



Federal Deposit Insurance Corporation
550 17th Street NW, Washington, D C 20429-9990

07-BK-018

07-CR-014

07-CV-016

07-AP-015

Legal Division

February 15, 2008

Peter G. McCabe, Secretary
Judicial Conference Advisory Committee
Administrative Office of the U.S. Courts
Washington, D.C. 20544

Submitted by E mail attachment.

Re: Comments, Proposed Changes to Federal Rules and Statutes
To Effect Uniform Time Computation.

Dear Mr. McCabe:

We appreciate the opportunity to comment on proposed changes to the Federal Rules of Criminal, Appellate, Bankruptcy, and Civil Procedure concerning uniform time computation.

We have no comment to your proposals insofar as they attempt to clarify and make uniform the time computations under the Federal Rules of Appellate and Civil Procedure. Our only suggestion is, if you amend the language in the standard U.S. District Court Form 3 (Summons), you may wish to include a paragraph that references federal defendants, who have a full 60 days to respond as opposed to the standard 21 days you are proposing. This language is absent from the current summons form

You also propose to submit to Congress for conformity various federal statutes that contain short time provisions for responses to or appeals from agency action, including selected provisions of the Federal Deposit Insurance Act as amended: 12 U.S.C. §§ 1817(j)(5), 1818(a)(8)(D), (c)(2), and (f). The FDIC asks that you not submit these four statutory provisions for legislative revision. Calculation of these statutory time periods is not presently linked to any time computation rules in the Federal Rules of Appellate or Civil Procedure. The Federal Deposit Insurance Corporation and other banking agencies employ calendar days in their computations of time to respond to regulatory and enforcement decisions and the time periods set by Congress were determined accordingly. This method of computation does not appear to have caused confusion among the affected public.

If you have any questions or concerns regarding this matter, please feel free to contact Dina Biblin, (703) 562-2372, Colleen Boles, (703) 562-2374, or me.

Sincerely,

s/ Richard J. Osterman
RICHARD J. OSTERMAN, JR.
Acting Deputy General Counsel
Litigation Branch