC projects. Removal of Part 981 at this time will allow NOAA to evaluate the appropriateness of these, or any other, regulations at such time as interest in the commercial development of OTEC projects occurs.

DATES: Comments on the proposed rule are invited and will be considered if submitted in writing to the address below on or before February 29, 1996.

ADDRESSES: Comments should be submitted to Karl Jugel, Chief, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 11th Floor, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: James Lawless, Deputy Director, Office of Ocean and Coastal Resource Management, at (301) 713–3155.

SUPPLEMENTARY INFORMATION:

I. Regulatory Review

The National Oceanic and Atmospheric Administration (NOAA) is proposing to remove Part 981 of 15 CFR, pursuant to the Regulatory Reform Initiative of President Clinton and the Ocean Thermal Energy Conversion Act of 1980, as amended.

In March 1995, President Clinton issued a directive to federal agencies regarding their responsibilities under his Regulatory Reform Initiative. This initiative is part of the National Performance Review and calls for immediate, comprehensive regulatory reform. The President directed all agencies to undertake, as part of this initiative, an exhaustive review of all their regulations—with an emphasis on eliminating or modifying those that are obsolete or otherwise in need of reform.

The Ocean Thermal Energy Conversion Act of 1980, as amended, (OTEC Act), 42 U.S.C. §§ 9101 *et seq*., also requires that NOAA periodically review the regulations that apply to the licensing of OTEC facilities and