

From: <Saved by Windows Internet Explorer 7>  
Subject: Electronic Code of Federal Regulations:  
Date: Wed, 15 Oct 2008 13:07:08 -0400  
MIME-Version: 1.0  
Content-Type: multipart/related;  
    type="text/html";  
    boundary="----=\_NextPart\_000\_0075\_01C92EC6.EDD150D0"  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.3350

This is a multi-part message in MIME format.

-----=\_NextPart\_000\_0075\_01C92EC6.EDD150D0  
Content-Type: text/html;  
    charset="iso-8859-1"  
Content-Transfer-Encoding: quoted-printable  
Content-Location: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?  
c=ecfr&sid=e720534384b3786f38e541824ba912d2&rgn=div8&view=text&node=12:5.0.1.1.3  
3.3.42.4&idno=12

```
<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
<HTML><HEAD><TITLE>Electronic Code of Federal Regulations:</TITLE>
<META http-equiv=3DContent-Type content=3D"text/html; =
charset=3Diso-8859-1"><!-- InstanceBegin =
template=3D"/Templates/NEW_ecfr.dwt" codeOutsideHTMLIsLocked=3D"false" =
--><!-- #BeginEditable "doctitle" --><!-- #EndEditable -->
<META content=3D"text/html; charset=3Diso-8859-1" =
HTTP=3D'equiv=3D"Content-Type"'><LINK=20
href=3D"http://ecfr.gpoaccess.gov/e/ecfr/styles/styles.css" =
type=3Dtext/css=20
rel=3Dstylesheet><LINK media=3Dprint=20
href=3D"http://ecfr.gpoaccess.gov/e/ecfr/styles/print.css" =
type=3Dtext/css=20
rel=3Dstylesheet><!-- InstanceBeginEditable name=3D"head" --><!-- =
InstanceEndEditable -->
<STYLE>.white {
    PADDING-RIGHT: 0px; PADDING-LEFT: 0px; PADDING-BOTTOM: 0px; MARGIN: =
0px; COLOR: #ffffff; PADDING-TOP: 0px
}
</STYLE>

<SCRIPT>
<!-- Cloak code
function leapto(form)
{
var site=3Dform.dest.selectedIndex;

if (site>=3D1)

{ location=3Dform.dest.options[site].value; }

}
// Decloak -->
</SCRIPT>
<NOSCRIPT>
<META content=3D"MSHTML 6.00.6000.16705" name=3DGENERATOR></HEAD>
<BODY leftMargin=3D0 topMargin=3D0><A=20
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=
e720534384b3786f38e541824ba912d2&rgn=3Ddiv8&view=3Dtext&node=3D=
12:5.0.1.1.33.3.42.4&idno=3D12#content"><IMG=20
alt=3D"Skip to content." =
src=3D"http://www.gpoaccess.gov/images/spacer.gif"=20
border=3D0></A><A=20
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=
e720534384b3786f38e541824ba912d2&rgn=3Ddiv8&view=3Dtext&node=3D=
```

12:5.0.1.1.33.3.42.4&idno=3D12#links"><IMG=20  
alt=3D"Skip to side navigation." =  
src=3D"http://www.gpoaccess.gov/images/spacer.gif"=20  
border=3D0></A> Quick Navigation:=20  
<UL>  
<LI><A href=3D"http://www.gpoaccess.gov/topics/index.html" =  
SELECTED>Resources by=20  
Topic</A>=20  
<LI><A href=3D"http://www.gpoaccess.gov/topics/business.html">Business =  
&=20  
Economy</A>=20  
<LI><A =  
href=3D"http://www.gpoaccess.gov/topics/education.html">Education</A>=20  
<LI><A =  
href=3D"http://www.gpoaccess.gov/topics/environment.html">Environment</A>=  
=20  
  
<LI><A href=3D"http://www.gpoaccess.gov/topics/food.html">Food & =  
Drugs</A>=20  
<LI><A href=3D"http://www.gpoaccess.gov/topics/grants.html">Grants =  
&=20  
Awards</A>=20  
<LI><A href=3D"http://www.gpoaccess.gov/topics/health.html">Health =  
&=20  
Safety</A>=20  
<LI><A href=3D"http://www.gpoaccess.gov/topics/military.html">Military =  
&=20  
Security</A>=20  
<LI><A href=3D"http://www.gpoaccess.gov/topics/science.html">Science =  
&=20  
Technology</A>=20  
<LI><A href=3D"http://www.gpoaccess.gov/topics/programs.html">Social=20  
Programs</A>=20  
<LI><A=20  
=  
href=3D"http://www.gpoaccess.gov/topics/transportation.html">Transportati=  
on</A>=20  
</LI></UL></NOSCRIPT><!-- Beginning of top navigation. Do not modify. =  
-->  
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D"100%" border=3D0>  
<TBODY>  
<TR id=3Dtopnav><A=20  
=  
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=  
e720534384b3786f38e541824ba912d2&rgn=3Ddiv8&view=3Dtext&node=3D=  
12:5.0.1.1.33.3.42.4&idno=3D12#content"><IMG=20  
alt=3D"Skip to content." =  
src=3D"http://www.gpoaccess.gov/images/spacer.gif"=20  
border=3D0></A><A=20  
=  
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=3Decfr&sid=3D=  
e720534384b3786f38e541824ba912d2&rgn=3Ddiv8&view=3Dtext&node=3D=  
12:5.0.1.1.33.3.42.4&idno=3D12#links"><IMG=20  
alt=3D"Skip to side navigation."=20  
src=3D"http://www.gpoaccess.gov/images/spacer.gif" =  
border=3D0></A></TR>  
<TR>  
<TD id=3Dtopnav background=3Dhttp://www.gpoaccess.gov/images/bg.gif=20  
bgColor=3D#333399>  
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D700 border=3D0>  
<TBODY>  
<TR>  
<TD vAlign=3Dbottom bgColor=3D#ffffff rowSpan=3D2><A=20  
href=3D"http://www.gpoaccess.gov/"><IMG height=3D69=20

```
alt=3D"GPO Access Home Page."=20
src=3D"http://www.gpoaccess.gov/images/nav_01.gif" =
width=3D132=20
border=3D0></A></TD>
<TD>
<TABLE height=3D38 cellSpacing=3D0 cellPadding=3D2 =
width=3D568 border=3D0>
<TBODY>
<TR>
<FORM name=3DquickNav>
<TD vAlign=3Dbottom align=3Dleft bgColor=3D#ffffff =
colSpan=3D2=20
height=3D3><DIV align=3Dright><LABEL class=3Dwhite=20
for=3Dlabel_for_menu>Quick Navigation:</LABEL> <SELECT =
id=3Dlabel_for_menu=20
style=3D"FONT-SIZE: 9pt; MARGIN: 0px; WIDTH: 145px; =
FONT-FAMILY: Arial, Helvetica, sans-serif"=20
size=3D1 name=3DquickNavBar> <OPTION=20
value=3Dhttp://www.gpoaccess.gov/topics/index.html=20
selected>Resources by Topic</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/business.html>Business=20
&amp; Economy</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/education.html>Education</OPTION>=
=20
<OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/environment.html>Environment</OPT=
ION>=20
<OPTION =
value=3Dhttp://www.gpoaccess.gov/topics/food.html>Food=20
&amp; Drugs</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/grants.html>Grants=20
&amp; Awards</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/health.html>Health=20
&amp; Safety</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/military.html>Military=20
&amp; Security</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/science.html>Science=20
&amp; Technology</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/programs.html>Social=20
Programs</OPTION> <OPTION=20
=
value=3Dhttp://www.gpoaccess.gov/topics/transportation.html>Transportatio=
n</OPTION></SELECT>=20
<A title=3D"Jump to selected topic."=20
=
href=3D"javascript:location=3Ddocument.quickNav.quickNavBar.options[docum=
ent.quickNav.quickNavBar.selectedIndex].value"><IMG=20
alt=3D"Jump to selected topic." hspace=3D0=20
src=3D"http://www.gpoaccess.gov/images/go.gif" =
align=3DabsBottom=20
border=3D0 VALUE=3D""></A></DIV></TD></FORM><A =
name=3Dsearch></A>
<FORM name=3Dquery=20
action=3Dhttp://www.firstgov.gov/fgsearch/index.jsp>
<TD vAlign=3Dbottom align=3Dmiddle width=3D70 =
```

```
bgColor=#ffffff>
<DIV class=search align=right><LABEL =
for=xmw0>Site=
Search:</LABEL> <BR><A=
=
href="http://www.gpoaccess.gov/advancedsearch.html"><SPAN=
class=search>advanced</SPAN></A></DIV></TD>
<TD vAlign=bottom align=left width=151 =
bgColor=#ffffff>
<DIV align=right><INPUT id=xmw0=
style="FONT-SIZE: 9pt; MARGIN: 0px; WIDTH: 110px; =
FONT-FAMILY: Arial, Helvetica, sans-serif"> <INPUT=
maxLength=50 align=absMiddle name=xmw0> <INPUT=
onkeypress=document.query.submit();=
onclick=document.query.submit(); type=Image=
alt="Submit Search"=
src="http://www.gpoaccess.gov/images/go.gif" =
align=absMiddle=
border=0> <INPUT type=hidden value=0010 =
name=adv> <INPUT=
type=hidden value=10 name=nr> <INPUT =
type=hidden value=www=
name=db> <INPUT type=hidden value=0 name=fr> =
<INPUT=
type=hidden value=all name=mt0> <INPUT =
type=hidden=
value=should name=ms0> <INPUT type=hidden =
value=detailed=
name=de> <INPUT type=hidden value=domain =
name=pl> <INPUT=
type=hidden value="gpoaccess.gov, gpo.gov" =
name=domain>=
</DIV></TD></FORM></TR></TBODY></TABLE></TD></TR>
<TR>
<TD><IMG height=44 alt="Navigation Bar"=
src="http://www.gpoaccess.gov/images/nav_03.gif" =
width=568=
useMap=#Map =
border=0></TD></TR></TBODY></TABLE></TD></TR></TBODY></TABLE><MAP=
name=Map><AREA shape=POLY alt=About. =
coords=588,3,661,3,644,24,571,23=
href="http://www.gpoaccess.gov/about/index.html"><AREA shape=POLY =
alt=Help.=
coords=509,3,583,3,565,24,493,23=
href="http://www.gpoaccess.gov/help/index.html"><AREA=
title="A-Z Resource List." shape=RECT alt="A-Z Resource List."=
coords=1,29,151,54 =
href="http://www.gpoaccess.gov/databases.html"><AREA=
title="Locate a Federal Depository Library." shape=RECT=
alt="Locate a Federal Depository Library." coords=155,30,415,54=
href="http://www.gpoaccess.gov/libraries.html"><AREA title="Buy =
Publications."=
shape=RECT alt="Buy Publications." coords=419,28,555,54=
href="http://bookstore.gpo.gov/"><AREA title=Legislative. =
shape=RECT=
alt=Legislative. coords=0,1,144,26=
href="http://www.gpoaccess.gov/legislative.html"><AREA =
title=Executive.=
shape=RECT alt=Executive. coords=149,1,279,25=
href="http://www.gpoaccess.gov/executive.html"><AREA =
title=Judicial.=
shape=RECT alt=Judicial. coords=284,1,388,26=
href="http://www.gpoaccess.gov/judicial.html"></MAP><!--End of top =
navigation. -->
```

```

<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D700 border=3D0>
  <TBODY>
    <TR>
      <TD id=3Dleftnav vAlign=3Dtop width=3D5 bgColor=3D#333399><IMG =
alt=3D" "=20
      src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/spacer.gif" =
width=3D5></TD>
      <TD id=3Dleftnav vAlign=3Dtop width=3D135 bgColor=3D#333399>
        <DIV align=3Dcenter><A name=3Dlinks></A><IMG height=3D122=20
alt=3D"National Archives and Records Administration logo."=20
src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/narablue.gif" =
width=3D120>=20
        </DIV><!-- #BeginLibraryItem "/library/leftnav.lbi" -->
        <TABLE cellSpacing=3D0 cellPadding=3D0 width=3D137 =
bgColor=3D#ffffff border=3D0>
          <TBODY>
            <TR vAlign=3Dtop align=3Dleft>
              <TD colSpan=3D2 height=3D12>
                <DIV align=3Dcenter><IMG height=3D16 alt=3D"Database =
Features."=20
                =
src=3D"http://ecfr.gpoaccess.gov/images/applicationfeatures.gif"=20
width=3D137></DIV></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD colSpan=3D2 height=3D5><IMG height=3D5 alt=3D" "=20
                =
src=3D"http://ecfr.gpoaccess.gov/images/spacer.gif"></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside width=3D13 height=3D2>
                  <DIV align=3Dcenter>=95</DIV></TD>
                <TD class=3Dside height=3D20><A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3D%2Findex.tpl">Browse</A></TD><=
/TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside height=3D2>
                  <DIV align=3Dcenter>=95</DIV></TD>
                <TD class=3Dside height=3D20><A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;page=3Dsimple">Simple=20
Search </A></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside height=3D19>
                  <DIV align=3Dcenter>=95</DIV></TD>
                <TD class=3Dside height=3D19><FONT face=3D"Arial, Helvetica, =
sans-serif"=20
color=3D#000011>Advanced Search </FONT></TD></TR>
              <TR vAlign=3Dtop align=3Dleft>
                <TD class=3Dside height=3D2>
                  <DIV align=3Dcenter></DIV></TD>
                <TD class=3Dside height=3D20>*<A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;page=3Dboolean">=20
Boolean</A></TD></TR>
              <TR align=3Dmiddle>
                <TD height=3D20>&nbsp;</TD>
                <TD class=3Dside align=3Dleft>*<A=20
                =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;page=3Dproximity">Proximity</A></TD>=
</TR>

```

```
<TR vAlign=3Dtop align=3Dleft>
  <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
  <TD class=3Dside height=3D20><A=20
    =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;page=3Dhistory">Search=20
  History</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3Dsearch.tpl">Search=20
    Tips</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3Dcorrectionspage.tpl">Correctio=
ns</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20>
      <P><A=20
        =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3Dupdate.tpl">Latest=20
      Updates</A></P></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3Dabout.tpl">User=20
      Info</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside align=3Dmiddle height=3D2>=95</TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3Dfaq.tpl">FAQs</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3D%2Fagencylist.tpl">Agency=20
      List</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD class=3Dside height=3D2>
      <DIV align=3Dcenter>=95</DIV></TD>
    <TD class=3Dside height=3D20><A=20
      =
href=3D"http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=3De720534384b37=
86f38e541824ba912d2&amp;c=3Decfr&amp;tpl=3D%2Findex.tpl">e-CFR=20
      Main Page</A></TD></TR>
  <TR vAlign=3Dtop align=3Dleft>
    <TD colspan=3D2 height=3D2><IMG height=3D16 alt=3D" "=20
      src=3D"http://ecfr.gpoaccess.gov/images/bottom.gif"=20
      width=3D137></TD></TR></TBODY></TABLE>
```

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<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D137 =
bgColor=3D#ffffff border=3D0>
  <TBODY>
    <TR vAlign=3Dtop align=3Dleft>
      <TD colspan=3D2 height=3D12>
        <DIV align=3Dcenter><IMG height=3D16 alt=3D"Related =
Resources"=20
          src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/related.gif"=20
          width=3D137></DIV></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD colspan=3D2 height=3D5><IMG height=3D5 alt=3D" "=20
          =
src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/spacer.gif"></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD class=3Dside width=3D13 height=3D2>
          <DIV align=3Dcenter>=95</DIV></TD>
        <TD class=3Dside height=3D35><A=20
          href=3D"http://www.gpoaccess.gov/cfr/index.html">Code of =
Federal=20
          Regulations</A></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD class=3Dside height=3D2>
          <DIV align=3Dcenter>=95</DIV></TD>
        <TD class=3Dside height=3D20><A=20
          href=3D"http://www.gpoaccess.gov/fr/index.html">Federal=20
Register</A></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD class=3Dside height=3D2>
          <DIV align=3Dcenter>=95</DIV></TD>
        <TD class=3Dside height=3D35><A=20
          href=3D"http://www.gpoaccess.gov/lssa/index.html">List of=20
CFR<BR>Sections Affected</A></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD class=3Dside height=3D2>
          <DIV align=3Dcenter>=95</DIV></TD>
        <TD class=3Dside width=3D132 height=3D20><A=20
          =
href=3D"http://www.regulations.gov/">Regulations.gov</A></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD class=3Dside height=3D2>
          <DIV align=3Dcenter>=95</DIV></TD>
        <TD class=3Dside width=3D132 height=3D20><A=20
          href=3D"http://www.gpoaccess.gov/ua/index.html">Unified=20
Agenda</A></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD class=3Dside height=3D2>
          <DIV align=3Dcenter>=95</DIV></TD>
        <TD class=3Dside width=3D132 height=3D20><A=20
          href=3D"http://www.gpoaccess.gov/nara/index.html">All NARA=20
Publications</A></TD></TR>
      <TR vAlign=3Dtop align=3Dleft>
        <TD colspan=3D2 height=3D2><IMG height=3D16 alt=3D" "=20
          src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/bottom.gif"=20
          width=3D137></TD></TR></TBODY></TABLE>
<TABLE cellSpacing=3D0 cellPadding=3D0 width=3D137 =
bgColor=3D#ffffff border=3D0>
  <TBODY>
    <TR vAlign=3Dtop align=3Dleft>
      <TD colspan=3D3 height=3D12>
        <DIV align=3Dleft><IMG height=3D16 alt=3D"About Government." =
          =
          src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/learn.gif"=20
          width=3D137></DIV></TD></TR>
    <TR vAlign=3Dtop align=3Dleft>

```

```
<TD colSpan=3D3 height=3D5><IMG height=3D5 alt=3D" "=20
  src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/spacer.gif"=20
width=3D1></TD></TR>
<TR vAlign=3Dtop align=3Dleft>
  <TD width=3D52 height=3D10>
    <DIV align=3Dleft><A href=3D"http://bensguide.gpo.gov/"><IMG =
height=3D52=20
  alt=3D"Ben's Guide Logo." hspace=3D2=20
  src=3D"http://ecfr.gpoaccess.gov/e/ecfr/images/ben2.gif" =
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States;=94</P>

<P>(B) State that the security is subordinated on liquidation, as =  
to=20 principal, interest, and premium, to all claims against the =  
savings=20 association that have the same priority as savings accounts or a =  
higher=20 priority;</P>

<P>(C) State that the security is not secured by the savings =  
association's=20 assets or the assets of any affiliate of the savings association, =  
as=20 defined in 12 CFR 583.2;</P>

<P>(D) State that the security is not eligible collateral for a =  
loan by=20 the savings association;</P>

<P>(E) State the prohibition on the payment of dividends or =  
interest at 12=20 U.S.C. 1828(b) and, in the case of subordinated debt securities, =  
state the=20 prohibition on the payment of principal and interest at 12 U.S.C.=20  
1831o(h);</P>

<P>(F) For subordinated debt securities, state or refer to a =  
document=20 stating the terms under which the savings association may prepay =  
the=20 obligation; and</P>

<P>(G) State or refer to a document stating that the savings =  
association=20 must obtain OTS approval before the voluntarily prepayment of =  
principal on=20 subordinated debt securities, the acceleration of payment of =  
principal on=20 subordinated debt securities, or the voluntarily redemption of =  
mandatorily=20 redeemable preferred stock (other than scheduled redemptions), if =  
the=20 savings association is undercapitalized, significantly =  
undercapitalized,=20 or critically undercapitalized as described in =A7565.4(b) of this =  
chapter,=20 fails to meet the regulatory capital requirements at 12 CFR part =  
567, or=20 would fail to meet any of these standards following the =  
payment.</P>

<P>(ii) A savings association must include such additional =  
statements as=20 OTS may prescribe for certificates, purchase agreements, =  
indentures, and=20 other related documents. OTS will prescribe the text of these =  
additional=20 statements in its Application Processing Handbook.</P>

<P>(2) <I>Maturity requirements. </I>Covered securities must have =  
an=20 original weighted average maturity or original weighted average =  
period to=20 required redemption of at least five years.</P>

<P>(3) <I>Mandatory prepayment. </I>Subordinated debt securities =  
and=20 related documents may not provide events of default or contain =  
other=20 provisions that could result in a mandatory prepayment of =  
principal, other=20 than events of default that:</P>

<P>(i) Arise from the savings association's failure to make timely payment of interest or principal;</P>

<P>(ii) Arise from its failure to comply with reasonable financial, operating, and maintenance covenants of a type that are customarily included in indentures for publicly offered debt securities; or</P>

<P>(iii) Relate to bankruptcy, insolvency, receivership, or similar events.</P>

<P>(4) <I>Indenture. </I>(i) Except as provided in paragraph (c)(4)(ii) of this section, a savings association must use an indenture for subordinated debt securities. If the aggregate amount of subordinated debt securities publicly offered (excluding sales in a non-public offering as defined in 12 CFR 563g.4) and sold in any consecutive 12-month or 36-month period exceeds \$5,000,000 or \$10,000,000 respectively (or such lesser amount that the Securities and Exchange Commission shall establish by rule or regulation under 15 U.S.C. 77ddd), the indenture must provide for the appointment of a trustee other than the savings association or an affiliate of the savings association (as defined at 12 CFR 583.2) and for collective enforcement of the security holders' rights and remedies.</P>

<P>(ii) A savings association is not required to use an indenture if the subordinated debt securities are sold only to accredited investors, as that term is defined in 15 U.S.C. 77d(6). A savings association must have an indenture that meets the requirements of paragraph (c)(4)(i) of this section in place before any debt securities for which an exemption from the indenture requirement is claimed, are transferred any non-accredited investor. If a savings association relies on this exemption from the indenture requirement, it must place a legend on the debt securities indicating that an indenture must be in place before the debt securities are transferred to any non-accredited investor.</P>

<P>(d) <I>OTS review. </I>(1) OTS will review notices and applications under 12 CFR part 516, subpart E.</P>

<P>(2) In reviewing notices and applications under this section, OTS will consider whether:</P>

<P>(i) The issuance of the covered securities is authorized under applicable laws and regulations and is consistent with the savings association's charter and bylaws.</P>

<P>(ii) The savings association is at least adequately capitalized under A7565.4(b) of this chapter and meets the regulatory capital =

requirements at=20  
part 567 of this chapter.</P>  
<P>(iii) The savings association is or will be able to service the =  
covered=20  
securities.</P>  
<P>(iv) The covered securities are consistent with the =  
requirements of=20  
this section.</P>  
<P>(v) The covered securities and related transactions =  
sufficiently=20  
transfer risk from the Deposit Insurance Fund.</P>  
<P>(vi) OTS has no objection to the issuance based on the savings=20  
association's overall policies, condition, and operations.</P>  
<P>(3) OTS approval or non-objection is conditioned upon no =  
material=20  
changes to the information disclosed in the application or notice=20  
submitted to OTS. OTS may impose such additional requirements or=20  
conditions as it may deem necessary to protect purchasers, the =  
savings=20  
association, OTS, or the Deposit Insurance Fund.</P>  
<P>(e) <I>Amendments. </I>If a savings association amends the =  
covered=20  
securities or related documents following the completion of OTS =  
review, it=20  
must obtain OTS approval or non-objection under this section =  
before it may=20  
include the amended securities in supplementary capital.</P>  
<P>(f) <I>Sale of covered securities. </I>The savings association =  
must=20  
complete the sale of covered securities within one year after OTS =  
approval=20  
or non-objection under this section. A savings association may =  
request an=20  
extension of the offering period by filing a written request with =  
OTS. The=20  
savings association must demonstrate good cause for the extension =  
and file=20  
the request at least 30 days before the expiration of the offering =  
period=20  
or any extension of the offering period.</P>  
<P>(g) <I>Reports. </I>A savings association must file the =  
following=20  
information with OTS within 30 days after the savings association=20  
completes the sale of covered securities includable as =  
supplementary=20  
capital. If the savings association filed its application or =  
notice=20  
following the completion of the sale, it must submit this =  
information with=20  
its application or notice:</P>  
<P>(1) A written report indicating the number of purchasers, the =  
total=20  
dollar amount of securities sold, the net proceeds received by the =  
savings=20  
association from the issuance, and the amount of covered =  
securities, net=20  
of all expenses, to be included as supplementary capital;</P>  
<P>(2) Three copies of an executed form of the securities and a =  
copy of=20  
any related documents governing the issuance or administration of =  
the=20  
securities; and</P>  
<P>(3) A certification by the appropriate executive officer =  
indicating=20

that the savings association complied with all applicable laws and =  
regulations in connection with the offering, issuance, and sale of =  
the=20 securities.</P>

<P>[72 FR 1927, Jan. 17, 2007, as amended at 72 FR 69438, Dec. 7, =20  
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Content-Transfer-Encoding: base64  
Content-Location: http://www.gpoaccess.gov/images/bg.gif

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charset="iso-8859-1"  
Content-Transfer-Encoding: quoted-printable  
Content-Location: http://ecfr.gpoaccess.gov/e/ecfr/styles/styles.css

```
.td {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.tr {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.h1 {
    FONT-WEIGHT: bold; FONT-SIZE: 16px; LINE-HEIGHT: 18pt; FONT-FAMILY: =
Arial, Helvetica, sans-serif; Arial:=20
}
.h2 {
    PADDING-RIGHT: 0px; PADDING-LEFT: 0px; FONT-WEIGHT: bold; FONT-SIZE: =
14px; MARGIN-BOTTOM: 0px; PADDING-BOTTOM: 0px; COLOR: #000000; =
```

```
LINE-HEIGHT: normal; PADDING-TOP: 0px; FONT-STYLE: normal; FONT-FAMILY: =
Arial, Helvetica, sans-serif
}
.h3 {
    FONT-WEIGHT: bold; FONT-SIZE: 12px; MARGIN-BOTTOM: 0px; LINE-HEIGHT: =
normal; FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.caption {
    FONT-WEIGHT: bold; FONT-SIZE: 12px; MARGIN-BOTTOM: 0px; LINE-HEIGHT: =
normal; FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.footer {
    BACKGROUND-POSITION: center 50%; FONT-SIZE: 10px; FONT-FAMILY: Arial, =
Helvetica, sans-serif; TEXT-ALIGN: center
}
.top {
    FONT-SIZE: 10px; FONT-FAMILY: Arial, Helvetica, sans-serif; TEXT-ALIGN: =
right
}
.tablespacing {
    PADDING-RIGHT: 5px; PADDING-LEFT: 5px; PADDING-BOTTOM: 5px; =
PADDING-TOP: 10px
}
.fontsmall {
    FONT-SIZE: 11px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.navigation {
    FONT-SIZE: 10px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.invisiblelink {
    FONT-SIZE: 10px; COLOR: #ffffff; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-DECORATION: none
}
A.menubar:link {
    COLOR: blue
}
A.menubar:visited {
    COLOR: purple
}
A.menubar:hover {
    COLOR: #cc3333
}
A.menubar:active {
    COLOR: purple
}
.toplogo {
    FONT-WEIGHT: bold; FONT-SIZE: 14px; MARGIN-BOTTOM: 0px; LINE-HEIGHT: =
normal; FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.search {
    FONT-SIZE: 10px; CLIP: ; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.side {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.subparagraph {
    FONT-WEIGHT: normal; FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TOP: -5px
}
.head {
    FONT-WEIGHT: bolder; FONT-SIZE: 18px; FONT-FAMILY: Arial, Helvetica, =
sans-serif
}
.recentupdateslink {
```

```

        FONT-WEIGHT: bolder; FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
    }
    .updatetitle {
        FONT-WEIGHT: bold; FONT-SIZE: 14px; COLOR: #ff0000; TEXT-INDENT: 5pt; =
FONT-FAMILY: Arial, Helvetica, sans-serif; TEXT-ALIGN: left
    }
    .updatebodytest {
        BACKGROUND-POSITION: left 50%; FONT-WEIGHT: normal; FONT-SIZE: 12px; =
FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif; =
TEXT-ALIGN: left; FONT-VARIANT: normal
    }
    .updatebold {
        BACKGROUND-POSITION: left 50%; FONT-WEIGHT: bold; FONT-SIZE: 12px; =
FONT-STYLE: normal; FONT-FAMILY: Arial, Helvetica, sans-serif; =
TEXT-ALIGN: left
    }
    .body {
        COLOR: #000000; FONT-FAMILY: Arial, sans-serif; BACKGROUND-COLOR: =
#ffffff
    }
    .a {
        TEXT-DECORATION: underline
    }
    .a:link {
        COLOR: blue; BACKGROUND-COLOR: #ffffff
    }
    .a:visited {
        COLOR: red; BACKGROUND-COLOR: #ffffff
    }
    .a:active {
        COLOR: #ff0000; BACKGROUND-COLOR: #ffffff
    }
    .p {
        FONT-WEIGHT: normal; WIDTH: 474px; BACKGROUND-REPEAT: no-repeat; =
FONT-FAMILY: Arial, sans-serif; TEXT-ALIGN: center
    }
    .title {
        FONT-WEIGHT: bold; FONT-SIZE: 20px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
    }
    .subtitle {
        FONT-WEIGHT: bold; FONT-SIZE: 14px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
    }
    .mainheader {
        FONT-WEIGHT: bold; FONT-SIZE: 130%
    }
    .chapter {
        FONT-WEIGHT: bold; FONT-SIZE: 16px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
    }
    .subchapter {
        FONT-WEIGHT: bold; FONT-SIZE: 14px; FONT-FAMILY: Arial, Helvetica, =
sans-serif; TEXT-ALIGN: left
    }
    .part {
        FONT-WEIGHT: bold; FONT-SIZE: 100%
    }
    .subpart {
        FONT-SIZE: 90%; COLOR: blue; BACKGROUND-COLOR: #ffffff
    }
    .nopart {
        COLOR: green; BACKGROUND-COLOR: #ffffff
    }

```

```
}
.reserved {
    COLOR: red; BACKGROUND-COLOR: #ffffff
}
.menu {
    FONT-SIZE: 12px; FONT-FAMILY: Arial, Helvetica, sans-serif
}
.hilite {
    FONT-WEIGHT: bold; COLOR: #cc0000
}

-----=_NextPart_000_0075_01C92EC6.EDD150D0
Content-Type: text/css;
    charset="iso-8859-1"
Content-Transfer-Encoding: 7bit
Content-Location: http://ecfr.gpoaccess.gov/e/ecfr/styles/print.css

#topnav {
    DISPLAY: none
}
#leftnav {
    DISPLAY: none
}
.tablespaceing {
    PADDING-LEFT: 0px
}

-----=_NextPart_000_0075_01C92EC6.EDD150D0--
```