

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

### 5 Part 9302

RIN 3460-AA02

#### Requests for Testimony or the Production of Records in a Court or Other Proceedings in Which the United States Is Not a Party

**AGENCY:** Special Inspector General for Afghanistan Reconstruction.  
**ACTION:** Final rule.

**SUMMARY:** The Special Inspector General for Afghanistan Reconstruction (SIGAR) is adopting as final, without changes, an interim rule on procedures for the public to obtain the production or disclosure of information and documents of Special Inspector General for Afghanistan Reconstruction (SIGAR) in connection with legal proceedings in which neither the United States nor the SIGAR is a party.

**DATES:** *Effective date:* June 22, 2012.

**ADDRESSES:** Special Inspector General for Afghanistan Reconstruction, 2530 Crystal Drive, Arlington, Virginia 22202-3940. Attention: Office of General Counsel.

**FOR FURTHER INFORMATION CONTACT:** Hugo Teufel, General Counsel, at (703) 545-5990, email: [hugo.teufel.civ@mail.mil](mailto:hugo.teufel.civ@mail.mil).

**SUPPLEMENTARY INFORMATION:** On March 16, 2012, SIGAR published in the **Federal Register** (77 FR 15561) an interim final rule that establishes procedures for the public to obtain the production or disclosure of information and documents of Special Inspector General for Afghanistan Reconstruction (SIGAR) in connection with legal proceedings in which neither the United States nor the SIGAR is a party.

We provided a 30-day comment period that ended on April 16, 2012. We received no comments and will not be

making any changes to the interim final rule. Based on the rationale set forth in the interim final rule, we adopt the interim final rule without change as a final rule.

### I. Matters of Regulatory Procedure

#### *Regulatory Flexibility Act*

As Acting Inspector General of SIGAR, I have determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this proposed rule will not have a significant economic impact on a substantial number of small entities because it will primarily affect SIGAR employees.

#### *Paperwork Reduction Act*

As Acting Inspector General of SIGAR, I have determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply to this proposed rule, because it does not contain any information collection requirements that would require the approval of the Office of Management and Budget.

#### *Unfunded Mandates Reform Act*

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this proposed rule would not significantly or uniquely affect small governments and would not result in increased expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

#### *Congressional Review Act*

SIGAR has determined that this rule is not a rule as defined in 5 U.S.C. 804 and, thus, does not require review by Congress.

#### *Executive Order 12866*

In promulgating this proposed rule, SIGAR has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This rule has not been reviewed by the Office of Management and Budget under that Executive order, since it deals with agency organization, management, and personnel matters and is not in any way event deemed "significant" thereunder.

#### *Executive Order 12988*

As Acting Inspector General of SIGAR, I have reviewed this proposed

rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

### List of Subjects in 5 CFR Part 9302

Courts, Freedom of information, Government employees.

Dated: June 15, 2012.

**Steven J. Trent,**

*Acting Inspector General, Special Inspector General for Afghanistan Reconstruction.*

### Authority and Issuance

Accordingly, the interim final rule amending 5 CFR part 9302, which was published at 77 FR 15561 on March 16, 2012, is adopted as a final rule without change.

[FR Doc. 2012-15114 Filed 6-21-12; 8:45 am]

**BILLING CODE 3710-L9-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 11 and 25

[NRC-2011-0161]

RIN 3150-AJ00

#### Access Authorization Fees

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) is confirming the effective date of June 22, 2012, for the direct final rule that it published in the **Federal Register** on May 3, 2012. The direct final rule amended the NRC's access authorization fees charged to licensees for work performed under the Material Access Authorization Program (MAAP) and the Information Access Authority Program (IAAP).

**DATES:** The effective date for the direct final rule published in the **Federal Register** on May 3, 2012 (77 FR 26149) is confirmed as June 22, 2012.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0161 when contacting the NRC about the availability of information for this direct final rule. You may access information and comment submittals related to this direct final rulemaking, which the NRC

possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web Site*: Go to <http://www.regulations.gov> and search for Docket ID NRC-2011-0161.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:**

Emily Robbins, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-492-3524, email: [Emily.Robbins@nrc.gov](mailto:Emily.Robbins@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On May 3, 2012 (77 FR 26149), the NRC published a direct final rule amending its regulations at Title 10 of the Code of Federal Regulations (10 CFR) part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material," and 10 CFR part 25, "Access Authorization." The NRC amended its access authorization fees charged to licensees for work performed under the MAAP and the IAAP. The amended cost is the result of an increase in the review time for each application for access authorization. The formula for calculating fees remains based on current Office of Personnel Management (OPM) billing rates for personnel background investigations. The NRC designed the formula to recover the full cost of processing a request for access authorization from the licensee. The use of the fee assessment formula tied to current OPM billing rates eliminates the need for the NRC to update its access authorization fee schedules through regular rulemaking. In the direct final rule, the NRC stated that, if it received no significant adverse comments, the direct final rule would become final on June 22, 2012.

The NRC did not receive any comments on the direct final rule.

Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 19th day of June 2012.

For the Nuclear Regulatory Commission.

**Cindy K. Bladey,**

*Chief, Rules, Announcements, and Directives Branch, Office of Administration.*

[FR Doc. 2012-15274 Filed 6-21-12; 8:45 am]

**BILLING CODE 7590-01-P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**12 CFR Part 380**

**RIN 3064-AD84**

**DEPARTMENT OF THE TREASURY**

**31 CFR Part 149**

**RIN 1505-AC36**

**Calculation of Maximum Obligation Limitation**

**AGENCY:** Federal Deposit Insurance Corporation; Departmental Offices, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Federal Deposit Insurance Corporation (the "FDIC") and the Departmental Offices of the Department of the Treasury (the "Treasury") (collectively, the "Agencies") are issuing the final rule ("Final Rule") to implement applicable provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Dodd-Frank Act").<sup>1</sup> The Final Rule governs the calculation of the maximum obligation limitation ("MOL"), as specified in the Dodd-Frank Act. The MOL limits the aggregate amount of outstanding obligations that the FDIC may issue or incur in connection with the orderly liquidation of a covered financial company.

**DATES:** The effective date of the Final Rule is July 23, 2012.

**FOR FURTHER INFORMATION CONTACT:**

**FDIC**

Arthur D. Murphy, Senior Financial Analyst, Division of Finance (703) 562-6177 or [amurphy@fdic.gov](mailto:amurphy@fdic.gov); Henry R.F. Griffin, Assistant General Counsel, Legal Division (703) 562-6404 or [hgriffin@fdic.gov](mailto:hgriffin@fdic.gov); or Randy W. Thomas, Counsel, Legal Division (703) 562-6454 or [ranthomas@fdic.gov](mailto:ranthomas@fdic.gov).

<sup>1</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 12 U.S.C. 5301 et seq. (2010).

**Treasury**

Lance Auer, Deputy Assistant Secretary (Financial Institution Policy), at (202) 622-1262; Monique Rollins, Senior Policy Advisor (Office of Capital Markets), at (202) 622-1745; Peter A. Bieger, Assistant General Counsel (Banking and Finance), at (202) 622-0480; and Steven D. Laughton, Senior Counsel, Office of General Counsel, at (202) 622-8413.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*The Dodd-Frank Act*

Title II of the Dodd-Frank Act establishes an Orderly Liquidation Authority ("OLA") to resolve a large interconnected financial company upon a determination that its failure and resolution under otherwise applicable law would have serious adverse effects on financial stability in the United States and the use of OLA would avoid or mitigate such adverse effects. Under the process set forth in the Dodd-Frank Act, certain designated Federal agencies,<sup>2</sup> on their own initiative or at the request of the Secretary of the Treasury ("Secretary"), may recommend that the Secretary appoint the FDIC as receiver of a financial company. Any written recommendation from the designated Federal agencies that the Secretary should appoint the FDIC as receiver for a financial company must include a number of specific findings, which are enumerated in section 203(a)(2) of the Dodd-Frank Act.<sup>3</sup> Then,

<sup>2</sup> The Board of Governors of the Federal Reserve System ("FRB") and the Securities and Exchange Commission ("SEC") will make the recommendation if the company or its largest U.S. subsidiary is a broker or a dealer. The FRB and the Director of the Treasury's Federal Insurance Office will make the recommendation and provide affirmative approval, respectively, if the company or its largest U.S. subsidiary is an insurance company, and the FRB and the FDIC will make the recommendation in all other cases. In cases involving the FRB and FDIC, the recommendation must be approved by at least 2/3 of the members of the FRB then serving and at least 2/3 of the members of the FDIC Board of Directors then serving.

<sup>3</sup> Section 203(a)(2) of the Dodd-Frank Act provides that all written recommendations from the designated Federal agencies to the Secretary must include the following:

- (1) An evaluation of whether the financial company is in default or in danger of default;
- (2) A description of the effect that the default of the financial company would have on financial stability in the United States;
- (3) A description of the effect that the default of the financial company would have on economic conditions or financial stability for low income, minority, or underserved communities;
- (4) A recommendation regarding the nature and the extent of actions to be taken under Title II of the Dodd-Frank Act regarding the financial company;