

guarantee program and the transaction account guarantee program, unless the entity opts out. No later than 11:59 p.m., Eastern Standard Time, December 5, 2008, each eligible entity must inform the FDIC if it desires to opt out of the debt guarantee program or the transaction account guarantee program, or both. Failure to opt out by 11:59 p.m., Eastern Standard Time, December 5, 2008 constitutes a decision to continue in the program after that date. Prior to December 5, 2008 an eligible entity may opt in to either or both programs by informing the FDIC that it will not opt out of either or both programs.

(2) Any insured depository institution that is participating in the transaction account guarantee program may elect to opt out of such program effective on January 1, 2010. Any such an election to opt out must be made in accordance with the procedures set forth in paragraph (g)(2) of this section. An election to opt out once made is irrevocable.

\* \* \* \* \*

(g) Procedures for opting out.

(1) Except as provided in paragraph (g)(2) of this section, the FDIC will provide procedures for opting out and for making an affirmative decision to opt in using FDIC's secure e-business Web site, FDICconnect. Entities that are not insured depository institutions will select and solely use an affiliated insured depository institution to submit their opt-out election or their affirmative decision to opt in.

(2) Pursuant to paragraph (c)(2) of this section a participating entity may opt out of the transaction account guarantee program by submitting to the FDIC on or before 11:59 p.m. EDST on October 31, 2009 an e-mail conveying the entity's election to opt out. The subject line of the e-mail must include: "TLGP Election to Opt Out—Cert. No. \_\_\_\_ ." The e-mail must be addressed to *dcas@fdic.gov* and must include the following:

- (i) Institution Name;
- (ii) FDIC Certificate number;
- (iii) City, State, ZIP;
- (iv) Name, Telephone Number and E-mail Address of a Contact Person;
- (v) A statement that the institution is opting out of the transaction account guarantee program effective January 1, 2010; and
- (vi) Confirmation that no later than November 15, 2009 the institution will post a prominent notice in the lobby of its main office, each domestic branch and, if it offers Internet deposit services, on its Web site clearly indicating that funds held in non-interest bearing transaction accounts that are in excess

of the standard maximum deposit insurance amount will not be guaranteed under the transaction account guarantee program after December 31, 2009.

(h) \* \* \*

(5) Each insured depository institution that offers noninterest-bearing transaction accounts must post a prominent notice in the lobby of its main office, each domestic branch and, if it offers Internet deposit services, on its Web site clearly indicating whether the institution is participating in the transaction account guarantee program. If the institution is participating in the transaction account guarantee program, the notice must state that funds held in noninterest-bearing transactions accounts at the entity are guaranteed in full by the FDIC.

(i) These disclosures must be provided in simple, readily understandable text. Sample disclosures are as follows:

*For Participating Institutions*

*[Institution Name] is participating in the FDIC's Transaction Account Guarantee Program. Under that program, through June 30, 2010, all noninterest-bearing transaction accounts are fully guaranteed by the FDIC for the entire amount in the account. Coverage under the Transaction Account Guarantee Program is in addition to and separate from the coverage available under the FDIC's general deposit insurance rules.*

*For Non-Participating Institutions*

*[Institution Name] has chosen not to participate in the FDIC's Transaction Account Guarantee Program. Customers of [Institution Name] with noninterest-bearing transaction accounts will continue to be insured for up to \$250,000 under the FDIC's general deposit insurance rules.*

(ii) If the institution uses sweep arrangements or takes other actions that result in funds being transferred or reclassified to an account that is not guaranteed under the transaction account guarantee program, for example, an interest-bearing account, the institution must disclose those actions to the affected customers and clearly advise them, in writing, that such actions will void the FDIC's guarantee with respect to the swept, transferred, or reclassified funds.

\* \* \* \* \*

5. Amend § 370.7 by revising paragraph (c) to read as follows:

**§ 370.7 Assessments for the Transaction Account Guarantee Program.**

\* \* \* \* \*

(c) Amount of assessment.

(1) Except as provided in paragraph (c)(2) of this section any eligible entity that does not opt out of the transaction account guarantee program shall pay

quarterly an annualized 10 basis point assessment on any deposit amounts exceeding the existing deposit insurance limit of \$250,000, as reported on its quarterly Consolidated Reports of Condition and Income, Thrift Financial Report, or Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (each, a "Call Report") in any noninterest-bearing transaction accounts (as defined in § 370.2(h)), including any such amounts swept from a noninterest bearing transaction account into a noninterest bearing savings deposit account as provided in § 370.4(c).

(2) Beginning on January 1, 2010, a participating entity that does not opt out of the transaction account guarantee program in accordance with § 370.5(c)(2) shall pay quarterly an annualized 25 basis point assessment on any deposit amounts exceeding the existing deposit insurance limit of \$250,000, as reported on its quarterly Call Report in any noninterest-bearing transaction accounts (as defined in § 370.2(h)), including any such amounts swept from a noninterest bearing transaction account into a noninterest bearing savings deposit account as provided in § 370.4(c).

(3) The assessments provided in this paragraph (c) shall be in addition to an institution's risk-based assessment imposed under Part 327.

\* \* \* \* \*

By order of the Board of Directors.

Dated at Washington, DC, this 23rd day of June, 2009.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. E9-15377 Filed 6-29-09; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 724**

[No. USN-2008-0009]

RIN 0703-AA86

**Naval Discharge Review Board**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Navy is amending its regulations to reflect the name change of the Naval Council of Personnel Boards to the Secretary of the Navy Council of Review Boards and to update other administrative information pertaining to the Naval Discharge Review Board.

**DATES:** *Comment date:* Interested parties should submit written comments on or before August 31, 2009.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

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

*Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket or RIN number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Commander Tanya M. Cruz, JAGC, U.S. Navy, Office of the Judge Advocate General (Administrative Law), Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone: 703-614-7403.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy is amending 32 CFR part 724 to reflect the name change of the Naval Council of Personnel Boards to the Secretary of the Navy Council of Review Boards and to update other administrative information pertaining to the Naval Discharge Review Board.

Interested persons are invited to comment in writing on this amendment. All written comments received will be considered in making the proposed amendments to 32 CFR part 724. It has been determined that this proposed rule amendment is not a major rule within the criteria specified in Executive Order 12866, as amended by Executive Order 13258, and does not have substantial impact on the public.

**Matters of Regulatory Procedure**

*Executive Order 12866, "Regulatory Planning and Review"*

It has been determined that 32 CFR part 724 is not a significant regulatory action. The rule does not:

(1) 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;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of the recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

*Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)*

It has been certified that 32 CFR part 724 does not contain a Federal Mandate that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

*Public Law 96-511. "Paperwork Reduction Act" (44 U.S.C. Chapter 35)*

It has been certified that 32 CFR part 724 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

*Federalism (Executive Order 13132)*

It has been certified that 32 CFR part 724 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

**List of Subjects in 32 CFR Part 724**

Administrative practice and procedure, Archives and records, and Military personnel.

For the reasons set forth in the preamble, the Department of the Navy proposes to amend 32 CFR part 724 as follows:

**PART 724—NAVAL DISCHARGE REVIEW BOARD**

1. The authority citation for part 724 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. 1553.

2. Section 724.116 is amended by revising the section heading to read as follows:

**§ 724.116 Counsel/Representative.**

\* \* \* \* \*

**§ 724.118 [Amended]**

3. Section 724.118 is amended by removing "and medical" in the second sentence.

4. Section 724.201 is revised to read as follows:

**§ 724.201 Authority.**

The Naval Discharge Review Board, established pursuant to 10 U.S.C. 1553, is a component of the Secretary of the Navy Council of Review Boards. On December 6, 2004, the Assistant Secretary of the Navy (Manpower & Reserve Affairs) approved the change in name from Naval Council of Personnel Boards to Secretary of the Navy Council of Review Boards. By SECNAVINST 5730.7 series, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) is authorized and directed to act for the Secretary of the Navy within his/her assigned area of responsibility and exercises oversight over the Secretary of the Naval Council of Review Boards. SECNAVINST 5420.135 series states the organization, mission, duties and responsibilities of the Secretary of the Naval Council of Review Boards to include the Naval Discharge Review Board. The Chief of Naval Operations established the Office of Naval Disability Evaluation and the Navy Council of Personnel Boards on 1 October 1976 (OPNAVNOTE 5450 Ser 09b26/535376 of 9 Sep 1976 (Canc frp: Apr 77)). The Chief of Naval Operations approved the change in name of the Office of Naval Disability Evaluation and Navy Council of Personnel Boards to Naval Council of Personnel Boards on 1 February 1977 (OPNAVNOTE 5450 Ser 099b26/32648 of 24 Jan 1977 (Canc frp: Jul 77)) with the following mission Statement:

To administer and supervise assigned boards and councils.

**§ 724.221 [Amended]**

5. Section 724.221 is amended in paragraph (a) by removing "or at another site within the forty-eight contiguous states."

**§ 724.222 [Amended]**

6. Section 724.222 is amended by revising paragraph (b) to read as follows:

**§ 724.222 Personal appearance discharge hearing sites.**

\* \* \* \* \*

(b) In addition, as permitted by available resources, NDRB Panels may travel to other selected sites within the contiguous 48 states for the purpose of conducting reviews.

**§ 724.223 [Amended]**

7. Section 724.223 is amended in paragraph (d) by removing "NCPB" and adding "NDRB" in its place.

**Subpart C—Director, Secretary of the Navy Council of Review Boards and President Naval Discharge Review Board; Responsibilities in Support of the Naval Discharge Review Board**

8. The Subpart C heading is revised to read as set forth above.

9. Section 724.302 is amended as follows:

a. The section heading is revised to read as set forth below; and

b. Paragraph (h) is amended by removing “Naval Council of Personnel Boards” and adding “Secretary of the Navy Council of Review Boards” in its place.

**§ 724.302 Functions: Director, Secretary of the Navy Council of Review Boards.**

\* \* \* \* \*

**§ 724.303 [Amended]**

10. Section 724.303 is amended in paragraph (e) by removing “5211.5C” and adding “5211.5 series” in its place.

**§ 724.501 [Amended]**

11. Section 724.501 is amended as follows:

a. Removing paragraph (b), and redesignating paragraphs (c) through (p) as paragraphs (b) through (o) respectively; and

b. Newly redesignated paragraph (e) is amended by removing “withdrawn” and adding “withdraw” in its place.

**§ 724.502 [Amended]**

12. Section 724.502 is amended as follows:

a. Paragraph (c) is amended by removing “Suite 905, 801 North Randolph Street, Arlington, VA 22203” and adding “720 Kennon Ave SE, Suite 309, Washington, DC 20374–5023” in its place; and

b. Paragraph (d) is amended by removing “696–4881” and adding “685–6600” in its place.

**§ 724.504 [Amended]**

13. Section 724.504 is amended in paragraph (a) by adding “if required” after “health record.”

14. Section 724.601 is revised to read as follows:

**§ 724.601 General.**

The NDRB is a component of the Secretary of the Navy Council of Review Boards and has its offices located in the NCR. The NDRB conducts documentary reviews and personal appearance reviews in the NCR. Hearings may be conducted outside the NCR at the NDRB’s discretion contingent upon availability of resources and manpower.

15. Section 724.701 is amended as follows:

a. The introductory text is amended by removing “Naval Council of Personnel Boards” and adding “Secretary of the Navy Council of Review Boards” in its place; and

b. Paragraph (c) is revised to read as follows:

**§ 724.701 Composition.**

\* \* \* \* \*

(c) Normally, at least three of the five members of the NDRB shall belong to the service from which the applicant whose case is under review was discharged.

\* \* \* \* \*

16. Section 724.703 is revised to read as follows:

**§ 724.703 Legal counsel.**

Normally, the NDRB shall function without the immediate attendance of legal counsel. In the event that a legal advisory opinion is deemed appropriate by the NDRB, such opinion shall be obtained routinely by reference to the Counsel assigned to the Office of the Director, Secretary of the Navy Council of Review Boards. In addition, the NDRB may request advisory opinions from staff offices of the Department of the Navy, including, but not limited to the General Counsel and the Judge Advocate General.

Dated: June 23, 2009.

**T.M. Cruz,**

*Lieutenant Commander, Judge Advocate General’s Corps, U.S. Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. E9–15463 Filed 6–29–09; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 600**

**[Docket No. 080102007–81097–01]**

**RIN 0648–AW18**

**Magnuson-Stevens Fishery Conservation and Management Act; Regional Fishery Management Councils; Operations**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule, extension of comment period.

**SUMMARY:** NMFS extends the comment period for proposed regulations that address the operations and

administration of regional fishery management councils (Councils).

**DATES:** Comments must be received by November 2, 2009.

**ADDRESSES:** You may submit comments, identified by “RIN 0648–AW18,” by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- Fax: 301–713–1175.

- Mail: Alan Risenhoover, Director, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910. Please mark the outside of the envelope “Council Operations.”

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter n/a in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe pdf file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Office of Sustainable Fisheries at the mailing address or fax number specified above and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to (202) 395–7285.

**FOR FURTHER INFORMATION CONTACT:** William D. Chappell, 301–713–2337.

**SUPPLEMENTARY INFORMATION:** Section 302 of the Magnuson-Stevens Act includes provisions for the establishment and administration of the Councils. The Magnuson-Stevens Act was reauthorized on January 12, 2007, with amendments throughout, and this proposed rule would implement some of the changes that were made to Section 302. Additionally, several issues regarding Council operations and membership have prompted proposed changes to the regulations. Key aspects of this proposed rule are: requirements relative to the Council Coordinating Committee; requirements for Scientific and Statistical Committees (SSCs) and financial interest reporting for SSC members; an update of Council and committee meeting announcement