

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[NRC-2014-0118]

RIN 3150-AJ41

### Enhanced Security of Special Nuclear Material

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Revised regulatory basis; extension of comment period.

**SUMMARY:** On March 1, 2019, the U.S. Nuclear Regulatory Commission (NRC) requested comments on a draft revised regulatory basis to support a rulemaking that would update special nuclear material physical protection requirements, including those applicable to fuel cycle facilities. The public comment period originally was scheduled to close on April 1, 2019. The NRC has decided to extend the public comment period to allow members of the public more time to develop and submit their comments.

**DATES:** The due date of comments requested in the document published on March 1, 2019 (84 FR 6980) is extended. Comments should be filed no later than April 19, 2019. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0118. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you

do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301-415-1677.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Timothy Harris, Office of Nuclear Security and Incident Response, telephone: 301-287-3594, email: [Timothy.Harris@nrc.gov](mailto:Timothy.Harris@nrc.gov); or Edward Lohr, Office of Nuclear Material Safety and Safeguards, telephone: 301-415-0253, email: [Edward.Lohr@nrc.gov](mailto:Edward.Lohr@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2014-0118 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0118.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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).

- *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.

###### B. Submitting Comments

Please include Docket ID NRC-2014-0118 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### II. Discussion

On March 1, 2019, the NRC published a document in the **Federal Register** (84 FR 6980) requesting comments on a draft revised regulatory basis to support a rulemaking that would update special nuclear material physical protection requirements, including those applicable to fuel cycle facilities. The public comment period was originally scheduled to close on April 1, 2019. By letter dated March 11, 2019 (ADAMS Accession No. ML19071A014), the Nuclear Energy Institute requested that the NRC extend the deadline to comment by 18 days, to allow time to develop and submit comments after a scheduled public meeting on April 3, 2019, related to generic fuel cycle regulatory initiatives, including this rulemaking. The NRC is granting this request and will extend the public comment period until April 19, 2019, to allow members of the public more time to submit their comments.

Dated at Rockville, Maryland, this 15th day of March, 2019.

For the Nuclear Regulatory Commission.

**Theresa V. Clark,**

*Deputy Director, Division of Rulemaking,  
Office of Nuclear Material Safety and  
Safeguards.*

[FR Doc. 2019-05261 Filed 3-19-19; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Part 8

[Docket No. OCC-2018-0039]

RIN 1557-AE58

#### Assessment of Fees

**AGENCY:** Office of the Comptroller of the  
Currency, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Office of the Comptroller of the Currency (OCC) proposes to revise its assessment rules to provide partial assessment refunds to national banks, Federal savings associations, and Federal branches and agencies of foreign banks (collectively, banks under OCC jurisdiction) that exit OCC jurisdiction within the first half of each six-month period beginning the day after the date of the second or fourth quarterly Consolidated Report of Condition and Income (Call Report). The proposed rule would not change the current dates of collection for assessments nor would it change the way in which assessments are calculated for banks that remain under the OCC's supervision. The proposed rule would also make technical changes to the assessments rules.

**DATES:** Comments must be received by April 19, 2019.

**ADDRESSES:** You may submit comments to the OCC by any of the methods set forth below. Commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title "Assessment of Fees" to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- **Federal eRulemaking Portal—“Regulations.gov”:** Go to [www.regulations.gov](http://www.regulations.gov). Enter “Docket ID OCC-2018-0039” in the Search Box and click “Search.” Click on “Comment Now” to submit public comments. Click on the “Help” tab on the [Regulations.gov](http://Regulations.gov) home page to get information on using [Regulations.gov](http://Regulations.gov), including instructions for submitting public comments.

- **Email:** [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov).

- **Mail:** Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- **Hand Delivery/Courier:** 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- **Fax:** (571) 465-4326.

**Instructions:** You must include “OCC” as the agency name and “Docket ID OCC-2018-0039” in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the [Regulations.gov](http://Regulations.gov) website without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- **Viewing Comments Electronically:** Go to [www.regulations.gov](http://www.regulations.gov). Enter “Docket ID OCC-2018-0039” in the Search box and click “Search.” Click on “Open Docket Folder” on the right side of the screen. Comments and supporting materials can be viewed and filtered by clicking on “View all documents and comments in this docket” and then using the filtering tools on the left side of the screen. Click on the “Help” tab on the [Regulations.gov](http://Regulations.gov) home page to get information on using [Regulations.gov](http://Regulations.gov). The docket may be viewed after the close of the comment period in the same manner as during the comment period.

- **Viewing Comments Personally:** You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649-6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649-5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

**FOR FURTHER INFORMATION CONTACT:** Deborah Thomas, AT Team Lead, Financial Management, (202) 649-5540; or Mitchell Plave, Special Counsel, Office of the Chief Counsel, (202) 649-

5490; or for persons who are deaf or hearing impaired, TTY, (202) 649-5597, 400 7th Street SW, Washington, DC 20219.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The National Bank Act<sup>1</sup> and the Home Owners' Loan Act<sup>2</sup> authorize the Comptroller to fund the OCC's operations through assessments, fees, and other charges on banks.<sup>3</sup> In setting assessments, the Comptroller has broad authority to consider variations among institutions, including the nature and scope of the activities of the entity, the amount and type of assets that the entity holds, the financial and managerial condition of the entity, and any other factor the Comptroller determines is appropriate.<sup>4</sup>

The OCC collects assessments from banks in accordance with 12 CFR part 8. Under part 8, the base assessment for banks is calculated using a table with eleven categories, or brackets, each of which comprises a range of asset-size values. The assessment for each bank is the sum of a base amount, which is the same for every bank in its asset-size bracket, plus a marginal amount, which is computed by applying a marginal assessment rate to the amount in excess of the lower boundary of the asset-size bracket.<sup>5</sup> The marginal assessment rate declines as asset size increases, reflecting economies of scale in bank examination and supervision.

The OCC's annual Notice of Office of the Comptroller of the Currency Fees and Assessments (Notice of Fees) sets forth the marginal assessment rates applicable to each asset-size bracket for each year, as well as other assessment components and fees. Under part 8, the OCC may adjust the marginal rates to account for inflation through the annual Notice of Fees.<sup>6</sup> The OCC also has the discretion under part 8 to adjust marginal rates by amounts other than inflation.<sup>7</sup> The OCC may issue an interim or amended Notice of Fees if the Comptroller determines that it is

<sup>1</sup> Revised Statutes of the United States, Title LXII, 12 U.S.C. 1 *et seq.*

<sup>2</sup> The Home Owners' Loan Act, 12 U.S.C. 1461 *et seq.*

<sup>3</sup> 12 U.S.C. 16, 481, 482, 1467.

<sup>4</sup> 12 U.S.C. 16. *See also* 12 U.S.C. 1467 (providing that the Comptroller has the authority to recover costs of examination of Federal savings associations “as the Comptroller deems necessary or appropriate”).

<sup>5</sup> 12 CFR 8.2(a). Only the total domestic assets of Federal branches and agencies are subject to assessment. 12 CFR 8.2(b)(2).

<sup>6</sup> 12 CFR 8.2(a)(4).

<sup>7</sup> *Id.*