

# Rules and Regulations

Federal Register

Vol. 74, No. 20

Monday, February 2, 2009

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Chapter I

[NRC-2006-0011]

RIN 3150-AH84

#### Notification of Impending Waiver Termination

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of impending waiver termination.

**SUMMARY:** Section 651(e) of the Energy Policy Act of 2005 (EPAAct) authorized the U.S. Nuclear Regulatory Commission (Commission or NRC) to issue a time-limited waiver (70 FR 51581; August 31, 2005) to allow continued use and possession of naturally-occurring and accelerator-produced radioactive materials (NARM) while the Commission developed a regulatory framework for regulation of the new byproduct material. The Commission has begun terminating the time-limited waiver in phases in accordance to the provisions of the "Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material" (transition plan) issued by the Commission on October 19, 2007 (72 FR 59157). The first phase of waiver terminations occurred on November 30, 2007 (72 FR 68043), and the second phase occurred on September 30, 2008 (73 FR 14376).

This document provides advance notification that on August 7, 2009, the Commission will terminate the time-limited waivers for all remaining non-Agreement States and Canadian licenses that are under NRC jurisdiction.

Alaska, Connecticut, Hawaii, Michigan, New Jersey, and Virginia.

As provided in the transition plan, for existing NRC licensees, NARM use

amendments are required within 6 months from the date of waiver termination. For NARM users in non-Agreement States and Canadian licensees without a NRC license, the license applications are required within 12 months from the date waiver termination.

**FOR FURTHER INFORMATION CONTACT:**

Shirley Xu, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-7640 or e-mail [Shirley.xu@nrc.gov](mailto:Shirley.xu@nrc.gov).

Dated at Rockville, Maryland, this 26th day of January 2009.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. E9-2179 Filed 1-30-09; 8:45 am]

**BILLING CODE 7590-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 360

RIN 3064-AD26

#### Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Final rule.

**SUMMARY:** The FDIC is adopting a final rule establishing the FDIC's practices for determining deposit and other liability account balances at a failed insured depository institution. Except as noted, the FDIC practices defined in the final rule represent a continuation of long-standing FDIC procedures in processing such balances at a failed depository institution. The final rule also imposes certain disclosure requirements in connection with sweep accounts. The final rule replaces the FDIC's interim rule on this subject and applies to all insured depository institutions.

**DATES:** *Effective Dates:* The final rule is effective March 4, 2009.

**FOR FURTHER INFORMATION CONTACT:**

James Marino, Project Manager, Division of Resolutions and Receiverships, (202) 898-7151 or [jmarino@fdic.gov](mailto:jmarino@fdic.gov); or Joseph A. DiNuzzo, Counsel, Legal

Division, (202) 898-7349 or [jdinuzzo@fdic.gov](mailto:jdinuzzo@fdic.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Upon the failure of an FDIC-insured depository institution, the FDIC must determine the total insured amount for each depositor. 12 U.S.C. 1821(f). To make this determination, the FDIC must ascertain the balances of all deposit accounts owned by the same depositor in the same ownership capacity at a failed institution as of the day of failure.

A deposit account balance can be affected by transactions<sup>1</sup> presented during the day. A customer, a third party or the depository institution can initiate a deposit account transaction. All depository institutions process and post these deposit account transactions according to a predetermined set of rules to determine whether to include a deposit account transaction either in that day's end-of-day ledger balances or in a subsequent day's balances. These rules establish cutoff times that vary by institution and by type of deposit account transaction—for example, check clearing, Fedwire, ATM, and teller transactions. Institutions post transactions initiated before the respective cutoff time as part of that day's business and generally post transactions initiated after the cutoff time the following business day. Further, institutions automatically execute prearranged "sweep" instructions affecting deposit and other liability balances at various points throughout the day. The cutoff rules for posting deposit account transactions and the prearranged automated instructions define the end-of-day balance for each deposit account on any given business day.<sup>2</sup>

In the past, the FDIC usually took over an institution as receiver after it had closed on a Friday. For institutions with

<sup>1</sup> A deposit account transaction, such as deposits, withdrawals, transfers and payments, causes funds to be debited from or credited to the account.

<sup>2</sup> Some depository institutions operate "real-time" deposit systems in which some deposit account transactions are posted throughout the business day. Most depository institutions, however, process at least some deposit account transactions in a "batch mode," where deposit account transactions presented before the cutoff time are posted that evening or in the early morning hours of the following day. With either system—batch or real-time—the institution calculates a close-of-business deposit balance for each deposit account on each business day.