sessments against eligible handlers during that period.

It is essential to make this suspension effective immediately to carry out the intent of the Secretary to provide for the orderly marketing of Type 62 tobacco during the 1975 season. The marketing season has already begun and this suspension involves the elimination of restriction on the number of leaves to be handled for the remainder of the current season and further involves the elimination of assessments on eligible handlers for the remainder of the fiscal year.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the aforesaid marketing area in that it is necessary to implement at the earliest opportunity the objectives of the Control Committee in providing producers with needed flexibility in the marketing of their tobacco in 1975 and by notifying eligible handlers that no further assessments will be made until after January 31, 1975;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date;

(c) The Control Committee has recommended this suspension; and

(d) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective October 6, 1975.

It is therefore ordered that the aforementioned provision of the order is hereby suspended from the effective date hereof through January 31, 1976.

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: October 6, 1975.

Signed at Washington, D.C., on: October 1, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-26729 Filed 10-3-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Implementation of Privacy Act of 1974

Correction

In FR Doc. 75-25779 appearing on page 44481 in the issue of Friday, September 26, 1975, make the following change:

In § 103.21(c) on page 44482 the 10th line should read: ". . . lish his own parentage or guardianship . . .".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Reservation of Import Facilities

● Purpose. The purpose of this amendment is to require prepayment of a reservation fee for the use of import quarantine facilities for poultry and birds. ●

Statement of considerations. On July 15, 1975, there was published in the FEDERAL REGISTER (40 FR 29728), a notice of proposed rulemaking which would require prepayment of a reservation fee for the use of import quarantine facilities for poultry and birds. The proposed prepaid reservation fee would be deducted from expenses incurred for services received in connection with the quarantine of the shipment when reserved space is utilized but would be forfeited by the importer when facilities so reserved are not used.

A period of 30 days was allowed for submission of comments by interested persons. No comments pro or con were received.

After due consideration of all relevant information available to the Department, the proposal is hereby adopted without change.

Accordingly, in § 92.4, the heading of paragraph (a) is amended and a new paragraph (a)(4) is added to read:

§ 92.4 Import permits for ruminants, swine, and poultry and for animal semen.*

(a) *Application for permit; reservation required.* * * * (4) For each lot of poultry (including birds) which is to be quarantined in facilities maintained by Veterinary Services, a reservation fee of $40 shall be paid by the importer or his agent at the time the permit is applied for. Such fee shall be in the form of certified check or U.S. Money Order and will be returned to the payee if the permit requested is not issued. When the requested permit is issued and the scheduled quarantine period is completed, the reservation fee paid will be deducted from the expenses incurred by the importer or his agent for services received in connection with the quarantine of the specific lot for which the reservation was made. When an importer or his agent fails to present for entry any lot of poultry or birds for which a reservation fee has been paid and a permit has been issued, the reservation fee paid will be forfeited.

* * * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4 and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 37 FR 19141.)

Effective date. The foregoing amendment shall become effective November 5, 1975.

Done at Washington, D.C., this 1st day of October 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-26727 Filed 10-3-75;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

Correction

In FR Doc. 75-23591, appearing at page 41088 in the issue for Friday, September 5, 1975, in the third full paragraph, the fourth line, the figure reading "$10^{5.1}$" should read "$10^{6.1}$".

DEFINITIONS, PACKAGING, LABELING AND STANDARD REQUIREMENTS AND PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Miscellaneous Amendments

● Purpose. To relax certain restrictions on the production of biological products. ●

On July 8, 1975, there was published in the FEDERAL REGISTER (FR Docket 75-17675) a notice of proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 101, 112, 113, and 114 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These amendments relax the restrictions on dividing serials of product between two producers, licensee and subsidiary, or two subsidiaries. By definition (§ 101.2(k)), a subsidiary is a corporation and as such its name and address appears on the labels for product it produces. A division is not necessarily a corporation and cannot appear on labels without the name and address of the producer. These amendments include a definition of "Division" to clarify this distinction.

Inactivated liquid product may be exported in multiple-dose containers. These amendments authorize the shipment of such products in concentrated form. These amendments also add a new section to Part 113 to clarify the test requirements for materials in such bulk shipments.

These amendments relax the requirements for reporting test results by limiting such requirements to tests prescribed in the filed Outline of Production or Standard Requirements for the product. They also relax the requirements for testing combination products by permitting the testing of live virus fractions and bacterin fractions separately.

These amendments authorize the Deputy Administrator to permit preparation of biological products in one licensed establishment for another licensed establishment under emergency conditions. They also authorize limited joint manufacture of product when two licensed establishments are owned by one person.

Comments were received from nine people. Most of the comments were favorable to the proposals as written. One editorial suggestion was accepted as an improvement. Two suggestions were rejected because they were unnecessarily restrictive. One suggestion would impose as a compulsory requirement, a condition which is now optional. This suggestion was rejected.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Parts 101, 112, 113, and 114 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modification:

An editorial change was made in § 101.2(z) to make it a true definition instead of a requirement.

A revision of § 114.3(c) has been made for clarification of the limitations intended to be placed on the partial preparation of a biological product by one licensee for another during an emergency.

PART 101—DEFINITIONS

1. Section 101.2 is amended by adding a new paragraph (z) to read:

§ 101.2 Administrative terminology.

* * * * *

(z) *Division*. A marketing unit established by the licensee which may be named on labels, advertisements and promotional material in addition to the name and address of the producer.

PART 112—PACKAGING AND LABELING

2. Section 112.8 is amended by adding a new paragraph (e) to read:

§ 112.8 For export only.

* * * * *

(e) Concentrated inactivated liquid product, completed except for dilution to the proper strength for use, may be exported in large multiple-dose containers identified with an approved label that contains the words "For Export Only" prominently displayed.

PART 113—STANDARD REQUIREMENTS

3. Part 113 is amended by revising §§ 113.5(c), and 113.7(d) and by adding a new § 113.10 to read:

§ 113.5 General testing.

* * * * *

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Results of all required tests prescribed in the filed Outline of Production or the Standard Requirements for the product shall be submitted to Veterinary Services. Blank forms shall be furnished upon request to Veterinary Services.

* * * * *

§ 113.7 Multiple fractions.

* * * * *

(d) When an inactivated fraction(s) is used as a diluent for a live virus fraction(s), the inactivated fraction(s) may be tested separately and the live virus fraction(s) may be tested separately: *Provided*, That, the viricidal test requirements prescribed in § 113.85 are complied with.

* * * * *

§ 113.10 Testing of bulk material for export only.

When liquid product is prepared for export in large multiple-dose containers as provided in § 112.8 (d) or (e) of this subchapter, samples of the bulk material shall be subjected to all required tests prescribed in the filed Outline of Production or Standard Requirements for the product. Samples of concentrated liquid product shall be diluted to a volume equal to the contents of the sample times the concentration factor prior to initiating potency tests.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

4. Section 114.3 is amended by revising paragraph (b) and adding paragraphs (c) and (d) to read:

§ 114.3 Separation of establishments.

* * * * *

(b) No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment except as provided in paragraphs (c) and (d) of this section.

(c) When a partially prepared biological product cannot be completed at a licensed establishment due to failure of essential equipment, the Deputy Administrator may authorize the use of similar equipment at another licensed establishment; *Provided*, That, such authorization shall be limited to the duration of the emergency and to the phase of production affected by the equipment failure.

(d) When two licensed establishments are owned or controlled by one person responsible for all actions in both establishments, an exchange of ingredients, partially prepared products or serials of completed fractions of combination products may be made from one establishment to the other in a manner acceptable to Veterinary Services except that bulk shipments shall be limited to inactivated material plainly labeled "For Manufacturing Purposes Only."

5. Section 114.16 is amended by revoking paragraphs (a), (b), (b)(1), (b)(2), (c) and (d) and substituting a new paragraph to read:

§ 114.16 Producing subsidiaries.

A serial or subserial of a biological product may be produced jointly by a licensee and one or more subsidiaries, or by two or more subsidiaries. The exact amount of each serial or subserial credited to each participating producer shall be determined at the time of labeling and packaging and shall be noted in the records for such serial or subserial.

(37 Stat. 832–833; 21 U.S.C. 151–158)

Effective date: These amendments take effect November 5, 1975.

Done at Washington, D.C., this 29th day of September 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–26594 Filed 10–3–75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to the Secretary of the Board

Public Law 93–625, section 7(a)(1), January 3, 1975 (26 U.S.C. 6621), provides for the determination by the Board of Governors of the Federal Reserve System of the average predominant prime rate quoted by commercial banks to large businesses in September of each year for use by the Secretary of the Treasury or his delegate in establishing an adjusted rate of interest applicable to various provisions of the Internal Revenue Code.

In order to expedite and facilitate the determination and reporting of the prime rate, the Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to delegate to the Secretary of the Board authority to determine this rate from information currently reported to the Board.

Effective September 30, 1975, § 265.2 (a)(14) is added to read as follows:

§ 265.2 Specific functions delegated to board employees and Federal Reserve Banks.

(a) * * *

(14) Under the provisions of section 6621 of the Internal Revenue Code (26 U.S.C. 6621), to determine and report to the Secretary of Treasury or his delegate, the average predominant prime rate quoted by commercial banks to large businesses.

* * * * *

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of § 265.2(a)(14) because the rule involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors, September 30, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–26710 Filed 10–3–75;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-864]

INSURANCE OF ACCOUNTS

Checking Accounts

SEPTEMBER 30, 1975.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75-833, dated September 8, 1975, proposed to amend Parts 561, 563, 564, 569, and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563, 564, 569, and 571) for the purpose of permitting insured institutions to offer checking accounts when authorized to do so by statute, regulation, or otherwise, and to provide that such accounts are eligible for insurance by the Federal Savings and Loan Insurance Corporation.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on September 12, 1975 (40 FR 42371-42374), with an invitation for interested persons to submit written comments by September 29, 1975. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendments as proposed.

The Board finds that publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is unnecessary since the amendments relieve restriction, and because delay could cause state-chartered insured institutions in Maine, which will permit thrift institutions to offer checking accounts beginning October 1, 1975, to be placed at a competitive disadvantage in relation to other thrift institutions in their area.

Accordingly, the Board hereby amends the Insurance Regulations by adding a new § 561.11a, and amending §§ 561.3, 561.11, 561.15(f), 561.17(a), 561.24, 563.1, 563.6, 563.13 (a)(1) and (c) (4) and (5), 564.1 (a), (b), and (c), 569a.1(c), 569a.4, 569a.6(d), 569a.7, 569a.9, and 571.1(c) (3) thereof, to read as set forth below, effective October 1, 1975.

PART 561—DEFINITIONS

1. Section 561.3 is revised.

§ 561.3 Insured account.

An "insured account" is a savings account or checking account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insurable.

2. Section 561.11 is revised.

§ 561.11 Savings accounts.

The term "savings accounts" means withdrawable or repurchasable shares, investment certificates, deposits or other savings accounts held by insured members in an institution insured by the Corporation.

3. Section 561.11a is added.

§ 561.11a Checking accounts.

The term "checking accounts" means non-interest-bearing demand deposits which are subject to check or to withdrawal or transfer on negotiable or transferable order to the association and which are permitted to be issued by statute, regulation, or otherwise.

4. Section 561.15(f) is revised.

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(f) Deposits in a bank, loans of Federal funds to a bank, or savings accounts or checking accounts in a savings and loan association, under the control or in the possession of an appropriate supervisory authority, and

* * * * *

5. Section 561.17(a) is revised.

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in paragraphs (g) (2) and (3) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's checking and savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured loans, guaranteed loans, loans which are secured by a first lien on low-rent housing, and guaranteed obligations.

* * * * *

6. Section 561.24 is revised.

§ 561.24 Subordinated debt security.

The term "subordinated debt security" means any unsecured note, debenture, or other debt security issued by an insured institution and subordinated on liquidation to all claims having the same priority as account holders or any higher priority.

PART 563—OPERATIONS

7. Section 563.1 is revised.

§ 563.1 Forms of certificates and passbooks; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, checking account, share, membership, stock and demand or time deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of checking or savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account; Provided, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

8. Section 563.6 is revised.

§ 563.6 Demand securities.

No insured institution may issue any demand securities or advertise or represent that it will pay holders of its securities on demand, except that this section does not apply to checking accounts as defined in § 561.11a of this subchapter.

9. Section 563.13 is amended by revising paragraphs (a), (c)(4), and (c)(5).

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

(a) *Federal insurance reserve requirements.* (1) *Minimum required amounts.* After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its Federal insurance reserve account so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such account shall be at least equal to the amount obtained by multiplying the percentage corresponding to such anniversary date, as set forth in the table below, by either (i) the amount of the institution's checking and savings account balances ón such closing date, or (ii) the average of such account balances on such closing date and on one or more of the 4 immediately preceeding annual closing dates, provided all such dates are consecutive. In any event, unless otherwise permitted in writing by the Corporation, each insured institution shall build up its Federal insurance reserve account so that, at any one annual closing date prior to the twenty-sixth anniversary of its insurance of accounts, such account shall be at least equal to 5 percent of the institution's checking and savings account balances on such closing date.

Anniversary:	*Percentage*
2	0.50
3	0.75
4	1.00
5	1.25
6	1.50
7	1.75
8	2.00
9	2.25
10	2.50
11	2.75
12	3.00
13	3.25
14	3.50
15	3.75
16	4.00
17	4.25
18	4.50
19	4.75
20 and thereafter	5.00

* * * * *

(c) *Failure to meet or maintain Federal insurance reserve or net worth requirements.* If any insured institution fails to meet or thereafter maintain the Federal insurance reserve requirements set forth in paragraph (a) of this section or the net worth requirements set forth in paragraph (b) of this section, the Corporation may, whether through enforcement proceedings (as provided in Parts 565 and 566 of this subchapter) or otherwise, require such institution to take any one or more of the following corrective actions:

* * * * *

(4) Limit the receipt of deposits to those made to existing accounts;

(5) Cease or limit the issuance of new accounts of any or all classes or categories, except in exchange for existing accounts;

* * * * *

PART 564—SETTLEMENT OF INSURANCE

10. Section 564.1 is revised.

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to § 545.1-5 of this chapter or issued pursuant to the approval granted by § 563.3-3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

(b) *Amount of insured account.* The amount of an insured account is the amount which the insured member would have been entitled to withdraw as of the date of default, plus interest on any savings account accrued to such date or dividends prorated to such date at the announced or anticipated rate, without regard to whether such account is subject to any pledge. In the case of a savings account with a fixed or minimum term or a qualifying or notice period that has not expired as of such date, dividends or interest thereon shall be computed as if the account could have been withdrawn on such date without any penalty or reduction in rate of earnings.

(c) *Multiple accounts.* In the event an insured member holds more than one insured account in the same capacity, and the aggregate amount of such accounts (including checking accounts held in such capacity) exceeds the amount of insurance afforded thereon, the insurance coverage will be prorated among the member's interest in all accounts held in the same capacity on the basis of their withdrawable value as of the date of default. In the case of individual accounts the insurance proceeds shall be paid to the holder of the account, whether or not the beneficial owner. In the case of accounts which are owned jointly the insurance proceeds shall be paid to the owners jointly. In the case of trust estates the insurance proceeds shall be paid to the indicated trustee unless otherwise provided for in the trust instrument or under State law. In the case of corporations, partnerships and unincorporated associations, whether or not engaged in an independent activity, the insurance proceeds shall be paid to the indicated holder of the account. Where insurance payment is in the form of a transferred account, the same rules shall be applied.

PART 569a—PROXIES

11. Section 569a.1 is amended by revising paragraph (c).

§ 569a.1 Grounds for appointment of Receiver.

* * * * *

(c) That one or more of the holders of checking or savings accounts in such institution is unable to obtain a withdrawal of his account, in whole or in part;

* * * * *

12. Section 569a.4 is revised.

§ 569a.4 Possession by Receiver.

The Corporation shall take possession promptly of the insured institution for which it has been appointed Receiver by service of a certified copy of the Board's order of appointment upon the insured institution or upon the conservator, receiver, or custodian of such institution. "Service" as used in the preceding sentence is accomplished by leaving a certified copy of said order at the principal office of the insured instituiton or by handing a certified copy of said order to the conservator, receiver, or custodian of such insured institution or to the officer or employee of the insured institution or of the conservator, receiver, or custodian who shall be in the principal office of the institution and appears to be in charge of such office. The Receiver shall thereafter promptly notify in writing by certified mail the court or other public authority having jurisdiction over such conservator, receiver, or custodian and any supervisory or regulatory authority to which the insured institution was theretofore subject of its possession of the insured institution. Immediately upon taking possession of any insured institution, the Corporation as Receiver shall forthwith take possession of and title to books, records, and assets of every description of such institution. The Corporation as Receiver, by operation of law and without any conveyance or other instrument, act or deed, shall succeed to (a) all the rights, titles, powers, and privileges of the insured institution, its members, holders of checking or savings accounts and nonwithdrawable accounts, its officers and directors or any of them, and (b) the titles to the books, records, and assets of every description of any conservator, receiver, or other legal custodian of such institution appointed under State law. Such members, holders of checking or savings accounts and nonwithdrawable accounts, officers or directors, or any of them, or any such conservator, receiver, or other legal custodian shall not thereafter have or exercise any such rights, power, or privileges or act in connection with any asset or property of any nature of the institution in receivership.

13. Section 569a.6(d) is revised.

§ 569a.6 Powers and duties as Receiver.

* * * * *

(d) *Investment of funds.* The Receiver shall have the power to deposit the monies and funds of the receivership in any bank or banks insured by the Federal Deposit Insurance Corporation, in any insured institution within the State in which the institution in default is located which offers checkings accounts, or in any Federal Home Loan Bank, and may invest such moneys or funds in certificates of deposit in any bank or banks insured by the Federal Deposit Insurance Corporation or in savings accounts other than nonwithdrawable accounts, in an insured institution or institutions. The Receiver shall have power to invest any funds not currently needed for transacting the business of the receivership or for payment of liquidating dividends in Government obligations with a maturity of not more than 2 years. The Receiver shall have no power to make loans except loans to facilitate the sale of any real estate owned and except loans which it deems necessary to protect investments or the security for investments.

* * * * *

14. Section 569a.7 is amended by revising the introductory text of paragraph (a), and paragraphs (a)(4), (a)(5), (b), and (d).

§ 569a.7 Priority of claims.

(a) Claims against the receivership, except for claims specified in paragraphs (b), (c), and (d) of this section, shall have the following order of priority:

* * * * *

(4) All claims of holders of checking and savings accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to holders of such accounts, which under the laws of the State in which the principal office of the institution in receivership is located are given a priority for liquidation purposes over other classes of such accounts; except that whenever under the laws of the State in which the principal office of the institution in receivership is located such claims are treated on a parity with general creditor obligations upon the liquidation of the institution, such claims will be treated as general creditor obligations under subparagraph (3) of this paragraph;

(5) All claims of holders of other accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to the holders of such other accounts; and

* * * * *

(b) Creditor claims which have been subordinated in whole or in part to general creditor claims and/or claims of checking or savings accountholders shall be given the priority specified in the instruments establishing such claims. Where the instruments specify that such claims are subordinated to general creditor obligations and the claims of such accountholders upon liquidation of the institution, but are silent with respect to subordination to the post-default interest rights of the general creditors and such accountholders, the payment of interest as set forth in paragraph (a)(6) of this section shall have priority over the principal amount of such subordinated creditor claims and any contractual interest thereon.

* * * * *

(d) In the case of a mutual institution, if a surplus remains after making distribution in full as set forth in paragraphs (a) and (b) of this section, such surplus shall be distributed to the checking and savings accountholders as of the date of default, in accordance with the terms, conditions and priorities specified in the instruments establishing their interests in the institution. If such instruments do not specify the terms, conditions and priorities for liquidation, the distribution of the surplus shall be pro rata.

* * * * *

15. Section 569a.9 is revised.

§ 569a.9 Claims of accountholders.

The Receiver shall prepare a list of accounts of checking and savings accountholders for use by the Corporation in settlement of claims for insurance under Part 564 of this subchapter. Upon such settlement, the Receiver shall furnish to each such accountholder a certificate as to the amount of such account which is not covered by insurance under said Part 564 and stating that the accountholder holds a claim against the receivership which is to be discharged to the extent permitted under this part. No such certificate shall be furnished by the Receiver unless the accountholder has first surrendered to the Receiver such evidence of the ownership of the account as he may have or, in case of loss of such evidence, the accountholder has agreed that the Receiver shall be entitled to the surrender of such evidence if it is thereafter recovered, but this requirement shall not be applicable in cases in which such evidence has been surrended theretofore to the Corporation in connection with payment of insurance of the account. In a case where a Receiver has reason to believe that the records of the institution in receivership may not disclose a complete record of all accounts of such accountholders, or in a case where all such accountholders have not presented claims within 1 year from the date of appointment of the Receiver, the Receiver shall publish, in a newspaper printed in the English language and of general circulation in the city or county in which the principal office of such institution was located, a notice to all such accountholders to present their claims of ownership thereof on forms prescribed by the Receiver to such Receiver on or before a date specified in such notice, which date shall be 3 years after the date of default. Such notice shall be similarly published on dates approximately 1 month and 2 months after the date of such first publication. Such notice shall be similarly published on a date approximately 1 month prior to the date specified in such notice for presentation of claims of ownership. Claims of ownership not filed within the period stated in the notices shall be disallowed. Any part or all of a claim by such an accountholder which is filed within the period stated in the notices and which is disallowed by the Receiver may be allowed by the Board in its discretion upon good cause shown.

PART—571—STATEMENTS OF POLICY

16. Section 571.1 is amended by revising paragraphs (c) (introductory text), (c)(3), and (e)(1), and by changing the period at the end of paragraph (e) (introductory text) to a colon.

§ 571.1 Appraisal of real estate securing assets of insured institutions.

* * * * *

(c) *Authority of Chief Examiner to obtain appraisals.* The Board's District Director, Examinations, for the Federal Home Loan Bank district in which the home office of an insured institution is located is authorized to obtain, as a part of and in connection with an examination, appraisals of real estate securing such institution's loans and contracts when an examination discloses the following conditions or such conditions are otherwise known or found to exist:

* * * * *

(3) When a borrower agrees or otherwise obligates himself to pay, or does pay, fees or other consideration to a third party to induce an inflow of funds to savings accounts or checking accounts in the institution.

* * * * *

(e) * * *:

(1) *Increase in funds for mortgage lending.* The extent to which the institution's expense ratio and dividend rate necessitate or have produced volume lending or lending at interest rates, or at interest rates plus fees, which materially exceed rates charged by responsible lenders in the area on prime real estate security—in order to provide sufficient revenue to pay expenses and dividends—are matters of much importance. In evaluating this aspect or area of an institution's operations consideration will be given not only to the dividend rate and expense ratio as compared to other comparable institutions in the same business area, but also to such matters as bonus (on top of a competitive dividend rate); inflow of funds to checking accounts and savings accounts from or through brokers; advertising of rate, rate increases, or other terms in a manner or by means which indicate pressure solicitation of accounts; extensive rate advertising in media outside the institution's normal business area; use of give-aways, directly or through brokers, and any solicitation practices generally recognized as being inconsistent with accepted standards in the conduct of responsible financial institutions. In order to evaluate the extent

of any mortgage lending pressures to which the institution is subjecting itself, consideration may also need to be given to the use of borrowed money and to sales of loans for relending purposes.

* * * * *

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1261, as amended; 12 U.S.C. 1725, 1726, 1731. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-26647 Filed 10-3-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15033; Amdt. 39-2380]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm Model BO 209 "Monsun" Airplanes

There have been reported cracks in the fuselage frame No. 2 on Messerschmitt-Bolkow-Blohm (MBB) BO 209 airplanes that could result in possible failure of the fuselage carry-through member of the wing and loss of the wing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection, repair as necessary, and reinforcement of fuselage frame No. 2, on MBB BO 209 airplanes.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

MESSERSCHMITT-BOLKOW-BLOHM. Applies to Models BO 209 airplanes, S/N's 101 thru 201, and 301, certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the fuselage carry-through member of the wing, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the rear side of the beam web of fuselage frame No. 2 for cracks, in accordance with paragraph C.1. of Messerschmitt-Bolkow-Blohm (MBB) Service Bulletin No. 209-20-1 7/74 dated 7/74, or an FAA-approved equivalent.

(b) If the inspection required by paragraph (a) of this AD reveals cracks, before further flight, repair and reinforce fuselage frame No. 2 in accordance with MBB Instruction No. MBB 209-1/74, undated, or an FAA-approved equivalent.

(c) If the inspection required by paragraph (a) of this AD reveals no cracks, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, reinforce fuselage frame No. 2 in accordance with MBB Instruction No. MBB 209-1/74, undated, or an FAA-approved equivalent.

This amendment becomes effective October 16, 1975.

Issued in Washington, D.C. on September 29, 1975.

R. P. SKULLY, *Director, Flight Standards Service.*

[FR Doc.75-26583 Filed 10-3-75;8:45 am]

[Docket No. 15034; Amdt. 39-2381]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (Formerly Sud Aviation) Alouette III Helicopters Models SE. 3160, SA. 316B, SA. 316C, and SA. 319B

It has been determined that rivets securing the tail boom upper skin to the top section of Frame 8 on certain Alouette III helicopters have become loose in service and thereby jeopardize safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires reinforcement of the affected area, and repetitive inspection of the affected area during the interim period prior to reinforcement.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Section 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly Sud Aviation). Applies to Alouette III Model SE. 3160, SA. 316B, SA. 316C, and SA. 319B helicopters incorporating tail boom P/N 3160S.23.11.000.9 to 3160S.-23.11.000.13, inclusive, certificated in all categories.

Compliance is required as indicated, unless already accomplished in accordance with Alouette Service Bulletin No. 53.31.

To prevent failure of the tail boom, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service since the last check, until reinforced in accordance with paragraph (d) of this AD, check the upper section of the tailboom at Frame 8 for loose rivets.

(b) If more than one rivet is found loose, comply with paragraph (d) of this AD before further flight, except that the helicopter may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed.

(c) If no more than one rivet is found loose, within the next 400 hours' time in service after the effective date of this AD, comply with paragraph (d) of this AD.

(d) Where required by paragraph (b) or (c) of this AD, reinforce the tail boom attachment at Frame 8 in accordance with subparagraph 1C of Alouette Service Bulletin No. 53.31, as revised April 29, 1974, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

The checks required by paragraph (a) of this AD may be performed by the pilot.

This amendment becomes effective October 20, 1975.

Issued in Washington, D.C. on September 29, 1975.

R. P. SKULLY, *Director, Flight Standards Service.*

[FR Doc.75-26582 Filed 10-3-75;8:45 am]

[Airspace Docket No. 75-NE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Airway Segment

On August 5, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 32839) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the segment of V-229 between Hartford, Conn., and Gardner, Mass.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association of America who concurs.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307,17837) is amended as follows: In V-229, "INT Hartford 044° and Gardner, Mass., 150° radials;" is deleted and "INT Hartford 044° and Gardner, Mass., 195° radials;" is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 29, 1975.

WARD J. TAYLOR, *Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75-26584 Filed 10-3-75;8:45 am]

[Airspace Docket No. 75-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 21, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 30494) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would increase the ceiling for Restricted Area R-2504