

NATIONAL CREDIT UNION ADMINISTRATION -

WASHINGTON, D.C. 20456

April 10, 1992

Josephane Parchase &

Mr. Jack F. Byno
Vice President - Operations
American Airlines Employees Federal Credit Union
MD 2100
P.O. Box 619001
DFW Airport, TX 75261-9001

Re: Insurance through a Third Party Vendor (Thorton Cooke's March 30 Letter)

Dear Mr. Byno:

Thornton Cooke, President of First American Insurance Company, asked me to write you confirming that a federal credit union (FCU) may make insurance products available to its members through a third party vendor.

Pursuant to Part 721 of the NCUA Rules and Regulations (12 C.F.R. 721), an FCU may make insurance plans involving an outside vendor available to its members and may perform administrative functions on behalf of the vender. An FCU may be reimbursed for its administrative functions, without limit under NCUA regulations, if the insurance is directly related to an extension of credit by the FGU. FCUs must comply with any state limitation on such reimbursements: Enclosed is a copy of Part 721 as well as the document published in the Federal Register explaining the reimbursement procedures.

Sincerely,

Hattie M. Ulan

Associate General Counsel

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Enclosures

cc: Thornton Cooke

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§721.1 Authority.

A Federal credit union may make insurance and group purchasing plans involving outside vendors available to the membership (including endorsement), and may perform administrative functions on behalf of the vendors.

§721.2 Reimbursement.

- (a) For purposes of paragraph (b) of this section, the following definitions shall apply:
- (1) "Dollar amount" shall mean \$4 per single payment policy, \$6 per combination policy, or \$4 per annum for any other type of policy; and
- (2) "Cost amount" shall mean the total of the direct and indirect costs to the Federal credit union of any administrative functions performed on behalf of the vendor. The Federal credit union must be able to justify this amount using standard accounting procedures.
- (b) A Federal credit union may be reimbursed or compensated by a vendor for activities performed under §721.1 as follows:
- (1) Except as otherwise provided by applicable state insurance law, reimbursement or compensation is not limited with respect to insurance sales by the credit union or its employees which are directly related to an extension of credit by the credit union or directly related to the opening or maintenance of a share, share draft or share certificate account at the credit union;
- (2) For insurance sales other than those described in paragraph (b)(1), a Federal credit union may receive an amount not exceeding the greater of the dollar amount or the cost amount;
- (3) For group purchasing plans other than insurance, a Federal credit union may receive an amount not exceeding the cost amount.

Part 721

Federal Credit Union Insurance and Group Purchasing Activities

- (c) No director, committee member, or senior management employee of a Federal credit union or any immediate family member of any such individual may receive any compensation or benefit, directly or indirectly, in conjunction with any activity under this Part. For purposes of this Section, "immediate family member" means a spouse or other family member living in the same household; and "senior management employee" means the credit union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g., Assistant President, Vice President or Assistant Treasurer/Manager) and the chief financial officer (Comptroller).
- (d) The prohibition contained in subsection (c) also applies to any employee not otherwise covered if the employee is directly involved in insurance or group purchasing activities unless the board of directors determines that the employee's involvement does not present a conflict of interest.
- (e) All transactions with business associates or family members not specifically prohibited by subsection (c) must be conducted at arm's length and in the interest of the credit union.

January, 1990 721-1

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subsidiary, or affiliated continue of the further, that the present; subsidiary, or affiliated entity is substantially engaged in similar activities.

(c) Authorized contracts. An insured institution may engage in financial options transections using any financial options contracts either (1) designated by the Commedity Putures Trading Commission or approved by the Securities and Euchange Commission; or (2) entered into with a principly dealer in government securities, and based upon a financial instrument that the fastitution has anthority to invest in or to issue, or based upon a financial futures contract.

(e) Notification and reporting (f) An insured institution shall notify the District Director—Examinations of the Federal Home Loan Bank district in which it is located immediately following authorization of its board of directors to engage in financial options transactions. The institution shall report its outstanding positions together with the total unrealized gain or loss from such positions to the Board.

(2) An insured institution shall not engage in an over-the counter financial options transaction with any primary dealer unless such arimary dealer notifies the District Director—Examinations of the Federal Home Loan Bank district in which the insured institution is located immediately following the entering into such transaction, and reports monthly on the outstanding positions of such insured institution.

(g) Accounting.

(2) Option commitment fee. (i) The option commitment fee paid for a long position or received from the sale of a short put option shall be amortized to income or expense over the term of the option, except as provided in paragraph (g)(3)(ii) of this section.

(ii) The option commitment feereceived from the sale of a matched short call option shall be deferred and treated as a discount on the matched asset. The option commitment feereceived from the sale of an unmatched short call option shall be amortized to income over the term of the option.

(3) Options contracts. (i) Gains or losses on options contracts that are matched with assets or liabilities carried at the lower of cost or market value or carried at market value shall be

considered in determining the market value of the asset or fishallty.

(II) Options positions that are matched with assets or liabilities carried at cost or to be carried at cost shall be accounted for as follows:

(a) If a commitment fee will be or his been received with respect to the matched asset; (iie option commitment fee shall be treated as an adjustment of such fee. The adjusted commitment fee shall then be treated as a fee paid or received in connection with the matched asset;

(b) If a commitment fee has not been received with respect to a matched asset, the option commitment fee (except if received for the sale of a short call option) shall be amortized to income or expense ever the commitment period by the straightline method;

(c) Any resulting gain or loss from an option position shall be treated as a discount or premium on the matched asset or liability;

(d) In the event that the cash-market or forward-commitment position with which an option is matched is sold or will not occur, the option shall be marked to market.

(iii) The immediate exercise value of short puts and other unmatched option. positions shall be carried at their current market value.

(Sec. 460, 84 Stat. 208, secs. 402, 495, 487, 48-Stat. 1256, 1257, 1460, as amended (12 U.S.C. 1725, 1726, 1730) sec. 5A. 47 Stat. 727, as amended by sec. 1, 54 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4961, 3 CFR, 1943–46 Comp., p. 1071)

By the Federal Home Loan Bank Board. Jeff Sconyers.

Secretary. [FR Doc. 85-18832 Filed 4-25-85; 8:45 am] sugme-cone eres-er-er

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR PART 721

Federal Credit Union Insurance and.
Group Purchasing Activities

AGENCY: National Credit Union.
Administration (NCUA).
ACTION: Final rule.

SUMMARY: NCUA amends its regulations in order to effew Federal credit unions to receive income in connection with the sale to their members of credit-related insurance and share account-related insurance. Previous rules limited Federal credit unions to receiving reimbursement from the insurances company for the credit union's

administrative costs. The rule is issued with a delayed effective date (August 1, 1965) so that Federal credit amons will have sufficient time to study the effects of and prepare to comply with relevant state insurance laws.

EFFECTIVE DATE: August 1, 1985. ADDRESS: National Credit Union Administration, 1770 G Street, NW., Washington, D.C. 29468.

POR PERTMER REPORMATION CONTACT:
Robert M. Fenner, Director, or Hettle M.
Ulan, Attacney, Department of Legal
Services at the above address or
telephone: (202) 367-1036.

SUPPLEMENTARY IMPORMATION:

Background

Part 721 of NCUA's Rules and
Regulations authorizes Federal credit
union (FCU) participation in insurance
and other group purchasing activities,
through which insurance and other
goods and services are made available
from third party vendors to credit union
members. Part 721 his two sections.
Section 721.1 authorisis FCU's to
perform administrative functions for the
vendor. Section 721.2 senseally limits,
FCU's to receiving reinforcement for
the cost of their involvement in the
insurance or group purchasing activity.

in July of 1984, the NCUA Board requested public comment on a proposed change to \$ 721.2 that would allow PCU's to receive bicome in excess of cost fit connection with the sale of credit-related insurance to members. (See 48 FR 30738, 8/1/64.) The proposal was based in part on NCUA's determination that an FCU may, as a matter of law, be permitted to generate income in connection with an insurance or group purchasing activity that is "incidental" to the exercise of an expressly authorized power (e.g., the power to make loans to members!. The Board also requested comment on whether any other insurance or group purchasing activity (in addition to credit-related insurance) may be considered incidental to the exercise of an express power, and if he, whether 721.2 should be amended to allow FCU's to generate income from those activities as well.

NCUA received a total of seventy comment letters in response to the proposal. Two credit union trade associations, one insurance underwriter, two insurance trade associations, four state credit union leagues, one state credit union service system, one attorney, eight insurance agencies and forty-five credit unions responded to the proposal. Forty-right commenters favored removing the reimbursement

restrictions on credit-related insurance and twenty-one commenters were opposed. The majority of the credit unions favored removing the restrictions, while the insurance representatives were generally opposed.

After review of the comments and further consideration of the issues, the Board has determined to remove the reimbursement limits for insurance directly related to extensions of credit and for insurance directly related to the opening and maintenance of share, share certificate and share draft accounts. The following analysis addresses the major issues raised in the proposal and in the comment letters.

Analysis

Authority

Federal credit unions, like all financial institutions, are institutions of statutorily limited powers. The powers of FCU's are enumerated in section 107 of the Federal Credit Union Act (12 U.S.C. 1757). Included are several specific powers, such as the power to make loans to members, to make certain investments, and to accept share, share draft and share certificate accounts. The various specific powers are followed by the authority "to exercise such incidental powers as shall be necessary or requisite to enable [the FCU] to carry on effectively the business for which it is incorporated." (12 U.S.C. 1757(15).) Prevailing case law construes this "incidental powers" clause to authorize activities that are "convenient or useful in connection with performance of one of (the credit union's) established activities pursuant to its express powers." American Bankers Association v. Connell, 447 F. Supp. 296, 298 (D.D.C.,

The NCUA Board has consistently construed the powers of Federal credit unions broadly, in order to afford maximum flexibility to FCU's in providing services to their members. It is clear, however, that a Federal credit union may engage in an insurance or group purchasing activity for the purpose of generating income only if that activity is expressly authorized or is properly incidental to the exercise of an express power. Involvement in "nonincidental" insurance and group purchasing is permitted on a cost reimbursement basis on the theory that the FCU is not engaging in the particular activity or business, but rather is simply providing informational or good-will services to members and receiving reimbursement for the cost of the FCU's involvement.

Scope of Rule Change

Consistent with the above analysis, and after review of the comments, the Board has determined to eliminate the reimbursement restrictions for any sale of insurance which is "directly related to an extension of credit by the credit union or directly related to the opening or maintenance of a share, share draft or share certificate account at the credit union." (See § 721.2(b)(2) of the final rule.)

Included among the types of insurance that may be incidental to an extension of credit by an FCU are: credit life insurance, credit disability insurance, loss of income insurance, property and casualty insurance on motor vehicles. boats and residential dwellings, title insurance, mortgage guarantee insurance, and mechanical breakdown insurance on motor vehicles. Lifesavings insurance is the primary existing example of share-related insurance of which the Board is aware. Most FEU's that offer life savings insurance do so pursuant to a group plan under which the FCU itself pays the premium for all members. Some FCU's have chosen. however, to offer life insurance on a member-pay basis in connection with share, share certificate and share draft accounts. In addition, other credit unions are offering life and disability insurance in connection with IRA accounts.

Federal credit union involvement in other insurance and in group purchasing of other goods and services will continue to be limited to a cost reimbursement basis.

Reverse Competition

In its proposal, the Board asked whether reimbursement restrictions should be retained in order to prevent "reverse competition" in the sale of credit insurance. That is, it has previously been suggested that in the absence of reimbursement restrictions, credit unions would seek out insurance paying the highest commission, without due regard for the cost of the insurance to the members. Commenters argued fervently on both sides of the issue. Those who argued that reverse competition exists insisted that lifting the reimbursement cap for credit insurance would increase costs to credit union members while decreasing their benefits. Those in favor of lifting the reimbursement caps argued that reverse competition will not occur in credit unions. Rather, the credit union will have an opportunity to receive income that is presently paid to other parties, and the benefits of increased compensation on credit insurance will

accure to the credit union members as increased dividends on savings, lower interest rates on loans and/or increased services to members.

The majority of the commenters who argued that reverse competition will develop were not FCU's. In fact, only two FCU commenters expressed the view that reverse competition will become a problem if the reimbursement restrictions on credit insurance are lifted.

While the NCUA Board appreciates the concerns expressed with respect to the potential for reverse competition in the credit insurance market, the Board believes that the ability to prevent such developments can and should properly be placed in the hands of Federal credit unions and Federal credit union management. Credit unions are cooperative member-owned institutions. The entire board of directors is elected by the membership, and thus is continuously accountable to the interests of the member. Moreover, the directors serve as volunteers. Directors and employees are and will continue to be prohibited from personally receiving commissions or other forms of compensation in connection with credit insurance sales (see \$ 721.2(c) of the regulation). Thus, there is little incentive for a credit union to simply seek out the insurance product paying the highest commissions. To the extent that Federal credit unions do choose to receive commissions or other income, that income should redound to the benefit of the entire membership as discussed

Also concerning the issue of whether FCU's should be allowed to receive income, the Board notes that many credit unions now receive commission income indirectly by establishing credit union service organizations that receive the commission income and pay it through to the credit union as a return on the credit union's investment in the service organization. Allowing FCU's the choice of receiving the income directly will recognize what is currently taking place in the marketplace and eliminate the need for the artificial device of establishing a service organization. Finally, with respect to reverse competition. the Board notes that if the evidence at a future date demonstrates that Federal credit urion members are paying dramatically higher insurance premiums as a result of the removal of compensation limits, NCUA can and will reconsider this issue.

State Insurance Law

As noted in the Board's proposal. Federal credit unions' obligation to

comply with state insurance laws is not affected by a change to NCJIA's and regulation. It is not NCJIA's intent to interfere with the authority and shifty of state insurance commissionity is regulate insurance activities. This will not be subject to said the property of the subject to said the regulation, they are subject to any state regulations on all insurance activities.

For example, most states impose licensing requirements upon autities :: receiving insurance compensation in excess of cost. A few of the commenters opposed to lifting the reimbursement restrictions stated that the potential. licensing requirements will impose too. much of a regulatory burden upon PCU's. The Board does not believe this to be the case for two reasons. First, a credit union may choose not to increase the compensation it receives for enditrelated and share-related insurance. Federal credit unions that choose to ... limit their reimbursements to actual. costs, or to a cost epproximation that is acceptable to the state insurance commission, may not be subject tolicensing requirements under state laws. Second, if an FCU receives compensation in excess of costs, the delayed effective date of the new gulation (August 1, 1985) will allow CU's adequate time to educate themselves as to any licensing or other requirements that apply.

One commenter raised the issue of essignment of insurance commissions Apparently, in some states a financial institution may not be licensed as an insurance agent. A natural person must be licensed as the agent in order to receive insurance commissions above costs. NCUA will have no objection to an employee or official of the FCU becoming licensed as an insurance agent on the condition that all insurance income received as agent is assigned to the FCU. This can be accomplished through a contractual arrangement between the employee/agent and the FCU.

The FCU must be in compliance with state insurance laws. This instructes state laws on licensing, receipt of compensation and insurance related unfair or deceptive practices. Various methods of receiving insusance. compensation may be preper madec. different state laws. The following is a nonexclusive list of methods which may be available to FCU's:

an FCU may serve as an insurance agent and receive compensation as

-an FCU employee or official may be licensed as an insurance agent and

receive compensation en long as the employee or official assigns all compensation to the FCIL.

—as FCU may acquire a group credit insurance policy and provide coverage to its members for loans made to them under such a policy. The FCU may receive experience refunds, dividends or retrospective rate credits from the insurance company as provided in the group policy.

an FCU may choose not to receive increased compensation available under the new regulation and continue to receive reimbursements for costs.
 an FCU may provide credit- and/or savings-related insurance at no additional charge to its members.

The Board believes that each PCU board of directors should determine which method is appropriate for its PCU and the FCU's members.

Compensation to Employees, Officials and Family Members

Very few comments addressed flie issue of compensation to officials, employees and their family members. As noted in the proposal, the prohibition on such commissions is a carryover from the present regulation. Several commenters did note that the term 'immediate family" should be defined for purposes of this regulation. NCUA has previously defined this term to mean 'a spouse, or a child, parent, grandchild; grandparent, brother or sister, or the spouse of any such individual" in both its lending and investment regulations. (See 12 CFR 701.21(c)(8) & 703.2(i) and 703.4(e).) The Board believes that thissame definition should apply to Part 721 and has added the definition in the final rule. Although insurance compensation to employees and officials is restricted. an employee or official who is the licensed insurance agent for the FCU may, as previously indicated, receive compensation on the condition that it isassigned in its entirety to the PCU.

Effective Date.

This final rule will become effective August 1, 1986. The effective date is delayed to provide FCU's adequate time to educate themselves on state laws they may have to comply with under the new regulation.

Regulatory Flexibility Act.

The NCUA Board hereby certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions because the rule will increase their management flexibility and reduce their paperwork burdens. A Regulatory Flexibility Analysis is, therefore, not required:

Financial Regulation Simplification Act

Since this final rule reduces burdens and delay would cause unnecessary harm, the NCUA Board finds that full and separate consideration of all the requirements of the Financial Regulation Simplification Act is impracticable. The NCUA Board has, however, considered most of these policies, as set forth in the preamble above.

List of Subjects in 12 CFR Part 721

Credit unions, insurance, Group purchasing.

Deted: April 17, 1985.
Recemery Brady,
Secretary of the Board.

Authority: 12 U.S.C. 1757(15); 12 U.S.C. 1766(a).

PART 721-(AMENDED)

Accordingly, the NCUA rules and regulations (12 CFR Part 721) are amended as follows:

Section 721.2 is revised to read as follows:

\$721.2 Reimburgement.

(a) For purposes of paragraph (b) of this section, the following definitions shall apply:

(1) "Dollar amount" shall mean \$4 per single payment policy, \$6 per combination policy, or \$4 per ansum for any other type of policy; and:

(2) "Cost amount" shall mean the total of the direct and indirect costs to the Federal credit union of any administrative functions performed on behalf of the wendor. The Federal coulit union must be able to justify this amount using standard accounting procedures.

(b) A Federal credit union may be reimbursed or compensated by a vendor for activities performed under § 721.1 as follows:

(1) Except as otherwise provided by applicable state insurance law, reimbursement or compensation is not limited with respect to insurance sales by the credit union or its amployees which are directly related to an extension of credit by the credit union or directly related to the opening or maintenance of a share, share draft or share certificate account at the credit union:

(2) For insurance sales other than those described in paragraph (b)(1), a Federal credit union may receive an amount not exceeding the greater of the doller amount or the cost amount:

(3) For group purchasing plans other than insurance, a Pederal credit union may receive an amount not exceeding the cost amount. (c) No official or employee of a Federal credit union or any immediate family member of an official or employee may receive any compensation or benefit, directly or indirectly, in conjunction with any activity under this regulation. For purposes of this section, "Immediate family member" means a spouse, or a child, parent, grandchild, grandparent, brother or sister, or spouse of any such individual.

[FR Doc. 85-10110 Piled 4-25-85; 8:45 am] BILLING CODE 7536-61-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-13; Amdt. 39-5029]

Airworthinese Directives; Telectyrie Continental Motors IO-470 and 0-470 Series Engines

Correction

In FR Doc. 85-9241, beginning on page 15098 in the issue of Wednesday, April 17, 1985, make the following correction:

On page 15099, first column, in § 39.13, nineteenth line from the bottom of the page, "2138199" should have read "238199".

BILLING CODE 1505-01-M

14 CFR Part 39

[Docket No. 85-NM-31-AD; Amdt. 39-5044]

Airworthiness Directives; Boeing Model 707 and 720 Séries Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT. ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection of the wing front spar upper chord of Boeing Model 707 and 720 airplanes. This action is promoted by a recent report of a 48-inch crack. The chords are subject to cracks, which if undetected will propagate to the point where fail-safe load cannot be supported.

DATES: Effective May 8, 1985.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3797, Seattle, Washington 96124. The service bulletin may also be

examined at FAA. Northwest Mountain Region, 17900 Pacific Highway South. Seattle, Washington, or 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM-120S; (206) 431-2926. Mailing address: FAA. Northwest Mountain Region. Seattle Aircraft Certification Office, 17900 Pacific Highway South, C-68966. Seattle, Washington 98166

one operator reported a 46-inch crack, which was located along the dry bay area between the inboard and dutboard nacelles. When the crack extended into the fuel tank areas, fuel leakage resulted which led to discovery of the crack. Cracks of such length may lower the fail-safe load capability below required minimums and left undetected could result in a buckling of the upper front spar and failure to the wing.

Boeing Service Bulletin Nb. 3240, revised November 13, 1981 addresses cracking problems in the wing spar chords. Cracks in the front upper chord are attributed to a combination of corrosion and fatigue which results from slat actuator loads. The service bulletin recommended inspections at 1000 flight intervals, and provided repair information.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires inspection and repair, if necessary, in accordance with the Boeing service bulletin.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034: February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evalution or analysis is not required). A copy of it, when filed, may be obtained by contacting the

person identified under the caption "FOR

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Boeing: Applies to Model 707 and 720 series airplanes certificated in all categories with 15.000 or more landings.

To insure continued structural integrity of the wing front spar upper shord, accomplish the following within 100 landings or 60 days, whichever occurs first, unless previously accomplished within the last 900 landings or 10 months:

A. Perform a close visual inspection of the wing front spar upper chord for cracks in accordance with Boeing Service Bulletin 3240. Revision 1. or later FAA approved revision. Repeat the inspection at intervals not to exceed 1.000 landings or one year, whichever occurs first.

B. If cracks or corrosion areas are found, repair prior to furtiler flight in accordance with the above service bulletin or in a manner approved by the Manager, Seattle Aircraft Certification Office.

C. The temporary crack repairs described in the above service bulletin. Part III. Figure 2. may be performed: however, the crack must be reinspected at intervals not exceeding 300 landings and a permanent repair must be accomplished within 1,000 landings or one year, whichever occurs first after the temporary repair.

D. After each of the above inspections and repairs have been performed, apply BMS-3-23 or equivalent corrosion inhibitor to the affected areas.

E. Areas of wing front spar upper chord replaced or repaired in accordance with the repair kits specified in Boeing Service Bulletin \$240, are exempt from the inspections of paragraph A., above.

F. Arraitemate means of compliance which provides an acceptable level of safety may be used when approved by the Manager. Seattle Aircraft Certification Office. FAA. Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Bex 3707, Seattle, Washington 98124. These documents may also be examined at FAA. Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 8, 1985.