

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of this final rule. The revisions to the appendix are technical in nature, and the routing symbol revisions are required by the statutory and regulatory definitions of "check-processing region." Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. These technical amendments to appendix A of Regulation CC will (1) delete the reference to the Oklahoma City branch office of the Federal Reserve Bank of Kansas City and reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Dallas and (2) delete the reference to the Columbus office of the Federal Reserve Bank of Cleveland and reassign the routing symbols listed under that office to the Cincinnati Branch office and the head office of that Reserve Bank. The depository institutions that are located in the affected check processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, because all paperwork collection procedures associated with Regulation CC already are in place, the Board anticipates that no additional burden will be imposed as a result of this rulemaking.

12 CFR Chapter II

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. Effective December 10, 2005, the Tenth and Eleventh Federal Reserve District routing symbol lists in appendix A are revised to read as follows:

Appendix A To Part 229—Routing Number Guide To Next-Day Availability Checks and Local Checks

* * * * *

Tenth Federal Reserve District

[Federal Reserve Bank of Kansas City]

Head Office

1010	3010
1011	3011
1012	3012
1019	3019

Denver Branch

1020	3020
1021	3021
1022	3022
1023	3023
1070	3070
1240	3240
1241	3241
1242	3242
1243	3243

Eleventh Federal Reserve District

[Federal Reserve Bank of Dallas]

Head Office

1030	3030
1031	3031
1039	3039
1110	3110
1111	3111
1113	3113
1119	3119
1120	3120
1122	3122
1123	3123
1130	3130
1131	3131
1140	3140
1149	3149
1163	3163

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■ 3. Effective January 21, 2006, the Fourth Federal Reserve District routing symbol list in Appendix A is amended by removing the listings for 0442 and 2442 from the Columbus office and by revising the Cincinnati listings to read as follows:

Appendix A To Part 229—Routing Number Guide To Next-Day Availability Checks and Local Checks

* * * * *

Fourth Federal Reserve District

* * * * *

Cincinnati Branch

0420	2420
0421	2421
0422	2422
0423	2423
0442	2442
0515	2515
0519	2519

0740	2740
0749	2749
0813	2813
0830	2830
0839	2839
0863	2863

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■ 4. Effective February 11, 2006, the Fourth Federal Reserve District routing symbol list in Appendix A is amended by deleting the remaining listings and heading for the Columbus office, and revising the listings for the Cleveland head office to read as follows:

Appendix A To Part 229—Routing Number Guide To Next-Day Availability Checks and Local Checks

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Fourth Federal Reserve District

[Federal Reserve Bank of Cleveland]

Head Office

0410	2410
0412	2412
0430	2430
0432	2432
0433	2433
0434	2434
0440	2440
0441	2441
0720	2720
0724	2724

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, October 11, 2005.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 05–20661 Filed 10–17–05; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 333

RIN 3064–AC94

Extension of Corporate Powers

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Interpretive rule; request for comments.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending an interpretative rule (12 CFR 333.101(b)) which states that insured State nonmember banks not exercising trust powers may offer self-directed traditional Individual Retirement and Keogh Plan accounts without the prior written consent of the FDIC. As amended, the interpretive ruling is expanded to expressly cover Coverdell Education Savings Accounts, Roth

Individual Retirement Accounts, Health Savings Accounts, and other similar accounts.

DATES: These amendments are effective October 18, 2005. Submit comments on or before January 17, 2006.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Agency Web Site: <http://www.fdic.gov/regulations/laws/federal/propose.html>. Follow the instructions for submitting comments on the FDIC Web site.

- E-mail: comments@fdic.gov. Include "Part 333—Extension of Corporate Powers" in the subject line of the message.

- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

- Hand Delivery/Courier: Comments may be hand-delivered to the guard station located at the rear of the FDIC's 550 17th Street building (accessible from F Street) on business days between 7 a.m. and 5 p.m.

Instructions: All submissions received must include the agency name and use the title "Part 333—Extension of Corporate Powers." All comments will be posted without change to <http://www.fdic.gov/regulations/laws/federal/propose.html>, including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT:

Anthony J. DiMilo, Examination Specialist, Division of Supervision and Consumer Protection, (202) 898-7496, or Benjamin W. McDonough, Attorney, Legal Division, (202) 898-7411, Federal Deposit Insurance Corporation, 550 17th St., NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

Section 333.2 of the FDIC's regulations (12 CFR 333.2) prohibits an insured nonmember bank from changing the general character of its business without the prior written consent of the FDIC. In general, exercising trust powers constitutes a change in the general character of the business of an insured nonmember bank that requires the prior written consent of the FDIC. FDIC interpretive rule at 12 CFR 333.101(b)

(section 333.101(b)) makes clear, however, that an insured nonmember bank that does not have authority to exercise trust powers may act as trustee or custodian of specific retirement accounts so long as the bank does not exercise investment discretion or provide any investment advice with respect to the accounts. (50 FR 10754).

Prior to the issuance of amendments to section 333.101(b) in 1985, this interpretive rule stated that insured nonmember banks could act as trustee or custodian of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974 (ERISA)¹ and Self-Employed Retirement Plans established pursuant to the Self-Employed Individuals Retirement Act of 1962² (traditional IRAs and Keogh Plan accounts). However, a bank taking advantage of section 333.101(b) was permitted to invest the funds held in these accounts only in its own time or savings deposits. (41 FR 2375). The 1985 amendments revised section 333.101(b) to state that FDIC-regulated banks not exercising trust powers could offer self-directed traditional IRAs and Keogh Plan accounts where the customer could direct the bank to invest the funds from such plans in assets other than the bank's own deposits "at the direction of the customer provided the bank does not exercise any investment discretion or provided [*sic*] any investment advice with respect to such account assets." (50 FR 10754).

Since 1985, Congress has introduced new accounts with tax-incentive features analogous to traditional IRAs and Keogh Plan accounts. These other accounts include: Coverdell Education Savings Accounts³ and Roth Individual Retirement Accounts,⁴ both established pursuant to the Taxpayer Relief Act of 1997, and Health Savings Accounts,⁵ established pursuant to the Medicare Prescription Drug Improvement, and Modernization Act of 2003.

Accordingly, the FDIC is amending section 333.101(b) to reflect the creation of these new accounts and to make clear in the text of section 333.101(b) that "other similar accounts" with tax-incentive features may be offered by banks that lack authority to exercise trust powers.⁶ The primary purpose of

these amendments is to formally recognize the existence of these new accounts, which did not exist when the FDIC last amended section 333.101(b) in 1985.

The revision to section 333.101(b) retains the requirements that the bank's duties be custodial or ministerial, and that the acceptance of such accounts without trust powers be consistent with the applicable state law.⁷

The revision also makes some minor technical amendments to the regulatory text to correct typographical errors in section 333.101(b).

II. Request for Comments

These amendments to part 333 will be effective upon publication. However, the FDIC is interested in receiving any comments that may improve the implementation of the rule. The FDIC therefore requests comments on all aspects of this interpretive rule. The FDIC is especially interested in learning whether there are other accounts that it would be appropriate to include expressly within the scope of the rule, and conversely, whether it would be appropriate to exclude any facially similar accounts from the scope of the rule. The FDIC will accept comments for 90 days from the date of publication.

III. Regulatory Analysis

a. Administrative Procedure Act

Public Comment Waiver and Effective Date. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b) ("APA"), the FDIC is issuing this interpretation without prior notice and comment. Section 553(b) of Title 5, U.S. Code, does not apply to interpretive rules. The amendments to section 333.101(b) of the FDIC's regulations relate solely to an interpretive rule, and the Board of Directors of the FDIC has found that, because the primary purpose of the amendments is to formally recognize the creation of new accounts, notice and comment would be unnecessary. Moreover, pursuant to the APA, 5 U.S.C. 553(d), interpretive rules do not require thirty days prior notice before they may become effective; therefore, because section 333.101(b) is an interpretive

and Keogh Plan accounts without the prior approval of the OTS. 12 CFR 550.580.

⁷ These amendments to section 333.101(b) will not impact the FDIC's supervision of the trust and custodial activities of insured nonmember banks, including the trust and fiduciary services such banks provide to accounts with tax-incentive features. The FDIC will continue to supervise the trust and fiduciary activities of insured nonmember banks through regular examinations to ensure that banks comply with their fiduciary obligations to customers in accordance with applicable State and Federal law.

¹ See 26 U.S.C. 408.

² See 26 U.S.C. 401.

³ See 26 U.S.C. 530.

⁴ See 26 U.S.C. 408A.

⁵ See 26 U.S.C. 223.

⁶ Currently, national banks without fiduciary powers may act as custodian, but not as trustee, of retirement accounts. See 12 CFR 9.3. Institutions regulated by the Office of Thrift Supervision (OTS) may act as trustee or custodian of traditional IRAs

rule, the amendments to it may have immediate effect.

b. Paperwork Reduction Act

The amendment to section 333.101(b) will not entail any new collections of information. Therefore, the Paperwork Reduction Act is not applicable.

c. Regulatory Flexibility Act

A regulatory flexibility analysis is required only when an agency must publish a notice of proposed rulemaking (5 U.S.C. 603, 604). Because the FDIC is revising an interpretive rule without notice and comment, no regulatory flexibility analysis is required.

d. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 et seq.) (SBREFA) provides generally for agencies to report rules to Congress and for Congress to review these rules. Unless covered by an exception in SBREFA (5 U.S.C. 804(3)), the reporting requirement is triggered in instances where the FDIC issues a rule as defined by the APA. Because the FDIC is issuing an interpretive rule, which is not covered by one of the exceptions in SBREFA, the FDIC will file the reports required by SBREFA.

List of Subjects in 12 CFR Part 333

Bank, Banking, State nonmember banks, Trusts and trustees.

■ For the reasons set forth in this preamble, the Board of Directors of the Federal Deposit Insurance Corporation hereby amends part 333 to Title 12 of the Code of Federal Regulations as follows:

PART 333—EXTENSION OF CORPORATE POWERS

■ 1. The authority citation for part 333 continues to read as follows:

Authority: 12 U.S.C. 1816, 1818, 1819 (“Seventh”, “Eighth” and “Tenth”), 1828, 1828(m), 1831p–1(c).

■ 2. Section 333.101 is amended by revising paragraph (b) to read as follows:

§ 333.101 Prior consent not required.

* * * * *

(b) An insured State nonmember bank, not exercising trust powers, may act as trustee or custodian of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974 (26 U.S.C. 408), Self-Employed Retirement Plans established pursuant to the Self-Employed Individuals Retirement Act of 1962 (26 U.S.C. 401), Roth Individual Retirement Accounts and Coverdell

Education Savings Accounts established pursuant to the Taxpayer Relief Act of 1997 (26 U.S.C. 408A and 530 respectively), Health Savings Accounts established pursuant to the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (26 U.S.C. 223), and other similar accounts without the prior written consent of the Corporation provided:

(1) The bank’s duties as trustee or custodian are essentially custodial or ministerial in nature,

(2) The bank is required to invest the funds from such plans only

(i) In its own time or savings deposits, or

(ii) In any other assets at the direction of the customer, provided the bank does not exercise any investment discretion or provide any investment advice with respect to such account assets, and

(3) The bank’s acceptance of such accounts without trust powers is not contrary to applicable State law.

Dated at Washington, DC, this 6th day of October, 2005.

By order of the Board of Directors.

Robert E. Feldman,
Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 05–20768 Filed 10–17–05; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM310; Special Conditions No. 25–306–SC]

Special Conditions: Gulfstream Aerospace Limited Partnership (GALP) Model G150 Airplane; Windshield Coating in Lieu of Wipers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream Aerospace Limited Partnership (GALP) Model G150 airplane. This airplane will have a novel or unusual design feature associated with use of a hydrophobic coating, rather than windshield wipers, as the means to maintain a clear portion of the windshield during precipitation conditions, as required by the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety

standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: November 17, 2005.

FOR FURTHER INFORMATION CONTACT: John McConnell, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–1365; facsimile (425) 227–1320, e-mail john.mcconnell@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 2002, GALP applied for an amendment to Type Certificate Number A16NM to include the new GALP Model G150 airplane. The GALP Model G150, which is a derivative of the GALP Model G100 currently approved under Type Certificate Number A16NM, is intended to be a nine passenger executive airplane with a maximum takeoff weight of 26,000 pounds and a maximum operating altitude of 45,000 feet.

The GALP Model G150 flightdeck design incorporates a hydrophobic coating to provide adequate pilot compartment view in the presence of precipitation. Sole reliance on such a coating, without windshield wipers, constitutes a novel or unusual design feature for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. Therefore, special conditions are required that provide the level of safety equivalent to that established by the regulations.

Type Certification Basis

Under the provisions of 14 CFR 21.101, GALP must show that the Model G150 meets the applicable provisions of the regulations incorporated by reference in Type Certificate Number A16NM or the applicable regulations in effect on the date of application for the change to the type certificate. The regulations incorporated by reference in the type certificate are commonly referred to as the “original type certification basis.” The regulations incorporated by reference in Type Certificate Number A16NM are 14 CFR part 25, effective February 1, 1965, including Amendment 25–1 through Amendment 25–107.

In addition, if the regulations incorporated by reference do not provide adequate standards with respect to the change, the applicant must comply with certain regulations in effect on the date of application for the