

Question 2(d). In what official or unofficial publication, and at what intervals, does your agency publish rules addressed to and served upon named persons in later and adopted by the agency for the guidance of the public?

Statements of general policy and interpretations formulated and adopted by the Corporation for the guidance of the public are currently published in the Federal Register and in the Corporation's annual report. The Corporation also publishes from time to time in pamphlet form general interpretations with respect to deposit insurance coverage for the guidance of the public.

Question 2(e). In what official or unofficial publication, and at what intervals, does your agency publish rules addressed to and served upon named persons in accordance with law?

At present, the Corporation does not issue or formulate, and therefore does not publish, rules which are served upon and addressed to named individuals.

Question 3. Please describe the manner in which your agency publishes or, in accordance with published rule, makes available for public inspection, all final and interim opinions or orders in the adjudication of cases pursuant to section 3(b) of the Administrative Procedure Act or other authority.

A review of the opinions and orders previously made by the Board of Directors of the Corporation in the adjudication of certain cases relating to licensing, supervision, investigation, termination of insured status, payment of insured deposits, and the administration of liquidations and receiverships, has disclosed that their publication is not necessary under the Administrative Procedure Act, inasmuch as these opinions and orders are not cited as precedents in other proceedings and, because of their nature, are required, for good cause, to be held confidential. However, certain of these orders and opinions are published as described in the answer to question 4. In addition, where such opinions and orders in the future are to be cited as precedents and are not required, for good cause, to be held confidential, such opinions will be published and made available for public inspection. (See opening general comments and section 309.2 of the rules and regulations of the Corporation adopted pursuant to sections 7(a) (1) and (2) and 9 Tenth of the Federal Deposit Insurance Act (12 U.S.C. 1817 and 1819).)

Question 4. In what types of cases does your agency refrain from publishing interim and final opinions and orders, when, in the opinion of your agency, good cause requires they be held confidential pursuant to section 3(b) of the Administrative Procedure Act or other authority?

The Federal Deposit Insurance Corporation does not publish interim and final opinions or orders in the following types of cases because they are held to be confidential for good cause pursuant to section 3(b) of the Administrative Procedure Act and sections 309.1 and 309.2 of the Corporation's rules and regulations:

(1) Determinations of whether to approve or disapprove an application of a State or territorial nonmember bank for deposit insurance. (Sec. 5 of the Federal Deposit Insurance Act; 12 U.S.C. 1815.)

(2) Determinations of whether an insured bank has continued unsafe or unsound practices or permitted violations of laws or regulations and whether the insured status of a bank shall be terminated. (Sec. 8(a) of act; 12 U.S.C. 1818(a).)

(3) Determinations of whether an insured trust company is doing deposit banking and, if not, to terminate its insured status. (Sec. 8(c) of act; 12 U.S.C. 1818(c).)

(4) Determinations of whether the Corporation should make a loan to, purchase the assets of, or make a deposit in, an insured bank to prevent its closing, or permit it to resume business when its operation is essential to provide adequate banking services. (Sec. 13(c) of act; 12 U.S.C. 1823(c).)

(5) Determinations of whether a loan should be made on the security of, or to purchase, any of the assets of a closed insured bank. (Sec. 13(d) of act; 12 U.S.C. 1823(d).)

(6) Determinations of whether a loan or purchase will reduce the risk or avert a threatened loss to the Corporation and facilitate a merger or consolidation of two insured banks or the sale of the assets of an insured bank to and the assumption of its liabilities by another insured bank. (Sec. 13(e) of act; 12 U.S.C. 1823(e).)

(7) Determinations of whether an insured bank may merge with a noninsured bank or institution, assume payment of any liabilities of a noninsured bank or institution, or transfer assets to any noninsured bank or institution in consideration of the assumption of insured deposits. (Sec. 18(c) of act; 12 U.S.C. 1828(c).)