

FEDERAL REGISTER



VOLUME 7

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Washington, Friday, August 14, 1942

The President

EXECUTIVE ORDER 9218

AUTHORIZING THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT IN THE OFFICE FOR EMERGENCY MANAGEMENT TO ACQUIRE AND DISPOSE OF PROPERTY

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress), the Office of Scientific Research and Development in the Office for Emergency Management is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, which the Office of Scientific Research and Development shall deem necessary for military, naval, or other war purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 11, 1942.

[F. R. Doc. 42-7856; Filed, August 12, 1942; 1:46 p. m.]

EXECUTIVE ORDER 9219

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT IN THE OFFICE FOR EMERGENCY MANAGEMENT

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941, to the Office of Scientific Research and Development in the Office for Emergency Management with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations con-

tained in such Executive order, I hereby authorize the Director of the Office of Scientific Research and Development, and such officers, employees, and agencies as he may designate, to perform and exercise as to that office all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 11, 1942.

[F. R. Doc. 42-7857; Filed, August 12, 1942; 1:47 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 24—THE FEDERAL LAND BANK OF LOUISVILLE

APPLICATION AND TITLE DETERMINATION FEES

Section 24.1 of Title 6, Code of Federal Regulations, as amended (7 F.R. 921), is amended to read as follows:

§ 24.1 *Application and title determination fees (loans through associations, direct loans and Commissioner loans).* The following application and title determination fees are charged.

APPRAISAL FEE TO BE SUBMITTED WITH THE APPLICATION ON ALL APPLICATIONS OF—

\$5,000 or under..... \$5.00
\$5,100 to \$50,000 inclusive..... 10.00

TITLE DETERMINATION FEE DEDUCTED WHEN LOAN IS CLOSED ON ALL LOANS OF—

\$1,000 or under..... \$5.00
\$1,100 to \$3,000 inclusive..... 10.00
\$3,100 to \$50,000 inclusive..... 15.00

The bank will retain the whole amount of the application fee, unless the application is rejected without appraisal, in which case the fee sent with the application will be returned to the borrower through the appropriate association. (Sec. 13 "Ninth," 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth," 723

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(e), 1016 (e) and Sup.; 6 C.F.R. 19.4019) [Res. Bd. Dir., July 20, 1942].

The Federal Land Bank of Louisville acting in its own behalf and as attorney-in-fact for the Federal Farm Mortgage Corporation.

[SEAL]

By E. RICE,
President.

[F. R. Doc. 42-7859; Filed, August 12, 1942;
4:02 p. m.]

PART 24—THE FEDERAL LAND BANK OF LOUISVILLE

TITLE RESERVE FEES

Section 24.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 24.3 *Title reserve fees.* No title reserve fees shall be charged. (Sec. 7, 39 Stat. 365, as amended, sec. 13 "Ninth," 39 Stat. 372, sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 723 (e), 781 "Ninth," 1016 (e) and Sup.) [Res. Bd. Dir., July 20, 1942.]

The Federal Land Bank of Louisville, acting in its own behalf and as attorney-in-fact for the Federal Farm Mortgage Corporation.

[SEAL]

By E. RICE,
President.

[F. R. Doc. 42-7858; Filed, August 12, 1942;
4:02 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket No. 4769]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

J. AND J. CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, or any other merchandise, (1) selling, etc., candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, J. and J. Candy Company, Docket 4769, August 4, 1942]

In the Matter of Vinton T. James and George E. James, Individually and as Co-partners Doing Business Under the Firm Name and Style of J. and J. Candy Company

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 4th day of August, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Vinton T. James and George E. James, individually and as co-partners trading as J. and J. Candy Company, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

(1) Selling or distributing candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme.

(2) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public.

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7898; Filed, August 13, 1942;
11:20 a. m.]

[Docket No. 3470]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

POPULAR PRODUCTS CORPORATION, ET AL

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions:* § 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of pen and pencil sets, cigarette lighters, electric lamps, chinaware and various other articles, or any other merchandise, (1) supplying, etc., others with pull cards or

other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) shipping, etc., to agents or distributors, or to members of the public, pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; and (4) using the word "Free", or any other word of similar import, to designate, describe, or refer to any merchandise which is furnished as compensation for services rendered; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Popular Products Corporation, et al., Docket 3479, August 4, 1942]

In the Matter of Popular Products Corporation, a Corporation, Mitchell Cinader, and Esther Cinader, Individually, and as Officers of Popular Products Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiners upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Popular Products Corporation, a corporation, its officers, and Mitchell Cinader, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of pen and pencil sets, cigarette lighters, electric lamps, chinaware, silverware, cameras, clocks, jewelry, cosmetics, bedding, and kitchenware, or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Shipping, mailing, or transporting to agents or distributors, or to members of the public, pull cards or other devices which are to be used, or may be used, in the sale or distribution of respondents' merchandise to the public by means of a

game of chance, gift enterprise, or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

4. Using the word "Free", or any other word of similar import, to designate, describe, or refer to any merchandise which is furnished as compensation for services rendered.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and it hereby is, dismissed as to respondent Esther Cinader.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7697; Filed, August 13, 1942; 11:21 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

Chapter I—Monetary Offices

[General Ruling 10-A]

PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, EXECUTIVE ORDER NO. 9193, SECTIONS 3 (a) AND 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED BY THE FIRST WAR POWERS ACT, 1941, RELATING TO FOREIGN FUNDS CONTROL.

PHILIPPINE COMPANY TRANSACTIONS

AUGUST 12, 1942.

General Ruling No. 10-A under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, Relating to Foreign Funds Control.

§ 132.10a *General Ruling No. 10-A.*

(a) Unless authorized by a license expressly referring to this general ruling:

(1) No Philippine company shall make any payment, or perform any covenant, duty, condition or service within the United States on, or with respect to, any direct or indirect obligation or security of, or claim against, such company.

(2) No person shall exercise within the United States any right, remedy, power or privilege with respect to, or directly or indirectly arising out of or in connection with, any obligation or security of, or claim against, any Philippine company, including any right, remedy, power or privilege with respect to any guaranty, covenant or agreement that such Philippine company will perform any covenant, duty, condition, or service.

(b) Unless otherwise provided, an appropriate license or other authorization issued by the Secretary of the Treasury shall remove all the restrictions, disabilities and other limitations imposed by this general ruling to the same extent

as such restrictions, disabilities and other limitations have been imposed by this general ruling.

(c) This general ruling shall not be deemed to prohibit or otherwise restrict the ordinary purchase, sale, transfer, pledge, or hypothecation of, or similar dealing in, securities which are issued by, or the obligation of, any Philippine company or to prohibit or restrict transactions incidental thereto.

(d) As used in this general ruling, the term "Philippine company" shall mean:

(1) Any partnership, association, corporation or other organization organized under the laws of the Philippine Islands and which prior to January 1, 1942, derived its principal income from the Philippine Islands;

(2) Any sole proprietorship which prior to January 1, 1942, derived its principal income from, and was primarily engaged in business in, the Philippine Islands; and

(3) Any agent, trustee, transfer or paying agent, or other representative of or for any Philippine company to the extent that it acts as such. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179. Pub. Law 354, 77th Cong., 55 Stat. 838; E.O. 8389, as amended by E.O. 8785, E.O. 8832, E.O. 8963, E.O. 8993, and E.O. 9193; Regs., April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-7261; Filed, August 12, 1942; 4:35 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 937—PRODUCTION AND DELIVERY OF MACHINE TOOLS

[Amendment 1 to General Preference Order E-1-b]

General Preference Order No. E-1-b¹ (§ 937.2) is hereby amended by changing paragraphs (e) (5) and (e) (6) so as to read as follows, and by adding paragraphs (7) and (8):

(e) . . .

(5) If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from any particular group of service purchasers equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from members of other groups of service purchasers for that size and type for delivery during that month. Where members of two or more other groups have placed purchase orders aggregating more than such unorderd balance of the first group's quota, the producer must first schedule the purchase orders of those purchasers who are members of the group having the greatest ratio of:

(1) Unfilled purchase orders, specifying required delivery dates in said month

¹ 7 FR. 3251, 3250, 4616, 5333, 6212.

of delivery and in preceding months, but not scheduled for delivery in said months to

(ii) The number of tools to which said group is entitled under its quota,

until that ratio has been reduced to or below the ratio of another group or groups, after which the producer shall schedule the purchase orders of members of the group or groups which then have the greatest ratio, and shall continue to schedule in this manner until the un-ordered balance has been entirely distributed. Where several groups have the same ratio, and there are not sufficient undistributed tools to schedule one for each group, preference shall be given to the groups having the lower percentage quotas.

(6) Likewise, if a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from foreign and other purchasers equal to 25 percent of his production of a size of a given type of tool for that month, the producer shall schedule purchase orders received from service purchasers for that type and size for delivery during that month, in the manner provided in paragraph (e) (5) hereof.

(7) A purchase order which has been scheduled as provided in paragraphs (5) and (6) hereof shall represent an addition to the quota of the group of which the service purchaser in question is a member, and such purchase order shall not thereafter be affected by the receipt of a purchase order from a member of any other group, irrespective of the urgency standing of the latter.

(8) In preparing his schedules of deliveries for a given month for service purchasers, a producer shall fix the dates of his deliveries to the different groups so that each group will receive its percentage of tools equitably in point of time within the month.

This amendment shall not affect deliveries of machine tools which have been scheduled for the months of August, September, October and November, pursuant to General Preference Order No. E-1-b as originally issued.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7893; File, August 13, 1942;
11:14 a. m.]

**PART 1041—PRODUCTION, TRANSPORTATION,
REFINING AND MARKETING OF PETRO-
LEUM**

[Fulfillance of Preference Rating Order P-98,
Extended and Amended]

It is hereby ordered, That § 1041.1
Preference Rating Order P-98,¹ extended

¹ 7 F.R. 2099, 3712, 4646, 5020.

and amended, issued March 14, 1942, as amended on June 19, 1942 and June 30, 1942, is reissued effective today. This order shall continue in effect until September 15, 1942, unless sooner revoked by the Director General for Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7892; Filed, August 13, 1942;
11:14 a. m.]

PART 1046—SUPPLIERS

[Suppliers' Inventory Limitation Order L-63,
Amended August 13, 1942]

Part 1046 is hereby amended to read as follows and as so amended supersedes all amendments to and exemptions under L-63 heretofore issued by the War Production Board:

§ 1046.1 *Suppliers' Inventory Limitation Order L-63*.¹—(a) *Definitions*. (1) "Supplies" means all the supplies listed below:

- (i) Automotive supplies.
- (ii) Aviation supplies.
- (iii) Builders' supplies.
- (iv) Construction supplies.
- (v) Dairy supplies.
- (vi) Electrical supplies.
- (vii) Farm supplies.
- (viii) Foundry supplies.
- (ix) Grain elevator supplies.
- (x) Hardware supplies.
- (xi) Industrial supplies.
- (xii) Plumbing & heating supplies.
- (xiii) Refrigeration supplies.
- (xiv) Restaurant supplies.
- (xv) Textile mill supplies.
- (xvi) Transmission supplies.
- (xvii) Welding & cutting supplies.

Except that "supplies" shall not be deemed to include any of the materials set forth in List A.

(2) "Supplier" means any person (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealer, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock including consigned stocks and excluding direct shipments.

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less.

¹ 7 F.R. 4480

(6) "Maximum permissible inventory" of supplies means:

(i) In the case of a supplier located in the Eastern or Central War Time zones, an inventory (owned or consigned to him) of supplies of a total dollar value (by physical or book inventory, at the option of the supplier) equal either to

(a) Twice the sales of such supplies, shipped from his inventories, during the second preceding calendar month; or (at the option of the supplier);

(b) Two thirds of the sales of said supplies shipped from his inventories during the three preceding calendar months.

(ii) In the case of a supplier, located in any other time zone, an inventory (owned or consigned to him) of supplies of a total dollar value (by physical or book inventory, at the option of the supplier) equal either to

(a) Three times the sales of such supplies, shipped from his inventories, during the second preceding calendar month; or (at the option of the supplier);

(b) The sales of such supplies, shipped from his inventory, during the three preceding calendar months.

(b) *Limitation of supplier's inventories*. (1) Except as provided in paragraph (b) (3), (4), (5), and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory; and

(2) Except as provided in paragraph (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) The supplier in any time zone shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not exceed ninety days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery is of the minimum quantity of such supplies that can be commercially procured.

(5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.

(6) The Director General for Operations may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject

to such restrictions as the Director General for Operations may impose.

(7) The provisions of this order shall not apply to any supplier:

(i) Whose total inventory at cost, including consigned stocks, of all supplies is less than \$20,000.00, and;

(ii) Whose total inventory at cost of each type of supplies as set forth in paragraph (a) (1) of this order, is less than \$10,000.00.

(c) *Provisions of other orders.* No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or orders issued by the War Production Board or heretofore issued by the Office of Production Management.

(d) *Appeals.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief to the War Production Board by telegram or letter setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(e) *Records and reports.* (1) Each supplier (other than those suppliers who are exempt from the provisions of this order pursuant to paragraph (b) (6) or (7)) shall, on or before the twentieth day of each month make proper entry of inventory (book or physical at cost), sales of direct shipments, sales from stock, and total sales of each type of supplies as set forth in paragraph (a) (1) of this order, during the previous calendar month on Form PD-336. This form must be retained for a period of at least two years for inspection by representatives of the War Production Board.

(2) The Director General for Operations may at any time call for these reports to be submitted to the War Production Board.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Communications.* All communications concerning this order shall be addressed to "War Production Board, Distributors' Branch, Washington, D. C., Ref.: L-63." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

LIST A

The types of material set forth below are not deemed to be supplies within the meaning of paragraph (a) (1). Accordingly, these materials may be excluded from the monthly report required by paragraph (e), and are not subject to the inventory restrictions required by paragraph (b), provided that sales of such materials are not included in computing maximum permissible inventory as defined in paragraph (a) (6).

(1) All materials referred to in schedules A and B of § 9623 (*General Preference Order M-21-b*, as amended from time to time);

(2) Materials made of aluminum, provided such materials were acquired by the supplier pursuant to allocation or other specific authorization of the Director of Industry Operations or the Director General for Operations of the War Production Board;

(3) Automobile and truck replacement parts as defined in:

(i) Section 1297.1 (c) (8), Limitation Order No. L-168, issued July 4, 1942; and

(ii) Section 853.4 (b) (4), Supplementary Limitation Order L-4-B, issued April 25, 1942;

(4) Functional replacement parts for machinery and equipment: *Provided*, That in no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month;

(5) Machinery or equipment which is purchased by the supplier at a cost per unit in excess of \$500;

(6) Any material which is subject to rationing by the Office of Price Administration;

(7) The following building materials: Portland and natural cement, lime, gypsum and gypsum products, bituminous roofing materials, concrete pipe, cut stone, sand and gravel, crushed stone, clay products, insulation board, acoustical materials, mineral wool, paving materials, concrete products, glass, lumber, wooden mill work.

[F. R. Doc. 42-7694; Filed, August 13, 1942; 11:15 a. m.]

PART 1132—PRINTING INK

[Amendment 1 to Conservation Order M-53, as Amended June 29, 1942]

Paragraph (b) of § 1132.1 *Conservation Order M-53*,¹ as amended June 29, 1942 is hereby amended in the following respects:

1. Subparagraph (1) is amended by striking therefrom the words and figures, "Orange Mineral, 70%"

2. Subparagraph (4) is amended to read:

(4) Use any glycerol phthalate resins or phenolic resins for the production of any gloss ink, non-scratch ink or gloss overprint varnish; provided, however, that nothing contained in this paragraph (b) (4) shall restrict the use of varnishes containing such resins in the inventories of ink producers, printers, or manufacturers of varnishes for the printing ink industry, where such varnishes were manufactured prior to March 30, 1942, for use in the manufacture of printing ink.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7695; Filed, August 13, 1942; 11:15 a. m.]

¹7 F.R. 4850.

PART 1134—TEA

[Amendment 2 to Conservation Order M-111, as Amended May 1, 1942]

Section 1134.1 *Conservation Order M-111*, as amended May 1, 1942, is hereby amended in the following respects:

1. Paragraph (e) is amended to read as follows:

(e) *Restrictions relating to wholesale receivers inventories.* Except as specifically authorized by the Director General for Operations, no wholesale receiver shall accept any deliveries of tea which will increase his inventory thereof to an amount in excess of a practicable minimum working inventory in view of the restrictions herein.

2. Paragraph (1) is amended by the addition of the following language:

" * * * Within 10 days after the close of each quarterly period, every packer shall report, by letter, to the War Production Board the total quantity of any quota-exempt deliveries of tea made during that quarterly period by him in connection with each class of persons under paragraph (d) (4), as amended. The first such report shall be forwarded by October 10, 1942 for the quarterly period ending September 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7636; Filed, August 13, 1942; 11:15 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supplementary Order 12]

AMENDING DEFINITION OF "PERSON" IN CERTAIN REVISED PRICE SCHEDULES AND MAXIMUM PRICE REGULATIONS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is hereby ordered that:

§ 1305.16 *Definition of the term "person" in certain price schedules and regulations.* (a) The definition of the term "person" in the section or paragraph or subparagraph of each revised price schedule or maximum price regulation, listed in paragraph (b), is amended to read as follows:

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the

*Copies may be obtained from the Office of Price Administration.
¹7 FR 5275, 4211.

foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) The applicable section number, paragraph, or subparagraph and the Revised Price Schedule or Maximum Price Regulation is as follows:

Section:	Schedule or Regulation No.
1301.3 (a).....	1
1303.8 (a).....	6
1307.9 (a).....	7
1314.10 (a).....	9
1306.51 (a).....	10
1316.11 (a).....	11
1309.58 (a).....	15
1334.7 (a).....	16
1333.8 (a).....	17
1339.9 (a).....	18
1335.58 (a).....	21
1342.8 (a).....	24
1335.157 (a).....	28
1345.7.....	29
1335.208 (a).....	31
1307.58 (a).....	33
1335.258 (a).....	34
1316.59 (a).....	35
1335.308 (a).....	36
1335.358 (a).....	37
1335.408 (a).....	38
1346.7 (a).....	40
1306.109 (a).....	41
1335.458 (a).....	42
1312.157 (a).....	44
1346.57 (a).....	45
1306.157 (a).....	49
1351.7 (a).....	50
1351.59 (a).....	51
1351.109 (a).....	52
1351.157 (a).....	53
1315.59 (a).....	56
1352.11 (a).....	57
1353.9 (a).....	59
1334.59 (a).....	60
1358.8 (a).....	62
1356.11 (a).....	64
1315.1208 (a).....	66
1301.58 (a).....	67
1335.508 (a).....	68
1355.7 (a).....	69
1357.7 (b).....	71
1353.9 (a).....	73
1352.8 (a).....	75
1335.707 (a).....	76
1345.58 (a).....	77
1335.557 (a).....	78
1335.607 (a).....	79
1335.657 (a).....	80
1303.57 (b).....	81
1336.60 (a) (1).....	83
1336.109 (a) (1).....	84
1360.59 (a).....	85
1380.9 (a).....	86
1316.109 (a).....	89
1351.259 (a).....	91
1351.308 (a).....	92
1312.257 (a).....	94
1330.108 (a).....	96
1335.757 (a).....	98
1335.807 (a).....	99
1306.307 (a) (1).....	100
1380.58 (a).....	102
1335.957 (a).....	103
1335.907 (a).....	104
1391.65 (a).....	158

(c) This Supplementary Order No. 12 shall become effective August 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7864; Filed, August 12, 1942;
4:32 p. m.]

PART 1340—FUEL

[Amendment 5 to Maximum Price Regulation
121¹]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (b), (c) (1) and (d) of § 1340.249 are amended to read as set forth below:

§ 1340.249 *Appendix A: Maximum prices for miscellaneous solid fuels delivered from producing facilities.* * * *

(b) If the maximum price cannot be determined under paragraph (a) of this section, the maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the "average price" charged by the same person during the period December 15-31, inclusive, 1941. This "average price" shall be determined by dividing into the aggregate of the prices charged by such person during December 15-31, inclusive, 1941 (before the deduction of any allowances or discounts or the addition of any special service charges), the aggregate of the tonnage sold by such person during December 15-31, inclusive, 1941, on sales of:

(1) The same size, kind and quality of solid fuel;

(2) In similar quantities;

(3) To purchasers of the same general class (e. g. domestic, commercial, industrial);

(4) By the same method of delivery (e. g. truck, rail, etc.); and

(5) Under the same terms of delivery (e. g. delivered to purchaser or f. o. b. transportation facilities at the mine, preparation plant, coke oven or briquette plant, etc.).

(c) (1) If the maximum price cannot be determined under paragraphs (a) or (b) of this section, the maximum price for the sale of miscellaneous solid fuel by a producer or distributor thereof shall be the price of any other competitive producer or distributor in the same locality for the sale of miscellaneous solid fuel as specified in the last price circular, list or schedule issued by such person on or before December 31, 1941 and in effect during any portion of the period December 15-31, inclusive, 1941. This shall be the price so specified for the sale of:

(i) The same size, kind and quality of miscellaneous solid fuel;

(ii) In quantities taking the same price per ton;

(iii) To purchasers of the same general class (e. g. domestic, commercial, industrial);

(iv) By the same method of delivery (e. g. truck, rail, etc.); and

(v) Under the same terms of delivery (e. g. delivered to the purchaser or f. o. b. transportation facilities at the mines, preparation plant, coke oven or briquette plant, etc.)

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3237, 3989, 4483.

(d) Where a miscellaneous solid fuel is sold f. o. b. a mine or preparation plant operated as an adjunct of a mine or mines, or a coke oven or briquette plant, and is delivered therefrom in any transportation facilities owned or subject to the control of the producer or a distributor thereof, or in any transportation facilities hired by the producer or a distributor thereof, there may be added to the maximum prices established by this Maximum Price Regulation No. 121 a sum not exceeding the actual transportation costs incurred, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate for a haul between the same points.

§ 1340.250a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1340.249 (b), (c) (1) and (d)) to Maximum Price Regulation No. 121 shall become effective August 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7865; Filed, August 12, 1942;
4:31 p. m.]

PART 1345—COKE

[Amendment 2 to Revised Price Schedule 77¹]

BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1345.51 is amended, and a new section, § 1345.51a, is added, as set forth below:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* Except as hereinafter provided, on and after January 26, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania to any consumer, and no consumer shall buy, offer to buy or accept delivery of beehive oven furnace coke produced in Pennsylvania at a delivered price higher than \$6.00 per net ton f. o. b. cars ovens, plus the transportation charges from Connellsville, Pennsylvania, to the place of delivery as customarily computed: *Provided*, That on and after August 12, 1942, subject to the conditions hereinafter set forth, in any operation in which ovens are hand-drawn and the total coal supply for such hand-drawn ovens is necessarily trucked from the mine to the ovens, the maximum delivered price shall be \$6.50 per net ton f. o. b. cars ovens, plus the transportation charges from Connellsville, Pennsylvania, to the place of delivery as customarily computed, sub-

¹ 7 F.R. 1352, 1836, 2000, 2132, 2760.

ject however to the express conditions that a seller of any such coke who intends to charge a price higher than \$6.00 per net ton f. o. b. cars ovens shall file with the Office of Price Administration, within seven days after first charging such higher price, an affidavit stating the name, ownership, size and average monthly production of the operation, whether part or all of the ovens are hand-drawn, the distance and place from which the coal must be trucked and whether or not all of the coal is so trucked.

§ 1345.51a *Maximum selling commissions or charges.* On and after August 12, 1942, regardless of the terms of any contract or other commitment, selling commissions or charges for the sale of beehive oven furnace coke produced in Pennsylvania shall not exceed \$.25 per net ton.

§ 1345.61 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1345.51, 1345.51a, 1345.61) shall become effective August 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7866; Filed, August 12, 1942; 4:26 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[Amendment 3 to Revised Price Schedule 50¹]

GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Amended: 1351.1 (a), (b) (1), (c).

§ 1351.1 *Maximum prices for green coffee.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that

(1) Contracts entered into prior to December 11, 1941, providing for a price higher than the maximum prices may be carried out at the contract price.

(2) Contracts entered into prior to August 12, 1942, calling for delivery on or after that date, providing for a price higher than the maximum prices because of a bona fide error or misunderstanding as to customary trade differentials in effect prior to December 8, 1941, between types and grades of green coffee may be carried out at the contract price: *Provided*, That the seller shall report the terms of any such contract to the Office of Price Administration, Washington, D. C., on or before September 11, 1942.

(3) Special coffee agreements now or hereafter entered into with Commodity Credit Corporation (United States De-

*Copies may be obtained from the Office of Price Administration.

¹7 F. R. 1305, 1836, 2132, 2945, 5462.

partment of Agriculture, 1942, C. C. C., Coffee Form 1) providing for a price higher than the maximum prices may be carried out at the contract price.

(b) The maximum prices shall include all commissions and all other charges; except that (1) *Ocean freight, war risk insurance and marine insurance:*

(i) *Special lots of green coffee for which an onboard bill of lading was signed prior to 12:01 A. M. July 2, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance and marine insurance may be added to the maximum prices for such green coffee if such charges were actually incurred by the seller. Decreases in said charges prevailing prior to the opening of business on December 8, 1941, must be subtracted from the maximum prices for such green coffee.

(ii) *Special lots of green coffee for which an onboard bill of lading was signed after 12:01 A. M. July 2, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941, for freight, war risk insurance, and marine insurance may not be added to the maximum prices for such green coffee, except that increases in said charges may be added to the maximum prices in the case of sales to the War Department of the United States of America.

(c) The maximum prices for all types and grades of green coffee shall be as follows:

Country and Price in Cents Per Pound
ex Dock New York City

SANTOS				
	Strictly soft	Soft	Freeport Rio flavor	Othercap description or undecorated
2s.....	*14 1/4	13 3/4	12 3/4	0
3s.....	14	13 1/2	12 1/2	0
4s.....	13 3/4	13 1/4	12 1/4	0 3/4
5s.....	13 1/2	13	12	0 1/2
6s.....	*13 1/4	12 3/4	11 3/4	0 1/4
7s.....	13 1/4	12 3/4	11 3/4	0 1/4
8s.....	13 1/4	12 3/4	11 3/4	0 1/4
9s.....	13 1/4	12 3/4	11 3/4	0 1/4
10s.....	13 1/4	12 3/4	11 3/4	0 1/4
11s.....	13 1/4	12 3/4	11 3/4	0 1/4
12s.....	13 1/4	12 3/4	11 3/4	0 1/4
13s.....	13 1/4	12 3/4	11 3/4	0 1/4
14s.....	13 1/4	12 3/4	11 3/4	0 1/4
15s.....	13 1/4	12 3/4	11 3/4	0 1/4
16s.....	13 1/4	12 3/4	11 3/4	0 1/4
17s.....	13 1/4	12 3/4	11 3/4	0 1/4
18s.....	13 1/4	12 3/4	11 3/4	0 1/4
19s.....	13 1/4	12 3/4	11 3/4	0 1/4
20s.....	13 1/4	12 3/4	11 3/4	0 1/4

PARANAGUA—ANGRA DOS REIS—SUL DE MINAS

[See Facts shipped via Rio-Grande Des Reis, or Paranaqua]

	Rto	Rto Greenstyle	Rto PBX
2s.....	13 3/4	13 3/4	10
3s.....	13 3/4	13 3/4	9 3/4
4s.....	13 3/4	13 3/4	9 3/4
5s.....	13 3/4	13 3/4	9 3/4
6s.....	13 3/4	13 3/4	9 3/4
7s.....	13 3/4	13 3/4	9 3/4
8s.....	13 3/4	13 3/4	9 3/4
9s.....	13 3/4	13 3/4	9 3/4
10s.....	13 3/4	13 3/4	9 3/4
11s.....	13 3/4	13 3/4	9 3/4
12s.....	13 3/4	13 3/4	9 3/4
13s.....	13 3/4	13 3/4	9 3/4
14s.....	13 3/4	13 3/4	9 3/4
15s.....	13 3/4	13 3/4	9 3/4
16s.....	13 3/4	13 3/4	9 3/4
17s.....	13 3/4	13 3/4	9 3/4
18s.....	13 3/4	13 3/4	9 3/4
19s.....	13 3/4	13 3/4	9 3/4
20s.....	13 3/4	13 3/4	9 3/4

	Victoria	Victoria Greenstyle	Victoria PBX
2s.....	9 3/4	10 1/4	10 1/4
3s.....	9 3/4	10	10 1/4
4s.....	9 3/4	9 3/4	10
5s.....	9 3/4	9 3/4	9 3/4
6s.....	9 3/4	9 3/4	9 3/4
7s.....	9 3/4	9 3/4	9 3/4
8s.....	9 3/4	9 3/4	9 3/4
9s.....	9 3/4	9 3/4	9 3/4
10s.....	9 3/4	9 3/4	9 3/4
11s.....	9 3/4	9 3/4	9 3/4
12s.....	9 3/4	9 3/4	9 3/4
13s.....	9 3/4	9 3/4	9 3/4
14s.....	9 3/4	9 3/4	9 3/4
15s.....	9 3/4	9 3/4	9 3/4
16s.....	9 3/4	9 3/4	9 3/4
17s.....	9 3/4	9 3/4	9 3/4
18s.....	9 3/4	9 3/4	9 3/4
19s.....	9 3/4	9 3/4	9 3/4
20s.....	9 3/4	9 3/4	9 3/4

	Pernambuco soft	Pernambuco	Echla
2s.....	13 1/4	10	9 1/4
3s.....	13 1/4	9 3/4	9 1/4
4s.....	12 3/4	9 3/4	9 1/4
5s.....	12 3/4	9 3/4	9 1/4
6s.....	12 3/4	9 3/4	9 1/4
7s.....	12 3/4	9 3/4	9 1/4
8s.....	12 3/4	9 3/4	9 1/4
9s.....	12 3/4	9 3/4	9 1/4
10s.....	12 3/4	9 3/4	9 1/4
11s.....	12 3/4	9 3/4	9 1/4
12s.....	12 3/4	9 3/4	9 1/4
13s.....	12 3/4	9 3/4	9 1/4
14s.....	12 3/4	9 3/4	9 1/4
15s.....	12 3/4	9 3/4	9 1/4
16s.....	12 3/4	9 3/4	9 1/4
17s.....	12 3/4	9 3/4	9 1/4
18s.....	12 3/4	9 3/4	9 1/4
19s.....	12 3/4	9 3/4	9 1/4
20s.....	12 3/4	9 3/4	9 1/4

COLOMBIA

Medellin Excelso.....	*16 1/4
Pensylvania Excelso.....	16 1/4
Armenia Excelso.....	16 1/4
Manizales Excelso.....	*15 3/4
Sevilla Excelso.....	15 3/4
Cucuta Excelso.....	15 3/4
Bucks Excelso.....	15 3/4
Bogota Excelso.....	15 3/4
Girardot Excelso.....	15 3/4
Nelva Excelso.....	15 3/4
Litana Excelso.....	15 3/4
Tollima Excelso.....	15 3/4
Cumbre Excelso.....	15 3/4
Pogayan Excelso.....	15 3/4
Narino Excelso.....	15 1/4
Ocana Excelso.....	15 1/4
Santa Marta Excelso.....	15 1/4
Segunda—1 1/2 under Excelso for corresponding district.	
Concuno—1 1/2 under Excelso for corresponding district.	
Facilla—2 1/2 under Excelso for corresponding district.	

COSTA RICA

Strictly Hard.....	*16 1/4
Hard.....	16 1/4
Semi Hard.....	16 1/4
Prime.....	*16
Fine Atlantic.....	15 1/2
Good Atlantic.....	15 1/4

CUBA

Good Washed.....	*14 1/4
Fair Washed.....	13 3/4
Natural Soft 3's or better.....	11 3/4
Corriente Soft.....	10 1/2
Corriente Hard.....	8 3/4

ECUADOR

Washed Ecuador.....	13 1/4
Extra Superior Unwashed.....	*11 1/4
Extra Unwashed.....	10 3/4
Selecto Unwashed.....	10 1/4
Corriente Unwashed.....	9 3/4

GUATEMALA

Antigua.....	16 3/4
Strictly Hard Bean.....	*16 1/2
Hard Bean.....	16 1/4
Semi Hard.....	16
Extra Prime.....	15 3/4
Prime.....	15 1/2
Marcogipe.....	15 1/2
Extra Good Washed.....	14 3/4
Good Washed.....	14 1/2
Fair.....	14 1/4
Ecuador.....	14 1/4
Coban Strictly Hard.....	16 1/2
Coban Hard Bean.....	16 1/4
Coban Semi Hard.....	16
Peaberry.....	No premium

HAITI	
Good Washed Sweet.....	*13¾
Trié A La Main xx.....	11¼
Trié A La Main xxx.....	11¾
Trié A La Main xxxx.....	12
Trié A La Main xxxxx.....	12½
HAWAII	
No. 1 Extra Prime.....	*16½
HONDURAS	
Good Washed.....	*15
Corriente 5's Hard.....	9%
JAMAICA	
Washed.....	*14½
Natural /A.....	11½
Natural /B.....	11
Good Ordinary.....	10¾
MEXICO	
Coatepec.....	*16½
Huatusco.....	16¾
Orizaba.....	16
Jalapa.....	16
Cordoba.....	16
Tapachula Firsts.....	*15½
Tapachula Seconds.....	15
Tapachula Thirds.....	14½
Oaxaca.....	15
Maragogipe.....	15½
Current Quality Oaxaca.....	13½
NICARAGUA	
Matagalpa.....	*15
Good Washed.....	*14½
Superior Unwashed.....	13
Current Unwashed.....	11
PERU	
Fancy Washed.....	*15¼
PUERTO RICO	
Fancy.....	*15½
Good Washed.....	*14½
SALVADOR	
High Grown.....	*16
Prime Washed.....	15¾
Good Washed.....	*15½
Superior Unwashed.....	*13¾
Current Unwashed.....	13%
SANTO DOMINGO	
Good Washed Sweet.....	*13¾
Natural Sweet.....	11¼
Natural Hard.....	9%
SURINAM	
Surinam.....	*7¾
TRINIDAD	
Trinidad.....	*14½

VENEZUELA

Washed	Fine	Good	Ordinary
Maracaibo.....	15%	15½%	14%
Caracas.....	*15%	15½%	14%
Tachira.....	15%	15½%	14%
Puerto Cabello.....	15%	14%	14

Standard Unwashed Sweet Maracaibo

Tachira.....	*13¾
Bocono.....	13½
Tovar.....	13½
Trujillo.....	10¾

Unwashed	Good	Average	Poor
Caracas.....	13	12½	10¾
Puerto Cabello.....	12¾	12	10¾

ABYSSINIA	
Long Berry Harar.....	*17
BELGIAN CONGO	
Washed Arabica Ungraded.....	*15½
Washed Robusta.....	12½
Natural Robusta.....	11½
BUKOKA	
Plantation.....	*13½
Native Washed.....	11¼
Native Unwashed.....	10½
KENYA	
Washed A.....	*16
Washed B.....	15¾
Washed C.....	14¾
Washed T T.....	14¼
Washed T.....	14
Washed Ungraded.....	15¾
MOCHA	
Mocha (Arabia).....	*18½
NETHERLANDS EAST INDIES	
Genuine Washed Java.....	*19½
Sumatra—Average Age—6 months:	
Ankola.....	25
Nandheling.....	25
Timor.....	15½
Boengle.....	15½
Washed Java Robusta.....	11¼
Natural Java Robusta.....	10½
PORTUGUESE WEST AFRICA	
Amboim.....	*11¼
Ambriz.....	*11¼
Novo Redondo.....	*11¼
Encoge.....	11
Cazengo.....	11
TANGANYIKA	
Washed /A.....	*15¾
Washed /B.....	15½
Washed /C.....	14½
Washed /TT.....	14
Washed /T.....	13¾
Washed Ungraded.....	15½
UGANDA	
Washed.....	16
Plantation.....	*13
Native Washed.....	11¼
Native Unwashed.....	10½

In all cases the above descriptions apply to the best quality of each type and grade mentioned. The maximum prices designated by (*) were established by Amendment No. 2 to Price Schedule No. 50,² which was issued on December 27, 1941 and became effective December 29, 1941. The maximum prices not designated by (*) are established by this Amendment No. 3 to Revised Price Schedule No. 50. The maximum prices for green coffee imported from any other country, or for grades of poorer quality or other descriptions than those named, shall be determined by applying the customary trade differentials in effect prior to December 8, 1941 to the maximum prices specifically set forth in this paragraph.

For aged grades of "extra superior" quality, or for imports from any country of limited amounts of coffee, markedly superior to the best grade listed for that country, a premium may be added to the maximum price listed for the corresponding grade, providing such premium is

commensurate with trade practices prevailing prior to December 8, 1941.

² 6 F.R. 6803.

commensurate with trade practices prevailing prior to December 8, 1941.

§ 1351.9 Effective dates of amendments. * * *

(c) Amendment No. 3 (§ 1351.1 (a), (b) (1), (c)) to Revised Price Schedule No. 50 shall become effective August 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7867; Filed, August 12, 1942; 4:27 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 4 to Maximum Price Regulation 26¹]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In paragraph (a) of § 1381.62 under the heading entitled "Maximum Prices for Aircraft Douglas Fir, United States Treasury Department Procurement Division Specifications", subparagraphs (1) and (2) are amended and subparagraph (4) is added, as set forth below:

§ 1381.62 Appendix A: Maximum prices for Douglas fir and other West Coast lumber where shipment originates at a mill. (a) The maximum prices for Douglas fir lumber f. o. b. mill per one thousand feet board measure where shipment originates at the mill, shall be as follows:

(1) Firace Grade.....	\$145.00
(2) AS Grade.....	115.00
(4) Y Grade (United States Treasury Procurement Division Specification).....	90.00

§ 1381.61a Effective dates of amendments. * * *

(d) Amendment No. 4 (§ 1381.62 (a)) to Maximum Price Regulation No. 26 shall become effective August 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7868; Filed, August 12, 1942; 4:33 p. m.]

*Copies may be obtained from the Office of Price Administration.
17 F.R. 4573, 4701, 5180, 5360.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 4 to Designation and Rent Declaration 25]

DESIGNATION OF 260 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Items (60) and (64) listed in the table of § 1388.1201¹ of Designation and Rent Declaration No. 25 are amended to read as set forth below:

§ 1388.1201 *Designation.* * * *

	Name of defense-rental area ¹	In State or States of:	Defense-rental area consists of:
(60)	Quad Cities	Illinois Iowa	County of Rock Island. County of Scott.
(64)	Savanna-Clinton	Illinois Iowa	County of Carroll. County of Clinton.

¹The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This Amendment No. 4 (§ 1388.1201) shall become effective August 12, 1942. (Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7871; Filed, August 12, 1942; 4:33 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 1 to Ration Order 5 B¹]

Section 1394.2751 and paragraph (b) of § 1394.2703 are hereby repealed, § 1394.2752 is redesignated § 1394.2751; two new sections, §§ 1394.2752, and 1394.3052 (a), and two new paragraphs (b) and (c) of § 1394.2851 are added; and §§ 1394.2251, 1394.2304 (b), 1394.2305 (a), 1394.2306 (a) and (1), 1394.2354 (b), 1394.2404 (a), 1394.2405 (a) (2), 1394.2653 (a), 1394.2804 (a), and 1394.2805 (a), are amended, as set forth below.

Basic Rations

§ 1394.2251 *Persons entitled to basic rations.* (a) The owner or the person entitled to the use of a licensed passenger automobile or a licensed motorcycle may obtain during the period from July 22, 1942 to January 31, 1945 a basic ration for use with such vehicle, except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

- (1) A public car, taxi, or vehicle available for public rental.
- (2) Owned or leased by a Federal, Insular, municipal, or foreign government or government agency.

¹7 F. R. 3195, 3892, 4179, 5812.
²7 F. R. 5607.

(3) Specially built or rebuilt as an ambulance or hearse.

(4) Part of a fleet of passenger automobiles or motorcycles; or

(5) Held by a motor vehicle dealer for sale or resale.

Supplemental Rations

§ 1394.2304 *Allowance of mileage.*

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for any of the purposes listed in § 1394.2303 (b) for which the applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. In the absence of a ride-sharing arrangement the Board shall allow only that portion of the claimed mileage with respect to which the applicant has established the inadequacy of alternative means of transportation in accordance with paragraph (a) (2) (ii) of this section. The Board shall then allow the applicant an average occupational mileage per month required by the applicant: *Provided*, That the Board shall not allow an average of more than 256 miles per month for a passenger automobile, or more than 280 miles per month for a motorcycle, for occupational mileage unless the mileage in excess of such 256 miles or 280 miles per month consists of preferred mileage as defined in § 1394.2306. The total occupational mileage allowed any applicant shall not exceed 576 miles per month for a passenger automobile, or 560 miles per month for a motorcycle.

§ 1394.2305 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.2304 for the unexpired portion of the ration period for which the ration book issued is valid.

(1) In the case of a passenger automobile the Board shall issue:

(i) In the event that the occupational mileage allowed by the Board is 256 miles per month or less, sufficient coupons in one Class B book to provide the gallonage determined by the Board to be necessary for the mileage allowed for the three-month ration period. For the purpose of determining the gallonage necessary for such mileage the Board shall conclusively presume that a passenger automobile obtains an average of 12 miles per gallon.

(ii) In the event that the mileage allowed by the Board pursuant to §§ 1394.2304 and 1394.2306 exceeds 256 miles per month, sufficient coupons in one Class C book to provide the gallonage determined by the Board to be necessary for the mileage allowed for the three-month ration period. For the purpose of determining the gallonage necessary for such mileage the Board shall conclusively presume that a passenger automobile obtains an average of 12 miles per gallon.

(2) In the case of a motorcycle, the Board shall issue sufficient coupons in not more than two Class D books, if the mileage allowed is 280 miles or less per month, or in not more than four Class D books, if the mileage allowed is more than 280 miles per month, to provide the gallonage determined by the Board to be necessary for the six-month ration period. Each such book shall be marked "Supplemental". For the purpose of determining the gallonage necessary for such mileage the Board shall conclusively presume that the motorcycle obtains 35 miles per gallon.

§ 1394.2306 *Preferred mileage.* The mileage driven, in a passenger automobile or motorcycle, necessary for carrying out one or more of the following purposes shall be deemed preferred mileage:

(a) By a duly elected or appointed agent, officer, representative, or employee of a Federal, insular, municipal, or foreign government or government agency for performing the official business or carrying out an official function of such government or government agency in a passenger automobile or motorcycle not owned or leased by such government or government agency.

(1) By traveling salesman engaged in the sale of necessary productive equipment for farms, factories, mines, and similar productive or extractive establishments, or of medical supplies, if the marketing of such equipment or supplies by salesman is essential to the war effort.

Fleet Rations (for Fleet Passenger Automobiles and Motorcycles)

§ 1394.2354 *Allowance of mileage.*

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average mileage per month determined by it to be required in the pursuit of an occupation, and shall issue a ration in accordance with the provisions of § 1394.2355 to provide such mileage: *Provided*, That the Board shall not allow more than 256 miles per month for any passenger automobile, nor an average of more than 256 miles per month per automobile for any group of passenger automobiles, nor shall it allow more than 280 miles per month for a motorcycle, nor an average of more than 280 miles per month per motorcycle for any group of motorcycles, unless such excess mileage consists of preferred mileage as defined in § 1394.2306. The total occupational mileage allowed to any applicant shall not exceed 576 miles per month per passenger automobile nor more than 560 miles per month per motorcycle.

Service Rations

§ 1394.2404 *Application for service ration.* (a) Application for a service ration may be made to a Board by the owner or the person entitled to the use of the vehicle, or the agent of either of them, on and after July 22, 1942, on Form OPA PRR-3. One application form may be used for all vehicles for which the applicant seeks a service ration.

§ 1394.2405 *Issuance of service rations.* (a) Service rations shall be issued to eligible applicants in the manner indicated below:

(2) Government Passenger Automobiles and Motorcycles: Sufficient coupons in not more than one S-1 book for an automobile, or in not more than four Class D books, each marked "Service," for a motorcycle, or bulk coupons, if bulk coupons are requested, to provide the gallonage necessary for the minimum mileage required during the five-month ration period, in the case of an automobile, or the six-month ration period, in the case of a motorcycle, solely for the performance of official government business. For the purpose of determining the gallonage necessary for the mileage allowed vehicles pursuant to this paragraph, the Board shall conclusively presume that the automobile is operated an average of 12 miles per gallon, and the motorcycle, 35 miles per gallon.

Restrictions on Use of Rations and Gasoline

§ 1394.2653 *Change of occupation of holder of Class C ration.* (a) The holder of a Class C ration (or of a Class D ration based on allowed mileage in excess of 280 miles per month) shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds that such motor vehicle will no longer be used for a preferred purpose listed in § 1394.2306, it shall notify such holder, in writing, that his right to such ration is to be re-examined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on allowed mileage in excess of 280 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in § 1394.2306, it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in § 1394.2306, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration if any, as it determines that the holder is entitled to receive on the basis of his new application.

General Provisions With Respect to Issuance of Gasoline Rations

§ 1394.2752 *Temporary certification in lieu of license certificate.* (a) If the li-

cence certificate of any applicant is held at the time of application for a ration book by the Department of Interior of the Insular Government, such person may obtain a ration book by certifying in writing to such fact. A ration book so issued shall be invalid, and shall be surrendered to the Board, within two weeks after issuance unless the license certificate or a duplicate thereof is presented to the Board.

Expiration and Revocation of Rations

§ 1394.2804 *Denial of gasoline rations* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.2806 (c) for refusal to surrender a gasoline ration book upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5 B while his name remains thus recorded.

§ 1394.2805 *Suspension and revocation of rations.* (a) All coupon books, bulk coupons and inventory coupons issued shall remain the property of the Office of Price Administration. The Director of the Office of Price Administration for Puerto Rico may suspend, cancel, revoke, or recall any ration, and may require the surrender and return of any coupon book, bulk coupon or inventory coupons during suspension or pursuant to cancellation, whenever he deems it to be in the public interest to do so.

Restrictions on Transfers

§ 1394.2851 *Restrictions on transfer to consumers.* * * *

(b) No dealer shall transfer gasoline to a consumer on August 1, 1942, or August 2, 1942.

(c) On or after August 3, 1942, no dealer shall transfer gasoline to a consumer between the hours of 6 p. m. on any day and 8 a. m. on the following day, nor between the hours of 1 p. m. on a Saturday and 8 a. m. on the following Monday.

Replenishment and Audit

§ 1394.2901 *Registration of inventory and capacity.* (a) No dealer or intermediate distributor having a place of business in Puerto Rico shall make or receive any transfer of gasoline between the hours of 4 p. m. and midnight on July 31, 1942. During such hours every dealer shall take an actual physical inventory of his total gasoline supplies on hand and shall register, on Form OPA R-545, in duplicate, with the Board having jurisdiction of the area in which he has such place of business, at the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His total inventory of gasoline on hand as of the close of business on July 31, 1942;

(2) His total gasoline storage capacity;

(3) His name, firm name, business address, and type of business;

(4) A certification as to the correctness of each of the foregoing items of information.

Separate registration shall be made by such dealer or intermediate distributor for each place of business in Puerto Rico where gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located.

Effective Dates

§ 1394.3052 *Effective Dates of Amendments.* (a) Amendment No. 1 to Ration Order No. 5 B (§§ 1394.2251; 1394.2304 (b); 1394.2305 (a); 1394.2306 (a) and (1); 1394.2354 (b); 1394.2404 (a); 1394.2405 (a) (2); 1394.2653 (a); 1394.2703 (b); 1394.2751; 1394.2752; 1394.2804 (a); 1394.2805 (a); 1394.2851 (b) and (c); and 1394.3052 (a) shall become effective July 27, 1942.

(Pub. No. 617, 76th Cong., 3rd sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2nd sess., Pub. No. 421, 77th Cong., 2nd sess., WPB Directive No. 1, Supp. Dir. No. 1 J, OPA Administrative Order 18, 7 F.R. 5148.

Issued this 27th day of July 1942.

PAUL EDWARDS,
Director of the Office of Price
Administration for Puerto Rico.

[F. R. Doc. 42-7872; Filed, August 12, 1942;
4:34 p. m.]

PART 1394—RATIONING OF FUEL AND FULL PRODUCTS

[Amendment 2 to Ration Order 5B¹]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A new section, § 1394.2407, and two new paragraphs, paragraph (b) of § 1394.2913 and paragraph (b) of § 1394.3052, are added; and §§ 1394.2306 (k) and (l), 1394.2406 (a); and 1394.2601, are amended, as set forth below:

Supplemental Rations

§ 1394.2306 *Preferred mileage.* The mileage driven, in a passenger automobile or motorcycle, necessary for carrying out one or more of the following purposes shall be deemed preferred mileage:

(k) By a worker (including an executive, technician, or office worker, but not including salesmen) or by an employer, employer's representative or representative of a labor organization in travel to, from, within, or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishments or facilities or to the maintenance of peaceful industrial relations therein:

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants or establishments engaged in the production or distribution of heat, light, power, petroleum products, gas, steam or

water; or of irrigation, drainage, flood-control or sanitation systems; or of telephone, telegraph, radio or other communications systems; or of newspapers.

(D) By traveling salesmen engaged in the sale of necessary productive equipment for farms, factories, mines, and similar productive or extractive establishments, of medical supplies, or of petroleum products, if the marketing of such equipment or supplies by salesmen is essential to the war effort.

Service Rations

§ 1394.2406 *Issuance of essential service rations to trucks.* (a) On or after August 15, 1942, a Board, in its discretion, may issue one or more additional S-1 books, in the case of light trucks, and one or more additional S-2 books, in the case of heavy trucks, for any truck the principal use of which is made in one or more of the following essential services:

(12) To deliver newspapers wholesale.

§ 1394.2407 *Issuance of temporary Class S-1 Certificate.* (a) Notwithstanding any other provisions of Ration Order No. 5B, a Board may issue, in lieu of one Class S-1 Book, whenever a Class S-1 Book is not available, a Temporary Class S-1 Coupon Certificate (Form OPA PRR-10), valid only until August 15, 1942.

(b) Every Temporary Class S-1 Coupon Certificate issued pursuant to paragraph (a) of this section shall be surrendered to the Board upon issuance of the regular Class S-1 Book in lieu of which such Coupon Certificate was originally issued. The Board shall remove from the Class S-1 Book issued at least a number of S coupons equal to the number of units which had been detached from the Coupon Certificate at the time of its surrender to the Board.

Gallonage Value of Coupons

§ 1394.2601 *Value of coupons.* (a) Each gasoline ration coupon of the class herewith designated shall have the following value in gallons of gasoline:

Class:	
A.....	1
B.....	4
C.....	1½
D.....	½
E.....	3
F.....	10
S-1.....	3
S-2.....	3

Replenishment and Audit

§ 1394.2913 *Exchange of coupons for certificates.* * * *

(b) The Director of the Office of Price Administration for Puerto Rico may require any dealer or intermediate distributor to exchange all coupons of any class or classes held by such dealer or intermediate distributor for exchange certificates, inventory coupons, or other evidences of gallonage value within 24 hours after announcement of an alteration in the unit value of coupons pursuant to the provisions of § 1394.2501 (b).

Effective Date

§ 1394.3052 *Effective date of amendments.* * * *

(b) Amendment No. 2 to Ration Order No. 5 B (§§ 1394.2306 (k) and (l); 1394.2406; 1394.2407; 1394.2601; 1394.2913 (b); and 1394.3052 (b)) shall become effective July 29, 1942.

Issued this 29th day of July 1942.

PAUL EDWARDS,
Director of the Office of Price
Administration for Puerto Rico.

[F. R. Doc. 42-7873; Filed, August 12, 1942;
4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 56 under § 1499.3 (b) of the General
Maximum Price Regulation.]

NICKEL ANODES FOR NICKEL PLATING

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.270 *Maximum price at which any seller, other than a seller at wholesale or retail, may sell new or partly used nickel anodes for nickel plating purposes if such seller is unable to determine a maximum price under § 1499.2 of the General Maximum Price Regulation.*

(a) On and after August 13, 1942, any person, other than a seller at wholesale or retail, having any new or partly used nickel anodes for which he is unable to determine a maximum price under § 1499.2 of the General Maximum Price Regulation, may sell and deliver such new or partly used nickel anodes to any person authorized by the Director General for Operations, War Production Board, to purchase such new or partly used nickel anodes for nickel plating purposes or for resale for nickel plating purposes, and any such person may purchase for nickel plating purposes, or for resale for nickel plating purposes, such new nickel anodes at a price not in excess of 46¢ per pound (weight without hooks) f. o. b. seller's place of business and such partly used nickel anodes at a price not in excess of 43¢ per pound (weight without hooks) f. o. b. seller's place of business. Nothing contained in this section shall supersede or modify the provisions of Revised Price Schedule No. 8² or any amendment thereto.

(b) This Order 56 may be revoked or amended by the Price Administrator at any time.

(c) This Order 56 (§ 1499.270) shall become effective as of August 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7874; Filed, August 12, 1942;
4:31 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹7 F. R. 3163, 3330, 3666, 3890, 3991, 4339, 4487, 4659, 4738, 5027, 5276.

²7 F. R. 1224, 1830, 2132, 2478, 2918.

PART 1499—COMMODITIES AND SERVICES

[Order 16 Under § 1453.18 (b) of the General
Maximum Price Regulation—D o c k e t
GF1-223-P]

ARIZONA BREWING CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.316 *Adjustment of maximum prices for beer produced by Ralph B. Feffer, Trustee in Bankruptcy for Arizona Brewing Company.* (a) Ralph B. Feffer, Trustee in Bankruptcy for Arizona Brewing Company, 1153 East Madison Street, Phoenix, Arizona, may sell and deliver and any person may buy and receive from Ralph B. Feffer, Trustee in Bankruptcy for Arizona Brewing Company, the following commodities at prices not higher than those set forth below:

DUTCH TREAT BEER

11 oz. bottles—1 to 9 cases, \$1.45 per case, plus state tax and deposit; 10 to 24 cases, inclusive, \$1.30 per case, plus state tax and deposit; 25 cases or over, \$1.25 per case, plus state tax and deposit.

32 oz. bottles—1 to 9 cases, inclusive, \$2.00 per case, plus state tax and deposit; 10 to 24 cases inclusive, \$1.85 per case, plus state tax and deposit; 25 cases or over, \$1.80 per case, plus state tax and deposit.

ELDER BEAU BEER

12 oz. bottles—1 to 4 cases, inclusive, \$1.75 per case, plus state tax and deposit; 5 to 9 cases, inclusive, \$1.70 per case, plus state tax and deposit; 10 to 24 cases, inclusive, \$1.65 per case, plus state tax and deposit; 25 cases or over, \$1.60 per case, plus state tax and deposit.

32 oz. bottles—1 to 4 cases, inclusive, \$2.25 per case, plus state tax and deposit; 5 to 9 cases, inclusive, \$2.20 per case, plus state tax and deposit; 10 to 24 cases, inclusive, \$2.15 per case, plus state tax and deposit; 25 cases or over, \$2.10 per case, plus state tax and deposit.

(b) The adjustment granted to Ralph B. Feffer, Trustee in Bankruptcy for Arizona Brewing Company, in paragraph (a) is subject to the following conditions:

1. Ralph B. Feffer, Trustee in Bankruptcy for Arizona Brewing Company shall forthwith, by circular or other appropriate means, notify its customers that the Office of Price Administration has authorized adjustment of its maximum prices to those set forth in paragraph (a).

(c) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 16 (§ 1499.316) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 16 (§ 1499.316) shall become effective August 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7863; Filed, August 12, 1942;
4:30 p. m.]

PART 1499—COMMODITIES AND SERVICES
 [Order 17 Under § 1499.18 (c) of the General
 Maximum Price Regulation—Docket GF1-
 192-P]

UNITED GROCERY CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.367 *Adjustment of maximum prices for the following commodities sold by United Grocery Company.* (a) United Grocery Company, of Irvington, New Jersey, may sell and deliver to United Grocery Company retail outlets, and any such retail outlet may buy and receive from United Grocery Company the following commodities at prices not higher than those set forth below:

Item	Size	Unit	Price
Bottle Caps.....	1 gross.....	12	\$2.39
Chickadee Candy.....	1 lb. boxes.....	32	4.02
River Puffed White Rice.....	4 oz. pkgs.....	24	1.31
Dairy Maid Baking Choc.....	½ lb. bars.....	12	1.21
Clothes Line.....	50 ft. hanks.....	12	2.62
Clothes Line.....	100 ft. hanks.....	12	5.02
Eeze Freeze Ice Cream Mix.....	Pkgs.....	12	.82
Flako Pie Crust Mix.....	Pkgs.....	12	1.39
Libby Corned Beef Hash.....	1 lb. tins.....	24	4.50
Blue King Mayonnaise.....	1 gal. jars.....	2	3.19
Mop Handles.....	each.....	12	1.25
Imported Olive Oil.....	1½ oz. bottle.....	24	2.03
Imported Olive Oil.....	6 oz. bottle.....	12	3.82
Dromedary Taploca.....	7 oz. pkgs.....	24	2.41
Blue King Desserts, Gelatin.....	¾ oz. pkgs.....	12	.58
Blue Ribbon Malt.....	¾ tins.....	6	5.76
Pancake Syrup.....	12 oz. bottle.....	12	1.52
Pancake Syrup.....	32 oz. bottle.....	12	2.83
Libby Vienna Sausage.....	¾ tin.....	18	1.83
Blue King Vinegar.....	1 gal. jug.....	4	1.10
Pure Extract.....	1½ oz. bottle.....	12	2.10
Celery Seed.....	1¼ oz. pkgs.....	12	1.51
Cinnamon.....	1¼ oz. pkgs.....	12	1.51
Nutmeg.....	1 oz. pkgs.....	12	1.38
Black pepper.....	2 oz. pkgs.....	12	.53
Cream of Tartar.....	1¼ oz. pkgs.....	6	.68
Thyme.....	½ oz. pkgs.....	12	.79
Tumeric.....	1¼ oz. pkgs.....	12	.79
Whole Spice, Cinnamon.....	1 oz. pkgs.....	12	1.03
Whole Olives.....	1 oz. pkgs.....	12	.83
Whole Nutmeg.....	1½ oz. pkgs.....	12	1.36
All Spice.....	1¼ oz. pkgs.....	12	.79
Beechnut Coffee.....	½ tin.....	12	3.80
Desire Coffee.....	Bulk.....	20	3.80
Maxwell House Coffee.....	2 lb. tins.....	12	7.28
Maxwell House Coffee.....	1 lb. tins.....	12	3.77
Savarin Coffee.....	1 lb. tin.....	24	7.05
Sanka Coffee.....	1 lb. tin.....	12	4.08
Yuban Coffee.....	1 lb. tin.....	12	4.40
California Mackerel.....	1 lb. tin.....	24	3.03

(b) The relief granted herein is granted without prejudice to the prayers of the application for relief on other items listed in its protest, the consideration of such additional items having not yet been completed.

(c) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 17 (§ 1499.367) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 17 (§ 1499.367) shall become effective August 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of August 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-7870; Filed, August 12, 1942;
 4:29 p. m.]

**Chapter XIII—Office of Petroleum
 Coordinator for War**

[Recommendation No. 41]

PART 1504—PROCESSING AND REFINING

**CATALYTIC CRACKING AND HYDRO CATALYTIC
 REFORMING**

To Shell Development Company, Standard Catalytic Company, Standard Oil Development Company, Texaco Development Corporation, Standard Oil Company (Indiana), Universal Oil Products Company, The M. W. Kellogg Company, and their respective affiliated companies:

The above-named companies have represented that they have exchanged technical data and information and have cooperated in the development of new and efficient catalytic refining processes including a continuous catalytic cracking process using a so-called fluid catalyst (hereinafter called the "Catalytic Cracking Process") and a catalytic reforming process carried out in the presence of hydrogen (hereinafter called the "Hydro Catalytic Reforming Process") which are now available for commercial use and other catalytic refining processes closely related thereto which are rapidly approaching the stage of development where they will be available for commercial use by the petroleum industry; that they have patent rights pertaining to such processes and are in a position to license the Catalytic Cracking Process and the Hydro Catalytic Reforming Process to the petroleum industry and to assist the industry in making use of such processes.

They have further represented that these processes will increase the quantity, as well as improve the quality, of high octane aviation gasoline, will increase the quantity of toluene and will produce raw materials suitable for use in the production of butadiene; and that they are willing materially to reduce the royalty rates heretofore established for such processes in so far as such processes are used in connection with the war program.

Therefore, pursuant to the President's letter of May 28, 1941 establishing the Office of Petroleum Coordinator for War, I do hereby recommend that immediately and until further notice:

Authority: §§ 1504.52 to 1504.54, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.52 *Designs and plants.* Shell Development Company, Standard Catalytic Company, Standard Oil Development Corporation, Standard Oil Company (Indiana), Universal Oil Products Company, The M. W. Kellogg Company, and their respective affiliated companies, or any of them, shall negotiate a cross-

license and licensing arrangement and carry forward their cooperative research and development work with respect to the Catalytic Cracking Process, the Hydro Catalytic Reforming Process and the related catalytic refining processes above mentioned; and, with respect to such processes as now are or shall become available for commercial use, shall standardize the design, construction, and operation of plants adapted to operate such processes, so far as possible and consistent with the present need for saving critical materials, shall make available to the petroleum refining industry, directly or through agents and engineering contractors, all preliminary information and data to enable any petroleum refiner to obtain prompt and reliable estimates and bids, and, shall make available to any petroleum refiner licensed under the patent rights of the above-named companies for such processes or any of them all information required in connection with the construction and operation of licensed plants; *Provided*, That no such cross-license and licensing arrangement shall become operative until it has been specifically approved by the Chief Counsel of the Office of Petroleum Coordinator for War and certified by the Chairman of the War Production Board pursuant to section 12 of Public Law No. 603, 77th Congress.

§ 1504.53 *Licenses.* The terms and conditions in any license for any of such processes, to be issued under the collective patent rights under any cross-license or licensing arrangement developed pursuant to § 1504.52 of this chapter, shall be negotiated in the usual manner between the licensor and licensee, shall be subject to the approval of Chief Counsel of the Office of Petroleum Coordinator for War, and, among other things, shall not provide any royalty rate in excess of that approved by the Office of Petroleum Coordinator for War with respect to all products produced and sold, prior to the expiration of six months after the termination of the present war, to the Government of the United States, any duly authorized agency thereof, or, upon the written request of the Government of the United States, to any other purchaser designated in writing by the Government of the United States, shall provide that the licensor shall defend the licensee at the licensor's own cost and expense and shall indemnify and hold such licensee harmless against patent infringement suits brought by others up to the extent of the royalties received under the license from the licensee, and, shall contain a most-favored-licensee clause and suitable definitions.

§ 1504.54 *Scope.* §§ 1504.52 and 1504.53 of this chapter do not grant any

exclusive right, privilege, or interest to any of the parties named herein or in the development or licensing of any of the processes referred to herein and do not constitute any judgment in favor of or against the value or merits of any patent rights involved or sanction the doing of any act or thing or the omission to do any act or thing beyond such as may be set forth in said sections or alter, modify or amend any of the provisions of the Consent Decree entered in the District Court of the United States for the District of New Jersey on March 25, 1942 in the case of United States of America v. Standard Oil Company (New Jersey) et al.

HAROLD L. ICKES,
Deputy Petroleum
Coordinator for War.

JULY 24, 1942.

[F. R. Dec. 42-7900; Filed, August 13, 1942;
11:41 a. m.]

[Recommendation No. 43]

PART 1504—PROCESSING AND REFINING
WAR PROCESSES

To those persons, natural or artificial, owning or controlling technical information pertaining to processes which are necessary or useful in producing aviation gasoline, alcohols, benzene, toluene and other materials necessary or useful in the war, which are manufactured or otherwise obtained from petroleum and petroleum hydrocarbons.

The successful prosecution of the war depends in no small degree upon the technical skill and ingenuity exercised by the petroleum industry in the production of aviation gasoline, alcohols, benzene, toluene and other necessary or useful materials, which are manufactured or otherwise obtained from petroleum and petroleum hydrocarbons. Recognizing this fact, certain members of the petroleum refining industry have offered their respective patent rights and technical information pertaining to such processes. However, this Office deems it essential to collect the pertinent information as to certain processes wherever available in the entire petroleum refining industry and to direct exchanges thereof to make possible the largest saving of critical materials in new construction, the maximum utilization of existing facilities, the most efficient design or adaptation of plants to produce war products and the quickest procurement of required amounts of such products.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1504.60 to 1504.63, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.60 *War processes.* Each person, natural or artificial, owning or controlling technical information pertaining to processes necessary or useful in pro-

ducing aviation gasoline, alcohols, benzene, toluene, and other materials necessary or useful in the war, which are manufactured or otherwise obtained from petroleum and petroleum hydrocarbons, which can contribute to the furtherance of the war program, shall furnish this Office, if, as and at the time requested by this Office, with a typical detailed flow sheet for each such process so indicated setting forth thereon the pertinent data and information necessary or useful in an understanding thereof, with a detailed statement of typical results on typical charging stocks charged to such process and with such further technical information as may be designated from time to time by this Office.

§ 1504.61 *Licenses.* Any license that may be issued for any process referred to in § 1504.60 of this chapter, covering the operation of any war plant, during the period that the United States of America is at war or during the period of the existing National Emergency as declared by the President to exist by his proclamation dated May 27, 1941, whichever period is the longer, shall contain terms and conditions subject to the approval of Chief Counsel of the Office of Petroleum Coordinator for War and shall not provide any rate or rates of royalty in excess of those recommended by this Office. The operator of any war plant shall be entitled to the issuance to him upon request of such a license covering his operation of such war plant.

§ 1504.62 *Exchange of technical information.* Each person, natural or artificial, referred to in § 1504.60 of this chapter shall exchange technical data and information in the field of such process, if, as and at the time requested by this Office, with any other such person having a similar or complementary process, upon such terms and conditions and to such extent and for such time as this Office may from time to time direct and approve, so that pertinent information can be sent to those persons, natural or artificial, indicated by this Office, for application to the design, construction or operation of war plants or to other matters necessary or useful in furthering the war program.

Each party to any such exchange and any party receiving any information thereunder shall agree that it will not, during the period that the United States of America is at war or during the period of the existing National Emergency declared by the President to exist by his proclamation dated May 27, 1941, whichever period is the longer, with respect to any war plant receiving technical data or information involved in any such exchange, bring or cause to be brought any action or suit for infringement of patents against any other such party or against the licensees of any such party to any such exchange or against any party receiving any information hereunder pursuant to the approval of this Office, such agreement being without prejudice to the right of any party to bring or cause to be brought, after such period, any action or suit for infringement, if any, which may have been committed.

Neither any agreement concerning any such exchange of technical data and information nor any agreement as to any cross-license or licensing arrangement that may be entered into by any party as a result of action pursuant to §§ 1504.60 to 1504.62, inclusive, of this chapter, shall become operative until it has been specifically approved by the Chief Counsel of the Office of Petroleum Coordinator for War and certified by the Chairman of the War Production Board pursuant to Section 12 of Public Law No. 603, 77th Congress.

Nothing in §§ 1504.60 to 1504.62, inclusive, of this chapter, shall be construed to alter, modify or amend the provisions of the Consent Decree entered in the District Court of the United States for the District of New Jersey on March 25, 1942 in the case of United States of America v. Standard Oil Company (New Jersey) et al.

§ 1504.63 *Committees.* Any committee, sub-committee, or person appointed by the Office of Petroleum Coordinator for War, shall be empowered to work with any other committee, sub-committee or person designated by this Office, for the purpose of assisting the representatives of this Office in the study and determination of methods, materials and mechanisms to achieve the intentment of §§ 1504.60 to 1504.62, inclusive, of this chapter, and further, to assist such representatives in such execution thereof as may be required.

HAROLD L. ICKES,
Deputy Petroleum
Coordinator for War.

JULY 24, 1942.

[F. R. Dec. 42-7801; Filed, August 13, 1942;
11:40 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection
and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

By virtue of the authority vested in me by R.S. 161, 4405, 4438, 4439, 4440, 4441, 4442, 4488, 4491, as amended, 49 Stat. 1544, (5 U.S.C. 22, 46 U.S.C. 375, 224, 226, 228, 229, 214, 481, 489, 367) and Executive Order 9033, dated February 23, 1942 (7 F.R. 1609), the following amendment to the emergency regulations and approval of miscellaneous items of equipment for the better security of life at sea, are prescribed:

Part 155 is amended by the addition of a new § 155.12, reading as follows:

§ 155.12 *Original licenses.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by

§§ 36.1-1¹, 62.1², 78.1, 96.1, and 115.1 of this chapter:

(a) Before an original license is granted to any person to act as master, mate, pilot, or engineer, he shall personally appear before some board of local inspectors for examination. Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for examination: *Provided*, That license as third mate, third assistant engineer, or second-class pilot may be granted to applicants who have reached the age of 19 years, and that license as second mate or second assistant engineer may be granted to applicants who have reached the age of 20 years and are qualified in all other respects: *Provided, further*, That no such license as second mate or second assistant engineer may be raised in grade before the holder thereof shall have reached the age of 21 years.

MISCELLANEOUS ITEMS OF EQUIPMENT
APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Davit

Wellin Straight Boom Sheath Screw Davit, Type "B" (General arrangement Dwg. No. 2203, dated 18 February 1942) (Maximum load of 6,500 pounds per arm), manufactured by Wellin Davit & Boat Corp., Perth Amboy, New Jersey.

Lifeboat Hand-Propelling Gear

Allen hand-operated lifeboat propelling gear, Model 1942 (Dwg. No. 100, dated 25 February 1942), manufactured by C. W. Allen, San Francisco, California.

Life Rafts

18-person life raft (Dwg. No. 4, dated 8 July 1942), manufactured by R. & J. F. Johnson, 204 E. 58th Street, New York, New York.

18-person life raft (Dwg. No. 44, dated 19 June 1942), manufactured by Kearns Bros., Redwood City, California.

15-person and 18-person plywood pontoon life rafts (Dwg. Nos. PLR-5, dated 20 June 1942; and PLR-4, dated 20 June 1942; respectively), manufactured by Hunter Boat Co., Suisun, California.

20-person catamaran life raft (Dwg. dated 1 July 1942), manufactured by R. H. Bozman & Bros., Baltimore, Maryland.

Life Floats

Steel float No. 19-A, 19-person metallic cylinder life float (Dwg. No. 1718, dated 6 July 1942), manufactured by L. A. Young Spring and Wire Corp., Oakland, California.

Line-Carrying Gun

Steel line-carrying gun (Dwg. No. D-1374-GD, Alt. C., dated 24 April 1942), manufactured by Heat Transfer Products, Inc., New York, N. Y.

Life Preservers

Style 2B adult balsa wood life preserver (Dwg. dated 8 June 1942), Ap-

proval No. E-159, manufactured by The American Pad & Textile Company, Greenfield, Ohio.

10-A-#1 adult kapok life preserver, Approval No. B-157; and 10-A-#2 adult kapok life preserver, Approval No. B-158 (Dwgs. dated 22 June 1942), manufactured by Colvin-Slocum Boats, Inc., New York, New York. (10-A-#2 adult kapok life preserver approved for general use and also for use with lifesaving suits.)

Adult kapok life preserver, quilted type (Dwg. No. SAKJ-14, dated 22 July 1942) Approval No. B-161, manufactured by Seaway Manufacturing Co., Inc., New Orleans, Louisiana. (Approved for general use and also for use with lifesaving suits.)

Adult kapok life preserver, quilted type (Dwg. dated 17 July 1942) Approval No. B-162, manufactured by Acme Products, Inc., New Haven, Conn. (Approved for general use and also for use with lifesaving suits.)

No. 101 adult kapok life preserver (Dwg. Fig. No. 101, Approval No. B-160), manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Lifesaving Suits

Boston fire-resistant overboard cover-all lifesaving suit, Model CM, submitted by R. L. Morey Co., Inc., New York, N. Y. (In conjunction with life preservers bearing Approval Nos. B-97, B-152, B-153, B-154, B-155, B-156, B-158, B-161, or B-162.)

The B. F. Goodrich Co. lifesaving suit, Model 1, submitted by the B. F. Goodrich Co., Akron, Ohio. (In conjunction with life preservers bearing Approval Nos. B-97, B-152, B-153, B-154, B-155, B-156, B-158, B-161, or B-162.)

Victory Lifesaving Suit, submitted by The Watertight Slide Fastener Corp., New York, New York. (In conjunction with life preservers bearing Approval Nos. B-97, B-152, B-153, B-154, B-155, B-156, B-158, B-161, or B-162.)

Model M-M-1 lifesaving suit, manufactured by the Seamless Rubber Company, New Haven, Conn. (In conjunction with life preservers bearing Approval Nos. B-97, B-152, B-153, B-154, B-155, B-156, B-158, B-161, or B-162.)

R. R. WAESCHE,
Commandant.

August 12, 1942.

[F. R. Doc. 42-7878; Filed, August 13, 1942;
9:41 a. m.]

Chapter IV—War Shipping
Administration

[General Order No. 11, Supplement 1-B]

PART 302—CONTRACTS WITH VESSEL
OWNERS

AMENDMENT OF WARSHIPOLITIME FORM

Amendment to Clause 4, Sec. 302.55 (Warshipolitime).

The provisions of Clause 4 of time charter form 102 (Warshipolitime) § 302.55, 7 F.R. 4588, shall not be construed to require any reduction of hire to the extent that time lost thereunder does not exceed six (6) hours in any one period: *Provided*, That the owner shall, at all times during such period, employ the

utmost dispatch and diligence to remedy the deficiency of the vessel.

By Order of the War Shipping Administrator.

[SEAL]

W. C. PEET, JR.,
Secretary.

AUGUST 12, 1942.

[F. R. Doc. 42-7886; Filed, August 13, 1942;
10:30 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[Order No. 105]

COMMON CARRIERS BY WIRE OR RADIO

INFORMATION TO BE FILED

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of August 1942:

The Commission desiring to obtain full and complete information necessary for the proper administration of its duties under the Communications Act of 1934, as amended, pertaining to the proper keeping of accounts, records and memoranda of carriers;

It is ordered, That each and every common carrier by wire or radio to which this Commission's accounting regulations (including those in force under the provisions of section 604 (a) of the Communications Act of 1934, as amended) are applicable shall file with this Commission, under oath, not later than September 10, 1942, the following information:

(1) The name and title of the individual responsible (at the date of filing the response hereto) for compliance by the filing carrier with such accounting regulations, together with the date such individual was made thus responsible;

(2) The name and title of each and every other individual responsible for compliance by the filing carrier with such accounting regulations at any time between July 11, 1934, and the date of filing the response hereto, both dates inclusive, together with the respective beginning and concluding dates of the period during which each such individual was thus responsible;

(3) With respect to each individual named in response to the foregoing paragraphs (1) and (2), the source of the assignment, or the delegation, of responsibility to him for compliance with such regulations (such as, e. g., by-laws, resolution of the board of directors, or special action of the stockholders); together with a certified copy of the instrument or other evidence of action, if any, establishing such responsibility; and

(4) With respect to each individual named in response to the foregoing paragraphs (1) and (2), the name of the group or individual to whom he is or was responsible (such as, e. g., stockholders, board of directors, executive committee, chairman of the board, or president) under the provisions of the instrument establishing such responsibility;

It is further ordered, That a supplemental response shall be filed setting

¹ 6 F.R. 6701; 7 F.R. 2641, 4235.

² 7 F.R. 2643.

forth all the information called for by the foregoing requirements with respect to each new individual to whom the aforementioned responsibility may be assigned or delegated at any time after the filing of the original response hereto, such supplemental filing to be made not more than five (5) days after such new assignment or delegation;

It is further ordered, That references to the information appearing in the annual reports to the Commission (such as Forms M, O, and R) shall be deemed not to be responsive to this order.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7884; Filed, August 13, 1942;
10:05 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 1—GENERAL RULES OF PRACTICE

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AUTHORITY: §§ 1.1 to 1.102, inclusive, issued under sec. 17, 24 Stat. 335, sec. 6, 25 Stat. 891, sec. 2, 40 Stat. 270, secs. 430-432, 41 Stat. 492, 493, 47 Stat. 1363, secs. 204 (a) (6) and 205, 49 Stat. 546, 548, secs. 4 to 7, inclusive, 52 Stat. 1237, secs. 12, 20, and 304 (a), 54 Stat. 913, 923, 933, sec. 463 (a), 56 Stat. 225; 49 U.S.C. 17, 304 (a) (6), 305, 904 (a), and 1093 (a).

NOTE: This part, effective September 15, 1922, supersedes former §§ 1.1 to 1.23, inclusive, and also supersedes parts 5 and 6 in their entirety.

GENERAL INFORMATION

§ 1.1 *Scope of rules.* These general rules govern procedure before the Interstate Commerce Commission in proceedings under the Interstate Commerce Act and related acts, unless otherwise directed by the Commission in any proceeding.

§ 1.2 *Liberal construction.* These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

§ 1.3 *Information; special instructions.* Information as to procedure under these rules, and instructions supplementing these rules in special instances, will be furnished upon application to the Secretary of the Commission, Washington D. C.

§ 1.4 *Communications and pleadings generally—(a) How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed.

(b) *Timely filing required.* Pleadings, requests, or other papers or documents required or permitted to be filed under these rules must be received for filing at the Commission's offices at Washington D. C., within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.

(c) *Disposition of, when defective.* In any proceeding when upon inspection the Commission is of the opinion that a pleading, document, or paper tendered for filing does not comply with these rules, or, if it be an application, does not sufficiently set forth required material or is otherwise insufficient, the Commission may decline to accept the pleading, document, or paper for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(b) *Objectionable matter.* The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading.

§ 1.5 *Definitions.* As used in these rules:

(a) The terms "act" and "part" mean the Interstate Commerce Act and the several parts thereof, respectively. The term "act" also means, unless the context otherwise indicates, any other statute which the Commission administers in whole or in part.

(b) The term "proceeding" shall include: (1) an informal or formal "complaint" alleging violation of any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, including petitions on the special docket; (2) an "application" for (i) the granting of any right, privilege, authority, or relief under or from any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, or (ii) the consideration of any submission required by law to be made to the Commission; and (3) an "investigation" instituted or requested to be instituted by the Commission, including, among other matters on the valuation and investigation-and-suspension dockets.

(c) The term "complainant" means a person filing a complaint; "defendant" means a carrier or other person against whom complaint is filed; "applicant" means a person filing an application; "respondent" means a person designated in an investigation; "protestant" means a person opposed to a tentative valuation, to the granting of an application, or to any tariff or schedule becoming effective; "intervener" means a person permitted to intervene as provided in § 1.72 and "petitioner" means any other person seeking relief otherwise than by complaint or application.

(d) The term "pleading" means a complaint, answer, reply, application, protest, motion (other than motion orally made at hearing or argument), petition, document supplementing oral hearing as described in § 1.86 and all documents filed under modified and shortened procedure.

(e) The term "practitioner" means a person authorized by the Commission to appear before it in a representative capacity.

(f) The term "officer", except as a different meaning is indicated in §§ 1.17 (b), 1.57 to 1.66, inclusive, 1.71, and 1.78 (civil and corporate functionaries), includes: (1) a Commissioner, a board of employees (herein called an "employee board"), an examiner, or special board composed of State representatives (herein called a "joint board"), to which a proceeding (herein called "referred matter") is by order assigned or referred for hearing, consideration, or recommendation of an appropriate order thereon pursuant to provisions of law;¹ and (2) a Commissioner, an examiner, or other Commission employee before whom, without entry of an order of reference, a proceeding is assigned for hearing. The term "board" means either an employee board or a joint board as the context requires.

(g) The term "proposed report" means an officer's written statement of the issues, the facts and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order.

(i) The term "officer's report" or "board's report" means a proposed report or report and recommended order.

(j) The term "shortened procedure" means the procedure specified in § 1.44 and rules therein mentioned. Such rules provide, upon written consent of the parties, and upon the Commission's initiative or its approval of a request therefor made prior to hearing by any party, for the filing and serving of pleadings in formal-complaint proceedings with a view to avoiding an oral hearing.

(k) The term "modified procedure" means the procedure specified in §§ 1.45 to 1.54, inclusive, which rules provide for the filing and serving of pleadings in formal-complaint proceedings with a view to limiting the matters upon which subsequent oral evidence, if any, will be introduced.

§ 1.6 *Use of gender and number.* Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

PRACTITIONERS

§ 1.7 *Register of practitioners.* A register is maintained by the Commission in which are entered the names of all persons entitled to practice before the Commission. Corporations and firms will not be admitted or recognized.

§ 1.8 *Practitioners' qualifications and classes.* The following classes of persons whom the Commission finds, upon consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law.* Attorneys at law who are admitted to practice before the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.* Any person not an attorney at law who is a citizen or resident of the United States, and who shall satisfy the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission, and that he is otherwise competent to advise and assist in the presentation of matters before the Commission.

§ 1.9 *Applications for admission to practice.* An application under oath for admission to practice shall be addressed to the Commission, Washington, D. C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, or the nature of his qualifications. Such application shall also state whether the applicant has ever been suspended or disbarred as an attorney, or whether his right to practice has ever been revoked by any court, commission, or administrative agency, in any jurisdiction. Such application shall be accompanied by a certificate of the clerk of the court in which applicant is admitted to practice to the effect that he has been so admitted and is in good

standing; or, by a certificate signed by three or more practitioners as sponsors for the applicant, which certificate shall recite that applicant possesses all the requisite qualifications under this section, and the sponsors shall incorporate in their certificate a recommendation and motion that applicant be admitted to practice under this section.

§ 1.10 *Additional certificates by practitioner's sponsors; hearing; abandonment of application.* The Commission in its discretion may call upon the practitioners making such certificate for a full statement of the nature and extent of their knowledge of the qualifications of the applicant. If upon consideration of the papers filed by the applicant and the statements submitted by his sponsors, or otherwise, the Commission is not satisfied as to the sufficiency of the applicant's qualifications under these rules, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents such request, the Commission will accord him a hearing. If he presents to the Commission no request for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

§ 1.11 *Application fee.* An application filed after this section becomes effective must be accompanied by a fee of \$10. Payment must be made either in cash or by New York draft, certified check, express or postal money order payable to the order of the Treasurer of the United States. The fee will be returned if applicant is not admitted to practice.

§ 1.12 *Practitioner's oath.* No person shall be admitted to practice before the Commission until he shall have subscribed to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and according to law; and that he will support the Constitution of the United States and laws of the United States and will conform to the rules and regulations of the Commission.

§ 1.13. *Denial of admission, censure, suspension, or disbarment of practitioners.* The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard.

SPECIAL RULES RESPECTING BOARDS

§ 1.14 *Special rules respecting boards.*—(a) *Organization.* After a joint board has been created it shall select one of its members to act as chairman for all purposes concerning matters which may be referred to it. In the event the member so selected is absent from any meeting of the joint board the members attending shall select one of such members, except as provided in

¹ Such as sections 17 and 205 of the Interstate Commerce Act.

paragraph (b) of this section, temporarily to act as chairman.

(b) *Waiver by absence of a joint-board member.* The failure of a duly appointed member of a joint board to participate in any hearing after notice thereof on a matter referred to such joint board shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed.

(c) *Procedural rulings in case of disagreement.* If the members of a board or a majority thereof in actual attendance at a hearing shall be unable to agree upon the disposition of a procedural question arising therein, the chairman (or acting chairman) of the board shall decide the question and rule or order accordingly.

(d) *Form of board's report; service.* For the sake of uniformity the board's report shall conform as nearly as may be practicable to the form of report issued by the Commission in similar cases. The board's report will be served by the Commission.

(e) *Termination of joint board jurisdiction; subsequent procedure.* The jurisdiction of a joint board over a referred matter shall be terminated in the event of: (1) service of a report as provided in paragraph (d) of this section; (2) submission of the board's conclusions without written report; (3) waiver of action in writing by appropriate authority of each State from which a member is entitled to be appointed; (4) failure of all members of the board to appear at the hearing; (5) failure of a majority of the board to agree; or (6) entry of order vacating the order of reference to the joint board. Except where a report is served as provided in paragraph (d) of this section, in which event the subsequent procedure will be as provided in § 1.96 and subsequent sections, a referred matter, after termination of joint-board jurisdiction, will be decided by the Commission or be made the subject of another officer's report on the record theretofore made or after such hearing or further hearing as may be required.

PLEADING SPECIFICATIONS GENERALLY

§ 1.15 *Typographical specifications generally.* Except as otherwise provided respecting applications (§ 1.38 (a)), exhibits (§ 1.84 (a)), and informal complaints (§ 1.24 (a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, multilithing, multi-graphing, mimeographing or by any other process, provided the copies are clear and permanently legible. White-line blue prints which can not be reproduced by photography are not desirable. If directly typewritten, or if in facsimile reproduction of typewriting, the impres-

sion must be on one side² of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A brief in excess of 50 pages, including cover pages, indexes, and appendixes, may not be typewritten.

§ 1.16 *Copies.*—(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under these rules shall be furnished for the use of the Commission, except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35 (c)); applications (§§ 1.38 (b) and 1.40 (c)); complaints; formal (§§ 1.26 and 1.37) and informal (§§ 1.24 (a) and 1.25 (d)); depositions (§ 1.64); exhibits (§§ 1.84 (c) and 1.86); modified and shortened procedure (§§ 1.44 (c) and 1.52); petitions in intervention (§ 1.72 (d)); protests in investigation-and-suspension proceedings (§ 1.42 (c)); replies (§ 1.23 (b)); and matters respecting oral argument (§ 1.98); subpoenas (§ 1.56 (a)), time modification (§ 1.21 (b)), and transcript correction (§ 1.90 (b)).

(b) *In bankruptcy proceedings.* Except as otherwise provided in an application form or instruction (§ 1.38) and respecting exhibits (§ 1.84 (c)), the original and 19 copies of every pleading, document, or paper filed in a proceeding arising under the Uniform Bankruptcy Act shall be furnished for the use of the Commission.

§ 1.17 *Attestation.*—(a) *Practitioner's signature.* If a party is represented by a practitioner each pleading, document, or paper of such party shall be signed in ink by one such practitioner whose address shall be stated. The signature of a practitioner constitutes a certificate by him that he has read the pleading, document, or paper; that he is authorized to file it; that to the best of his knowledge, information, and belief there is good ground for it; that it is not interposed for delay; and that with respect to a complaint he files it with the distinct knowledge and specific consent of complainant. A pleading, document, or paper thus signed need not be verified or accompanied by affidavit except as otherwise provided respecting applications (§ 1.38), modified and shortened procedure (§§ 1.44 (c) and 1.50), and statements of "claimed damages" (§ 1.100).

(b) *When no practitioner's signature.* A pleading, document, or paper not signed by a practitioner must be signed in ink, the address of the signer shall be stated, and the facts alleged in a pleading must be verified under oath by the

²The one-side provision shall not take effect until six months after the current state of war shall officially have been declared at an end. In the meantime, use of both sides of paper will be permitted.

person in whose behalf it is filed. Signature and verification in such manner must be by at least one complainant if the pleading is a complaint. A pleading, document, or paper filed on behalf of a corporation or other organization authorized to make complaint under the act which is not signed by a practitioner must be signed in ink, and the facts alleged in a pleading must be verified by an executive officer of such corporation or organization.

§ 1.18 *Affirmation in lieu of oath.* Whenever under these rules an oath is required, an affirmation in judicial form will be accepted in lieu thereof.

§ 1.19 *Pleadings part of record.* Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding, unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if request is seasonably made, a competent witness must be made available for cross examination on the evidence so included in the record.

§ 1.20 *Amendments.* Leave to file amendments to any pleading will be allowed or denied as a matter of discretion.

§ 1.21 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. A half holiday shall not be considered as a holiday.

(b) *Modification.* Except as to the maximum time periods provided by law or specified in these rules respecting informal complaints seeking damages (§ 1.25) and petitions for reconsideration (§ 1.101 (e)), any time period prescribed or permitted in these rules may, upon request and for cause, be modified by the Commission. The request must seasonably be filed in writing. If granted, the party making the request shall promptly so notify all parties to the proceeding and so certify to the Commission. The original only of the request and certificate need be filed with the Commission.

(c) *Five days additional.* If the general office of a person party to a proceeding, or office of the practitioner representing him, is located at or west of El Paso, Tex., Salt Lake City, Utah, or Helena, Mont., five days shall be added for all parties to the time periods specified in these rules when such rules are applied in any proceeding in which such person is a party.

§ 1.22 *Service; pleadings and papers to show*—(a) *Generally.* Except as otherwise provided in paragraph (b) of this section or as otherwise provided respect-

ing applications (§ 1.38(b)), formal complaints (§ 1.34), informal complaints (§ 1.24(b)), and petitions in intervention (§ 1.72(d)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person or by first-class mail or express, properly addressed with charges prepaid, one copy to each party. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

(b) *Exceptions as to letters.* Copies of letters to the Commission relating to oral argument (§ 1.98), subpoenas (§ 1.56(a)), and time modification (§ 1.21(b)) need not be served upon other parties to the proceeding.

§ 1.23 *Replies*—(a) *Time for filing.* Except that a reply to a reply is not permitted, and except as otherwise provided respecting answers (§ 1.35(c)), modified and shortened procedure (§§ 1.44(c) and 1.51), and briefs (§§ 1.92 and 1.93), an adverse party may file and serve a reply to any pleading permitted under these rules within 10 days after service thereof.

(b) *Copies.* The original of the reply should be accompanied by the same number of copies as required respecting the pleading to which the reply is responsive.

COMMENCEMENT OF PROCEEDINGS

§ 1.24 *Informal complaints not seeking damages*—(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original only need be filed except as provided in § 1.25 (d)) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

(b) *Correspondence handling.* If the informal complaint appears to be susceptible of informal adjustment, a copy or a statement of the substance thereof will be transmitted by the Commission to each person complained of in an endeavor to have it satisfied by correspondence and thus obviate the filing of a formal complaint.

(c) *Discontinuance without prejudice.* A proceeding thus instituted on the informal docket is without prejudice to complainant's right to file and prosecute a formal complaint, in which event the proceeding on the informal docket will be discontinued.

§ 1.25 *Informal complaints seeking damages*—(a) *Actual filing required.* Notification to the Commission that an informal complaint may or will be filed later seeking damages is not a filing within the meaning of the statute except as provided in paragraph (e) of this section.

(b) *Content.* An informal complaint seeking damages, when permitted under the act, must be filed within the statutory period, and should contain such data as will serve to identify with reasonable definiteness the shipments or transportation services in respect of

which damages are sought. Such complaint should state: (1) that complainant makes claim for damages, (2) the name of each individual claimant seeking damages, (3) the names of defendants against which claim is made, (4) the commodities, the rate applied, the date when the charges were paid, by whom paid, and by whom borne, (5) the period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery, (6) the points of origin and destination, either specifically or, where they are numerous, by definite indication of a defined territorial or rate group of the points of origin and destination and, if known, the routes of movement, and (7) the nature and amount of the injury sustained by each claimant.

(c) *Statement of prior claim.* If a complaint filed under paragraph (b) or (e) of this section contains a claim on any shipment which has been the subject of a previous informal or formal complaint to the Commission, reference to such complaint must be given.

(d) *Copies.* It is desirable that the original of an informal complaint seeking damages be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

(e) *Special-docket proceedings.* Where the act provides for an award of damages for violation thereof and a carrier is willing to pay them, or to waive collection of undercharges, petition for appropriate authority should be filed by the carrier on the special docket in the form prescribed by the Commission. If the petition is granted an appropriate order will be entered. Such petition, when not filed in connection with an informal complaint pending before the Commission, must be filed within the statutory period and will be deemed the equivalent of an informal complaint and an answer thereto admitting the matters stated in the petition. If a carrier is unable to file such petition within the statutory period and the claim is not already protected from the operation of the statute by informal complaint, a statement setting forth the facts may be filed by the carrier within the statutory period. Such statement will be deemed the equivalent of an informal complaint filed on behalf of the shipper or consignee and sufficient to stay the operation of the statute.

(f) *Six months' rule.* If an informal complaint seeking damages cannot be disposed of informally, or is denied, or is withdrawn by complaint from further consideration, the parties affected will be so notified in writing by the Commission. The matter in such complaint will not be reconsidered unless, within six months after the date such notice is mailed, either a formal complaint as to such matter is filed, or it is informally resubmitted on an additional fact basis. Such filing or resubmission will be deemed to relate back to the date of the original filing, but reference to that date and the Commission's file number must be made in such resubmission or in the formal complaint filed. If the mat-

ter is not so resubmitted, or included in a formal complaint, as provided in this section, complainant will be deemed to have abandoned the complaint, and no complaint seeking damages based on the same cause of action will thereafter be placed on file or considered unless itself filed within the statutory period.

§ 1.26 *Formal complaints; copies*—(a) *Generally.* The original of each formal complaint, amended or supplemental formal complaint, or cross complaint, must be accompanied by copies in sufficient number to enable the Commission to serve one upon each defendant, including each receiver or trustee, and retain six copies in addition to the original.

(b) *Provision for State authorities.* If complaint is made under part II, or respecting State-made rates (§ 1.30 (b)), sufficient copies in addition to those required under paragraph (a) shall be furnished to permit the Commission to supply one to the appropriate authority in each of the States included in the scope of the complaint.

§ 1.27 *Formal complaints; joinder*—(a) *Causes of action.* Two or more grounds of complaint concerning the same principle, subject, or state of facts may be included in one complaint, but should separately be stated and numbered.

(b) *Complainants.* Two or more complainants may join in one complaint if their respective causes of action are against the same defendant or defendants and concern substantially the same alleged violation of the act and a like state of facts.

(c) *Defendants.* If complaint is made with respect to through transportation by continuous carriage or shipment, all persons subject to the act participating therein, and against which an order is sought, should be made defendants. If complaint is made of a classification or any provision thereof, ordinarily it will suffice to make defendants the persons operating one or more through routes between representative points of origin and destination.

(d) *Correct designation of parties.* The unabbreviated names of all parties complainant and defendant must be stated correctly.

§ 1.28 *Formal complaints; allegations generally.* A formal complaint should be so drawn as fully and completely to advise the parties defendant and the Commission in what respects the provisions of the act have been or are violated or will be violated, and should set forth briefly and in plain language the facts claimed to constitute such violation. If two or more sections or subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one section, subsection, or requirement should be stated separately from those claimed to constitute a violation of another section, subsection, or requirement whenever that can be done by reference or otherwise without undue repetition.

§ 1.29 *Formal complaints; when damages sought.* A formal complaint that includes a request for an award of dam-

ages should contain the information specified for an informal complaint seeking damages (§ 1.25, paragraphs (b) and (c)).

§ 1.30 *Formal complaints; discrimination, preference, and prejudice*—(a) *Generally*. A complaint that alleges the act is violated because of an undue or unreasonable preference or advantage, undue or unreasonable prejudice or disadvantage, or unjust discrimination should specify clearly the particular elements stated in the act³ as constituting such violation, and the facts which complainant relies upon to establish it.

(b) *State-made rates*. A complaint that brings in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, upon the ground that it violates provisions of the act which prohibit undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, should bring in issue the justness and reasonableness of the rate, fare, charge, classification, regulation, or practice applicable to the interstate or foreign commerce involved in such complaint. Such complaint should also bring in issue the question as to what should be the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice that should be established so as to remove any such advantage, preference, prejudice, or such unjust discrimination.

§ 1.31 *Formal complaints; other specifications*—(a) *Tariff or schedule references*. The several rates, fares, charges, schedules, classifications, regulations, or practices of which complaint is made should be set out by specific reference to the tariffs or schedules in which they appear, whenever that is practicable.

(b) *States in which transportation occurs*. A formal complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed.

(c) *Hearing place*. A formal complaint should be accompanied by a statement of the place at which hearing is desired.

§ 1.32 *Formal complaints; prayers for relief*—(a) *Generally*. A formal complaint in which relief for the future is sought should contain a detailed statement of the relief desired. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Specific prayer for damages*. Except under unusual circumstances, and

for good cause shown, damages will not be awarded upon a complaint unless specifically prayed for, or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

§ 1.33 *Amended and supplemental formal complaints*. An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants.

§ 1.34 *Service of formal and cross complaints*. The Commission will serve formal complaints. It will also serve supplemental, amended, and cross complaints when it has granted leave to file such pleadings. Such service will be made personally upon a carrier or freight forwarder or upon an agent thereof designated for purposes of service, or by mail addressed to the carrier or freight forwarder or to the agent thereof at the address filed. If no agent has been designated, service may be made by posting in the office of the Secretary of the Commission, and if the defendant be a carrier subject to Part II of the act, by also posting in the office of the secretary or clerk of the motor-carrier regulatory board of the State wherein the motor carrier maintains headquarters. If the complaint involves only the lawfulness of rates, fares, charges, classifications, or practices, service in the manner indicated in the third sentence of this section may be made upon an attorney in fact of a carrier or freight forwarder who has filed a tariff or schedule in behalf of such carrier or freight forwarder, but such service will not be made upon a carrier subject to part I unless such carrier has failed to designate an agent for service in the city of Washington.

§ 1.35 *Answers and cross complaints to formal complaints*—(a) *Generally*. An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It should be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4 (1) of the act is involved, the number of the particular application or order, if any, which protests such departure; and should admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detailed statement of any counter proposal which a defendant may desire to submit.

(b) *Cross complaints*. A cross complaint alleging that other persons, parties to the proceeding, have violated the act or requirements established pursuant thereto, or seeking relief against them under the act, may be tendered for filing by a defendant with its answer.

(c) *Time for filing; copies*. Unless otherwise directed by the Commission, an answer to a complaint should be filed within 20 days after the day on which

the complaint to which answer is filed was served. The original and six copies of an answer shall be filed with the Commission.

(d) *When issue joined*. If any defendant answers or fails to file and serve answer within the period specified in paragraph (c), issue thereby is joined as to such defendant.

§ 1.36 *Motions to make more definite and certain*—(a) *As to complaint*. Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and the details desired.

(b) *As to answer*. No replication to the answer shall be filed, but any party may file, within 10 days after the filing of an answer, or, in the case of modified or shortened procedure, complainant may file with his statement in reply, a motion that the answer, or defendant's statement, as the case may be, be made more definite and certain, such motion to point out the defects complained of and the details desired.

§ 1.37 *Satisfaction of complaint*. If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied.

§ 1.38 *Applications*—(a) *Forms and instructions*. An application filed with the Commission shall be prepared in accord with and contain the information called for in the form of application, if any, prescribed by the Commission, or any instructions which may have been issued by the Commission with respect to the filing of an application.

(b) *Copies; service*. Copies of an application shall be furnished in such number, and be filed and served in the manner and upon the persons specified in the form or instruction.

§ 1.39 *Applications; notice*. Appropriate notice of the filing of an application will be given by the applicant or by the Commission to the States, to State authorities, or to other persons as may be required by the form or instruction or by the act.

§ 1.40 *Protests against applications*—(a) *Content*. A protest against the granting of any application shall set forth specifically the grounds upon which it is made and contain a concise statement of the interest of protestant in the proceeding.

(b) *When filed*. Any protest shall be filed with the Commission promptly after the application is filed. If the proceeding be one respecting which the Commission has issued a notice advising the public of the filing of the application, the protest shall be filed within the time specified in such notice. Failure to file a protest shall not prejudice subsequent participation in the proceeding.

(c) *Copies; service*. A protest filed under this section shall be served upon applicant and, unless otherwise specified

³Special rate, rebate, drawback, or other device; and particular person, company, firm, corporation, association, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic.

in the public notice, the original and two copies of the protest shall be filed with the Commission.

(d) *When rule disregarded.* An application may be set for hearing without awaiting the filing of a protest or of a reply thereto, and also may be disposed of without regard to the prior paragraphs of this section unless the act provides that the particular application may be granted only upon hearing.

§ 1.41 *Valuation proceedings; protests.* A protest of a tentative valuation shall contain a concise statement of the essential elements of protest with particular reference to the matters in the tentative valuation concerning which protest is made and shall include a statement of the changes therein desired by protestant. When practicable each object of protest should be set up as a separate item in a separately numbered paragraph. Each item of protest against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When protestant claims that property owned or used has been omitted, a full description of such property and its location must be included in the protest.

§ 1.42 *Petitions for suspension of tariffs or schedules—(a) Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution.

(b) *When filed.* A protest against, and a prayer for suspension of, any tariff or schedule filed under the act ordinarily will not be considered unless made in writing, and filed with the Commission at least 10 days before the effective date of the tariff or schedule. In an emergency satisfactorily shown by protestant, and within the time limits herein provided, a telegraphic protest may be sent to the Commission and to the publishing carrier, freight forwarder, or agent, stating the grounds relied upon, but such telegraphic protest must immediately be confirmed by protest filed and served in accordance with this section.

(c) *Copies; service.* Seven copies of each protest or reply filed under this section must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, freight forwarder, or agent, and upon other persons known by protestant to be interested.

(d) *Reply to protest.* A reply to a protest filed under this section should be filed and served promptly.

§ 1.43 *Service of investigation order; default where failure to comply.* An order instituting an investigation will be served by the Commission upon respond-

ents. If within a time period stated in that order a respondent fails to comply with any requirement specified therein respondent shall be deemed in default and to have waived any further hearing. Thereafter the investigation may be decided without further proceedings.

SHORTENED AND MODIFIED PROCEDURE

§ 1.44 *Shortened procedure—(a) Consent; notice.* In shortened procedure (see § 1.5 (j)) the Commission will request all the parties thereto to advise the Commission within a time to be specified by it whether they consent to presentation under shortened procedure. Such advice should include, if the party is to be represented by a practitioner, the name and address of such practitioner. If all parties consent to the procedure, they will be advised that it will be followed.

(b) *Declination; hearing.* If any party declines to consent to shortened procedure, such declination shall not affect or prejudice the right or interest of such party. The proceeding will thereupon be conducted under modified procedure or be set for oral hearing as the Commission may direct. At the request of any party, received prior to service of an officer's report in a proceeding being conducted under shortened procedure, the Commission in its discretion may set the proceeding for oral hearing.

(c) *Other applicable rules.* The provisions for modified procedure in §§ 1.46 (a), 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, and 1.54 shall also apply to shortened procedure. The time periods specified in § 1.51 shall begin to run from the date the Commission advises the parties that shortened procedure will be followed.

§ 1.45 *Modified procedure; how initiated—(a) Petition or Commission's initiative.* Modified procedure (see § 1.5 (k)) will be ordered in a proceeding upon the Commission's initiative or upon its approval of a petition filed by any party that the modified procedure shall be observed.

(b) *Order directing modified procedure.* An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified-procedure rules.

§ 1.46 *Modified procedure; effect of order—(a) Relief from answer rule.* Issuance of an order directing modified procedure shall relieve defendant from the obligation of answering as provided in § 1.35.

(b) *Default where failure to comply.* If within any time period provided in the modified-procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the complaint may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

§ 1.47 *Modified procedure; intervention.* Persons permitted to intervene un-

der modified procedure shall file and serve pleadings in conformity with the provisions relating to the parties in whose behalf they intervene.

§ 1.48 *Modified procedure; joint pleadings.* Parties having common interests shall arrange for joint preparation of pleadings filed under modified procedure.

§ 1.49 *Modified procedure; content of pleadings—(a) Generally.* A statement filed under the modified procedure after that procedure has been directed shall state the facts and include the exhibits upon which the party relies. In addition, defendant's statement and complainant's statement in reply shall specify those statements of fact of the opposite party to which exception is taken, and include a statement of the facts constituting the basis for such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(b) *Exhibit identification.* In addition to being in compliance with paragraphs (a) and (b) of § 1.84, an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Complainant (Defendant) -----, Exhibit No. -----, Witness -----"

(c) *Damages.* If an award of damages is sought the paid freight bills or properly certified copies thereof should accompany the original of complainant's statement when there are not more than 10 shipments, but otherwise the documents should be retained.

§ 1.50 *Modified procedure; attestation.* The facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses orally to substantiate the facts asserted should hearing become necessary. The original of any pleading filed under modified procedure must show the signature, capacity, and impression seal, if any, of the person administering the oath, and the date thereof.

§ 1.51 *Modified procedure; when pleadings filed and served.* Within 20 days from the date of an order requiring modified procedure complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 10 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

§ 1.52 *Modified procedure; copies of pleadings.* The original and six copies of any pleading served under modified procedure shall be filed with the Commission.

§ 1.53 *Modified procedure; hearings—(a) Request for cross examination or other hearing.* If cross examination of any witness is desired the name of the witness and the subject matter of the

desired cross examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be.

(b) *Hearing issues limited.* The order setting the complaint for oral hearing, if hearing is deemed necessary, will specify the matters upon which the parties are not in agreement and respecting which oral evidence is to be introduced.

§ 1.54 *Modified procedure; subsequent procedure.* Procedure subsequent to that provided in the modified-procedure rules shall be the same as that in proceedings not handled under modified procedure.

NOTICE OF HEARING; SUBPENAS;
DEPOSITIONS

§ 1.55 *Notice of hearing—(a) Assignment; service and posting of notice.* In those proceedings in which a hearing is to be held the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission, and will be served upon the parties and such other persons as may be entitled to receive notice under the act.

(b) *Change of assignment.* The Commission may confine the service of notice of a change of time or place assigned for hearing (other than by publication or posting), or of any adjourned, further, or supplemental hearing to those only who have indicated to the Commission a desire to be notified, at their own expense if telegraphic advice becomes necessary, of any such change.

§ 1.56 *Subpenas—(a) Request; particularity.* Unless directed by the Commission upon its own motion, a subpoena to compel a witness to produce documentary evidence will be issued only upon petition, which must specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby. A request for issuance of a subpoena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record at a hearing.

(b) *Issuance.* A subpoena will issue only upon signature by the Secretary or a member of the Commission.

(c) *Service.* The original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be delivered to him by the officer or person making service.

(d) *Return.* If service of subpoena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpoena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpoena. The written acceptance of service of a subpoena by the person named therein shall be sufficient

without other evidence of return. The original subpoena, bearing or accompanied by the required return, affidavit, statement, or acceptance of service, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpoena, to the officer presiding at the hearing at which the person subpoenaed is required to appear.

(e) *Witness fees.* A witness who is summoned and responds thereto is entitled to the same fee as is paid for like service in the courts of the United States, such fee to be paid by the party at whose instance the testimony is taken at the time the subpoena is served.

§ 1.57 *Deposition; preliminary—(a) When permissible.* The Commission will either upon its own initiative, or for good cause shown by a party to a proceeding, issue an order to take a deposition.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *When taken.* Unless under special circumstances and for good cause shown, no deposition shall be taken within 10 days prior to the assigned date of the hearing in such proceeding, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such date of hearing.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

§ 1.58 *Depositions; petitions.* A petition requesting an order to take a deposition shall be filed with due regard to the time periods specified in § 1.57 (c) and shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken.

§ 1.59 *Depositions; order; interrogatories—(a) Order.* If the petition requesting an order to take a deposition is granted which action may be taken without awaiting the possible filing of a reply, the Commission will serve upon the parties an order which will name the witness whose deposition is to be taken, and specify the time when, the place where, and the officer before whom the witness is to testify, but such time and place, and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as set out in the petition.

(b) *Interrogatories.* In lieu of participating in the oral examination, parties served with the order for the taking of a deposition may promptly transmit written interrogatories to the officer, who

shall propound them to the witness and record the answers verbatim, but it is not necessary that such interrogatories be served upon the party at whose instance the deposition is taken.

§ 1.60 *Depositions; recordation of testimony.* The officer before whom the deposition is to be taken shall observe the provisions respecting appearances (§ 1.71 (a)), and typographical specifications (§ 1.15), put the witness on oath, and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise to record the evidence.

§ 1.61 *Depositions; objections.* All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

§ 1.62 *Depositions; deponent's signature.* When the testimony is fully transcribed or otherwise recorded the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall state at the foot thereof the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the Commission finds that the reasons given for the refusal to sign are sufficient to require rejection of the deposition in whole or in part.

§ 1.63 *Depositions; officer's attestation.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not of counsel or attorney for any of the parties, and that he is not interested in the event of the proceeding.

§ 1.64 *Depositions; return to Commission.* The officer shall securely seal the deposition in an envelope endorsed with the title of the proceeding, and shall promptly send the original and one copy thereof, together with the original and one copy of all exhibits, by registered mail to the Secretary of the Commission. The deposition must reach the Commission not later than 5 days before the date of the hearing at which it is to be offered as evidence.

§ 1.65 *Depositions; notice of filing.* The party taking the deposition shall

give prompt notice of its filing to all other parties.

§ 1.66 *Depositions; copies.* Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1.67 *Depositions; inclusion in record.* At the oral hearing, if one is held, the deposition shall be offered in evidence by the party at whose instance it was taken. If not offered by such party, it may be offered in whole or in part by the adverse party. If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it, which is relevant to the part introduced, and any party may introduce any other parts. Such deposition shall be admissible in evidence subject to such objections as to competency of the witness, or to the competency, relevancy, or materiality of the testimony as were noted at the time of taking of said deposition, or are made at the time it is offered in evidence.

HEARINGS

§ 1.68 *Prehearing conferences—(a) Purposes.* Upon written notice by the Commission in any proceeding, or upon written or oral instruction of an officer, parties or their attorneys may be directed to appear before an officer at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing to submit suggestions in writing, for the purpose of formulating issues and considering:

- (1) The simplification of issues;
- (2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;
- (3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;
- (4) The procedure at the hearing;
- (5) The limitation of the number of witnesses;
- (6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
- (7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(b) *Facts disclosed privileged.* Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless fully substantiated by other evidence.

(c) *Recordation and order.* Action taken at the conference, including a recitation of the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered and defining the issues, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the officer.

(d) *Objection to the order; subsequent proceedings.* If an order is entered a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter the terms of the said order or modification thereof, the written stipulation, or statement of the officer, as the case may be, shall determine the subsequent course of the proceeding, unless modified to prevent manifest injustice.

§ 1.69 *Stipulations.* Apart from the procedure contemplated by the prehearing provisions (§ 1.68), and upon permission granted, the parties may in the discretion of the officer, by stipulation in writing filed with the Commission at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. It is desired that the facts be thus agreed upon so far as and whenever practicable.

§ 1.70 *Authority of officers.* An officer may grant leave to amend or to file any pleadings, or to intervene, upon request tendered at the hearing, but in no event shall an officer grant such leave if thereby the issues would be so narrowed as to make a referend matter one which should properly be referred to a different officer. An officer shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding. The officer shall regulate the procedure in the hearing before him and take all measures necessary or proper for the efficient performance of the duties assigned him.

§ 1.71 *Appearances; standards of conduct—(a) Who may appear.* Any individual may appear for himself, and any member of a partnership party to any proceeding may appear for such partnership upon adequate identification. A bona fide officer, or a full-time employee of a corporation, association, or of an individual, may appear for such corporation, association, or individual by permission of the officer presiding at the hearing. A party also may be represented by a practitioner.

(b) *Standards of conduct.* All persons appearing must conform to the standards of conduct required by the code of ethics of the Association of Interstate Commerce Commission Practitioners. Failure to conform to those standards will be ground for declining to permit appearance in any proceeding before the Commission.

§ 1.72 *Intervention; petitions—(a) Content generally.* A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.

(b) *When filed.* A petition for leave to intervene in any proceeding should be filed prior to or at the time the pro-

ceeding is called for hearing, but not after except for good cause shown.

(c) *Broadening issues; filing.* If the petitioner seeks a broadening of the issues and shows that they would not thereby be unduly broadened, and in respect thereof seeks affirmative relief, the petition should be filed in season to permit service upon and answer by the parties in advance of the hearing.

(d) *Copies; service.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When not tendered at the hearing, the original of the petition shall be accompanied by copies in sufficient number to enable the Commission to retain one for its own use after it has made such service, if any, as next mentioned. All petitions for leave to intervene not tendered at the hearing will be served by the Commission, and copies shall be furnished accordingly, except petitions for leave to intervene in application proceedings under part II, which shall be served by petitioners.

(e) *Disposition.* Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

§ 1.73 *Participation without intervention.* In an investigation proceeding, in a proceeding for the issuance of a certificate of convenience and necessity for the abandonment of a line of railroad or its operation, in an application proceeding involving a motor carrier filed under section 5 of the act, in application proceedings under parts II, III, and IV, and in a proceeding of any one of the characters herein enumerated when heard on a consolidated record with a complaint proceeding, but in no other proceeding, an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if no affirmative relief is sought, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

§ 1.74 *Witness examination; order of procedure.* Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing. Interveners shall follow the party in whose behalf the intervention is made. The

foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

§ 1.75 *Evidence; admissibility generally.* Any evidence which would be admissible under the general statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the courts of the United States, shall be admissible in hearings before the Commission. The rules of evidence shall be applied in any proceeding to the end that needful and proper evidence shall be conveniently, inexpensively, and speedily produced, while preserving the substantial rights of the parties.

§ 1.76 *Evidence; cumulative restriction.* The right is reserved to limit the number of witnesses whose testimony may be merely cumulative.

§ 1.77 *Evidence; prepared statements.* With the approval of the officer a witness may read into the record as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, provided that the statement shall not include argument; that before any such statement is read, the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.78 *Evidence; official records.* An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry. This section does not prevent the proof of official records or of entry of lack of entry therein or official notice thereof by a method authorized by any applicable statute or by the rules of evidence.

§ 1.79 *Evidence; entries in regular course of business.* Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time such record was made, or within a reasonable time thereafter.

§ 1.80 *Evidence; documents containing matter not material.* When material and relevant matter offered in evidence is in a document containing other matter not material or relevant, the offering party shall produce the document at the hearing, shall plainly designate the matter so offered, and shall accord to the officer and to participating counsel an opportunity to inspect it. Unless it is desired to read such matter into the record, and the officer so directs, true copies in proper form of the material and relevant matter taken from the document may be received as an exhibit, but other parties shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant. The document itself will not be received.

§ 1.81 *Evidence; documents in Commission's files—(a) In general.* If any matter contained in a report or other document, not a tariff or schedule, open to public inspection in the files of the Commission is offered in evidence such report or other document need not be produced, but in other respects the provisions of § 1.80 will apply.

(b) *Tariffs and schedules; official notice in investigation proceedings.* If any matter contained in a tariff or schedule on file with the Commission is offered in evidence, such tariff or schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff or schedule. Official notice will be taken without offer or production of that portion of any tariff or schedule which is the subject matter of an order of investigation and suspension.

§ 1.82 *Evidence; records in other Commission proceedings.* If any portion of the record before the Commission in any proceeding other than the one on hearing is offered in evidence a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copy later at his own expense, if and when required by the Commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any other portion offered by any other party may be incorporated by like reference subject to (a) and (b); and

(d) The officer directs such incorporation. Any such portion so offered, whether in the form of an exhibit or by reference, shall be subject to objection.

§ 1.83 *Evidence; abstracts of documents.* When documents are numerous, such as freight bills or bills of lading, the officer may refuse to receive in evidence other than a limited number of such documents said to be typical. Instead he may instruct, if the proffer be for the purpose of proving damage, that introduction be deferred until there is opportunity to comply with § 1.100. If the proffer be for other purpose the officer may require the party in orderly fashion to abstract the relevant data from the documents, affording other parties reasonable opportunity to examine both the documents and the abstract, and thereupon offer such abstract in evidence in exhibit form.

§ 1.84 *Evidence; exhibits—(a) Generally.* Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered by the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Whenever practicable, especially in proceedings in which it is likely that many documents will be offered, all the documents produced by a single witness should be assembled and bound together, suitably arranged and indexed, so that they may be identified and offered as one exhibit. Exhibits should not be argumentative and should be limited to statements of fact, and be relevant and material to the issue, which can better be shown in that form than by oral testimony.

(b) *Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are

computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedule as provided by this section.

(c) *Copies.* Unless the officer shall otherwise direct, the original and one copy of each exhibit of a documentary character shall be furnished for the use of the Commission—original to be delivered to the reporter, and the copy to the officer. If the hearing be before a board, a copy of the exhibit shall be furnished to each member of the board, unless the board otherwise directs. Unless the officer for cause directs otherwise, a reasonable number of copies shall be furnished to counsel in attendance at the hearing. Unless the officer shall otherwise direct, in proceedings under the Uniform Bankruptcy Act, the original and three copies of every exhibit of a documentary character shall be furnished for use of the Commission—original to be delivered to the reporter, and the three copies to the officer.

(d) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material, or matter before or at the commencement of the hearing.

(e) *When excluded how treated.* In case an exhibit has been identified, objected to, and excluded, the officer will develop whether the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn it should be given an exhibit number for identification and be incorporated in the record. Exhibit numbers once used for identification will not be duplicated thereafter.

§ 1.85 *Record in referred matter unaffected by a second reference.* If for any reason an order referring a matter to a particular officer is vacated and the matter referred to a different officer, any testimony already taken in such proceeding shall be part of the record along with any testimony which thereafter may be taken.

§ 1.86 *Evidence; filing of subsequent to hearing; copies.* Except as provided below, or as expressly may be permitted in a particular instance, the Commission will not receive in evidence or consider as part of the record any documents, letters, or other writings submitted for consideration in connection with any proceeding after close of the hearing, and may return any such documents to the sender. Before the close of a hearing the officer may, at the request of a party or upon his own motion, or upon agreement of the parties, require that a party furnish additional documentary evidence supplementary to the existing record, within a stated period of time. Documentary evidence thus to be furnished will not be assigned an exhibit number

at the hearing, but the document will be given an exhibit number at the time of filing and the parties accordingly advised. Unless otherwise directed by the officer, the original and one copy of such submission shall be filed with the Commission.

§ 1.87 *Evidence; objections to.* Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party at the time the ruling is made or sought, make known to the officer the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived.

§ 1.88 *Oral argument before officer.* If oral argument before the officer is desired, he should be so notified at or before the hearing and may arrange to hear the argument at the close of the testimony within such limits of time as he may determine, having regard to other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument shall not preclude oral argument before the Commission and request therefor may be made as provided in § 1.98.

§ 1.89 *Adjournment of hearing.* A continuance may be granted if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 *Transcript of record—(a) Filing.* After the close of the hearing the complete transcript of testimony taken and the exhibits shall be filed with the Commission.

(b) *Corrections.* A suggested change in a transcript ordinarily will be considered only if offered not later than 10 days prior to the due date for opening briefs (§§ 1.92 and 1.93). If opening briefs are not to be filed, a suggested change will not be considered unless offered within 20 days after the date the transcript is filed with the Commission. A copy of the letter (the original only need be filed with the Commission) requesting the suggested change shall be served upon all parties of record and upon the official reporter.

(c) *No free copies.* No free copies of transcript will be furnished to any party to any proceeding.

BRIEFS; REPORTS; ORAL ARGUMENT

§ 1.91 *Briefs; content and arrangement—(a) Due date.* The due date of each brief must appear on its front cover or title page.

(b) *Table of contents; citations.* A brief of more than 20 pages shall contain on its front flyleaves a table of contents and points made with page references,

the table of contents to be supplemented by a list of citations, alphabetically arranged, with references to the pages where they appear.

(c) *Sketch or chart.* In proceedings wherein misrouting or undue prejudice or preference are alleged, the complainant should include as part of the brief a small sketch or chart adequately reflecting the situation.

(d) *Evidence abstract.* A brief filed after a hearing should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record or exhibit where the evidence appears. The abstract should follow the statement of the case and precede the argument. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the record, whether transcript or otherwise, relied upon in support of the respective statements of fact made throughout the brief.

(e) *Requested findings.* Each brief should include such requests for specific findings, separately stated and numbered, as the party desires the Commission to make.

(f) *Exhibit reproduction.* Exhibits should not be reproduced in the brief, but may, if desired, be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

§ 1.92 *Briefs; when officer's report is served.* In a proceeding which has been the subject of hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs. Reply briefs are not permitted at this stage.

§ 1.93 *Briefs; when officer's report is not served.* If no officer's report is to be prepared and served, which fact will be stated by the officer, in a proceeding which has been the subject of hearing the officer may, subject to variation for cause shown, fix times for filing and serving the respective briefs as follows: for the opening brief, 30 days from the close of hearing; for the brief of any opposing party, 15 days after the date fixed for the opening brief; for reply brief, 10 days after the date fixed for the brief of the opposing party; or he may fix the same time for filing and serving of briefs of all parties. Where the same time is fixed, within 15 days after expiration of the time so fixed reply briefs may be filed, and such briefs must be confined strictly to reply and contain no new matter: *Provided, however,* That no reply brief may be filed in an investigation-and-suspension proceeding.

§ 1.94 *Briefs of interveners.* Briefs of interveners shall be filed and served within the time fixed for the brief of the party in whose behalf the intervention is made or as may be otherwise directed by the officer.

§ 1.95 *Officer's report; when and how served.* After expiration of the time set

for filing briefs, if the proceeding be one in which a hearing has been held, the officer's report will be prepared and served by mailing a copy to each party. An officer's report prepared in a proceeding in which a hearing has not been held will be served by mailing a copy to each party of record and to any other persons not parties to the proceeding who are believed to have an interest in the proceeding.

§ 1.96 *Exceptions to officer's report*—(a) *Generally.* Exceptions to the officer's report with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. When exception is taken to a statement of fact contained in the report, reference also must be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated.

(b) *When filed.* Within 20 days after service of the officer's report any party may file and serve exceptions thereto and reasons in support thereof.

(c) *Request for hearing.* If the proceeding is one in which no oral hearing has been held, any person not a party to the proceeding, but having an interest therein, may file and serve upon applicant, or complainant, as the case may be, exceptions to the officer's report and reasons in support thereof. A request for hearing may be included therein but the exceptions need not include a request for hearing if none is deemed necessary.

§ 1.97 *Effect of exceptions or absence thereof*—(a) *Upon report and recommended order.* The filing of exceptions to a recommended order operates to stay the effectiveness of the order and thereafter decision by the Commission will be made in due course. If no exception is filed to the recommended order and the Commission does not stay it, the recommended order becomes the order of the Commission upon expiration of the period for filing exceptions provided in § 1.96 (b), or of any postponement of such period, or postponement of the effective date of such order, and a notice stating that the recommended order has, giving the date, become the order of the Commission will be mailed to the parties by the Commission.

(b) *Upon proposed report.* A proposed report will not become the decision of the Commission through failure to file exceptions, but in the absence of exceptions or of ascertained error the officer's statement of the issues and of the facts ordinarily will be taken by the Commission as the basis of its decision.

§ 1.98 *Oral argument before Commission*—(a) *Request; how made.* If no officer's report is to be served, request for oral argument before the Commission must be made at the hearing or by letter (original only need be filed with the Commission) within 10 days after the hearing. If an officer's report is to be served, the request for oral argument must be included as part of the exceptions brief or reply thereto.

(b) *Request for time allotment.* If the petition is granted a notice will be served by the Commission upon the parties setting the date for the oral argument. At least 10 days before that date any party desiring to participate in the oral argument must make request by letter (original only need be filed with the Commission) for an allotment of time. Only those making request in this manner will be permitted to participate.

ORDER COMPLIANCE; DAMAGE STATEMENTS

§ 1.99 *Compliance with Commission orders.* When in consequence of proceedings under the act, the Commission has by its order directed a defendant or a respondent to do or desist from doing a particular thing, such defendant or respondent must notify the Commission on or before the date upon which such order becomes effective whether or not compliance has been made therewith. If a change in rates or schedules is required the notification must be given in addition to the filing of proper tariffs or schedules, and must specify the Interstate Commerce Commission numbers of the tariffs or schedules so filed.

§ 1.100 *Statements of claimed damages based on Commission findings.* When the Commission finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the form No. 5. (See appendix). The statement should not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not filed with the Commission within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and correct agreed statements submitted to the Commission. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so pre-

pared and certified shall be filed with the Commission whereupon it will consider entry of an order awarding damages.

REHEARING; REARGUMENT; OR RECONSIDERATION

§ 1.101 *Petitions for rehearing, reargument, or reconsideration*—(a) *In general.* A petition seeking any change in a decision, order, or requirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

(b) *Rehearing or further hearing.* When in a petition filed under this section opportunity is sought to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previously adduced.

(c) *Modification of effective date.* A petition under this section seeking only modification of the effective date of a decision, order, or requirement, or in the period of notice, or other period or date prescribed therein, must be filed seasonably, except that, in case of unforeseen emergency satisfactorily shown by petitioner, such relief may be sought informally by telegram or otherwise, provided like notice is simultaneously communicated to all parties of record.

(d) *Reconsideration.* If relief under this section other than under paragraphs (b) and (c) is sought, the matters claimed to have been erroneously decided and the alleged errors or relief sought must be specified with the particularity respecting exceptions as outlined in § 1.96 (a), as should also any substitute finding or other substitute requirement desired by petitioner.

(e) *Time for filing.* Except for good cause shown, and upon leave granted, petitions under this section must be filed within 30 days after the date of service of a decision or order granting an application in whole or in part, and within 60 days after the date of service of any other character of decision or order.

(f) *Successive petitions on same grounds, not entertained.* A successive petition under paragraph (d) of this section filed by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission, or by an appropriate appellate division, will not be entertained.

§ 1.102 *Petitions not otherwise covered.* When the subject matter of any desired relief is not specifically covered by these rules, a petition seeking such relief and stating the reasons therefor may be served and filed.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX

APPROVED FORMS

[These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary. Before using such forms the peti-

ment rules, particularly those referred to in the footnotes, should carefully be studied.]

No. 1. COMPLAINT¹

Before the Interstate Commerce Commission

COMPLAINT

v.

[Insert without abbreviation the names of complainant and defendant (including each of the receivers, operating trustees, or other legal representatives of defendant), and whether a corporation, firm, or partnership, specifying the individual names of the parties composing the partnership; and the post-office address of any motor-carrier defendant.]

The Complaint of the above-named complainant respectfully shows:

I. That [complainant should here state nature and place of business, also whether a corporation, firm, or partnership, and if a firm or partnership, the individual names of the parties composing the same.]

II. That the defendant above named is [here state whether: (a) carrier by railroad, express, motor vehicle (common or contract), water (common or contract), a freight forwarder, or otherwise; (b) the transportation is of property or passengers, or both; and (c) the transportation involves a freight forwarder or more than one type of carrier, specifying particulars] between points in the State of _____ and points in the State of _____ [a complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed] and as such defendant is subject to the provisions of the Interstate Commerce Act.

III. That [state in this and subsequent paragraphs to be numbered IV, V, etc., the matter or matters intended to be complained of, naming every rate, fare, charge, classification, regulation, or practice the lawfulness of which is challenged, and also, if practicable, the points between which the rates, etc., complained of are applied. Where it is impracticable to designate each point, describe clearly the rate territory or rate group involved. Whenever practicable tariff or schedule reference should be given.]

[Where unlawful discrimination, preference, or prejudice is alleged the particular elements specified in the act as constituting such violation (see sections 2, 3, 4, 13, 216, 217, 218, 305, and 406) and the facts upon which complainant relies to establish the violation should be stated clearly. Where any provision of the act other than those just mentioned, or any requirement established pursuant to the act, is alleged to be violated, the pertinent statutory provision, or established requirement, together with the facts which are alleged to constitute the violation, should be stated. If two or more subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one subsection, or requirement, should be stated separately from those claimed to constitute a violation of another subsection, or requirement, wherever that can be done by reference or otherwise without undue repetition.]

X. That by reason of the facts stated in the foregoing paragraphs complainant has been subjected to the payment of rates [fares or charges, etc.] for transportation which were when exacted and still are (1) unjust

and unreasonable in violation of section _____ of the Interstate Commerce Act, and (2) unjustly discriminatory in violation of section _____, and (3) unduly preferential or prejudicial in violation of section _____, and (4) in violation of the long-and-short-haul [or aggregate of intermediate rates] provision of section 4 thereof. [Use one or more of the allegations numbered (1), (2), (3), (4), or other appropriate allegation according to the nature of the complaint.] That [if recovery of damages is sought] complainant has been injured thereby to his damage in the sum of \$ _____

Wherefore complainant prays that defendant be required to answer the charges herein; that after due hearing and investigation an order be made commanding said defendant [and each of them] to cease and desist from the aforesaid violations of said act, and establish and put in force and apply in future to the transportation of _____ between the origin and destination points named in paragraph _____ hereof, in lieu of the rates [fares, or charges, etc.], named in said paragraph, such other rates [fares, or charges, etc.], as the Commission may deem reasonable and just [and also, if recovery of damages is sought, pay to complainant by way of reparation for the unlawful charges hereinbefore alleged the sum of \$ _____, or such other sum as, in view of the evidence to be adduced herein, the Commission shall determine that complainant is entitled to an award of damages under the provisions of said act for violation thereof], and that such other and further order or orders be made as the Commission may consider proper in the premises.

Dated at _____, 19_____

(Complainant's signature²)

(Office and post-office address)

(Signature of practitioner)

(Post-office address)

VERIFICATION³

STATE of _____ } ss:
County of _____ }

_____, being duly sworn, deposes and says: that he is the complainant (or, one of the complainants; or, is the (insert title of the affiant if complainant is a corporation) of the _____ company, complainant) in the above-entitled proceeding; that he has read the foregoing complaint, and knows the contents thereof; that the same are true as stated, except as to matters and things if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

Subscribed in my presence, and sworn to before me, by the affiant above named, this _____ day of _____, 19____

[USE AN L. S. IMPRESSION SEAL]

[Title of Officer]

Commission expires _____

² See footnote to Verification.

³ Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See § 1.17.

No. 2. ANSWER⁴

Before the Interstate Commerce Commission

ANSWER

Docket No. _____

v.

The above-named defendant, for answer to the complaint in this proceeding, respectively states:

I. [Here set forth appropriate and responsive admissions, denials, and averments, specifically answering the complaint paragraph by paragraph.]

Wherefore defendant prays that _____

Dated _____, 19_____

[Name of defendant]

By _____

[Title of officer]

[Office and post-office address]

[Signature of practitioner]

[Post-office address]

No. 3. CERTIFICATE OF SERVICE⁵

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by delivering a copy thereof in person to [here name persons served in person] and by mailing by first-class mail [or sending by express] a copy thereof properly addressed to each other party.

Dated at _____, this _____ day of _____, 19_____

[Signature] _____

No. 4. PETITION FOR LEAVE TO INTERVENE⁶

Before the Interstate Commerce Commission

PETITION

v.

Docket No. _____
[or state other title]

Comes now your petitioner, _____, and respectfully represents that he has an interest in the matters in controversy in the above-entitled proceeding and desires to intervene in and become a party to said proceeding, and for grounds of the proposed intervention says:

I. That [petitioner should here state nature and place of business, and whether a corporation, firm, or partnership, etc., as in form No. 1.]

II. [Petitioner should here set out specifically his position and interest in the proceeding.]

III. [If affirmative relief is sought see paragraphs III and X and prayer in form No. 1.]

Wherefore said _____ prays leave to intervene and be treated as a party hereto with the right to have notice of and appear at the taking of testimony, produce and cross examine witnesses, and be heard in person or by counsel upon brief and at the oral argument, if oral argument is granted.

[If affirmative relief is sought insert appropriate prayer here.]

Dated at _____, 19_____

[See forms Nos. 1 and 3 as to subscription, verification, and certificate of service.]

⁴ See §§ 1.35 to 1.37, inclusive.

⁵ See § 1.17.

⁶ See § 1.22.

⁷ See § 1.72.

¹ See §§ 1.26 to 1.33, inclusive.

No. 5.—FORM OF REPARATION STATEMENT UNDER §1193

[Claim of _____ under decision of the Interstate Commerce Commission in Docket No. _____]

Date of shipment	Date of delivery or tender of delivery	Date charges were paid	Car 1 initials	Car 2 number	Origin	Destination	Route	Commodity	Weight	As charged		Should be		Reparations to be paid by the Commission	Charges paid by
										Rate	Amount	Rate	Amount		

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any other person, in any other proceedings, except as follows. (Here indicate any exceptions, and explanation thereof).

Claimant _____
 By _____
 Practitioner _____
 Address _____
 Date _____

Total amount of reparation \$ _____
 The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.
 Date _____ Concurred in _____ Company _____
 _____ Company, Defendant Collecting Carrier, Defendant
 By _____, Auditor By _____, Auditor

¹Substitute "Vessel" if water carrier involved.
²Substitute "Voyage No." if water carrier involved.
³Here insert name of person paying charges in the first instance, and state whether as consigner, consignee, or in what other capacity.
⁴If not a defendant, strike out word "defendant".
⁵For concurring certificate in case collecting carrier is not a defendant.

[F. R. Doc. 42-7860; Filed, August 12, 1942; 4:14 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 23—SOUTHWESTERN REGION
 NATIONAL WILDLIFE REFUGES

SAN ANDRES NATIONAL WILDLIFE REFUGE,
 NEW MEXICO

HUNTING REGULATIONS

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II¹ (53 Stat. 1431), and in extension of section 12.9 of the regulations of December 19, 1940,² for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations permitting and governing the hunting of deer in the San Andres National Wildlife Refuge, New Mexico, are made and prescribed:

§ 23.800 *Hunting of deer, San Andres National Wildlife Refuge, New Mexico.* Until further notice deer may be taken during the open season prescribed therefor by the State Game and Fish Commission of New Mexico on certain lands hereinafter described of the United States

¹ 4 F.R. 2731.
² 5 F.R. 5284; 50 CFR Part 12.

within the San Andres National Wildlife Refuge, New Mexico, under the following special provisions, conditions, restrictions, and requirements:

(a) No open season shall be declared on this described area in any year until after joint examination or consultation by the Fish and Wildlife Service, the Forest Service, and the Game and Fish Commission of the State of New Mexico. If such annual examination or consultation indicates there is a surplus of deer on the area which should be reduced in any year, the number of deer to be so removed shall be determined and agreed upon by the participating agencies.

(b) *Area open to hunting.* The following-described lands of the United States within the refuge shall be open to the hunting of deer; That part of the refuge common to the Jornada Experimental Range and bounded on the east by a line approximately one-half mile west of the rim of the San Andres Range to be flagged or otherwise suitably marked on the ground by the officer in charge.

(c) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid State hunting license and a permit, if such license and permit are required, authorizing him to hunt deer. The license and permit shall be exhibited upon the request of any representative of the

New Mexico Game and Fish Commission authorized to enforce the State Game Laws or of any representative of the Department of the Interior, the Department of Agriculture, or other authorized official. The permittee must comply in every respect with the state laws and regulations governing the hunting of deer and must upon request of any of the aforesaid representatives exhibit for inspection all game killed by him or in his possession.

(d) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(e) *Entry upon refuge; civil liability.* Persons entering the refuge for the purpose of hunting, as permitted by these regulations, are subject to civil liability for injuring or killing any livestock or damaging any property thereon, and shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

(f) *Limitation on firearms and bullets.* Deer may be taken only by the use of rifled firearms. Regulation No. 57 of the New Mexico Game and Fish Laws and Regulations, promulgated March 10, 1934, section 5 providing that "No big game, except turkeys, shall be shot at, wounded, taken or killed with a steel, or hard pointed bullet," shall apply to the hunting of deer on the refuge.

(g) *Penalties.* Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions or requirements of the regulations in this section will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(h) *State cooperation in management of the shooting area.* The provisions of the regulations in this section shall be incorporated in and be deemed to be a part of any agreement between the Director of the Fish and Wildlife Service and the State Game Commission of New Mexico for the regulation, management, and operation of the shooting area established hereunder.

OSCAR L. CHAPMAN,
 Assistant Secretary.

AUGUST 5, 1942.

[F. R. Doc. 42-7879; Filed, August 13, 1942; 9:47 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1016]

DISTRICT BOARD NO. 1—ALLEGHENY RIVER
 MINING CO.

ORDER CONTINUING TEMPORARY RELIEF

In the Matter of the Petition of District Board No. 1 for the Establishment of Price Classifications and Minimum

Prices, for all Shipments Except Truck, for a Mixture of the Coals of the Cadogan Mine (Mine Index No. 76), of the Allegheny River Mining Company with the Coals of Certain Other Mines in District No. 1, Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petitioner requested the establishment of temporary price classifications of "H" in Size Groups 1, 2, and 3 and "J" in Size Groups 4 and 5 for the coals of the Freebrook No. 7 Mine (Mine Index No. 664) of the Freebrook Corporation, the Loyal T. Henderson Mine (Mine Index No. 1491) of Loyal T. Henderson, the Orpha Mine (Mine Index No. 353) of the James Coal Mining Company, the Mohawk Mine (Mine Index No. 326) of the Mohawk Mining Company, the Radaker Mine (Mine Index No. 1921) of C. C. Radaker, when such coals are mixed with the coals of the Cadogan Mine (Mine Index No. 76) of the Allegheny River Mining Company and loaded over the Cadogan tippie.

Subsequent to the hearing in this matter before Examiner Joseph D. Dermody, the Freebrook Corporation, C. C. Radaker and Loyal T. Henderson requested that the classifications proposed for their respective mines for preparation and loading at the Cadogan tippie be withdrawn from consideration in this proceeding.

Upon recommendation by the Examiner, to which no exceptions were taken by any party to the proceeding, the Acting Director on June 8, 1942, ordered that commencing therewith the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be, and thereby was, temporarily amended for a period of sixty (60) days by adding thereto a provision reading as follows:

When the coals of Mine Index No. 353 and 326 are mixed and loaded in the same car with coals of the Allegheny River Mining Company at Cadogan, Pennsylvania, the price to be applied to such mixture shall be the price listed for the coals of the mine in such mixture having the highest price classification.

On August 7, 1942, the Bituminous Coal Producers Board for District No. 1 requested that the temporary classifications established by the Order of the Acting Director dated June 8, 1942, in the above-entitled matter be continued for an additional period of sixty (60) days.

The undersigned finds that a reasonable showing of necessity has been made for the continuation of the temporary classifications established by the Order of the Acting Director dated June 8, 1942.

Now, therefore, it is ordered, That, commencing forthwith the temporary classifications established by the Order of the Acting Director dated June 8, 1942 in the above-entitled matter be continued for an additional period of sixty (60) days.

Dated: August 12, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

[F. R. Doc. 42-7890; Filed, August 13, 1942;
11:02 a. m.]

[Docket No. B-309]

WM. HOWELLS AND T. A. HOWELLS, CODE
MEMBER

NOTICE OF AND ORDER FOR HEARING

In the Matter of Wm. Howells and T. A. Howells, individually, and as co-partners, doing business under the name and style of Wm. Howells and T. A. Howells, code member.

A complaint dated July 1, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 7, 1942, by the Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Wm. and T. A. Howells, individually and as co-partners doing business under the name and style of Wm. and T. A. Howells, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder and an amended complaint, dated July 27, 1942, in the above-entitled matter having been duly filed on July 31, 1942 (the complaint as amended hereinafter referred to as the "Complaint");

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Canton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or

more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to section 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Wm. Howells and T. A. Howells, doing business under the name and style of Wm. Howells and T. A. Howells, whose address is R. F. D. No. 6, Salem, Ohio, a code member, whose code membership became effective as of December 15, 1937, operating the Brookwood Mine, Mine Index No. 1400, located in Columbiana County, Ohio, in Subdistrict No. 4 of District No. 4, wilfully violated section 4 II (a) of the Act and Part 4 II (a) of the Code and Orders Nos. 307 and 309, promulgated by the Division on December 11, 1940 and January 14, 1941, respectively, by failing and refusing to file with the Statistical Bureau for District No. 4 for each month from January 1941 to June 1942, inclusive, within five (5) days after the end of each of said months, reports of all sales made during each of said months of coal produced at the above-named mine and shipped from said mine to various purchasers and copies of truck tickets, sales slips, invoices and listings of said sales as required by the respective provisions of said Orders Nos. 307 and 309.

Dated: August 12, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

[F. R. Doc. 42-7891; Filed, August 13, 1942;
11:02 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[E. P. C. Docket No. 14]

CERTAIN DESIGNATED COMMODITIES

NOTICE OF HEARING RELATIVE TO COMPARABLE PRICES

AMENDMENT OF PRIOR ORDER

The commodities listed after date of August 26 should read as follows:

August 26—soybeans, peanuts for oil, and tung nuts; green lima beans for processing, beets for processing, and other vegetables

17 F.R. 6230.

for processing, such as carrots, squash, pumpkin, okra, parsnips, turnips, and rhubarb.

Done at Washington, D. C., this 12th day of August 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-7899; Filed, August 13, 1942; 11:32 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 22, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective August 13, 1942. The Certificates may be cancelled in the man-

ner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Barton Neckwear Co., 1106 Arch St., Philadelphia, Pennsylvania; Men's neckwear; 1 learner (T); August 13, 1943.

Hansley Mills, Inc., 1800 Main St., Paris, Kentucky; Men's shorts; 5 percent (T); August 13, 1943.

McCurrach Organization, 1873 Eastern Parkway, Brooklyn, New York; Men's neckties; 5 percent (T); August 13, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Blue Bell Globe Manufacturing Co., Natchez, Mississippi; Shirts, trousers; 10 percent (T); August 13, 1943.

Glaser Brothers, Inc., Eldon, Missouri; Men's and boys' trousers; 10 percent (T); August 13, 1943.

Hartmann-Schnelder Co., Elder St., Johnstown, Pennsylvania; Work pants, shirts, and overalls; 5 learners (T); August 10, 1943. (This certificate effective August 10, 1942.)

Henry Manufacturing Co., Belvidere, Illinois; Govt. uniforms, U. S. Army overalls; 5 learners (T); August 13, 1943.

B. Laster, 123 North 13th St., Philadelphia, Pennsylvania; Children's dresses; 5 learners (T); August 13, 1943.

Meyersdale Manufacturing Co., Inc., Meyersdale, Pennsylvania; Shirts, 10 percent (T); August 13, 1943.

Playtime Boys' Togs, Inc., 234 South 4th St., Philadelphia, Pennsylvania; Boys' novelty suits; 2 learners (T); August 13, 1943.

Samette Manufacturing Co., 1702 Hanover Ave., Allentown, Pennsylvania; Ladies slips; 10 percent (T); August 13, 1943.

Charles T. Saylor, Beavertown, Pennsylvania; Shirts; 10 percent (T); August 13, 1943.

P. A. Specht Est., Blooming Glen, Pennsylvania; Trousers; 5 learners (T); August 13, 1943.

Stetson Pajama Co., King Georges Road, Fords, New Jersey; Pajamas, sportswear, 10 learners (T); August 13, 1943.

Cigar

Bayuk Cigars, Inc., Mervine and Montgomery Streets, Philadelphia, Pennsylvania; Cigars; 180 learners (E); Cigar Machine Operators and Packers to have a learning period of 320 hours and Stripping Machine Operators to have a learning period of 160 hours at 75 percent of the applicable minimum wage; September 21, 1942. (This certificate effective August 10, 1942.)

S. Frieder & Sons Co., West Market St., Xenia, Ohio; Cigars; 200 learners (E); Cigar Machine Operators and Packers to have a learning period of 320 hours and

Stripping Machine Operators to have a learning period of 160 hours at 75 percent of the applicable minimum wage; February 10, 1943. (This certificate effective August 10, 1942.)

Pennstate Cigar Corporation, 426 E. Allegheny Avenue, Philadelphia, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operators and Packers to have a learning period of 320 hours and Stripping Machine Operators to have a learning period of 160 hours at 75 percent of the applicable minimum wage; August 12, 1943.

Signed at New York, N. Y., this 11th day of August 1942.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-7855; Filed, August 12, 1941; 12:23 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 17 Under Revised Price Schedule 6—Docket 3036-29]

GRANITE CITY STEEL COMPANY

ORDER GRANTING RELIEF ON CERTAIN LEND-LEASE CONTRACTS

On June 30, 1942, Granite City Steel Company of Granite City, Illinois, filed a petition for an exception to Revised Price Schedule No. 6 as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition, and opinion in support of this Order No. 17 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) Granite City Steel Company, Granite City, Illinois, may sell and deliver, and the Lend-Lease Administration and the Treasury Department, Procurement Division, for the account of the Lend-Lease Administration, may buy and receive iron and steel products as described in (b) herein, at a price not in excess of the price therein stated.

(b) 5,500 gross tons of plain carbon steel O. H. sheet mill slabs, identified by Lend-Lease allocation No. 7151-12593 may be sold at the maximum basing point price at Chicago, Illinois, as established by Revised Price Schedule No. 6 as amended, f. o. b. Granite City, Illinois.

(c) Copies of invoices covering delivery of the steel described herein shall be filed with the Office of Price Administration not later than ten days after delivery in whole or in part of the said steel.

(d) This Order No. 17 may be revoked or amended by the Administrator at any time.

*7 F.R. 1215, 1836, 2132, 2153, 2239, 2397, 3115, 3941, 4789.

*7 F.R. 971, 3663.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to the terms used herein.

This Order No. 17 shall become effective August 13, 1942.

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7875; Filed, August 12, 1942;
4:27 p. m.]

[Amendment 1 to Order 1 Under Maximum Price Regulation 122¹—solid fuels delivered from facilities other than producing facilities—dealers—Docket 3122-46]

GEO. B. NEWTON COAL CO.

ORDER GRANTING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1,² a new item "#4 Buckwheat \$0.303" is added to paragraph (b).

Amendment No. 1 to Order No. 1 shall become effective the 13th day of August 1942.

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7877; Filed, August 12, 1942;
4:28 p. m.]

[Order 24 Under Maximum Price Regulation 120³—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 1120-98-P]

CLOVER SPLINT COAL COMPANY

ORDER GRANTING EXCEPTION

On June 27, 1942, the Clover Splint Coal Company, Koppers Building, Pittsburgh, Pennsylvania, hereinafter called the Protestant, filed a protest against the provisions of Maximum Price Regulation No. 120. In accordance with § 1300.33 of Procedural Regulation No. 1, the protest is being treated not only as such but also as a petition for amendment, adjustment, or exception filed pursuant to § 1340.207 of this regulation. For the reasons set forth in an opinion which has been issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, and Procedural Regulation No. 1,⁴ it is ordered:

(a) On and after June 27, 1942 sales of its 1" x ¼" and ¼" x 0" (Size Group 18) coals produced at its Clo-splint Mine (Mine Index No. 123), located at Closplint, Kentucky, in District 8, by the Clover Splint Coal Company may be made at the applicable maximum price subject to an agreement with

¹ 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567.

² 7 F.R. 971, 3663.

³ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059.

⁴ 7 F.R. 971, 3663.

the purchasers of such coals to adjust prices upon deliveries made during the pendency of its protest, in accordance with the disposition thereof.

(b) This Order No. 24 may be revoked or amended by the Price Administrator at any time, and, in any event, is to be effective only to the date upon which said petition is finally determined by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(d) This Order No. 24 shall become effective August 13, 1942.

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7863; Filed, August 12, 1942;
4:28 p. m.]

[Amendment 1 to Order 12 under Maximum Price Regulation 120⁴—Bituminous coal delivered from mine or preparation plant—Docket 1120-9-P]

MORRIS RUN COAL MINING CO.

ORDER GRANTING EXCEPTION

A new subparagraph (4) is added to paragraph (b), of Order No. 12 under Maximum Price Regulation No. 120 to read as set forth below:

(4) The prices specified in this paragraph shall apply to deliveries made on or after May 18, 1942 pursuant to contracts which Morris Run Coal Mining Company had in effect on that date.

(f) (1) Amendment No. 1 to Order No. 12 shall become effective August 13, 1942.

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7876; Filed August 12, 1942;
4:29 p. m.]

[Order 11 under Maximum Price Regulation 122⁵—solid fuels delivered from facilities other than producing facilities—dealers—Docket 3122-32]

COPPER RANGE COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1,⁶ it is ordered:

(a) The Copper Range Company, Painesdale, Michigan may sell and deliver solid fuels, and any person may buy and receive from Copper Range Company solid fuels at prices not in excess of those stated in paragraph (b) below:

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4640, 4700, 5059, 5560, 5607.

² 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567.

³ 7 F.R. 971, 3663.

(b) Maximum prices for the sale of solid fuels by Copper Range Company shall be the maximum prices determined in accordance with § 1340.261 (b) of Maximum Price Regulation No. 122 plus not more than 30 cents per net ton;

Provided, That in the event of a decrease or decreases in the delivered costs to Copper Range Company of solid fuels below \$6.435 per net ton, then the maximum price set forth in paragraph (b) above shall be reduced accordingly for application to sales of such solid fuels purchased by it at such decreased prices.

(c) This Order No. 11 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) This Order No. 11 shall become effective August 13, 1942.

Issued this 12th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7862; Filed, August 12, 1942;
4:32 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-577]

ILLINOIS IOWA POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 12th day of August, A. D., 1942.

Illinois Iowa Power Company, a registered holding company, having on July 13, 1942 filed an application or declaration (or both) with this Commission pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 9 (a) and 10 of said Act, and Notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and the application or declaration (or both) being concerned with the proposed acquisition by Illinois Iowa Power Company of the outstanding publicly held preferred stock of Kewanee Public Service Company, (Kewanee), an "associate company" of the applicant or declarant; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application or declaration (or both) and that said application shall not be granted or said declaration shall not become effective except pursuant to the further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules and Regulations thereunder be held on September 2, 1942 at 10:0 A. M., E. W. T., on that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing-room clerk in

Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicant or declarant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file notice to that effect with the Commission on or before August 27th, 1942.

It is further ordered, That, without limiting the scope of issues presented by said application or declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Availability of funds of Illinois Iowa Power Company and the propriety of utilizing such funds for the purposes outlined in the application;

(2) Analysis of the Property Account of Kewanee;

(3) Analysis of the past due note of Kewanee held by North American Light & Power Company and the open account from which such note originated;

(4) Analysis of Surplus Accounts of Kewanee to determine the propriety of charges and credits thereto;

(5) Analysis of the Depreciation Reserve and annual accruals thereto as set up on the books of Kewanee;

(6) The fairness of the proposed maximum price to be paid for said shares;

(7) The fairness of the proposed method of acquisition of said shares.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7880; Filed, August 13, 1942;
9:45 a. m.]

[File No. 1-1863]

THE GEORGIAN INCORPORATED

ORDER FOR HEARING AND DESIGNATING
OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of August, A. D. 1942.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of The Georgian Incorporated Eight Per Cent Cumulative Class A Preference Stock \$20 Par Value, should be suspended or withdrawn.

I. It appearing to the Commission:

That The Georgian Incorporated, a corporation organized under the laws of the State of Massachusetts, is the issuer

of Eight Per Cent Cumulative Class A Preference Stock, \$20 Par Value; and

That said The Georgian Incorporated registered such security on the Boston Stock Exchange, a national securities exchange, by filing on or about July 1, 1935, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective July 16, 1935, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said The Georgian Incorporated; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said The Georgian Incorporated has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941, was due to be filed not later than April 30, 1942; that no request for extension was filed by said The Georgian Incorporated; and that no annual report for the fiscal year ended December 31, 1941, was filed by July 1, 1942, within the maximum period allowable under the rule; and

II. The Commission having reasonable cause to believe:

That said The Georgian Incorporated has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941, within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the

public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether The Georgian Incorporated has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Eight Per Cent Cumulative Class A Preference Stock, \$20 Par Value, of said The Georgian Incorporated on said Boston Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Frank Kopelman, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 10th day of September, 1942, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7831; Filed, August 13, 1942;
9:45 a. m.]

[File No. 70-579]

TRI-CITY UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 11th day of August, A. D., 1942.

A declaration and application having been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary of Associated Electric Company, with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock at its par value in amounts equal to the cash available for such purposes, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

The Tennessee Railroad and Public Utilities Commission and the City of Jellico, a municipal corporation under the laws of Tennessee, and E. S. Miller, James L. Hefferman, John W. Howe and M. A. Wheeler, residents of said City, having filed petitions requesting that a hearing be held with respect to the said matter, and said petitions having alleged the existence of certain claims on behalf of certain citizens of the City of Jellico against the assets of Tri-City Utilities Company, the alleged claims arising out of a rate reduction order of the Tennessee Railroad and Public Utilities Commission; and

The Commission having considered such petitions and the allegation contained therein, and it appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said declaration and application and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on September 1, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said application or declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the acquisition and retirement by Tri-City Utilities Company of its common stock from time to time will be detrimental to the public interest or the interest of investors and consumers;

(2) Whether terms or conditions are necessary to be imposed to protect the financial integrity or to safeguard the working capital of Tri-City Utilities Company and to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder;

(3) Whether any part of the funds which Tri-City Utilities Company proposes to use to acquire its common stock should be set aside for the satisfaction of claims asserted by the City of Jellico, Tennessee, and certain of its residents; and

(4) Generally, whether all actions proposed to be taken comply with the re-

quirements of the Act, and rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-7883; Filed, August 13, 1942;
9:46 a. m.]

[File No. 1-2285]

REORGANIZED WILSON MINING CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of August, A. D., 1942.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Reorganized Wilson Mining Company, assessable Common Stock, 10¢ par value, should be suspended or withdrawn.

I. It appearing to the Commission:

That Reorganized Wilson Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of Assessable Common Stock, 10¢ par value; and

That said Reorganized Wilson Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing on or about November 23, 1935, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective June 1, 1936, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Reorganized Wilson Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for

an extension of time to a specified date within six months after the close of the fiscal year; and

That said Reorganized Wilson Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that the time for filing was extended to June 30, 1942, the maximum extension permitted by Rule X-13A-1; that the annual report for the fiscal year ended December 31, 1941 was not filed either within such extended period or at any later date; and

II. The Commission having reasonable cause to believe that:

The said Reorganized Wilson Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III. It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Reorganized Wilson Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, 10¢ Par Value, of said Reorganized Wilson Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 26th day of August, 1942, at 10:00 a. m. at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-7883; Filed, August 12, 1942;
9:47 a. m.]