

pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 321); (2) for withdrawal from membership in the system (12 U.S.C. 328); (3) for the establishment of a domestic branch by a State member bank pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 321); (4) to carry reduced reserves pursuant to section 19 of the Federal Reserve Act (12 U.S.C. 462); (5) for the establishment of an oversea branch pursuant to section 25 of the Federal Reserve Act (12 U.S.C. 601); (6) for the organization of, or investment in, a corporation doing foreign banking pursuant to sections 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 and 611); and (7) for a general voting permit pursuant to section 5144, Revised Statutes (12 U.S.C. 61).

In respect to the several types of applications mentioned above, the fact of the Board's receipt thereof and, in addition, the fact and nature of the Board's action thereon are made known to the public in a weekly H.2 list published by the Board. The H.2 list shows the names and locations of institutions involved, the date of receipt of an application and its nature, and the date and nature of the Board's action on the application. The Board also makes known through a published weekly K.3 list the fact and effective date of consummation of certain of the proposals first identified in an H.2 list.

4. In what types of cases does your agency refrain from publishing interim and final opinions or orders where, 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 only type of case adjudication as to which the Board would refrain from publishing notice of its action, either in the form of an order or otherwise, would be a proceeding conducted pursuant to section 30 of the Banking Act of 1933 (12 U.S.C. 77) for the removal of directors and/or officers of State member banks. Section 30 expressly forbids disclosure to the public of the Board's order or of the findings of fact upon which such order is based.

5. In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

There have been no proceedings in which the Board has had occasion to cite or use as a precedent unpublished opinions and orders relating to an earlier proceeding. It is conceivable, however, that a need for such citation or use might arise. For example, in a section 30 adjudication (see answer to question 4, supra) facts that might be in issue in a pending proceeding could parallel in major respects facts that had been the subject of a previous section 30 adjudication by the Board. In such a case, the Board's action in the earlier case, reflected in an unpublished order, might reasonably be cited or used as a precedent in the later proceeding. In such a case, the respondent in the later proceeding would be given ample notice of the Board's intention to use its earlier action as a precedent, and would be afforded full opportunity to challenge the applicability of the precedent cited, or to otherwise argue against use of such precedent.

6. What is the procedure for making available to the general public the records and files, interpretations and legal opinions of your agency?

A general description of the procedures whereby certain of the Board's records such as interpretations, opinions, orders, and other materials are made known and available to the public has been given in answers to other questions. As to Board records and files generally, the same are made available to the general public pursuant to the Board's rules regarding information, submittals, and requests (12 CFR 261), and the Board's rules of procedure (12 CFR 262). Briefly summarizing certain of the more salient provisions of these rules, matters of official record are made available to persons properly and directly concerned through the office of the secretary. Under the secretary's direction and supervision, the records section has responsibility for maintaining custody of and providing reference service to official records of the Board. Matters of official record such as published Board orders, statements, and interpretations are available for studying and copying in the Board's office during regular business hours. Also available for similar purposes are the administrative records of public proceedings or hearings conducted by the Board. Upon request, arrangements can be made for the reproduction at the Board's office of these public records.

Within the Board's Division of Administrative Services there is operated a publications services unit that has the responsibility of furnishing to the public Board publications and published information and data. The materials handled by publications services are made available either on specific request or through