

(1) The bank entered into the CEBA Lease in good faith;

(2) The expiring lease contains a binding agreement requiring that the bank renew the lease at the lessee's option, and the bank cannot reasonably avoid its commitment to do so; and

(3) The bank determines in good faith and demonstrates by appropriate documentation that renewal of the lease is necessary to avoid financial loss and to recover its investment in and its cost of financing the property.

### Subpart C—Section 24(Seventh) Leases

#### § 23.11 General rule.

Pursuant to 12 U.S.C. 24(Seventh), a national bank may become the legal or beneficial owner and lessor of, or otherwise acquire, personal property; or may become the owner and lessor of personal property by purchasing the property from another lessor in connection with the bank's purchase of the related lease, provided that: the lease is a net, full-payout lease representing a noncancelable obligation of the lessee (notwithstanding the possible early termination of that lease); and the lease is a conforming lease.

#### § 23.12 Estimated residual value.

(a) *Recovery of investment and costs.* A national bank's estimates of the residual value of the property and the portion of the estimated residual value that the bank relies upon to satisfy the requirements of a full-payout lease, as defined in § 23.2(c), must be reasonable in light of the nature of the leased property and all circumstances relevant to the transaction. The bank's realization of its full investment in the leased property, plus the estimated cost of financing the property over the term of the lease, must depend primarily on the creditworthiness of the lessee and any guarantor of the residual value, and not on the residual value of the leased item.

(b) *Estimated residual value subject to guarantee.* The amount of any estimated residual value guaranteed by the manufacturer, the lessee, or a third party may exceed 25 percent of the original cost of the property if the bank determines and demonstrates by appropriate documentation that the guarantor has the resources to meet the guarantee and the guarantor is not an affiliate of the bank, as defined by 12 U.S.C. 371c.

(c) *Leases to government entities.* Calculations of estimated residual value on leases of personal property to Federal, State, or local government entities may be based on future

transactions or renewals that the bank reasonably anticipates will occur.

#### § 23.13 Transition rule.

(a) *Exclusion.* Subpart A and this subpart shall not apply to any § 24(Seventh) Leases executed prior to June 12, 1979. For purposes of applying the lending limits and the restrictions on transactions with affiliates described in § 23.7, however, a bank that enters into a new extension of credit to a customer, including a lease shall include all outstanding leases regardless of the date on which they were made.

(b) *Renewal of non-conforming leases.* A national bank may renew a Section 24(Seventh) Lease that was entered into prior to June 12, 1979, and that is not a conforming lease only if the following conditions are satisfied:

(1) The bank entered into the Section 24(Seventh) Lease in good faith;

(2) The expiring lease contains a binding agreement requiring that the bank renew the lease at the lessee's option, and the bank cannot reasonably avoid its commitment to do so; and

(3) The bank determines in good faith and demonstrates by appropriate documentation that renewal of the lease is necessary to avoid financial loss and to recover its investment in and its cost of financing the property.

Dated: August 14, 1995.

**Eugene A. Ludwig,**

*Comptroller of the Currency.*

[FR Doc. 95-21983 Filed 9-5-95; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 895 and 898

[Docket No. 94N-0078]

#### Medical Devices; Proposed Performance Standards for Electrode Lead Wires and Proposed Banning of Unprotected Electrode Lead Wires; Extension of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food and Drug Administration (FDA) is extending to October 20, 1995, the comment period on a proposed rule that published in the **Federal Register** of June 21, 1995 (60 FR 32406). The document proposed to establish a performance standard for electrode lead wires, and to make

unprotected electrode lead wires a banned device upon the effective date of the standard. FDA is taking this action in response to two requests for an extension of the comment period.

**DATES:** Written comments by October 20, 1995.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Marquita B. Steadman, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301-594-4765, ext. 145.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of June 21, 1995 (60 FR 32406), FDA issued a proposed rule to establish a performance standard for electrode lead wires, and to make unprotected electrode lead wires a banned device upon the effective date of the standard.

FDA has received two requests from trade associations for a 90-day extension of the comment period. The reasons given for the requests are that the proposed rule has raised potential implications beyond those previously anticipated, and additional time is needed for the consideration of these issues and the preparation of meaningful comments.

The agency agrees in part with the requests, however, it believes that due to the public health significance of this issue, an extension for the entire length of time requested is not appropriate. The agency is extending the comment period for 45 days, to October 20, 1995.

Interested persons may, on or before October 20, 1995, submit to the Dockets Management Branch (address above) written comments regarding this proposed rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 30, 1995.

**Joseph A. Levitt,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 95-22104 Filed 8-31-95; 4:29 pm]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA 95-7-6789b; FRL-5280-2]

**Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which control oxides of nitrogen (NO<sub>x</sub>) from industrial, commercial, and institutional boilers, steam generators, and process heaters. The intended effect of proposing approval of these rules is to regulate emissions of NO<sub>x</sub> in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Rules Section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by October 6, 1995.

**ADDRESSES:** Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S.

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1200.

**SUPPLEMENTARY INFORMATION:** This document concerns South Coast Air Quality Management District Rule 1146, Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters, and Rule 1146.1, Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. Both of these rules were submitted to EPA on July 13, 1994 by the California Air Resources Board. For further information, please see the information provided in the direct final action which is located in the Rules Section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: August 8, 1995.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 95-21878 Filed 9-5-95; 8:45 am]

**BILLING CODE 6560-50-W**

**40 CFR Part 52**

[SD6-1-6947b and SD5-1-6191b; FRL-5279-4]

**Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the EPA is proposing approval of revisions to the South Dakota State Implementation Plan (SIP) submitted by the State of South Dakota on November 12, 1993 and March 7, 1995. The submittals included regulatory revisions to the State's definitions, minor source construction and federally enforceable state operating permit (FESOP) rules, source category emission limitations, sulfur dioxide (SO<sub>2</sub>) rules, new source performance standards (NSPS), new source review (NSR) requirements for new and modified major sources impacting nonattainment areas, and enhanced monitoring and compliance certification requirements. In the final rules section of this **Federal Register**, the EPA is acting on the State's SIP submittals in a

direct final rule without prior proposal because the Agency views these submittals as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, then the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

**DATES:** Comments on this proposed action must be received in writing by October 6, 1995.

**ADDRESSES:** Written comments should be addressed to Vicki Stamper, 8ART-AP, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466; and South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation, Joe Foss Building, Pierre, South Dakota 57501.

**FOR FURTHER INFORMATION CONTACT:** Vicki Stamper, 8ART-AP, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2466, (303) 293-1765.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule of the same title which is located in the Rules Section of this **Federal Register**.

Dated: August 10, 1995.

**Jack W. McGraw,**

*Acting Regional Administrator.*

[FR Doc. 95-21880 Filed 9-5-95; 8:45 am]

**BILLING CODE 6560-50-P-M**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 25**

[IB Docket No. 95-117; FCC 95-285]

**Satellite Application and Licensing Procedures****AGENCY:** Federal Communications Commission.