

23, 80a-29, 80a-37, 80b-3, 80b-4, and 80b-11, unless otherwise noted.

* * * * *

2. By amending § 240.12f-1 by revising the section heading and introductory text of paragraph (a), redesignating paragraphs (a)(5) and (a)(6) as (a)(6) and (a)(7), adding paragraph (a)(5), and revising newly designated (a)(6), to read as follows:

§ 240.12f-1 Applications for permission to reinstate unlisted trading privileges.

(a) An application to reinstate unlisted trading privileges may be made to the Commission by any national securities exchange for the extension of unlisted trading privileges to any security for which such unlisted trading privileges have been suspended by the Commission, pursuant to section 12(f)(2)(A). One copy of such application, executed by a duly authorized officer of the exchange, shall be filed and shall set forth:

(1) * * *

(5) The date of the Commission's suspension of unlisted trading privileges in the security on the exchange;

(6) Any other information which is deemed pertinent to the question of whether the reinstatement of unlisted trading privileges in such security is consistent with the maintenance of fair and orderly markets and the protection of investors; and

* * * * *

3. By revising § 240.12f-2 to read as follows:

§ 240.12f-2 Extending Unlisted Trading Privileges to a Security that is the Subject of an Initial Public Offering.

(a) *General provision*—A national securities exchange may extend unlisted trading privileges to a subject security when at least one transaction in the subject security has been effected on the national securities exchange upon which the security is listed and the transaction has been reported pursuant to an effective transaction reporting plan as defined in § 240.11Aa3-1.

(b) The extension of unlisted trading privileges pursuant to this section shall be subject to all the provisions set forth in Section 12(f) of the Act (15 U.S.C. 78l(f)), as amended, and any rule or regulation promulgated thereunder, or which may be promulgated thereunder while the extension is in effect.

(c) *Definition*. For purposes of this section, the term *subject security* shall mean a security that is the subject of an initial public offering, as that term is defined in section 12(f)(1)(G) of the Act (15 U.S.C. 78l(f)(1)(G)).

4. By amending § 240.12f-3 by revising paragraph (b) to read as follows:

§ 240.12f-3 Termination or suspension of unlisted trading privileges.

(a) * * *

(b) Unlisted trading privileges in any security on any national securities exchange may be suspended or terminated by such exchange in accordance with its rules.

5. By adding § 240.12f-5, to read as follows:

§ 240.12f-5 Exchange Rules for Securities to which Unlisted Trading Privileges are Extended.

A national securities exchange shall not extend unlisted trading privileges to any security unless the national securities exchange has in effect a rule or rules providing for transactions in the class or type of security to which the exchange extends unlisted trading privileges.

§ 240.12f-6 [Removed]

6. By removing and reserving § 240.12f-6.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

7. The authority citation for Part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

§ 249.27 and 249.28 [Removed]

8. By removing § 249.27 and § 249.28.

By the Commission.

Dated: February 2, 1995.

Margaret H. McFarland,

Deputy Secretary.

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INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Notice of Proposed Rulemaking Concerning Post-Investigation Retention and Use of Confidential Business Information From Investigations on Unfair Practices in Import Trade

AGENCY: International Trade Commission.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Commission proposes to amend two of its final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) to codify a proposed new policy of allowing counsel who are signatories to an administrative protective order (APO) to

retain certain categories of confidential business information (CBI) from an investigation for prescribed periods and to use that CBI during the retention period for certain limited purposes.¹

The Commission hereby solicits written comments from interested persons to aid the Commission in determining whether to adopt the proposed rules set forth in this notice.

DATES: Comments will be considered if received on or before April 10, 1995.

ADDRESSES: A signed original and 18 copies of each set of comments, along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking, should be submitted to Donna R. Koehnke, Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202-205-1810.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 1994, the Commission published final rules for 19 CFR part 210 eventually to replace the interim rules currently found in 19 CFR parts 210 and 211.² The interim rules in 19 CFR parts 210 and 211 (1994) apply to all pending investigations and related proceedings that were instituted before September 1, 1994. The final rules, which went into effect on August 31, 1994, and will be codified in 19 CFR part 210 in 1995, apply to all investigations and related proceedings instituted on or after September 1, 1994.³ On January 1, 1995, certain final rules were amended on an interim basis to implement the amendments to section 337 contained in the Uruguay Round Agreements Act, Pub. L. No. 103-465, 108 Stat. 4809 (1994) (URAA).⁴

Neither the interim nor the final Commission rules contain provisions governing the retention of CBI by counsel who are signatories to a section 337 APO. The Commission's traditional policy, however, has been to issue

¹ Commissioners Rohr and Newquist dissent from the Commission majority's decision to consider revising the final rules as described in this notice. See *infra* n.9.

² See 59 FR 39020, Part II (Aug. 1, 1994).

³ *Id.*

⁴ See 59 FR 67622 (Dec. 30, 1994).