

Federal Reserve System amends part 228 of chapter II of title 12 of the Code of Federal Regulations as follows:

## **PART 228—COMMUNITY REINVESTMENT (REGULATION BB)**

■ 1. The authority citation for part 228 continues to read as follows:

**Authority:** 12 U.S.C. 321, 325, 1828(c), 1842, 1843, 1844, and 2901 *et seq.*

■ 2. Revise § 228.12(u)(1) to read as follows:

### **§ 228.12 Definitions.**

\* \* \* \* \*

(u) *Small bank*—(1) *Definition.* Small bank means a bank that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.098 billion. Intermediate small bank means a small bank with assets of at least \$274 million as of December 31 of both of the prior two calendar years and less than \$1.098 billion as of December 31 of either of the prior two calendar years.

\* \* \* \* \*

## **Federal Deposit Insurance Corporation 12 CFR Chapter III**

### **Authority and Issuance**

■ For the reasons set forth in the joint preamble, the Board of Directors of the Federal Deposit Insurance Corporation amends part 345 of chapter III of title 12 of the Code of Federal Regulations to read as follows:

## **PART 345—COMMUNITY REINVESTMENT**

■ 1. The authority citation for part 345 continues to read as follows:

**Authority:** 12 U.S.C. 1814–1817, 1819–1820, 1828, 1831u and 2901–2907, 3103–3104, and 3108(a).

■ 2. Revise § 345.12(u)(1) to read as follows:

### **§ 345.12 Definitions.**

\* \* \* \* \*

(u) *Small bank*—(1) *Definition.* Small bank means a bank that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.098 billion. Intermediate small bank means a small bank with assets of at least \$274 million as of December 31 of both of the prior two calendar years and less than \$1.098 billion as of December 31 of either of the prior two calendar years.

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## **Department of the Treasury**

### **Office of Thrift Supervision**

#### **12 CFR Chapter V**

■ For the reasons discussed in the joint preamble, 12 CFR part 563e is amended as follows:

## **PART 563e—COMMUNITY REINVESTMENT**

■ 1. The authority citation for part 563e continues to read as follows:

**Authority:** 12 U.S.C. 1462a, 1463, 1464, 1467a, 1814, 1816, 1828(c), and 2901 through 2907.

■ 2. Revise § 563e.12(u)(1) to read as follows:

### **§ 563e.12 Definitions.**

\* \* \* \* \*

(u) *Small savings association*—(1) *Definition.* *Small savings association* means a savings association that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.098 billion. *Intermediate small savings association* means a small savings association with assets of at least \$274 million as of December 31 of both of the prior two calendar years and less than \$1.098 billion as of December 31 of either of the prior two calendar years.

\* \* \* \* \*

Dated: December 14, 2009.

**Julie L. Williams,**

*First Senior Deputy Comptroller and Chief Counsel.*

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority.

Dated: December 16, 2009.

**Jennifer J. Johnson,**

*Secretary of the Board.*

By order of the Board of Directors.

Dated at Washington, DC, this 17th day of December 2009.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

Dated: December 10, 2009.

By the Office of Thrift Supervision,

**John E. Bowman,**

*Acting Director.*

[FR Doc. E9–30646 Filed 12–28–09; 8:45 am]

**BILLING CODES 4810–33–P, 6210–01–P, 6714–01–P, 6720–01–P**

## **DEPARTMENT OF THE TREASURY**

### **Office of Thrift Supervision**

#### **12 CFR Part 502**

[OTS No. 2009–0023]

### **Technical Amendments**

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Thrift Supervision (OTS) is amending its regulations to incorporate technical and conforming amendments.

**DATES:** *Effective Date:* December 29, 2009.

### **FOR FURTHER INFORMATION CONTACT:**

Sandra E. Evans, Legal Information Assistant (Regulations), (202) 906–6086, or Marvin Shaw, Senior Attorney, (202) 906–6639, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS is amending its regulations to incorporate technical and conforming amendments to Part 502—*Assessments and Fees*. The final rule makes two changes to part 502. First, the final rule revises section 502.26(a)(1) with respect to the base assessment amount for a savings and loan holding company (SLHC). Specifically, the final rule increases the base assessment amount from \$3,000 to \$3,500. The increase reflects the change in the Thrift Bulletin TB 48–27 that provides for an adjustment for inflation that is permissible under part 502. Second, the final rule revises section 502.29 with respect to the condition component for a SLHC. Specifically, the final rule replaces the term “unsatisfactory” with the phrase “a composite rating of 4 or 5.” The new phrase reflects a change in an agency guidance titled *Savings and Loan Holding Company Rating System* issued in the **Federal Register**.<sup>1</sup>

### **Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994**

OTS finds that there is good cause to dispense with prior notice and comment on this final rule and with the 30-day delay of effective date mandated by the Administrative Procedure Act.<sup>2</sup> OTS believes that these procedures are unnecessary and contrary to public interest because the rule merely makes

<sup>1</sup> 72 FR 72442, December 20, 2007.

<sup>2</sup> 5 U.S.C. 553.

a technical change to an existing provision.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 provides that regulations that impose additional reporting, disclosure, or other new requirements may not take effect before the first day of the quarter following publication.<sup>3</sup> This section does not apply because this final rule imposes no additional requirements and makes only technical changes to existing regulations.

#### Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act,<sup>4</sup> the OTS Director certifies that this technical corrections regulation will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12866

OTS has determined that this rule is not a “significant regulatory action” for purposes of Executive Order 12866.

#### Unfunded Mandates Reform Act of 1995

OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995

#### List of Subjects in 12 CFR Part 502

Assessments, Reporting and recordkeeping requirements, Savings associations.

■ Accordingly, the Office of Thrift Supervision amends title 12, chapter V of the Code of Federal Regulations, as set forth below.

#### PART 502—ASSESSMENTS AND FEES

■ 1. The authority citation for part 502 continues to read as follows:

**Authority:** 5 U.S.C. 552, 559; 12 U.S.C. 1462a, 1463, 1467, 1467a.

■ 2. Revise § 502.26(a)(1) as follows:

##### **§ 502.26 How does OTS calculate the semi-annual assessment for savings and loan holding companies?**

(a) \* \* \*

(1) OTS will assess a base assessment amount of \$3,500 on responsible savings and loan holding companies. The base assessment amount reflects OTS's estimate of the base costs of conducting

on- and off-site supervision of a noncomplex, low risk savings and loan holding company structure. OTS will periodically revise this amount to reflect changes in inflation based on a readily available index. OTS will establish the revised amount of the base assessment in a Thrift Bulletin.

\* \* \* \* \*

■ 3. Revise § 502.29(a) as follows:

##### **§ 502.29 How does OTS determine the condition component for a savings and loan holding company?**

(a) If the most recent examination rating assigned to the responsible savings and loan holding company (or most recent examination rating assigned to any savings and loan holding company in the holding company structure) is a composite rating of 4 or 5, OTS will assess a charge under the condition component. The amount of the condition component is equal to 100 percent of the sum of the base assessment amount, the risk/complexity component, and any organizational form component.

\* \* \* \* \*

Dated: December 18, 2009.

By the Office of Thrift Supervision.

**John E. Bowman,**  
*Acting Director.*

[FR Doc. E9-30846 Filed 12-28-09; 8:45 am]

**BILLING CODE 6720-01-P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0859; Airspace  
Docket No. 09-ASW-23]

#### Amendment of Class E Airspace; Burnet, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace for Burnet, TX, adding additional controlled airspace to accommodate Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAPs) at Burnet Municipal Airport—Kate Craddock Field, and updates the geographic coordinates of the Burnet Non-directional Radio Beacon (NDB). The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, April 8, 2010. The Director of the Federal

Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

#### FOR FURTHER INFORMATION CONTACT:

Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

#### History

On October 14, 2009, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Burnet, TX, reconfiguring controlled airspace at Burnet Municipal Airport—Kate Craddock Field, Burnet, TX (74 FR 52703) Docket No. FAA-2009-0859. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace for the Burnet, TX area, adding additional controlled airspace extending upward from 700 feet above the surface to accommodate SIAPs at Burnet Municipal Airport—Kate Craddock Field, Burnet, TX. This action also updates the geographic coordinates of the Burnet NDB to coincide with the FAA's National Aeronautical Charting Office. This action is necessary for the safety and management of IFR operations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air

<sup>3</sup> Pub. L. No. 103-325, 12 U.S.C. 4802.

<sup>4</sup> Pub. L. No. 96-354, 5 U.S.C. 601.