(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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