

the components entering into such parts and assemblies produced for use in the repair, maintenance or improvement of light, medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles, motorized fire equipment and passenger automobiles. The term includes attachment third axles but does not include tires, tubes, batteries or items which are not standard equipment on new vehicles.

(3) Replacement parts specially designed to fit only one model and brand of machinery or equipment, and adaptable to no other use: *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.

(4) Industrial materials and finished products sold to the supplier by a special sale under Priorities Regulation No. 13.

(5) Repair and replacement parts for commercial and industrial refrigeration equipment.

(6) Furniture.

(7) Pottery and china.

(8) Glassware.

(9) Electric mangles, electric water heaters, mechanical refrigerators, ranges—gas and electric, sewing machines, vacuum cleaners, washing machines.

However, if a supplier excludes the above items from his computations, the items remain subject to the practicable minimum working inventory provisions of paragraph (c) (1) of Priorities Regulation 32.

PART II

The following items are no longer in short supply or are not considered to be essential to the national economy. Accordingly, any supplier may exclude from his computations under Order L-63, if he does so consistently, his receipts, sales and inventories of the following items:

All items listed on Table 3 of Priorities Regulation 32.

Antiques.

Christmas ornaments and supplies.

Clocks and watches.

Flowers and plants.

Garden supplies and seeds for garden use.

Giftwares (including jewelry accessories).

Jewelry and silverware.

Luggage and other leather goods.

Musical instruments (including pianos and organs).

Oriental rugs.

Phonograph records and supplies.

Phonographs.

Picture frames and mirrors.

Radio receiving sets.

Radio and phonograph combinations.

School supplies.

Smoking equipment.

Sporting goods and cameras.

Stationery and books.

Toilet articles and toiletries (such as cosmetics and shaving equipment).

Toys and games.

Wheeled goods.

If a supplier excludes the above items from his computations, there is no limitation on his inventory of them.

[F. R. Doc. 46-21750; Filed, Dec. 17, 1946; 11:24 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-300, Direction 6]

METHANOL

The following direction is issued pursuant to Conservation Order M-300:

¹ 10 F. R. 6583.

(a) *What this direction does.* The present coal emergency has sharply reduced the production of methanol which is necessary for the production of certain drugs essential to the maintenance of public health. The principal methanol producers have been directed to hold a limited reserve of methanol to meet minimum requirements for the production of critical drugs. Authorizations to certify orders for the purchase of methanol will be issued for requirements necessary to maintain the production of streptomycin, penicillin and sulfa drugs. This direction provides that producers of streptomycin, penicillin and sulfa drugs may apply for authorization to place certified orders for methanol to be filled by the producers from the reserve which has been set aside. This direction is necessary and appropriate in the public interest and to promote the national defense.

(b) *Definition.* "Methanol" (methyl alcohol), known also as wood alcohol, means methyl alcohol in any form or from whatsoever source derived.

(c) *Applications for methanol.* (1) *What producers may apply.* The producers of streptomycin, penicillin or sulfa drugs or intermediates used in the production of streptomycin, penicillin or sulfa drugs may apply under this direction for authority to place a "certified order" for methanol.

(2) *Authorizations.* The CPA may authorize the placing of certified orders for methanol required to make streptomycin, penicillin or sulfa drugs or intermediates to be used in the production of streptomycin, penicillin or sulfa drugs, if it determines that such authorization is necessary. Such authorizations will be granted to the producers of intermediates where the intermediates are to be sold to producers of streptomycin, penicillin and sulfa drugs for the production of such drugs.

(d) *Filing of applications.* Applications should be filed on Form CPA-2945 so as to be received by CPA on or before the 20th day of the month in which delivery is requested. File separate set of forms for each supplier; send three copies (one certified) to the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref. M-300, Direction 6. The unit of measure is gallons. In the heading of Table I substitute the word "current" for the word "next." Fill in columns 2, 3 and 4. In Table II fill in columns 13, 14, 15-c and 16. Fill in Table III and Table IV. Applicants requiring methanol for the production of intermediates necessary in the manufacture of streptomycin, penicillin or sulfa drugs shall also fill in Table V showing their delivery of such intermediates during the preceding month by listing the names of the consignees in column 23 and the quantity delivered to each such consignee in column 24. Fill in columns 3 and 20 in terms of the following: Streptomycin, penicillin, sulfa drugs (specified) other (specified).

(e) *How to place a certified order.* A purchase order for methanol may be certified by furnishing a certification in substantially the following form to the producer, signed as provided in Priorities Regulation 7 (9 F. R. 721):

I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for methanol under Direction 6 to Order M-300, Serial Number _____.

(f) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in the months specifically authorized on Form CPA-2945.

(g) *Producers of methanol.* A producer of methanol must not deliver any methanol which it has been required to set aside on direction of the Civilian Production Administration except on purchase orders certified according to this direction. Any purchase order certified according to this direction is subject to the rules for acceptance and re-

jection of rated orders as provided in Priorities Regulation 1 (11 F. R. 8002).

(h) *Authorizations to place certified orders other than as provided in paragraph (c).* The Civilian Production Administration may grant authorizations to place certified orders for methanol required for drugs other than streptomycin, penicillin or sulfa drugs where the maintenance of the production of such other drugs is found necessary to the public health.

(i) *Reports.* Producers of streptomycin, penicillin and sulfa drugs must furnish such reports as may be required by the Civilian Production Administration from time to time subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Expiration date.* This order shall be in effect until January 1, 1947.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21752; Filed, Dec. 17, 1946; 11:24 a. m.]

PART 1046—SUPPLIERS' INVENTORIES

[Limitation Order L-63, Interpretation 1, Revocation]

SUPPLIES

Interpretation 1 to Limitation Order L-63 is hereby revoked.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21749; Filed, Dec. 17, 1946; 11:24 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 18]

STEEL FOR PRODUCTION OF EXPORT FREIGHT CARS

The following direction is issued pursuant to General Preference Order M-21:

(a) *What this direction does.* There is a critical shortage in the supply of freight cars and steel needed to make them. To aid in meeting the minimum steel requirements for the production of freight cars which are essential to the maintenance of the domestic transportation system, it is necessary that production of cars for export be delayed. This direction restricts the placing of orders by car builders for steel to be used in the production of export cars. As used in this direction, the word "steel" means all steel in the forms and shapes listed in Schedule I to Order M-21 (11 F. R. 12383).

(b) *Restriction on placing orders.* Unless authorized in writing to do so by the Civilian Production Administration, no freight car builder shall place any order for steel which is to be used in the production of freight cars to be shipped for export outside the United States, its territories or possessions, or the Dominion of Canada on orders placed with the car builder after November 30, 1946. Authorizations to place orders for steel for these export freight cars will be granted only if it appears clearly that such orders will not interfere with the production of domestic freight cars.

¹ 11 F. R. 12383.

(c) *How to apply.* Applications for authorization to place orders for steel under paragraph (b) may be made by letter in duplicate, addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: M-21, Direction 18, furnishing information as to (1) the present production schedule of freight cars classified by domestic cars, export cars ordered on or before November 30, 1946, and export cars ordered after November 30, 1946; (2) the steel tonnage on hand or already on order for use in cars, classified by steel products and suppliers; (3) the additional tonnage for which authorization is requested, classified by steel products and suppliers; and (4) the effect which authorization, if granted, would have on production of domestic cars.

Note: The reporting provisions of this direction have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21751; Filed, Dec. 17, 1946;
11:24 a. m.]

**PART 4600—RUBBER, SYNTHETIC RUBBER
AND RUBBER PRODUCTS THEREOF**

[Rubber Order R-1, Appendix II, as Amended
Nov. 29, 1946, Amdt. 1]

Appendix II to Rubber Order R-1, as amended November 29, 1946, is hereby amended as follows:

1. By deleting the whole of List 15.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64

Issued this 17th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21754; Filed, Dec. 17, 1946;
11:25 a. m.]

**Chapter XXIII—War Assets
Administration**

[Reg. 1, Amdt. 2 to Order 3]

**PART 8301—DESIGNATION OF DISPOSAL
AGENCIES AND PROCEDURES FOR REPORTING
SURPLUS PROPERTY LOCATED WITHIN
THE CONTINENTAL UNITED STATES, ITS
TERRITORIES AND POSSESSIONS**

FORMS FOR DECLARATION OF SURPLUS

War Assets Administration Regulation 1, Order 3, June 13, 1946, as amended through Aug. 21, 1946, entitled "Forms for Declaration of Surplus" (11 F. R. 6774, 9572) is hereby further amended by adding two new paragraphs as follows:

12. (a) In making declarations of surplus electronic property (other than contract termination) located within the

continental United States as defined in Part 8323,² owning agencies may use copies of shipping tickets, bills of sale, or other lists of property as an attachment to the declaration, *Provided*, That not more than 99 line-items appear on any one shipping ticket, bill of sale or other property list and *Provided further*, That a WAA Form 1001 or WAA Form 1001.2 (or any superseding form) is used as a declaration and cover sheet and that all of the information required by the above described forms is shown on such forms or on the supporting documents and *Provided still further*, That each individual or day's shipments to a separate consignee will be covered by a separate declaration.

(b) Prior to making the declaration of surplus as provided in subparagraph (a) above, owning agencies may make a preliminary report in writing to the disposal agency advising that any depot or installation under the jurisdiction of such owning agency contains substantial quantities of surplus electronic property. The preliminary report shall contain sufficient data to identify the type of property, the cost to the Government thereof, and its location. Such preliminary report shall be considered as an intention to file a declaration of surplus, but shall not be the declaration of surplus property as provided in subparagraph (a) above. In any case, and whether such preliminary report is or is not made, each owning agency shall supply the disposal agency with a list indicating the identity, quantity, condition, unit cost, and total cost to the Government, and location of all electronic property other than salvage, scrap, and small lots to be disposed of pursuant to Part 8309.³ The disposal agency shall examine the inventory of such lists and promptly issue shipping instructions authorizing physical transfer of such electronic property to a designated location. Consistent with orderly disposal, and after determination by inspection has been made by the disposal agency that the electronic property is other than salvage, scrap, or small lots, the owning agency shall, at the time physical transfer of such property is authorized by the disposal agency, promptly declare such property surplus in the manner provided in subparagraph (a) above.

13. (a) Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Admin-

istration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

This amendment shall become effective December 19, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 16, 1946.

[F. R. Doc. 46-21766; Filed, Dec. 17, 1946;
12:15 p. m.]

[Regulation 23]

**PART 8323—DISPOSAL OF ELECTRONICS AND
COMMUNICATIONS EQUIPMENT**

Sec.	
8323.1	Definitions.
8323.2	Scope.
8323.3	Allocation.
8323.4	Interdepartmental Advisory Committee on Surplus Electronic Property Disposal.
8323.5	Establishing minimum prices.
8323.6	Determination to be commercially unsalable.
8323.7	Disposals for educational and public-health purposes.
8323.8	Disposal of special purpose electronic property.
8323.9	Disposal as salvage or scrap.
8323.10	Rendering components and parts unfit for intended use.
8323.11	Regulations by agencies to be reported to the Administrator.
8323.12	Records and reports.

AUTHORITY: §§ 8323.1 to 8323.12, inclusive, issued under Surplus Property Act of 1944, as amended, (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8323.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Electronic property" means mobile and stationary personal property peculiar to the science of electronics including wired or wireless communications. It includes, but is not limited to, radio-broadcast receiving and transmitting equipment, other than when installed in or attached to an aircraft, as complete units or the respective components and parts thereof; telephone and telegraph equipment, as complete units or the respective components or parts thereof; electronic detection devices; electronic tubes; electronic equipment such as condensers, resistors, indicators, mounting components, and converters. It also includes those instruments and devices for testing radio and radar equipment, as well as such wire and cable as is used in communications systems.

(2) "Commercially unsalable property" as used herein is distinguished from property of no commercial value as used in Part 8319¹ and means property which has no reasonable prospect of sale at or above a minimum price established by the disposal agency, or where

¹ Reg. 23. Issued December 16.

² Reg. 9 (10 F. R. 12981, 14966; 11 F. R. 3691, 10222).

³ Reg. 19 (10 F. R. 14966; 11 F. R. 3691).

¹ Reg. 1 (11 F. R. 7970, 10221, 13969).

such minimum price has not been established, no reasonable prospect of sale except as salvage or scrap.

(3) "Salvage" means property that is in such a worn, damaged, deteriorated, or incomplete condition, or is of such a specialized nature that it has no reasonable prospect of sale as a unit, or is not usable as a unit without major repairs, or alteration. Salvage has some value in excess of its basic material content because it may contain serviceable components or may have value to a purchaser who may make major repairs or alterations. Salvage includes used containers and cable reels.

(4) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(5) "Instrumentality" as used herein refers to any instrumentality of a State, territory, or possession of the United States, the District of Columbia, or any political subdivision thereof, as well as such States and subdivisions themselves.

(6) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(7) "Educational institution or instrumentality" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution or an instrumentality.

(8) "Public-health institution or instrumentality" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitarial services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution or an instrumentality.

(9) "Special purpose electronic property" means those types which have been primarily designed for, and which are generally useful only for, military purposes or which are not readily adaptable or which cannot be economically converted so as to be adaptable for general use by individuals or industry in a peacetime economy.

(10) "General purpose electronic property" means those types which are so designed, or which may economically be converted to such design, so as to be usable or adaptable for use by individuals or industry in a peacetime economy.

§ 8323.2 *Scope.* This part applies to the disposal of surplus electronic property located in the continental United States, its territories and possessions.

§ 8323.3 *Allocation.* Surplus electronic property shall be disposed of so as

to satisfy the needs of priority claimants as provided for in Part 8302² and of nonprofit institutions as provided for in Part 8314.³ Thereafter the Administrator or his designee may allocate electronic property in short supply to non-priority purchasers. Allocations will be made in such a manner as will effectuate the objectives of the act.

§ 8323.4 *Interdepartmental Advisory Committee on Surplus Electronic Property Disposal.* Pursuant to arrangements made with other interested Government agencies, there is established an Interdepartmental Advisory Committee on Surplus Electronic Property Disposal which shall function as an advisory committee to the Administrator and shall consist of representatives of the Federal Communications Commission, the War Department, the Navy Department, the Department of Interior, the War Assets Administration, and a representative of the Administrator, who shall serve as Chairman of the Committee. It shall be the duty of such Committee to furnish advice and make recommendations to the Administrator with respect to the policies and procedures to be applied in the disposal of surplus electronics and the allocation of electronic property upon which advice may be requested by the Administrator.

§ 8323.5 *Establishing minimum prices.* The disposal agency is authorized to establish minimum prices for items of electronic property and to treat as commercially unsalable any such property which after a reasonable test of the market it concludes cannot be sold within a reasonable period of time at prices equal to or greater than such minimum prices.

§ 8323.6 *Determination to be commercially unsalable.* In order to obtain the greatest return to the Government and at the same time to obviate all unnecessary expense of care, handling, shipping, reconditioning, and maintenance of such property, the disposal agency shall make prompt determination as to those items of electronic property which are commercially unsalable and should therefore be promptly disposed of as salvage or scrap. Such a determination by the disposal agency may be made by any of the following methods:

(a) By a full and adequate offering of reasonable quantities for sale;

(b) By a finding of the War Department or the Navy Department, based upon the requirements of national defense, that an item of electronic property should not be approved for general use;

(c) By a finding of the disposal agency that there is an oversupply which exceeds any known or foreseeable demand;

(d) By the findings of qualified consultants;

(e) By direct findings of the disposal agency that the cost of care and handling is believed to exceed foreseeable returns.

§ 8323.7 *Disposals for educational and public-health purposes.* (a) Where the disposal agency determines that any item of surplus electronic property is

commercially unsalable, disposal may be made to educational or public-health institutions or instrumentalities as provided in this section. The disposal agency shall compile a list of such items and shall ascertain fixed prices which will reflect the benefit which has accrued or may accrue to the United States from the use of such property by educational or public-health institutions or instrumentalities. Such lists shall be submitted to the Administrator, and if approved, will be published by order hereunder. The disposal agency is authorized to dispose of such property to educational or public-health institutions or instrumentalities at the prices so approved; *Provided, however,* that no such disposals at the prices so approved may be allowed to any such institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code.

(b) The disposal agency shall establish procedures pursuant to which educational or public-health institutions or instrumentalities may make written application for surplus electronic property available for disposal to such institutions or instrumentalities. Such procedures shall include (1) a certification that the applicant is an educational or public-health institution or instrumentality as defined in § 8323.1 and is exempt from taxation under section 101 (6) of the Internal Revenue Code (2) a certification of the purposes for which the property is to be acquired, and (3) an agreement that the property will not be resold to others within one (1) year of the date of purchase without the consent in writing of the disposal agency.

§ 8323.8 *Disposal of special purpose electronic property.* (a) Aside from a relatively small demand for special purpose electronic property to serve specialized industrial, educational, and private uses, there is no significant market for electronic property of this class.

(b) Special purpose electronic property which has been determined to be commercially unsalable by the disposal agency may be disposed of by such disposal agency as salvage or scrap as provided in § 8323.9 or otherwise, but if disposed of other than as salvage or scrap by the disposal agency, then in such event the property shall be disposed of at fixed prices.

§ 8323.9 *Disposal as salvage or scrap.* (a) Surplus electronic property including components and parts which, pursuant to the provisions of § 8323.6 are determined by the disposal agency to be commercially unsalable, may be disposed of as salvage or scrap by such disposal agency.

(b) When items determined by the disposal agency to be scrap are in the possession of the owning agencies, they should be promptly disposed of by such owning agencies pursuant to the provisions of Part 8309.⁴

(c) In each case where disposal of electronic property, including components and parts is made as scrap by the disposal agency, then in such event a scrap

² Reg. 2 (11 F. R. 14267).

³ Reg. 14 (11 F. R. 11505).

⁴ Reg. 9 (10 F. R. 12961, 14966; 11 F. R. 3691, 10221.)

warranty as prescribed in Part 8309 may be required from the purchaser thereof.

§ 8323.10 *Rendering components and parts unfit for intended use* (a) The Administrator has determined that, in the case of components and parts such property may become commercially unsalable as the volume of surplus declarations increase and that in order not to incur excessive costs of care and handling and to insure orderly disposal and prevent speculative resale, certain components and parts determined to be commercially unsalable by reason of oversupply should be rendered unfit for intended use before disposal as salvage or scrap.

(b) Where the disposal agency finds such action to be required with respect to components and parts in its possession, it shall render such property unfit for intended use prior to sale as salvage or scrap.

(c) In those cases where the disposal agency finds such action to be required with respect to components and parts in the possession of an owning agency, it shall direct the owning agency not to dispose of such property as salvage or scrap in accordance with the provisions of § 8323.9 (b), but instead to declare such components and parts to the end that all such property may be rendered unfit for intended use by the disposal agency.

§ 8323.11 *Regulations by agencies to be reported to the Administrator.* Owning and disposal agencies shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it has issued or may hereafter issue in furtherance of the provisions, or any of them, of this part.

§ 8323.12 *Records and reports.* Each owning and disposal agency shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the Surplus Property Act of 1944, relating to the disposal of surplus electronic property.

This part shall become effective December 19, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

DECEMBER 16, 1946.

[F. R. Doc. 46-21765; Filed, Dec. 17, 1946; 12:15 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 122—MONTHLY OPERATING REPORTS

MONTHLY REPORT OF REVENUES AND EXPENSES

At a session of the Interstate Commerce Commission, Division I, held at its office in Washington, D. C., on the 25th day of September A. D. 1946.

The matter of monthly reports of revenues and expenses of Class I steam railways being under consideration, it is ordered, that

§ 122.1 *Revenues and expenses.* Commencing with the month of January 1947,

and monthly thereafter until further order, each and every Class I Steam Railway, excluding Class I Switching and Terminal Companies, subject to the provisions of the Interstate Commerce Act, is hereby required to file under oath monthly reports, in duplicate, of Revenues and Expenses in accordance with the form of report which is attached hereto and made a part of this order. Such monthly reports shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the twenty-sixth day of the month next succeeding the month for which made. (24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)-(8))

It is further ordered, that the order dated November 10, 1943, in the matter of monthly reports of revenues and expenses of Class I steam railways (49 CFR,

1943 Supp., 122.1) be, and it is hereby vacated and set aside, effective January 1, 1947; and that, a copy of this order shall be served upon every Class I steam railway, other than switching and terminal companies, subject to the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railway, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

Budget Bureau No. 60-R-120.4
Form approved.

MONTHLY REPORT OF REVENUES AND EXPENSES—STEAM ROADS Form R&E
(IN UNITS OF DOLLARS ADJUSTED TO ACCORD WITH FOOTINGS)

Full name of reporting company

For month of, 19

Figures for month		Item	Figures for period	
19....	19....		19....	19....
(a)	(b)	(c)	(d)	(e)
		MILEAGE:		
		1. Miles of road operated at close of month (State in whole numbers. See "Mileage changes" on the other side of form.)		
		OPERATING REVENUES:	\$	\$
\$	\$	2. Freight (Account 101).....		
		3. Passenger (Account 102).....		
		4. Mail (Account 106).....		
		5. Express (Account 107).....		
		6. All other operating revenues.....		
		7. Railway operating revenues (Account 501).....		
		OPERATING EXPENSES:		
		8. Maintenance of way and structures (General Account I) (Insert totals of items 8.01 to 8.06)		
		8.01 Depreciation—Road (Account 266).....		
		8.02 Retirements—Road (Account 267).....		
		8.03 Deferred maintenance—Road (Account 268).....		
		8.04 Amortization of defense projects—Road (Account 270 1/2).....		
		8.05 Equalization—Road (Account 280).....		
		8.06 All other maintenance of way and structures accounts.....		
		9. Maintenance of equipment (General Account II) (Insert totals of items 9.01 to 9.06)		
		9.01 Depreciation—Equipment (Accounts 305 and 331).....		
		9.02 Retirements—Equipment (Account 330).....		
		9.03 Deferred maintenance and major repairs—Equipment (Accounts 339 and 340).....		
		9.04 Amortization of defense projects—Equipment (Account 331 1/2).....		
		9.05 Equalization—Equipment (Account 338).....		
		9.06 All other maintenance of equipment accounts.....		
		10. Traffic (General Account III).....		
		11. Transportation—Rail line (General Account IV).....		
		12. Miscellaneous operations (General Account VI).....		
		13. General (General Account VII).....		
		14. Railway operating expenses (Account 531).....		
		INCOME ITEMS:		
		15. Net revenue from railway operations (7-14).....		
		16. Railway tax accruals (Account 532) (Insert totals of items 16.01 to 16.03)		
		16.01 Pay-roll taxes (Old-age retirement and unemployment insurance).....		
		16.02 Federal income taxes (Including surtax).....		
		16.03 All other taxes.....		
		17. Railway operating income (15-16).....		
		18. Equipment rents (Accounts 503 to 507 and 536 to 540), net (Insert debit in red).....		
		19. Joint facility rent (Accounts 508 and 541), net (Insert debit in red).....		
		20. Net railway operating income (17, 18, and 19).....		
		RATIOS:		
		21. Expenses to revenues (14+7) (one decimal place required) %		
		22. Total maintenance to revenues (8+9+7) (one decimal place required) %		
		23. Transportation to revenues (11+7) (one decimal place required) %		

INTERSTATE COMMERCE COMMISSION
BUREAU OF TRANSPORT ECONOMICS AND STATISTICS

MONTHLY REPORT OF REVENUES AND EXPENSES—STEAM ROADS

INSTRUCTIONS

Under an order of this Commission dated Sept. 25, 1946, effective Jan. 1, 1947, steam railroad companies of Class I are required to file monthly reports of revenues, expenses, and income items herein called for, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before the twenty-sixth day of the month next succeeding the month for which they are made.

The revenue, the expense, and the income items in this monthly report should be taken from and agree with the accounts kept in conformity with the current uniform system of accounts for steam roads prescribed by the Interstate Commerce Commission. The account numbers in the "Item" column refer to the accounts in this uniform system of accounts.

This monthly statement should cover the operations of the reporting carrier from the beginning of business on the first day to the close of business on the last day of the month or period named. Deficits, losses, decreases, or other reverse items should be shown in red. All the information requested on both sides of this form should be supplied. Any unusual accruals involving a substantial amount should be fully explained in a footnote.

Item 1 should represent the number of miles of road, or first running track, operated at the close of the month of report. The number of miles reported for the period from January 1 to the end of the month of report should be determined by averaging the amounts of mileage reported at the close of each month within that period.

For the use of the Interstate Commerce Commission only	MILEAGE CHANGES							
	If the operated mileage stated for the month for which this report is made differs from that stated in the report for the last preceding month, the date of the change and a brief explanation of the difference should be entered below: As, newly constructed line, acquisition of line (with name of former operating company), operation discontinued, line abandoned, resurvey, remeasurement, etc.							
	Date	Cause of change	Result of change		Date	Cause of change	Result of change	
		Increase	Decrease			Increase	Decrease	
		Miles	Miles			Miles	Miles	
Correspondence and correction:								
Letter.....								
Correction.....								
Authority.....								
Subject.....								

REMARKS AND FOOTNOTES

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

OATH

STATE OF..... COUNTY OF.....

I, THE UNDERSIGNED,..... of the.....
[Title of officer in charge of the accounts] [Full name of reporting company]

Company, on my oath do say that the annexed return has been prepared under my direction; that I have carefully examined the same, and declare the same to be a complete and correct statement of the operating revenues, operating expenses, railway taxes, and income items for the month named, and that the various items here reported were, to the best of my knowledge, information, and belief, determined in accordance with the accounting rules promulgated by the Interstate Commerce Commission for steam railway companies.

SUBSCRIBED AND SWORN to before me this..... day of....., 19.....
..... P. O. Address.....

[P. R. Doc. 46-21603; Filed, Dec. 16, 1946; 8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST, ALASKA

CROSS REFERENCE: For amendment of the tabulation contained in § 201.1, see Public Land Order 198, under Title 43, Appendix, *infra*, which withdraws certain lands from the Tongass National Forest, Alaska, for use as an air-navigation site.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 203—RULES OF PRACTICE

Pursuant to the authority vested in the Secretary of Labor by section 4 of the Public Contracts Act (49 Stat. 2036, U. S. C., Title 41, secs. 35-45), there are hereby issued revised Rules of Practice which govern proceedings under sections 5 and 6 of said act, as follows:

SUBPART A—PURSUANT TO SECTION 5 OF THE PUBLIC CONTRACTS ACT

- Sec.
- 203.1 Reports of breach or violation.
- 203.2 Issuance of a formal complaint.
- 203.3 Answers.
- 203.4 Motions.
- 203.5 Intervention.
- 203.6 Witnesses and subpoenas.
- 203.7 Prehearing conference.
- 203.8 Hearing.
- 203.9 Briefs.
- 203.10 Decision of the trial examiner.
- 203.11 Review.
- 203.12 Effective date.

SUBPART B—EXCEPTIONS AND EXEMPTIONS PURSUANT TO SECTION 6 OF THE PUBLIC CONTRACTS ACT

- 203.13 Requests for exceptions and exemptions.
- 203.14 Decisions concerning exceptions and exemptions.

AUTHORITY: §§ 203.1 to 203.14, inclusive, issued under sec. 4, 49 Stat. 2036; 41 U. S. C. 35-45.

SUBPART A—PURSUANT TO SECTION 5 OF THE PUBLIC CONTRACTS ACT

§ 203.1 *Reports of breach or violations.* (a) Any employer, employee, labor or trade organization or other interested person or organization may report a breach or violation of the act, or of any of the rules or regulations prescribed thereunder.

(b) A report of breach or violation shall be in writing and addressed to the Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D. C.

(c) The report should contain the following:

(1) The full name and address of the person or organization reporting the breach or violation.

(2) The full name and address of the person against whom the report is made, hereinafter referred to as the "Respondent".

(3) A clear and concise statement of the facts constituting the alleged breach or violation of any of the provisions of the Public Contracts Act, or of any of the rules or regulations prescribed thereunder.

§ 203.2 *Issuance of a formal complaint.* After a report of a breach or violation has been filed, or upon his own motion and without any report of a breach or violation having been previously filed, the Secretary of Labor or his duly authorized representative may issue and cause to be served upon the respondent a formal complaint stating the charges. Notice of hearing before a Trial Examiner designated by the Secretary of Labor shall be issued and served within a reasonable time after the issuance of the complaint. A copy of the complaint and notice of hearing shall be served upon the surety or sureties. Unless the Trial Examiner otherwise determines, the date of hearing shall not be sooner than thirty days after the date of issuance of the complaint.

§ 203.3 *Answer.* (a) The respondent shall have the right, unless otherwise specified in the complaint and notice,

l.c.

within twenty (20) days after date of issuance of the formal complaint, to file an answer thereto. Such answer shall not be limited to a mere denial of the charges. It shall specifically deny or admit each of the charges, and, if the answer is in denial of any one of the charges, it shall contain a concise statement of the facts relied upon in support of the denial. Any charges not specifically denied in the answer shall be deemed to be admitted and may be so found by the Examiner, unless the respondent disclaims knowledge upon which to make a denial. If the answer should admit any charge but the respondent believes there are reasons or circumstances warranting special consideration, such reasons and circumstances should be fully but concisely stated.

(b) Such answer shall be in writing, and signed by the respondent or his attorney or by any other duly authorized agent with power of attorney affixed.

(c) If no answer is filed, or if the answer as filed does not warrant a postponement of the hearing, such hearing will be held as scheduled.

(d) The original and two copies of the answer shall be filed with the Chief Trial Examiner, Department of Labor, Washington, D. C.

(e) In any case where formal complaints have been amended, the respondent shall have the right to amend his answer within such time as may be fixed by the Trial Examiner.

§ 203.4 *Motions.* (a) All motions except those made at the hearing shall be filed in writing with the Chief Trial Examiner, Department of Labor, Washington, D. C., and shall be included in the record. Such motions shall state briefly the order or relief applied for and the grounds for such motion. The moving party shall file an original and two copies of all such motions. All motions made at the hearing shall be stated orally and included in the stenographic report of the hearing.

(b) The Trial Examiner designated to conduct the hearing may in his discretion reserve his ruling upon any question or motion.

§ 203.5 *Intervention.* Any employer, employee, labor or trade organization or other interested person or organization desiring to intervene in any pending proceeding prior to, or at the time it is called for hearing, but not after a hearing, except for good cause shown, shall file a petition in writing for leave to intervene, which shall be served on all parties to the proceeding, with the Chief Trial Examiner, Department of Labor, or with the Trial Examiner designated to conduct the hearing, setting forth the position and interest of the petitioner and the grounds of the proposed intervention. The Chief Trial Examiner, or the Trial Examiner, as the case may be, may grant leave to intervene to such extent and upon such terms as he shall deem just.

§ 203.6 *Witnesses and subpoenas.* (a) Witnesses shall be examined orally under oath except that for good and exceptional cause the Trial Examiner may permit

their testimony to be taken by deposition under oath.

(b) The Secretary of Labor, the Administrator, or the Trial Examiner shall, upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence, or documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought.

(c) Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and the person taking the depositions shall be paid by the party at whose instance the depositions are taken.

§ 203.7 *Prehearing conferences.* (a) At any time prior to the hearing the Trial Examiner may, on motion of the parties or on his own motion, whenever it appears that the public interest will be served thereby, direct the parties to appear before him for a conference at a designated time and place to consider, among other things:

- (1) Simplification of the issues;
- (2) The necessity or desirability of amending the pleadings for purposes of clarification, amplification or limitation;
- (3) Obtaining stipulations of fact or admissions of undisputed facts or the authenticity of documents;
- (4) The procedure at the hearing;
- (5) Limiting the number of witnesses;
- (6) The propriety of mutual exchange among parties of prepared testimony or exhibits, or
- (7) Any other matters which would tend to expedite the disposition of the proceeding.

(b) The action taken at the conference may be recorded, in summary form or otherwise, for use at the hearing. Such record, when agreed to by the parties and approved by the Trial Examiner, shall be conclusive as to the action embodied therein. Stipulations and admissions of fact and amendments to pleadings shall be made a part of the record of the proceeding.

§ 203.8 *Hearing.* (a) The hearing for the purpose of taking evidence upon a formal complaint shall be conducted by a Trial Examiner specifically designated by the Secretary of Labor, or designated by an authorized official of the Department of Labor, acting for the Secretary of Labor. Trial Examiners shall, so far as practicable, be assigned to cases in rotation. In case of the death, illness, disqualification or unavailability of the Trial Examiner presiding in any proceeding, another Trial Examiner may be designated to take his place. Such hearings shall be open to the public unless otherwise ordered by the Trial Examiner.

(b) The Trial Examiners shall perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters as authorized by law, no Trial Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(c) Trial Examiners shall act independently in the performance of their functions as examiners and shall not be responsible to, or subject to the supervision or direction of, any officer, employee or agent engaged in the performance of investigative or prosecuting functions for the Department of Labor in the enforcement of the Public Contracts Act.

(d) At all hearings it shall be the right of counsel for the Government to open and close, subject to the right of the Trial Examiner to designate, upon cause shown, who shall open and close.

(e) It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has breached or violated any of the provisions of the Public Contracts Act, or any rules or regulations prescribed thereunder, as set forth in the formal complaint. Counsel for the Government, and the Trial Examiner, shall have the power to call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence.

(f) Any party to the proceeding shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(g) In any such proceedings, the rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

(h) In any such proceedings, in the discretion of the Trial Examiner, stipulations of fact may be made with respect to any issue.

(i) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally, together with a short statement of the grounds for such objection, and included in the stenographic report of the hearing. No such objection shall be deemed waived by further participation in the proceeding.

(j) Unless the Trial Examiner otherwise directs, any party to the proceeding shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Examiner directs.

(k) In the discretion of the Trial Examiner the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice.

(l) Contemptuous conduct at any hearing before a Trial Examiner shall be ground for exclusion from the hearing. The failure or refusal of a witness to appear at any such hearing or to answer

any question which has been ruled to be proper shall be ground for the action provided in section 5 of the Public Contracts Act, and in the discretion of the Trial Examiner may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(m) The Secretary of Labor may, in his discretion, direct that, in lieu of the procedure set forth in paragraph (a) of this section, the hearing on formal complaint shall be held in the first instance before the Administrator, in which event the Administrator shall issue an order embodying his decision.

§ 203.9 *Briefs.* (a) Any interested person or organization shall be entitled to file with the Trial Examiner, Department of Labor, Washington, D. C., briefs, proposed findings of fact or conclusions of law, or other written statements, within the time allowed by the Trial Examiner.

(b) Any brief or written statement shall be stated in concise terms.

(c) Three copies of all such documents shall be filed.

(d) Briefs or written statements of more than twenty pages shall be properly indexed.

§ 203.10 *Decision of the Trial Examiner.* (a) Following the hearing and upon completion of the record, the Trial Examiner shall issue an order and decision embodying his findings of fact and conclusions of law on all issues as to whether respondent has violated the representations and stipulations of the act and the amount of damages due therefor, which shall become final, unless a petition for review is filed under § 203.11, before the expiration of the time provided for the filing of such petition. The decision of the Trial Examiner shall be inoperative unless and until it becomes final. If the respondent is found to have violated the act, the Trial Examiner in his decision shall make recommendations to the Secretary of Labor as to whether respondent should be relieved from the application of the ineligible list provisions of section 3 of the act.

(b) The decision of the Trial Examiner shall be made part of the record, and a copy thereof shall be served upon the respondent or respondents by mailing a copy thereof by registered mail to the respondent or respondents or to the attorney or attorneys of record. Upon request from employees or other interested persons, the decision will be served upon such persons, and in the discretion of the Trial Examiner, the decision will be served upon such other persons or their attorneys who appeared at the hearing or upon brief by mailing a copy thereof to such persons.

§ 203.11 *Review.* (a) Within twenty (20) days after service of the decision of the Trial Examiner any interested party, including the trial attorney for the Government, upon whom such decision has been served, may file with the Chief Trial Examiner an original and four copies of a petition for review of

the decision by the Administrator which shall set out separately and particularly each error asserted. The request for review and the record will then be certified to the Administrator.

(b) The petitioner may file a brief (original and four copies) in support of his petition within the period allowed for the filing of the petition. Any interested person upon whom the decision has been served may file within ten (10) days after the expiration of the period within which the petition is required to be filed a brief in support of or in opposition to the Trial Examiner's decision.

(c) The petition and the briefs filed under this section shall make specific reference to the pages of the transcript or of the exhibits which are relevant to the errors asserted with respect to findings of fact, and objections to such findings which are not so supported will not be considered.

(d) No matter properly subject to objection before the Trial Examiner will be considered by the Administrator unless it shall have been raised before the Trial Examiner or unless there were reasonable grounds for failure so to do; nor will any matter be considered by the Administrator unless included in the assignment of errors. In the discretion of the Administrator review may be denied if the petition and brief in support thereof fail to show adequate cause for such review.

(e) The order denying review, or the decision of the Administrator, whichever is entered, will be made a part of the record, and a copy of such order or decision will be served upon the parties who were served with a copy of the Trial Examiner's decision.

(f) If the respondent is found to have violated the act, the Administrator in his decision shall make recommendations to the Secretary of Labor as to whether respondent shall be relieved from the application of the ineligible-list provisions of section 3 of the act.

(g) Application for relief from the ineligible-list provisions of section 3 shall be filed by the respondent with the Secretary of Labor within twenty days from the date of service of the Trial Examiner's decision or the Administrator's decision, as the case may be.

(h) Notice of the determination of the Secretary on the application of the ineligible-list provisions of section 3 shall be served upon the parties who were served with a copy of the Trial Examiner's decision or the Administrator's decision as the case may be.

§ 203.12 *Effective date.* Sections 203.1 to 203.11, inclusive, shall become effective upon publication in the FEDERAL REGISTER: *Provided, however,* That in any case where a hearing has begun or has been completed prior to said publication, the proceeding shall be conducted pursuant to the rules of practice in effect at the time the proceeding was initiated unless the parties stipulate in writing or orally for the record that the proceeding be conducted in accordance with §§ 203.1 to 203.12, inclusive.

SUBPART B—EXCEPTIONS AND EXEMPTIONS PURSUANT TO SECTION 6 OF THE PUBLIC CONTRACTS ACT

§ 203.13 *Requests for exceptions and exemptions.* (a) Request for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by Article 1¹ must be made by the head of a contracting agency or department, and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

(b) Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor, and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

(c) All requests for exceptions or exemptions shall be transmitted through the Procurement Division of the Treasury for submission to the Department of Labor for consideration and shall be returned through the Procurement Division. [Article 601 of the Regs. No. 504, issued by Secretary of Labor, September 14, 1936.]

§ 203.14 *Decisions concerning exceptions and exemptions.* Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor, or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the Department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Procurement Division of the Treasury. [Article 602 of the Regs. No. 504, issued by Secretary of Labor, September 14, 1936.]

Dated: December 12, 1946.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 46-21635; Filed, Dec. 17, 1946; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2283].

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT

Section 4.276 (a), as added by Order No. 2238 (11 F. R. 9080), is amended by adding a new subparagraph to read as follows:

§ 4.276 *Functions relating to grazing district administration.* (a) * * *

¹ Not filed with the Division of the Federal Register.