

5. In answering Question 5, for purposes of this form, a transfer agent is an "affiliate" of, or "affiliated" with, a person, if the transfer agent directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that person.

6. In answering Questions 6 and 7, a "named transfer agent" is a transfer agent engaged by the issuer to perform transfer agent functions for an issue of securities. There may be more than one named transfer agent for a given security issue (e.g., principal transfer agent, co-transfer agents or outside registrars).

A "service company" is an entity that is engaged by a named transfer agent to perform transfer agent functions for that named transfer agent and is sometimes referred to as a service bureau, private label service, transfer processing service, service agent, outside service center or security holder recordkeeping service.

**B. Amending Registration.** When amending Form TA-1, the registrant must identify itself and the filing by answering Questions 1 through 3. Otherwise, only answer Questions that require amendment. When adding new information, enter that information into the appropriate spaces. When deleting information from a prior filing, repeat the information exactly as it appeared in the prior filing and check the corresponding box marked "Delete."

**C. Execution of Form TA-1 and Amendments Thereto.** A duly authorized official or principal of the registrant must execute Form TA-1 and any amendments thereto at Question 8 on behalf of that registrant. For a corporate registrant, the term "official" includes chairman or vice-chairman of the board of directors, chairman of the executive committee or any officer of the corporation who is authorized by the corporation to sign Form TA-1 on its behalf. For a non-corporate registrant, duly authorized principal means a principal of the registrant who is authorized to sign Form TA-1 on its behalf.

The name of the individual signing Form TA-1 shall be stated in full (i.e., first name, middle name and last name). Initials are not acceptable, unless they are part of the individual's legal name.

By executing Form TA-1, the registrant agrees and consents that notice of any proceeding under the Act by the FBRs or the SEC involving the registrant may be given by sending such notice by registered or certified mail or confirmed telegram to the registrant, "Attention Officer in Charge of Transfer Agent Activities," at its principal office

for transfer agent activities as given in response to Question 3.c. of Form TA-1.

### III. Notice.

Under Sections 17, 17A(c), and 23 (a) of the Act and the rules and regulations thereunder, the ARAs are authorized to solicit from applicants for registration as a transfer agent and from registered transfer agents the information required to be supplied by Form TA-1. Disclosure to the ARA of the information requested in Form TA-1 is a prerequisite to the processing purpose of determining whether the ARA should allow an application for registration to become effective or should deny, accelerate or postpone registration to an applicant. Information supplied on this Form will be included routinely in the public files of the ARA and will be available for inspection by any interested person.

[FR Doc. 82-8996 Filed 4-5-82; 8:45 am]

BILLING CODE 6210-01-M

## DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

### 12 CFR Part 1204

[Docket No. D-0023]

#### 91-Day Time Deposits of Less Than \$100,000

**AGENCY:** Depository Institutions Deregulation Committee.

**ACTION:** Final rule.

**SUMMARY:** The Depository Institutions Deregulation Committee ("Committee") has established a new category of time deposit that will enable depository institutions to compete more effectively with short-term market instruments. The new deposit category has the following principal characteristics: (1) A minimum denomination of \$7,500; (2) a maturity of exactly 91 days; (3) a fixed ceiling rate of interest based on the most recent rate established and announced for U.S. Treasury bills with maturities of 91 days (auction average on a discount basis); and (4) compounding of interest is not permitted. The Committee also established a temporary 25 basis point differential in favor of thrift institutions for one year and a separate minimum early withdrawal penalty for this deposit category. The temporary differential will also not apply when the Treasury bill rate is 9 per cent or less for four consecutive auctions.

**EFFECTIVE DATE:** May 1, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), Mark Leemon, Attorney, Office of the

Comptroller of the Currency (202/447-1880), F. Douglas Birdzell, Counsel, or Joseph A. DiNuzzo, Attorney, Federal Deposit Insurance Corporation (202/389-4147), Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202/452-3711), or Elaine Boutilier, Attorney-Advisor, Department of the Treasury (202/566-8737).

**SUPPLEMENTARY INFORMATION:** The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221; 12 U.S.C. 3501 *et seq.*) ("Act") was enacted to provide for the orderly phaseout and ultimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions as rapidly as economic conditions warrant and with due regard for the safety and soundness of depository institutions. Under the Act, the Committee is authorized to phase out interest rate ceilings by any one of a number of methods, including the creation of new account categories either not subject to interest rate limitations or with interest rate ceilings set at market rates of interest.

At its June 25, 1981 meeting, the Committee considered the issue of short-term time deposit instruments and decided to request public comment on the desirability of authorizing a new deposit instrument having characteristics similar to money market mutual funds (MMFs). 46 FR 36712 (July 15, 1981). The Committee did not put forth a specific proposal at that time. Over 400 comments were received by the Committee on this issue. (An analysis of the comments is contained in the DIDC staff paper "Proposals to Change the Method of Calculating the Ceiling Rate of MMCs and Consideration of Creation of a New Short-Term Deposit Instrument", September 16, 1981, which is available upon request from the Executive Secretary of the Committee.) Approximately half of the respondents favored creation of a new short-term instrument and about half were opposed. Those opposing the authorization of a new short-term instrument, generally thrift institutions, argued that the higher costs associated with a new deposit instrument and the potential shifts from savings accounts would add to their current earnings problems.

At its September 22, 1981 meeting, the Committee decided to solicit additional public comment (46 FR 50804, October 15, 1981) on several specific deposit proposals as well as the general features of short-term instruments. The three

specific proposals were: (1) A ceilingless \$5,000 minimum denomination account with a transactions feature; (2) a time deposit with an initial maturity of 91 days, and a 14-day notice period thereafter, with a ceiling rate tied to the 13-week Treasury bill rate; and (3) a ceilingless \$25,000 minimum denomination 1-day notice account. Comment was requested on several specific account characteristics as well.

The Committee received 844 responses on the three proposals published for comment and considered these comments at its March 22, 1982, meeting. The comments are summarized in the memorandum to the Committee dated December 10, 1981, entitled "Short-Term Investment Proposals." About 58 per cent of all respondents commenting favored a more competitive short-term instrument. The proposal was favored by a majority of commercial banks and was opposed by a majority of the thrift institutions commenting. Many of the respondents, including thrift institutions opposed to any new short-term instrument, stated that competition for short-term funds is no longer limited to competition among depository institutions but now also includes competition with MMFs. Some respondents argued that regulation of MMFs would be preferable to authorizing a new short-term instrument.

While the respondents opposing a new short-term instrument generally declined to comment on the specific proposals, those respondents who did comment preferred a ceilingless \$5,000 minimum denomination deposit with a transaction feature. This proposal was perceived as being the most effective of those proposed for meeting MMF competition. Those opposing the proposal argued that it would cause an increase in the cost of funds, primarily in shifts from passbook and NOW accounts into the new instrument. Commercial banks opposed the establishment of a differential in favor of thrift institutions while thrift institutions were in favor of such a differential.

The second proposal, the \$10,000 minimum denomination time deposit with a minimum initial maturity of 91 days and a 14-day notice period thereafter, was the least popular among those favoring a new instrument. About 50 comments favored the adoption of this proposal. The comments were divided on the 14-day notice feature, and proponents were generally satisfied with its other characteristics. Opponents criticized its similarity to 26-week money market certificates and its likely inability to attract new funds, particularly funds held by MMFs.

The third proposal, a ceilingless \$25,000 minimum denomination account with a 1-day notice requirement and no transaction feature, was the second-most popular of the three proposals. Proponents stated that the category would allow them to compete for deposits of corporations and individuals, while opponents felt that it would only benefit larger, highly liquid institutions.

One of the more popular of several alternative short-term instruments suggested in response to the Committee's proposal was a 91-day or 30-day instrument with a minimum denomination of \$5,000, no transactions feature, and a rate tied to a comparable Treasury bill yield. About 100 respondents favored this suggested category.

At its December 16, 1981, meeting, the Committee postponed consideration of its proposals until its March 22, 1982 meeting. Since the December 16, 1981 meeting, the Committee has received over 2,500 letters (over 90 percent of which were from commercial banks) urging active pursuit of deregulation.

The impetus behind the Committee's consideration of a short-term instrument has been the continued strong growth of MMFs while growth of small time and savings deposits at commercial banks and at thrift institutions has been weak. MMFs, though uninsured, offer an investment which includes the characteristics of a market return, liquidity, a transaction feature, no early withdrawal penalty, and can be obtained in denominations as low as \$1,000. Short-term Treasury and U.S. agency securities also provide competition to depository institutions in that they offer a market return, tax advantages, liquidity, safety, and can be obtained in minimum denominations of \$5,000 to \$10,000.

In order to assist depository institutions in competing with non-depository institutions that offer alternative short-term instruments, the Committee has determined to authorize a new deposit instrument that will enable depository institutions to attract new funds, will help stem deposit outflows and will enhance the ability of institutions to retain valuable customer relationships.

After consideration of the comments received, the Committee has determined to authorize, effective May 1, 1982, a new category of short-term time deposit as follows:

- Minimum denomination of \$7,500.
- 91-day maturity.
- A fixed ceiling rate for savings and loan associations and mutual savings

banks equal to the 91-day Treasury bill rate (auction average on a discount basis) at the most recent auction. The ceiling rate for commercial banks will be 25 basis points less than the thrift ceiling rate. The rate will become effective the day following the auction.

—No compounding of interest is permitted.

—May be offered in either negotiable or nonnegotiable form.

—The 25 basis points differential in favor of thrift institutions is authorized until May 1, 1983. In addition, the differential will not apply whenever the 13-week Treasury bill rate is at or below 9 per cent for the four most recent consecutive auctions. When the differential is not in effect, commercial banks may pay the thrift ceiling rate.

—A separate minimum early withdrawal penalty of forfeiture only of all interest earned, and

—The account is available to all depositors.

United States Treasury bills maturing in 91 days are auctioned weekly by the Treasury Department, normally on Monday. The 91-day United States Treasury bill rate will be announced by Treasury and is published widely in many newspapers throughout the country. The ceiling rate payable for new deposits, as determined by the most recent auction, will be effective on the day following the auction.

The rate payable on these deposits may not exceed the ceiling rate in effect on the date of deposit. If such deposits are renewed, automatically or otherwise, the maximum rate that may be paid may not exceed the 91-day Treasury bill rate in effect at the time of renewal of the deposits. Unlike the money market certificate, averaging of the four most recent auction rates will not be permitted. Premiums, however, will be permitted in accordance with the Committee's rules.

The temporary 25 basis point ceiling rate differential in favor of thrift institutions will expire on May 1, 1983. In addition, the temporary differential will not apply if the 91-day Treasury bill discount rate (auction average) is at or below 9 percent for the four most recent auctions of 91-day Treasury bills held immediately prior to the date of deposit. When the differential is not in effect, commercial banks will be permitted to pay the ceiling rate authorized for thrift institutions.

The Committee recognizes that the new deposit category will not be fully competitive with instruments offered by non-depository institutions. Therefore, the Committee has also directed its staff to consider additional short-term

deposit categories to enable depository institutions to compete more effectively with non-depository institutions. The staff was requested to present its recommendations to the Committee within 30 days.

The Committee considered the potential effect on small entities of this new category when it established the instrument, as required by the Regulatory Flexibility Act (5 U.S.C. 603 *et seq.*). In this regard, the Committee's action would not impose any new reporting or recordkeeping requirements. Small entities which are depositors generally should benefit from the Committee's proposal, since the new instrument would provide them a market rate of return. If low-yielding deposits shift into the new account, small entities which are depository institutions might have increased costs as a result of this action. However, their competitive position *vis-a-vis* nondepository competitors should be enhanced by their ability to offer a competitive short-term instrument at market rates. The new funds attracted by the new instrument (or the retention of deposits that might otherwise have left the institution) could be invested at a positive spread and would therefore at least partially offset the higher costs associated with the shifting of low-yielding accounts.

#### List of Subjects in 12 CFR Part 1204

Banks, banking.

#### PART 1204—INTEREST ON DEPOSITS

Pursuant to its authority under Title II of Pub. L. 96-221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations, and mutual savings banks, effective May 1, 1982, the Committee amends Part 1204 (Interest on Deposits) by adding § 1204.120 as follows:

##### § 1204.120 91-day time deposits of less than \$100,000.

(a) Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any negotiable or nonnegotiable time deposit of \$7,500 or more, with a maturity of 91 days, at a rate not to exceed the ceiling rates set forth below. Rounding any rate upward is not permitted, and interest may not be compounded during the term of this deposit.

(b)(1) The ceiling rate of interest payable by mutual savings banks and savings and loan associations shall be the rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 91

days at the auction held immediately prior to the date of deposit ("Bill Rate"). Except as provided in paragraphs (b) (2) and (3) of this section, the ceiling rate of interest payable by commercial banks shall be the Bill Rate minus one-quarter of one percentage point (25 basis points).

(2) If the Bill Rate is 9 percent or below at the four most recent auctions of U.S. Treasury bills with maturities of 91 days held immediately prior to the date of deposit, the ceiling rate of interest payable by commercial banks shall be the Bill Rate.

(3) Effective May 1, 1983, the ceiling rate of interest payable by commercial banks on this category of deposit for deposits issued or renewed on or after that date shall be the Bill Rate.

(c) Section 1204.103 of this Chapter shall not apply to time deposits issued under this section. Where all or any part of a time deposit issued under this section is paid before maturity, a depositor shall forfeit an amount equal to at least all interest earned on the amount withdrawn.

By order to the Committee, April 1, 1982.

Steven L. Skancke,  
Executive Secretary.

[FR Doc. 82-9250 Filed 4-5-82; 8:45 am]

BILLING CODE 4810-25-M

Richard V. Meyers (Compliance Officer), (202) 377-3634.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 21, 1980, an interim rule and request for comments was published in the *Federal Register* (45 FR 55711) setting forth a regulation to establish procedures for conducting and reporting on an investigation pursuant to section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) (the Act).

Section 232 of the Act requires the Department of Commerce, upon request, to conduct an investigation to determine whether an article is being imported in such quantities and under such circumstances as to threaten to impair the national security. The findings of an investigation are to be reported to the President for his consideration.

Interested parties were given the opportunity to submit comments on the regulation not later than October 20, 1980. One submission was received.

The purpose of an investigation under this rule is to safeguard the security of the Nation, not the economic welfare of any company or industry, except as that welfare may affect the national security.

##### Analysis of Comments

Several changes were suggested to § 359.3, *Commencing an investigation*, and to § 359.4, *Criteria for determining effect of imports on the national security*.

(1) The Commentor suggested that § 359.3 should provide for a "continuing responsibility on the part of the Secretary (of Commerce) \* \* \* to assess the impact of imports on the national security both generally and individually."

Once a determination is made by the Secretary that an imported article threatens to impair the national security, the President may take such action for such time as he deems necessary to adjust the imports of the article. The Secretary then has the discretionary authority to reinvestigate an article if circumstances so dictate, either upon his own motion, or upon an application (by an interested party) or request (by another government agency) which sets forth the changed circumstances.

(2) The Commentor suggests that the language on "human resources" in paragraph 3 of § 359.4(a) should be "broadened to provide requirements for retaining and improving necessary skills and technology in the domestic economy."

The term "human resources" may be given a sufficiently broad interpretation

to include, if relevant, a consideration of retaining and improving necessary skills and technology. This consideration may also be relevant to the other items listed in the paragraph.

(3) The Commenter suggests that paragraph 2 of § 359.4(b) (concerning the displacement of any domestic products) should provide for "displacement of parts of products \*\*\* the need for revitalizing the industrial base \*\*\* and \*\*\* the contingency of mobilization."

Consideration of displacement of any domestic products may also include, if relevant, consideration of the displacement of component parts of the product. Likewise, consideration of the growth requirements of domestic industries to meet national defense requirements pursuant to § 359.4(a)(4), may also include, if relevant, consideration of the need for revitalizing the industrial base. The contingency of mobilization will be an important factor in the consideration of all the criteria listed in § 359.4(a).

It should be noted that the regulation provides the flexibility to consider "any other relevant factors" during a particular investigation (see §§ 359.4(a)(5) and 359.4(b)(3)).

Accordingly, the Department declines to adopt specifically any of the changes suggested by the Commentor although, as noted above, certain of these suggestions are already provided for in the regulation.

#### Non-Substantive Changes

This regulation, however, is being revised to reflect non-substantive changes to § 359.7 concerning the public inspection of the record of an investigation. The Department's regulations concerning public inspection and copying of documents are referenced in § 359.7(b) and a statement is included in § 359.7(d) to indicate that communications received from agencies of the U.S. Government or foreign governments will not be made available for public inspection. Finally, various minor editorial and typographical corrections are made throughout the regulation.

#### Rulemaking Requirements

The Department has made certain determinations with respect to the following rulemaking requirements:

**Classification**—This regulation is not a "major rule" pursuant to Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." Therefore, a "Regulatory Impact Analysis" is not required as there will be: (1) No major monetary effect on the economy; (2) no major increase in costs or prices; and (3) no significant adverse effects on

competition (domestic or foreign), employment, investment, productivity or innovation.

**Regulatory Analysis**—This regulation relates to agency procedures and the relevant provisions of the Administrative Procedures Act (5 U.S.C. 553) are not applicable. Therefore, it is not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

**Information Collection**—This regulation does not create an information collection burden under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*) as the Department anticipates receiving no more than 2 or 3 applications or requests for investigations in any one year. However, once an investigation is initiated, it may be necessary to collect certain information during the course of the investigation that may create an information collection burden under the statute. In this event, the Department will seek approval for the information collection activity, as appropriate, from the Office of Management and Budget.

Accordingly, 15 CFR Part 359 is hereby adopted as a final rule as set forth below.

Dated: March 5, 1982.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration, International Trade Administration.

### PART 359—EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Sec.

- 359.1 Definitions.
- 359.2 Purpose.
- 359.3 Commencing an investigation.
- 359.4 Criteria for determining effect of imports on the national security.
- 359.5 Request or application for an investigation.
- 359.6 Confidential information.
- 359.7 Conduct of an investigation.
- 359.8 Public hearings.
- 359.9 Emergency action.
- 359.10 Report of an investigation and recommendation.

Authority: Sec. 232 Trade Expansion Act of 1962, as amended (Pub. L. 93-618, 88 Stat. 1993, 19 U.S.C. 1862); Reorg. Plan No. 3 of 1979 (44 FR 69273, Dec. 3, 1979); Exec. Ord. 12188 of Jan. 2, 1980 (45 FR 989, Jan. 4, 1980).

#### § 359.1 Definitions.

As used in this part:

"Department" means the United States Department of Commerce and includes the Secretary of Commerce and the Secretary's designees.

"Secretary" means the Secretary of Commerce or the Secretary's designees.

"Applicant" means the person or entity submitting a request or application for an investigation pursuant to this part.

#### § 359.2 Purpose.

These regulations set forth the procedures by which the Department shall commence and conduct an investigation to determine the effect on the national security of the imports of any article. Based on this investigation, the Secretary shall make a report and recommendation to the President for action or inaction regarding an adjustment of the imports of the article.

#### § 359.3 Commencing an Investigation.

Upon request of the head of any government department or agency, upon application of an interested party, or upon motion of the Secretary, the Department shall immediately conduct an investigation to determine the effect on the national security of the imports of any article.

#### § 359.4 Criteria for determining effect of imports on the national security.

(a) To determine the effect on the national security of the imports of the article under investigation, the Department shall consider the quantity of the article in question or other circumstances related to its import. With regard for the requirements of national security, the Department shall also consider the following:

(1) Domestic production needed for projected national defense requirements;

(2) The capacity of domestic industries to meet projected national defense requirements;

(3) The existing and anticipated availabilities of human resources, products, raw materials, production equipment and facilities, and other supplies and services essential to the national defense;

(4) The growth requirements of domestic industries to meet national defense requirements and the supplies and services including the investment, exploration and development necessary to assure such growth; and

(5) Any other relevant factors.

(b) In recognition of the close relation between the strength of our national economy and the capacity of the United States to meet national security requirements, the Department shall also, with regard for the quantity, availability, character and uses of the imported article under investigation, consider the following:

(1) The impact of foreign competition on the economic welfare of any

domestic industry essential to our national security;

(2) The displacement of any domestic products causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects; and

(3) Any other relevant factors that are causing or will cause a weakening of our national economy.

**§ 359.5 Request or application for an investigation.**

(a) A request or application for an investigation shall be in writing. The original and 12 copies shall be filed with the Director, Office of Industrial Resource Administration, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

(b) When a request, application or motion is under investigation, or when an investigation has been completed pursuant to § 359.10 of this part, any subsequently filed request or application concerning imports of the same or related article that does not raise new or different issues may be either consolidated with the investigation in progress as provided in § 359.7(e) of this part, or rejected. In either event, an explanation for taking such action shall be promptly given to the applicant. If the request or application is rejected, it will not be returned unless requested by the applicant.

(c) Requests or applications shall describe how the quantity, availability, character, and uses of a particular imported article, or other circumstances related to its import, affect the national security, and shall contain the following information to the fullest extent possible:

(1) Identification of the applicant;

(2) A precise description of the article;

(3) Description of the domestic industry affected, including pertinent information regarding companies and their plants, locations, capacity and current output of the industry;

(4) Pertinent statistics on imports and domestic production showing the quantities and values of the article;

(5) Nature, sources, and degree of the competition created by imports of the article;

(6) The effect that imports of the article may have upon the restoration of domestic production capacity in the event of national emergency;

(7) Employment and special skills involved in the domestic production of the article;

(8) Extent to which the national economy, employment, investment, specialized skills, and productive capacity is or will be adversely affected;

(9) Revenues of Federal, State, or local Governments which are or may be adversely affected;

(10) National security supporting uses of the article including data on applicable contracts or sub-contracts, both past and current; and

(11) Any other information or advice relevant and material to the subject matter of the investigation.

(d) Statistical material presented should be, if possible, on a calendar-year basis for sufficient periods of time to indicate trends. Monthly or quarterly data for the latest complete years should be included as well as any other breakdowns which may be pertinent to show seasonal or short-term factors.

**§ 359.6 Confidential information.**

(a) Any information or material which the applicant or any other party desires to submit in confidence at any stage of the investigation that would disclose national security classified information or business confidential information (trade secrets, commercial or financial information, or any other information considered sensitive or privileged), shall be submitted on separate sheets with the clear legend "National Security Classified" or "Business Confidential," as appropriate, marked at the top of each sheet. Any information or material submitted that is identified as national security classified must be accompanied at the time of filing by a statement indicating the degree of classification, the authority for the classification, and the identity of the classifying entity. By submitting information or material identified as business confidential, the applicant or other party represents that the information is exempted from public disclosure, either by the Freedom of Information Act (5 U.S.C. 552 et seq.) or by some other specific statutory exemption. Any request for business confidential treatment must be accompanied at the time of filing by a statement justifying non-disclosure and referring to the specific legal authority claimed.

(b) The Department may refuse to accept as business confidential any information or material it considers not intended to be protected under the legal authority claimed by the applicant, or under other applicable legal authority. Any such information or material so refused shall be promptly returned to the submitter and will not be considered. However, such information or material may be resubmitted as non-confidential in which case it will be made part of the public record.

**§ 359.7 Conduct of an investigation.**

(a) If the Department determines that it is appropriate to afford interested parties an opportunity to present information and advice relevant and material to an investigation, a public notice shall be published in the **Federal Register** soliciting from any interested party written comments, opinions, data, information or advice relative to the investigation. This material shall be submitted as directed within a reasonable time period to be specified in the notice. All material shall be submitted with 6 copies. In addition, public hearings may be held pursuant to § 359.8 of this part.

(b) All requests and applications filed and all material submitted by interested parties, except information on material that is classified or determined to be confidential as provided in § 359.6 of this part, will be available for public inspection and copying in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230, in accordance with regulations published in Part 4 of Title 15, Code of Federal Regulations.

(c) Further information may be requested by the Department from other sources through the use of questionnaires, correspondence, or other appropriate means.

(d) The Department shall, as part of an investigation, seek information and advice from, and consult with, the Secretary of Defense and any other appropriate officers of the United States or their designees, as shall be determined. Communications received from agencies of the U.S. Government or foreign governments will not be made available for public inspection. The Department may also seek assistance in the conduct of an investigation from other agencies of the United States, as shall be necessary.

(e) Any request or application that is filed while an investigation is in progress, concerning imports of the same or related article and raising similar issues, may be consolidated with the request, application or motion that initiated the investigation.

**§ 359.8 Public hearings.**

(a) If it is deemed appropriate by the Department, public hearings may be held to elicit further information.

(1) A notice of hearing shall be published in the **Federal Register** describing the date, time, place, the subject matter of each hearing and any other information relevant to the conduct of the hearing. The name of a

person to contact for additional information or to request time to speak at the hearing shall also be included. Public hearings may be held in more than one location.

(2) Hearings shall be open to the public unless national security classified information will be presented. In that event the presiding officer at the hearing shall close the hearing, as necessary, to all persons not having appropriate security clearances or not otherwise authorized to have access to such information. If it is known in sufficient time prior to the hearing that national security classified information will be presented the notice of hearing published in the *Federal Register* shall state that national security classified information will be presented and that the hearing will be open only to those persons having appropriate security clearances or otherwise specifically authorized to have access to such information.

(b) Hearings shall be conducted as follows:

(1) The Department shall appoint the presiding officer;

(2) The presiding officer shall determine all procedural matters during the hearing;

(3) Interested parties may appear, either in person or by representation, and produce oral or written information relevant and material to the subject matter of the investigation;

(4) Hearings will be fact-finding proceedings without formal pleadings or adverse parties. Formal rules of evidence will not apply;

(5) After a witness has testified, the presiding officer may question the witness. Questions submitted to the presiding officer in writing by any interested party may, at the discretion of the presiding officer, be posed to the witness. No cross examination of any witness by a party shall be allowed.

(6) Each hearing will be stenographically reported. Transcripts of the hearing, excluding any national security classified information, may be purchased from the Department at actual cost of duplication, and will be available for public inspection in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

#### § 359.9 Emergency action.

In emergency situations, or when in the judgment of the Department, national security interests require it, the Department may vary or dispense with any or all of the procedures set forth in § 359.7 of this part.

#### § 359.10 Report of an investigation and recommendation.

(a) When an investigation conducted pursuant to this part is completed, a report of the investigation shall be promptly prepared. The report shall be organized in several sections, if necessary. One section shall contain all information and material that is not classified or confidential as provided in § 359.6 of this part. Another section shall contain all national security classified information and material. A third section shall contain all business confidential information and material.

(b) The Secretary shall report to the President the findings of the investigation and a recommendation for action or inaction within one year after receiving a request or application or otherwise beginning an investigation pursuant to this part.

(c) The report, excluding the sections containing national security classified and business confidential information and material, shall be published in the *Federal Register* upon the disposition of each request, application, or motion made pursuant to this part. Copies of the published report will then be available for public inspection and copying in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

[FR Doc. 82-8749 Filed 4-5-82; 8:45 am]

BILLING CODE 3510-25-M

#### 15 CFR Parts 371 and 372

#### Clarification of Limitations on Multiple Gift Parcels Consolidated in a Single Shipment

**AGENCY:** Office of Export Administration, International Trade Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Export Administration Regulations are amended to clarify the licensing provisions applicable to consolidated shipments of gift parcels. Under current regulations, individual gift shipments can usually be made under general license. However, a general license does not apply to multiple gift parcels exported in a single shipment for delivery to individuals residing in a foreign country. Such shipments require a validated license. This rule is necessary because of the increased volume of gift parcels being shipped to Vietnam and the fact that many shippers are unaware of the limitations on such shipments. The addition of two new paragraphs to Part 372 of the

Regulations clarifies the restrictions. One of these paragraphs contains special instructions for completing ITA-Form 622, Application for Validated License (OMB approval No. 0625-0001, expires 10-31-83).

**EFFECTIVE DATE:** April 6, 1982.

**FOR FURTHER INFORMATION CONTACT:** Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

#### Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not alter any burden imposed under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

#### List of Subjects in 15 CFR Part 371

Export licenses, general exports.

#### List of Subjects in 15 CFR Part 372

Export license amendments, export licenses, validated exports.

Accordingly, the Export Administration Regulations (15 CFR 368-399) are amended as follows:

#### PART 371—GENERAL LICENSE

1. Section 371.18 is amended as follows:

I. Paragraph (a)(1) is amended by adding the phrase "(and not for resale)" to the end of the first sentence.

II. A sentence is added to paragraph (a)(2) reading as follows: "(See § 372.8 regarding validated license exports of gift parcels.)"