



# RESCINDED

OCC 2002-43

**Subject: Assessment of Fees**  
**Date: November 14, 2002**

**To: Chief Executive Officers of All National  
Banks, Federal Branches and Agencies,  
Department and Division Heads, and All  
Examining Personnel**

**Description: Final Rule**

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that formula.

For questions concerning this final rule, contact Michele Meyer, counsel, Legislative and Regulatory Activities Division at (202) 874-5090.

Julie L. Williams  
First Senior Deputy Comptroller and Chief Counsel

#### **Related Links**

- [67 FR 62872](#)

level, whichever is larger. If the uncommitted pool stocks of burley tobacco for 2001 and subsequent crops equal or are less than the reserve stock level, then the downward adjustment in quota for that year may be made based on the reserve stock level for that kind of tobacco, with no downward limitation.

\* \* \* \* \*

#### PART 729—[Revised]

3. 7 CFR Part 729 is revised to read as follows:

#### PART 1729—PEANUT MARKETING QUOTAS

**Authority:** 7 U.S.C. 7271; 15 U.S.C. 714b-c; 7 U.S.C. 7959.

##### § 729.1 Applicability to 1996 through 2001 crops of peanuts.

Sections 1309 and 1310 of the Farm Security Rural Investment Act of 2002 terminated, beginning with the 2002 crop, the marketing quota and price support program for peanuts. However, 7 CFR part 729, revised as of January 1, 2002 continues to apply to the 1996 through 2001 crops of peanuts.

Signed at Washington, DC on September 12, 2002.

**James R. Little,**

*Administrator, Farm Service Agency.*

[FR Doc. 02-25271 Filed 10-8-02; 8:45 am]

BILLING CODE 3410-05-P

#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Parts 20, 32, and 35

RIN 3150-AF74

##### Medical Use of Byproduct Material; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule appearing in the **Federal Register** on April 24, 2002 (67 FR 20250). This action is necessary to correct typographic and editorial errors.

**EFFECTIVE DATE:** October 24, 2002.

**FOR FURTHER INFORMATION CONTACT:** Anthony Tse, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6233; e-mail [ant@nrc.gov](mailto:ant@nrc.gov).

##### SUPPLEMENTARY INFORMATION:

In rule FR Doc. 02-9663 published April 24, 2002, (67 FR 20250) make the following corrections:

1. On page 20253, third column, second paragraph, tenth line, the word "Specialities" should read "Specialties."

2. On page 20260, first column, second complete paragraph, tenth line, the word "Specialities" should read "Specialties."

3. On page 20342, second column, 14th line, "2120 L Street NW. (Lower Level), Washington, DC" should read "One White Flint North, 11555 Rockville Pike, Room O-1F21, Rockville, MD 20852."

4. On page 20350, first column, 25th line, insert the word "contains" after the word "INFORMATION."

##### § 20.1002 [Amended]

5. In § 20.1002, 19th line, the comma after the word "released" should be deleted.

##### § 20.1003 [Amended]

6. In § 20.1003, Occupational dose, 15th line, the comma after the word "released" should be deleted.

7. In § 20.1003, Public dose, 12th line, the comma after the word "released" should be deleted.

##### § 20.1301 [Amended]

8. In § 20.1301(a)(1), tenth line, the comma after the word "released" should be deleted.

##### § 32.72 [Amended]

9. In § 32.72, last line, after "35.55(b)", insert the words "or, prior to October 25, 2004, 10 CFR 35.980(b)."

##### § 35.6 [Amended]

10. In § 35.6(c), fifth line, the word "license" should read "licensee."

##### § 35.12 [Amended]

11. In § 35.12(c)(1)(i), second line, the word "Licens" should read "License."

##### § 35.13 [Amended]

12. In § 35.13(b)(1), fifth line, "35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, or 35.960" should read "35.910(a), 35.920(a), 35.930(a), 35.940(a), 35.950(a), or 35.960(a)".

13. In § 35.13(b)(2), fourth line, "35.980" should read "35.980(a)."

14. In § 35.13(b)(3), third line, "35.961" should read "35.961(a) or (b)."

##### § 35.40 [Amended]

15. In § 35.40(a), fourth line, the word "Megabequerels" should read "Megabecquerels."

##### § 35.51 [Amended]

16. In § 35.51(b)(1), eighth line, the words "an individual who meets the requirements for" should be deleted.

Dated at Rockville, Maryland, this 3rd day of October, 2002.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**

*Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. 02-25658 Filed 10-8-02; 8:45 am]

BILLING CODE 7590-01-P

#### DEPARTMENT OF THE TREASURY

##### Office of the Comptroller of the Currency

##### 12 CFR Part 8

[Docket No. 02-12A]

RIN 1557-AC00

##### Assessment of Fees

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Final rule; technical correction.

**SUMMARY:** This final rule makes a correction to the final rule that the OCC published in the **Federal Register** on September 11, 2002 (67 FR 57509) amending 12 CFR 8.2(a). That provision sets forth the formula for the semiannual assessment the OCC charges each national bank.

**EFFECTIVE DATE:** This final rule is effective on October 9, 2002.

**FOR FURTHER INFORMATION CONTACT:** Michele Meyer, Counsel, Legislative and Regulatory Activities Division, 202-874-5090.

**SUPPLEMENTARY INFORMATION:** On November 16, 2001, the OCC published a final rule in the **Federal Register** that amended 12 CFR 8.2(a), which sets forth the formula for the semi-annual assessment that the OCC charges national banks. 66 FR 57645 (November 16, 2001). The objective of the rulemaking, as described in the preambles to the proposed and final rules, was to revise 12 CFR 8.2(a) only. However, in the published final rule, 12 CFR 8.2(a)(1) through (a)(6) were inadvertently deleted. 66 FR at 57647-48. A final rule published September 11, 2002 restored those deleted provisions of the regulation. 67 FR 57509 (September 11, 2002).

However, the September 11, 2002 final rule also restored erroneously 12 CFR 8.2(a)(7), which had been removed in a prior rulemaking. 66 FR 29890 (June 1, 2001). Today's final rule again removes that provision from the regulation.

This final rule takes effect immediately. The OCC has concluded that the notice and comment procedures prescribed by the Administrative

Procedure Act are unnecessary because this rule corrects a technical error without substantive change to the provision of § 8.2(a). See 5 U.S.C. 553(b)(3)(B). Cf. *United States National Bank of Oregon v. Independent Insurance Agents of America, Inc.*, 508 U.S. 439, 462 (1993) (error in punctuation construed so as not to defeat the “true meaning” of a Federal law that relocated but did not repeal the statutory provision authorizing national banks to sell insurance).

#### List of Subjects in 12 CFR Part 8

National banks, Reporting and recordkeeping requirements.

Accordingly, 12 CFR part 8 is amended by making the following correcting amendments:

#### PART 8—ASSESSMENT OF FEES

1. The authority citation for part 8 continues to read as follows:

**Authority:** 12 U.S.C. 93a, 481, 482, 1867, 3102, and 3108; 15 U.S.C. 78c and 78l; and 26 D.C. Code 102.

2. In § 8.2, paragraphs (a)(1) through (a)(6), respectively, are republished and paragraph (a)(7) is removed, to read as follows:

#### § 8.2 Semiannual assessment.

(a) \* \* \*

(1) Every national bank falls into one of the ten asset-size brackets denoted by Columns A and B. A bank's semiannual assessment is composed of two parts. The first part is the calculation of a base amount of the assessment, which is computed on the assets of the bank up to the lower endpoint (Column A) of the bracket in which it falls. This base amount of the assessment is calculated by the OCC in Column C.

(2) The second part is the calculation by the bank of assessments due on the remaining assets of the bank in excess of Column E. The excess is assessed at the marginal rate shown in Column D.

(3) The total semiannual assessment is the amount in Column C, plus the amount of the bank's assets in excess of Column E times the marginal rate in Column D: Assessments = C + [(Assets - E) × D].

(4) Each year, the OCC may index the marginal rates in Column D to adjust for the percent change in the level of prices, as measured by changes in the Gross Domestic Product Implicit Price Deflator (GDPIPD) for each June-to-June period. The OCC may at its discretion adjust marginal rates by amounts less than the percentage change in the GDPIPD. The OCC will also adjust the amounts in Column C to reflect any change made to the marginal rate.

(5) The specific marginal rates and complete assessment schedule will be published in the “Notice of Comptroller of the Currency Fees”, provided for at § 8.8 of this part. Each semiannual assessment is based upon the total assets shown in the bank's most recent “Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries)” (Call Report) preceding the payment date. The assessment shall be computed in the manner and on the form provided by the Comptroller of the Currency. Each bank subject to the jurisdiction of the Comptroller of the Currency on the date of the second or fourth quarterly Call Report required by the Office under 12 U.S.C. 161 is subject to the full assessment for the next six-month period.

(6)(i) Notwithstanding any other provision of this part, the OCC may reduce the semiannual assessment for each non-lead bank by a percentage that it will specify in the Notice of Comptroller of the Currency Fees described in § 8.8.

(ii) For purposes of this paragraph (a)(6):

(A) *Lead bank* means the largest national bank controlled by a company, based on a comparison of the total assets held by each national bank controlled by that company as reported in each bank's Call Report filed for the quarter immediately preceding the payment of a semiannual assessment.

(B) *Non-lead bank* means a national bank that is not the lead bank controlled by a company that controls two or more national banks.

(C) *Control* and *company* have the same meanings as these terms have in sections 2(a)(2) and 2(b), respectively, of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(2) and (b)).

\* \* \* \* \*

Dated: September 25, 2002.

**Julie L. Williams,**

*First Senior Deputy Comptroller and Chief Counsel.*

[FR Doc. 02-25634 Filed 10-8-02; 8:45 am]

**BILLING CODE 4810-33-P**

#### COMMODITY FUTURES TRADING COMMISSION

#### 17 CFR Parts 37, 38, 39 and 40

RIN 3038-AB63

#### Amendments to New Regulatory Framework for Trading Facilities and Clearing Organizations

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commodity Futures Trading Commission (Commission or CFTC) is adopting a number of technical amendments to its rules implementing the Commodity Futures Modernization Act of 2000 with respect to trading facilities and clearing organizations. The rules add new categories of exchange rules or rule amendments that need not be approved by or self-certified to the Commission; amend the definitions of “rule” and “dormant contract;” add new definitions of “dormant contract market,” “dormant derivatives transaction execution facility,” and “dormant derivatives clearing organization”; and add a procedure for listing or relisting products for trading on a registered entity that has become dormant.

**EFFECTIVE DATE:** November 8, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Nancy E. Yanofsky, Assistant Chief Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5260. e-mail: [NYanofsky@cftc.gov](mailto:NYanofsky@cftc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Commission, on August 10, 2001, promulgated rules implementing the provisions of the Commodity Futures Modernization Act of 2000 (CFMA) relating to trading facilities.<sup>1</sup> 66 FR 42256. These rules, parts 36 through 40 of the Commission's rules, became effective on October 9, 2001.

The CFMA profoundly altered federal regulation of commodity futures and option markets. The new statutory framework established two categories of markets subject to Commission regulatory oversight, designated contract markets (contract markets) and registered derivatives transaction execution facilities (DTFs), and two categories of exempt markets, exempt boards of trade and, under section 2(h)(3) of the Commodity Exchange Act (Act), exempt commercial markets. The Commission's rules relating to trading facilities established administrative procedures necessary to implement the CFMA's provisions and provided guidance on compliance with various of its requirements. In addition, the Commission, under its exemptive authority, in a limited number of instances, provided relief from, or

<sup>1</sup> The CFMA was intended, in part, “to promote innovation for futures and derivatives,” “to reduce systemic risk,” and “to transform the role of the Commission to oversight of the futures markets.” See section 2 of the CFMA.