

National Credit Union Administration Board  
National Credit Union Administration  
Alexandria, Virginia

**ORDER**

Upon the recommendation of agency staff, the National Credit Union Administration Board has considered the matter of a waiver, under its authority in 12 C.F.R. §704.1(b), permitting an alternate capital level for purposes of regulatory compliance with the provisions NCUA's corporate rule, 12 C.F.R. Part 704, and, further, has considered a delegation to the Director of the Office of Corporate Credit Unions (OCCU Director) of the Board's authority to establish conditions or otherwise restrict this waiver and, after due consideration of relevant information and deliberation and Board vote at a meeting of the NCUA Board, it is hereby ORDERED THAT:

1. For purposes of compliance with NCUA's corporate rule, 12 C.F.R. Part 704, corporate credit unions may use their capital levels, as reported on their November 30, 2008 call report, for purposes of determining regulatory compliance with the following capital-based requirements and limitations: capital ratio, §704.3(d); earnings retention requirement, §704.3(i); concentration limits, §704.6(c); lending limits, §704.7(c); borrowing limits, §704.9(b); corporate CUSO investment and loan limits, §704.11(b); fidelity bond deductibles, §704.18(e); wholesale corporate credit union earnings retention requirement, §704.19(b) and expanded authorities, Appendix B;
2. This waiver, if not previously modified or rescinded by the Board, will terminate on the date of the one year anniversary of the publication in the Federal Register of the final amendments to Part 704, NCUA's corporate credit union rule, see 74 Fed. Reg. 65210 (December 9, 2009)(publication for public comment of proposed amendments to Part 704);
3. The NCUA Board delegates to the OCCU Director the Board's authority to modify, restrict, or establish conditions in connection with its waiver in particular cases for corporate credit unions, with such modifications, restrictions, or conditions to remain in effect no longer than the termination or rescission date noted in paragraph two, and, further, directs the OCCU Director to consider in exercising this delegated authority the safety and soundness of individual corporate credit unions, as well as the safety and soundness of the corporate credit union system and the interests of the National Credit Union Share Insurance Fund, and the interests of natural person credit union members in the availability and continuity of lending, liquidity, and other services from their corporate credit unions;

4. In restricting, modifying, or setting conditions regarding the waiver, the OCCU Director will promptly thereafter report his actions under this authority to the Office of the Executive Director and the NCUA Board; and
5. This order supersedes the order issued by the NCUA Board on April 21, 2009, in connection with the Board Action Memorandum, Subject: Board Waiver Permitting Alternate Capital Level for Part 704 Compliance and Delegation of Authority to OCCU Director to Modify or Restrict the Board's Waiver.

So ordered and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Mary F. Rupp  
Secretary of the NCUA Board