

(iii) For good cause and with leave of the administrative law judge, by any other method.

(2) *Cost.* The party taking the deposition must bear the cost of the recording and transcribing the witness's testimony.

(3) *Transcript.* Unless the parties agree that a transcription is not necessary, the court reporter must provide a transcript of the witness's testimony to the party taking the deposition and must make copies of the transcript available to all parties upon payment of cost to the appropriate court reporting service.

\* \* \* \*

10. In § 19.171, paragraph (b) is revised to read as follows:

**§ 19.171 Deposition subpoenas.**

\* \* \* \*

(b) *Service.* The party requesting the subpoena must serve it on the person named therein, or on that person's counsel, by personal service, by delivery to an agent, by delivery to a person of suitable age and discretion at the subpoenaed person's residence or place of work, by registered or certified mail addressed to the person's last known address, or in such other manner as is reasonably calculated to give actual notice. The party serving the subpoena must file proof of service with the administrative law judge.

\* \* \* \*

**Subpart J—[Amended]**

11. Section 19.184 is revised to read as follows:

**§ 19.184 Service of subpoena and payment of witness fees.**

Service of a subpoena may be made by personal service, by delivery to an agent, by delivery to a person of suitable age and discretion at the subpoenaed person's residence or place of work, by registered or certified mail addressed to the person's last known address, or in such other manner as is reasonably calculated to give actual notice. A witness who is subpoenaed will be paid the same expenses in the same manner as witnesses in the district courts of the United States. The expenses need not be tendered at the time a subpoena is served.

Dated: April 13, 1995.

**Eugene A. Ludwig,**

*Comptroller of the Currency.*

**FEDERAL RESERVE SYSTEM**

**12 CFR Part 263**

**List of Subjects in 12 CFR Part 263**

Administrative practice and procedure, Claims, Crime, Equal access to justice, Federal Reserve System, Lawyers, Penalties.

**Authority and Issuance**

For the reasons set out in the preamble, part 263 of chapter II of title 12 of the Code of Federal Regulations, is proposed to be amended as set forth below:

**PART 263—RULES OF PRACTICE FOR HEARINGS**

1. The authority citation for part 263 is revised to read as follows:

**Authority:** 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 504, 505, 1817(j), 1818, 1828(c), 1847(b), 1847(d), 1884(b), 1972(2)(F), 3105, 3107, 3108, 3907, 3909, and 4717; 15 U.S.C. 21, 78o–4, 78o–5, and 78u–2; 31 U.S.C. 5321; 42 U.S.C. 4012a.

**Subpart A—[Amended]**

2. Subpart A of part 263 is amended as set forth at the end of the common preamble.

By order of the Board of Governors of the Federal Reserve System, May 9, 1995.

**William W. Wiles,**

*Secretary of the Board.*

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**12 CFR Part 308**

**List of Subjects in 12 CFR Part 308**

Administrative practice and procedure, Banks, banking, Claims, Equal access to justice, Ex parte communications, Hearing procedure, Penalties, State nonmember banks.

**Authority and Issuance**

For the reasons set out in the preamble, part 308 of chapter III of title 12 of the Code of Federal Regulations is proposed to be amended as set forth below:

**PART 308—RULES OF PRACTICE AND PROCEDURE**

1. The authority citation for part 308 is revised to read as follows:

**Authority:** 5 U.S.C. 554–557; 12 U.S.C. 1815(e) 1817 (a) and (j), 1818, 1820, 1828(j), 1829, 18311, 1972(2)(F), 3108, 3909, 3349, 4717; 15 U.S.C. 78l(h), 78m, 78n(a), 78n(c),

78n(d), 78n(f), 78o–4(c)(5), 78p, 78q, 78q–1, 78s, 78u–2; 31 U.S.C. 5321; 42 U.S.C. 4012a.

**Subpart A—[Amended]**

2. Subpart A of part 308 is amended as set forth at the end of the common preamble.

Dated: May 30, 1995.

**Robert E. Feldman,**

*Acting Executive Secretary, Federal Deposit Insurance Corporation.*

**OFFICE OF THRIFT SUPERVISION**

**12 CFR Part 509**

**List of Subjects in 12 CFR Part 509**

Administrative Practice and Procedure, Penalties.

**Authority and Issuance**

For the reasons set out in the preamble, part 509 of subchapter A of chapter V of title 12 of the Code of Federal Regulations is proposed to be amended as set forth below:

**PART 509—RULES OF PRACTICE AND PROCEDURE IN ADJUDICATORY PROCEEDINGS**

1. The authority citation for part 509 is revised to read as follows:

**Authority:** 5 U.S.C. 554–557; 12 U.S.C. 1464, 1467, 1467a, 1468, 1817(j), 1818, 3349, 4717; 15 U.S.C. 78l, 78o–5, 78u–2; 31 U.S.C. 5321; 42 U.S.C. 4012a.

**Subpart A—[Amended]**

2. Subpart A of part 509 is amended as set forth at the end of the common preamble.

**Subpart B—[Amended]**

3. In § 509.102, paragraph (g)(2) is revised to read as follows:

**§ 509.102 Discovery.**

\* \* \* \*

(g) \* \* \*

(2) *Service.* The party requesting the subpoena shall serve it on the person named therein in accordance with § 509.11(d). The party serving the subpoena shall file proof of service with the administrative law judge.

\* \* \* \*

**§ 509.104 [Amended]**

4. In § 509.104, paragraph (h) is removed and paragraph (i) is redesignated as paragraph (h).