

THE NATIONAL ARCHIVES  
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# FEDERAL REGISTER

1934

VOLUME I NUMBER 12

*Washington, Tuesday, March 31, 1936*

**TREASURY DEPARTMENT.**

Office of the Commissioner of Customs.

[T. D. 48227]

**AIRPORT OF ENTRY**

WEEKS MUNICIPAL AIRFIELD, FAIRBANKS, ALASKA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

*To Collectors of Customs and Others Concerned:*

Under the authority of Section 7 (b) of the Air Commerce Act of 1926 (49 U. S. C., 1934 ed., sec. 177 (b)), the Weeks Municipal Airfield, Fairbanks, Alaska, is hereby redesignated as an Airport of Entry for the landing of aircraft from foreign countries for a period of one year from April 1, 1936.

[SEAL]

J. H. MOYLE,

*Commissioner of Customs.*

(103624/31.)

Approved, Mar. 25, 1936.

WAYNE C. TAYLOR,

*Acting Secretary of the Treasury.*

[Filed, March 28, 1936; 12:36 p. m.]

**NAVY DEPARTMENT.**

**SAFETY DEVICES ON MACHINE TOOLS**

The following regulations are issued pursuant to Section 161 of the Revised Statutes relative to the subject of safety devices on machine tools.

Hereafter all requisitions for machine tools shall include in the specifications a requirement that such appliances shall be provided with safety devices of approved type.

In submitting bids for such machine tools, all prospective bidders shall fully describe the general character of the safety devices that they propose to furnish. The officer or official recommending the purchase of such tool shall specifically state that the safety appliances proposed by the manufacturer are of a character that will meet the necessary safety requirements.

Approved, March 30, 1936.

[SEAL]

ADOLPHUS ANDREWS,

*Acting Secretary of the Navy.*

[Filed, March 30, 1936; 11:48 a. m.]

**INSIGNIA TO BE WORN ON UNIFORM ON OCCASION OF CEREMONY BY PERSONS NOT IN THE NAVAL SERVICE**

Pursuant to the authority contained in section 125 of the National Defense Act, approved June 3, 1916, as amended by section 8 of the Naval Appropriation Act, approved June 4, 1920, and the Act of July 3, 1926, the following regulations are issued as to the insignia to be worn on the uniform on occasion of ceremony by persons not in the naval service.

Section 125 of the National Defense Act, as amended, provides that members of military societies composed entirely

of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, regular or volunteer, may, upon occasions of ceremony, wear the uniform duly prescribed by such societies to be worn by the members thereof.

It further provides that instructors and members of duly organized cadet corps at certain institutions of learning and under certain conditions may wear the uniform duly prescribed by the authorities of such institutions.

This Act further provides that the uniform worn by members of the above military societies or by members and instructors of the cadet corps mentioned therein shall include some distinctive mark or insignia to be prescribed by the Secretary of War or the Secretary of the Navy to distinguish such uniforms from the uniforms of the Army, Navy, or Marine Corps.

Accordingly, the following mark is hereby designated to be worn by all persons wearing the Naval or Marine Corps uniform as provided above:

A diamond, 3½ inches long in the vertical axis and 2 inches wide in the horizontal axis, of any cloth material, white on blue forestry green, or khaki clothing and blue on white clothing. This figure shall be worn on all outside clothing on the right sleeve, at the point of the shoulder, the upper tip of the diamond to be one-fourth inch below the shoulder seam.

Within the meaning of the above-cited Acts, an "occasion of ceremony" shall be construed to be an official function which a person attends in his capacity as a war veteran or as a member of a military society as described in the Act of June 3, 1916.

Approved, March 30, 1936.

[SEAL]

ADOLPHUS ANDREWS,

*Acting Secretary of the Navy.*

[Filed, March 30, 1936; 11:49 a. m.]

**PHOTOGRAPHS OF NAVAL SUBJECTS**

In order to permit the prompt release and publication of such photographs and moving pictures as will be beneficial alike to the public and to the Navy, while at the same time protecting all subjects which are of confidential nature, or which it is to the interest of the Navy to restrict for official use only, the following instructions are issued as provided in Article 124, United States Navy Regulations, pursuant to Section 1547 of the Revised Statutes.

Subject to the following instructions, commanding officers of naval vessels and commandants of shore stations shall have full cognizance of the making of photographs within their naval jurisdiction, whether by naval personnel or by civilians. The making of all photographs within naval jurisdiction shall be supervised by those in authority at the place where the photographs are taken, to preclude intentional or unintentional violation of this order, particularly



# FEDERAL REGISTER

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The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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with regard to the photographing of prohibited material or operations.

To identify photographers of United States citizenship and of good standing who desire to make photographs of naval subjects for public exhibition, annual accredited photographer's authorization cards will be issued by the commandants of naval districts to such persons residing or based within their respective districts. Card for photographers residing in or based in the immediate vicinity of Washington will be handled by the Chief of Naval Operations. These cards will be issued only on request, and to persons who satisfactorily demonstrate their citizenship and standing. Accredited photographer's authorization cards are valid throughout the naval service, and not transferable, may be revoked for any irregularity, and unless revoked are effective from the date of issue until the 1st of July following.

Commanding officers and others in authority may grant to persons in the naval service, to those holding effective accredited photographers' authorization cards, and to other responsible persons, permission to make photographs of

naval subjects and activities under their jurisdiction which are not of a confidential nature and which they believe to be of public interest, or which may be desired for advertisement purposes.

Permission for civilians to take photographs which involve taking passage on a naval ship or aircraft or involve naval cooperation in any motion-picture play will be granted only by special authority of the Navy Department. In cases of natural catastrophe or other emergency, where prompt action is indispensable, the senior officer present may authorize the passage of photographers on a naval ship or aircraft. In such event full report of the circumstances will be made to the Navy Department.

When permission to take photographs of naval subjects is granted, it will be expressly agreed by the photographer concerned that all prints and negatives not specifically exempted by the officer granting the permission will be promptly submitted for censorship purposes to such persons as may be designated, that only such photographs as may thereby be released will be made public, and that if any such photograph is to be included in an advertisement all copy and text to appear with the photograph will be submitted for approval by the censoring authority prior to the issue of the advertisement. It shall also be agreed that such prints and negatives as are not released by the censoring officer become the property of the Navy and may be destroyed, altered, and returned or otherwise disposed of.

Motion-picture companies authorized by the Chief of Naval Operations to make motion pictures of naval scenes will be required to agree in writing:

(a) To submit all film to the designated authority for censorship and release prior to publication.

(b) To surrender all condemned film, both negative and positive, to the designated authority upon demand.

(c) Not to dispose of film showing naval scenes, operations, or material to private individuals or to representatives of foreign governments.

When the supervision required by paragraph 2 of this order has been such as to preclude the inclusion of confidential features, the officer granting permission to take these pictures may release them immediately for publication without further inspection of the prints and negatives. In such cases, the officer granting this permission may require copies of these photographs.

It is recognized as difficult and generally impossible for commanding officers and commandants of naval stations to censor negatives of motion pictures or newsreels involving material under their jurisdiction. After careful supervision to prevent the photographing of prohibited subjects, the responsible naval authority will permit the accredited photographer to forward the film or newsreel to be developed, printed, and submitted for final censorship and release as follows:

(a) Feature motion-picture films produced with the cooperation of the Navy will be censored and released by the Navy Department Board of Review, as heretofore.

(b) Newsreel motion-picture film of naval subjects will be censored and released by the commandant, third naval district, in accordance with existing orders and instructions and such policies as may be issued by the Navy Department.

The Navy Department reserves the right to acquire without cost one copy of every photograph or motion-picture film (excepting motion-picture photoplays) taken under naval authority, and to use it in any manner, other than commercial, that it may see fit without reference to and entirely independent of any copyright.

Whenever a photoplay is produced with naval authority, the Navy Department reserves the right to acquire without cost two positive prints of every such photoplay, and to use them in any manner it may see fit, excepting that these prints will not be used commercially or exhibited at shore stations until out of their prerelease status.

In order to protect the interests of organizations engaged in photographic work, requests to make photographs featuring naval subjects will not be made known to competitors. But if more than one request is received equal privi-

leges will be granted to all applicants at the discretion and convenience of the naval authorities concerned. Should it be impracticable for more than one photographer to cover the subject, the photographer selected will be chosen by lot with the understanding, before he is chosen, that he is required to cover the event equitably for all parties who have requested permission. The terms of this equitable agreement shall be set forth before choice by lot is made, and failure of the chosen party to fully comply with such agreement will cause his card to be revoked and will bar him from further photographic privileges.

Photographs of subjects classed as secret or confidential or designated as "restricted" by the Navy Department or any bureau or office thereof are not to be made without special permission of the Chief of Naval Operations. Furthermore, the making of photographs which show fall of shot splashes, methods of gunnery training, relative dispositions of fleet units in battle exercises, and aerial views of United States fortifications, will be prohibited entirely except for official use.

Approved, March 30, 1936.

[SEAL]

ADOLPHUS ANDREWS,  
Acting Secretary of the Navy.

[Filed, March 30, 1936; 11:49 a. m.]

#### COMMERCIAL ADVERTISING

The following regulations relating to commercial advertising are issued under the authority of Sections 161 and 3828 of the Revised Statutes.

The Navy Department will not object to commercial firms advertising that their products are or have been supplied to or used by the Navy, provided:

(a) That no information held as confidential by the Navy is divulged.

(b) That the advertising constitutes a statement of fact with no misleading or otherwise objectionable features.

(c) That no mention is made of the fact that a product has undergone or is undergoing test at the instance of or under the cognizance of the Navy Department, and that there are included no data derived from tests made in Government laboratories or on board naval vessels.

(d) That no statement is made that the product is used by the Navy to the exclusion of other similar products.

(e) That all copy, text, and photographs to appear are submitted for review prior to release.

In each case in which any bureau or office of the Navy Department or other agency in the naval service receives an inquiry on this subject, it will reply in the sense of the foregoing.

So far as practicable, the review of advertising copy by naval authority will be carried out by the commandant of the naval district within which the advertising company is located.

When there is doubt as to the propriety of the copy or photographs, reference should be made to the Chief of Naval Operations via the Bureau concerned.

Approved, March 30, 1936.

[SEAL]

ADOLPHUS ANDREWS,  
Acting Secretary of the Navy.

[Filed, March 30, 1936; 11:49 a. m.]

#### PUBLIC EXHIBIT OF NAVY MATERIAL

Pursuant to the authority contained in the Act of May 22, 1896, as amended by the Acts of May 26, 1928, and February 28, 1933, and other Acts of Congress bearing on this subject, the policy of the Navy Department regarding the public exhibition of Navy material is published for the guidance of all concerned.

Under the provisions of the Acts of Congress above referred to condemned or obsolete ordnance, guns, projectiles, and other condemned or obsolete material which may not be needed in the service of the Department may be loaned or given to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the American Legion,

and other recognized war veterans' associations, State museums, and municipal corporations, such loan or gift to be made subject to rules and regulations of the Department, and the Government shall be at no expense in connection with any such loan or gift.

In cases of exhibits not covered by the above Acts, whenever the use of Navy materials is authorized for exhibition purposes, it must remain under the control of the Navy Department. If transportation, subsistence, or shelter are involved for naval personnel in whose custody the property rests, all such costs must be borne by the agency requesting the exhibit.

Public exhibits of Navy material may be authorized only under the following conditions:

(a) The exhibit must be under such auspices and so displayed as to emphasize its educational value and attract wide attention.

(b) The exhibit must not be directly or indirectly for the benefit of any private individual or corporation.

Unless legal authority exists for the Navy to make disbursements in connection with the exhibit, the agency requesting the exhibit must pay all costs of packing and shipping both ways, and must furnish in advance a surety bond to cover the return of the property in as good condition as shipped.

All requests for Navy material for exhibition purposes will be forwarded with appropriate recommendations, via official channels, to the Department. Such requests must give full particulars and state the approximate period for which the material is desired. After approval by the cognizance bureau and the Secretary of the Navy, all requests will be forwarded to the Bureau of Supplies and Accounts for final action.

Material loaned will be accounted for in accordance with instructions in the Bureau of Supplies and Accounts manual.

Approved, March 30, 1936.

[SEAL]

ADOLPHUS ANDREWS,  
Acting Secretary of the Navy.

[Filed, March 30, 1936; 11:49 a. m.]

#### DEPARTMENT OF THE INTERIOR

##### National Bituminous Coal Commission.

##### ORDER FOR AND NOTICE OF HEARING

##### Docket No. 34

In the Matter of the Application of the Anthracite Coal and Briquetting Corporation, Petitioner, for Designation of Certain Coal as being Anthracite and not Bituminous Coal.

It is hereby ordered that on the 9th day of April 1936, commencing at the hour of 10:00 a. m., at one of the hearing rooms of the Commission, to-wit: Room 223, Investment Building, 1511 K St. NW., Washington, D. C., a hearing be had before the Commission upon the petition of the above named petitioner for designation of certain coal as being anthracite and not bituminous coal as defined in an Act of Congress entitled "Bituminous Coal Conservation Act of 1935", the location of such coal being described in said petition as being the Langhorne Seam now being operated on by petitioner in what is known as the Empire Mine, located near Pulaski, Virginia.

It is further ordered that such hearing be had on the merits of the petition of said applicant, irrespective of the provisions of Resolution No. 22 of the Commission referred to in said application, and in particular upon the following issues and questions of fact:

(1) The exact legal description by metes and bounds, or other proper legal description, of the land under which lies the coal sought to be adjudicated herein;

(2) Whether applicant is the owner of, or the party entitled to, the possession and/or control of the coal and coal lands sought to be adjudicated herein;

(3) Applicant's corporate capacity, or other legal status;

(4) Whether the coal lying within the limits of the land referred to in applicant's petition, and as proven in evidence at such hearing, by the proper legal description referred to under (1) herein, is bituminous coal within the meaning of said act.

It is further ordered that such hearing be had before one or more of the members of the Commission, or before a designated representative, or representatives, thereof, attention being hereby especially directed to the Rules of Procedure of the Commission, as amended, and all Memoranda of the Commission relating thereto.

And it is further ordered that a copy of this Order For and Notice of Hearing be forthwith mailed by the Secretary of the Commission to each of the following persons:

Anthracite Coal and Briquetting Corporation, Pulaski, Virginia.  
The Secretary of the Bituminous Coal Producers Board for District No. 7.

The Commissioner of Internal Revenue.

Dated this 28th day of March 1936.

[SEAL] NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[Filed, March 30, 1936; 11:39 a. m.]

## DEPARTMENT OF AGRICULTURE.

Bureau of Entomology and Plant Quarantine.

### MODIFICATION OF DUTCH ELM DISEASE QUARANTINE REGULATIONS

AMENDMENT NO. 1 TO RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 71; APPROVED MARCH 27, 1936; EFFECTIVE APRIL 1, 1936

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the rules and regulations supplemental to Notice of Quarantine No. 71, on account of the Dutch elm disease, which were promulgated on February 20, 1935, be and the same is hereby amended to read as follows:

#### Regulation 3. Regulated Areas

In accordance with the provisos to Notice of Quarantine No. 71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut*.—Towns of Darien, Fairfield, Greenwich, New Canaan, Norwalk, Stamford, and Westport, in Fairfield County.

*New Jersey*.—Counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union; townships of Bethlehem, Clinton, Franklin, Lebanon, Readington, Tewksbury, and Union, in *Hunterdon County*; townships of Princeton and West Windsor, and the city of Princeton, in *Mercer County*; townships of East Brunswick, Lincoln, Madison, Milltown, North Brunswick, Piscataway, Raritan, Roosevelt, Sayreville, South Brunswick, South River, and Woodbridge, boroughs of Dunellen, Highland Park, and Metuchen, and cities of New Brunswick, Perth Amboy, and South Amboy, in *Middlesex County*; townships of Holmdel, Matawan, and Raritan, in *Monmouth County*; townships of Hardystown, Lafayette, Sparta, Vernon, and Wantage, in *Sussex County*; townships of Allamuchy, Franklin, Hope, Independence, Mansfield, Oxford, Washington, and White, in *Warren County*.

*New York*.—Counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, and Westchester; towns of Blooming Grove, Chester, Highland, Monroe, Tuxedo, Warwick, and Woodbury, in *Orange County*; towns of Carmel, Phillipstown, Putnam Valley, and South East, in *Putnam County*.

This amendment shall be effective on and after April 1, 1936.

Done at the city of Washington this 27th day of March 1936.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

W. R. GREGG,  
*Acting Secretary of Agriculture.*

[Filed, March 28, 1936; 12:27 p. m.]

## DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

GENERAL ORDER NO. 231

MARCH 25, 1936.

Subject: Voluntary Emigration of Certain Filipinos from the United States

The Act of July 10, 1935 (49 Stat. 478) reads as follows:

[The original document here quotes the text of the Act of July 10, 1935; Public Law No. 202, 74th Congress, 49 Stat. 478.]

By virtue of and pursuant to the authority vested in me by the said Act of July 10, 1935, and Section 161 of the Revised Statutes, I, Frances Perkins, Secretary of Labor, do hereby prescribe the following regulations:

#### CANCELATION OF GENERAL ORDER 218

General Order No. 218 is hereby canceled and the following rules and regulations promulgated in lieu thereof:

#### Section 1. Eligibility for Return to Philippine Islands

Any person who—

- (a) is a Filipino,
- (b) was born in the Philippine Islands,
- (c) resided in any State or the District of Columbia on July 10, 1935,
- (d) is not a citizen of the United States, and
- (e) desires to return to the Philippine Islands is entitled to be returned to Manila, Philippine Islands, at the expense of the United States as to transportation and maintenance, and may make application to the Secretary of Labor for such return. An applicant against whom an order or warrant of deportation is outstanding shall not be entitled to exercise this privilege unless the Secretary of Labor cancels such order and/or warrant and permits the applicant to depart from the United States voluntarily.

#### Section 2. Applications

(a) Applications must be prepared in duplicate on Form 695, and received in the office of the Immigration and Naturalization Service nearest the applicant's place of residence on or before December 1, 1936.

(b) In the case of a family, a separate application should be made by each member thereof who is entitled to and desires to secure the benefits of the statute. The application of a child under twenty-one years of age shall be signed by the father, if living; if not, then by the mother. If both parents are dead, an investigation shall be conducted to determine whether the minor applicant is acting upon his own volition. If there are persons available who are interested in the applicant, their statements shall be taken.

(c) Applications properly executed shall be forwarded promptly to the Central Office.

#### Section 3.—Photographs

When practicable each application should be accompanied by four unretouched and unmounted photographs of the applicant, on white background, 2 inches in width by 2 inches in length and approximately 1¼ inches from the top of head to point of chin, representing applicant without hat and showing full front view. Photographs should be signed (not printed) by the applicant across the front in such manner as not to obscure the features. In the event it is not practicable for the applicant, because of lack of funds or the remoteness of photographic facilities, to furnish photographs at the time he submits his application for removal, such application should nevertheless be accepted with the understanding that the applicant will be photographed by this Service at the seaport of embarkation.

#### Section 4. Transportation

When the application for removal is approved, the Central Office will make arrangements for the transportation and maintenance of the applicant from the place of residence to

a port on the west coast of the United States, and from such port to Manila, Philippine Islands. Transportation to Manila shall be by United States Army or Navy transports, whenever space is available; when not, then by any ship designated by the Central Office pursuant to the contract or contracts entered into by the Secretary of Labor in accordance with Section 2 of the Act of July 10, 1935. The following are designated as ports of departure from the United States: Seattle, Washington, and San Francisco and Los Angeles, California. The particular port, the date of departure therefrom, and the vessel on which the departure will be effected will be determined in accordance with the facts in individual cases.

#### Section 5. Custody

(a) Any applicant for whose return to the Philippine Islands the Secretary of Labor enters an order on Form 696 shall be required, before the journey from the place of residence begins, to sign, in the presence of a witness or witnesses, the provisions on the reverse side of said order, signifying his voluntary consent to placing himself in the custody, for return to Manila, of an officer or employee of the Immigration and Naturalization Service and/or such other person as may be designated. In the case of a minor applicant the officer or employee before whom the signing takes place shall satisfy himself that the minor actually desires to be returned. When telegraphic authority for removal is received by a field officer and the applicant is ready to commence the journey prior to the receipt of the formal order of removal, the applicant should be required to sign the "consent" on the reverse of a blank Form 696. In all instances, the consent to return to the Philippine Islands should be an entirely free and voluntary act on the part of the person required to give it. Officers and employees of the Immigration and Naturalization Service are forbidden to persuade or coerce consent to voluntary emigration under the provisions of the Act of July 10, 1935, and these regulations.

(b) Persons consenting to be returned to the Philippine Islands, or in whose behalf such consent is given, in the manner provided in subsection (a) of this section, shall be subject to the control and supervision of an officer or employee of the Immigration and Naturalization Service during the journey from the place of residence to any of the ports designated in Section 4 of these regulations, and to the control and supervision of the officer in charge of any vessel to which they shall be delivered by the Immigration and Naturalization Officer in Charge of any such ports for transportation to Manila, Philippine Islands.

(c) Departures from such ports should be immediately reported to the Central Office by the Immigration and Naturalization Officers in Charge so prompt reports may be made to the Secretary of State for the information of the consular representative of the United States in the Philippine Islands.

#### Section 6. Report of Arrival at Manila, Philippine Islands

Officers in charge of vessels shall use Form 697 in reporting, by mail or otherwise, to the Immigration and Naturalization Officer in Charge at the port of embarkation of the date of arrival and disembarkation at Manila, Philippine Islands, of Filipinos transported thereto under these regulations.

#### Section 7. Certification to the Secretary of Navy and Secretary of War

The Secretary of Labor shall certify to the Secretary of the Navy and the Secretary of War the names of all Filipinos who have been found eligible for return to Manila, Philippine Islands, under the Act of July 10, 1935, and who consent to be returned thereto in accordance with the provisions of these regulations.

[SEAL] (Signed) FRANCES PERKINS, Secretary.

[Filed, March 27, 1936; 1:47 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[For immediate release Friday, March 27, 1936]

#### SECURITIES EXCHANGE ACT OF 1934

Release No. 553 (Class A)

#### AMENDMENT NO. 1 TO FORM 12-K

#### The Securities and Exchange Commission, finding—

(1) that the requirements of Form 12-K for annual reports of companies making annual reports under Section 20 of the Interstate Commerce Act, as amended, or under Section 219 of the Communications Act of 1934, as more specifically defined in the Instruction Book for Form 12-K as hereby amended, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered on national securities exchanges and as to which Form 12-K is to be used; and

(2) that the information called for by such Form and the exhibits specified in such Instruction Book, as hereby amended, are required by the Securities and Exchange Commission to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934.

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby adopts the following amendment to the Instruction Book for Form 12-K, for annual reports of companies making annual reports under Section 20 of the Interstate Commerce Act, as amended, or under Section 219 of the Communications Act of 1934;

The asterisk following the words "Annual Report Form M of the Federal Communications Commission," in paragraph 3 of the Instructions as to Exhibits is deleted, and there are added the following words:

Schedules 102; 103; 108; 109; 110; 200A; 200L; 201A; 201L; 211; 211C; 212; 218; 219; 220; 221; 222; 223; 234; 230; 234; 251; 251A; 252; 261; 261A; 263; 264; 265; 268; 285; 285A; 285B; 286; 286A; 300; 301; 302; 303; 304; 305; 306; 310; 311; 312; subtotals and operating ratio of 320 (excluding primary accounts); subtotals and operating ratio of 321 (excluding primary accounts); 323; 330A; 331A; 340; 350; 360; 411; 462; 463; 470; 471; and verification.

The foregoing amendment shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, March 28, 1936; 12:51 p. m.]

[For immediate release Friday, March 27, 1936]

#### SECURITIES EXCHANGE ACT OF 1934

Release No. 554 (Class A)

#### AMENDMENT NO. 1 TO FORM 12A-K

#### The Securities and Exchange Commission, finding—

(1) that the requirements of Form 12A-K for annual reports of companies in receivership or bankruptcy at close of fiscal year and making annual reports under Section 20 of the Interstate Commerce Act, as amended, or under Section 219 of the Communications Act of 1934, as more specifically defined in the Instruction Book for Form 12A-K as hereby amended, are necessary and appropriate for the proper protection of investors and to insure fair dealing in such securities as are registered on national securities exchanges and as to which Form 12A-K is to be used; and

(2) that the information called for by such Form and the exhibits specified in such Instruction Book, as hereby amended, are required by the Securities and Exchange Commission to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934.

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, hereby adopts the following amendment to the Instruction Book for Form 12A-K, for annual reports of companies in receivership or bankruptcy at close of fiscal year and making annual reports under Section 20 of the Interstate Commerce Act, as amended, or under Section 219 of the Communications Act of 1934;

The asterisk following the words "Annual Report Form M of the Federal Communications Commission," in paragraph 3 of the Instructions as to Exhibits is deleted and there are added the following words:

"Schedules 102; 103; 108; 109; 110; 200A; 200L; 201A; 201L; 211; 211C; 212; 218; 219; 220; 221; 222; 223; 224; 230; 234; 251; 251A;

252; 261; 261A; 263; 264; 265; 268; 285; 285A; 285B; 286; 286A; 300; 301; 302; 303; 304; 305; 306; 310; 311; 312; sub-totals and operating ratio of 320 (excluding primary accounts); sub-totals and operating ratio of 321 (excluding primary accounts); 323; 330A; 331A; 340; 350; 360; 411; 462; 463; 470; 471; and verification."

The foregoing amendment shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, March 28, 1936; 12:51 p. m.]

[For release Monday, March 30, 1936]

#### HOLDING COMPANY ACT

Release No. 125

The Securities and Exchange Commission, acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, particularly Sections 13 (a), 13 (b), 13 (c), 13 (d), 12 (f), 20 (a), and 3 (d) thereof, and finding such action not contrary to the provisions of said Act and necessary and appropriate (1) in the public interest and for the protection of investors and consumers; (2) to insure that service, sales, and construction contracts by which any subsidiary company of a registered holding company, or any mutual service company, undertakes to perform services or construction work for, or sell goods to, any associate company thereof, are performed economically and efficiently for the benefit of such associate companies at cost, fairly and equitably allocated among such companies; (3) to permit registered holding companies to enter into or take any step in the performance of service, sales, or construction contracts by which such companies undertake to perform services or construction work for, or sell goods to, associate companies thereof which are public-utility or mutual service companies in transactions which involve special or unusual circumstances or are not in the ordinary course of business; (4) to permit subsidiary companies of registered holding companies, or mutual service companies, to enter into or take any step in the performance of service, sales, or construction contracts by which any such company undertakes to perform services or construction work for, or sell goods to, an associate company thereof where such associate company does not derive, directly or indirectly, any material part of its income from sources within the United States and is not a public-utility company operating within the United States, or where such transactions involve special or unusual circumstances or are not in the ordinary course of business; (5) to prevent the circumvention of the provisions of Section 13 of said Act and the rules and regulations thereunder; and (6) to carry out the provisions of said Act; hereby adopts the following Rules and Form U-13-1:

#### RULES REGARDING SERVICE, SALES, AND CONSTRUCTION

**RULE 13-1. Definitions of Terms Used in Rules Under Section 13.**—As used in the Rules and Regulations under Section 13 of the Public Utility Holding Company Act of 1935, unless the context otherwise requires—

(1) "service" means any managerial, financial, legal, engineering, purchasing, marketing, auditing, statistical, advertising, publicity, tax, research, or any other service (including supervision or negotiation of construction or of sales), information or data, which is sold or furnished, for a charge;

(2) "goods" means any goods, equipment (including machinery), materials, supplies, appliances, or similar property (including coal, oil, or steam, but not including electric energy, natural or manufactured gas, or utility assets) which is sold, leased, or furnished, for a charge;

(3) "construction" means any construction, extension, improvement, maintenance, or repair of the facilities or any part thereof of a company, which is performed for a charge.

**RULE 13-2. Exempted Transactions.**—Unless otherwise expressly provided, the rules, regulations, and orders of the Commission pertaining to the performance of services or construction or the sale of goods shall not be applicable to the sale of water, telephone service, transportation, or a simi-

lar commodity or service, the sale of which is normally subject to public regulation, or to the furnishing of services, construction, or goods, to a customer incidentally to such a sale; and such transactions shall be exempt from the provisions of Section 13 of the Act and the rules and regulations thereunder; provided, that where any such transaction is with an associate company in its capacity as a consumer, comparable services, construction, or goods are offered to customers other than associate companies on terms which are comparable having due regard to any differences of quality or quantity.

**RULE 13-3. Temporary Exemption from Section 13.**—Except as the Commission may otherwise by order provide, all transactions shall be exempt from the provisions of Section 13 of the Act and the rules and regulations thereunder until and including April 30, 1936.

**RULE 13-10. Prohibition of Unauthorized Transactions by Registered Holding Companies.**—Except as authorized by rule, regulation, or order of the Commission, no registered holding company shall—whether or not pursuant to a contract heretofore or hereafter entered into—perform any service or construction for, or sell any goods to, any associate company thereof which is a public-utility company, a mutual service company, or a company engaged in the business of performing services or construction for, or selling goods to, associate public-utility companies, or enter into any contract to do so.

**RULE 13-11. Service, Sales, and Construction by Registered Holding Companies.**—Until and including August 1, 1936, or such later date as the Commission may prescribe, a registered holding company may perform services or construction for, or sell goods to, an associate company thereof which is a public-utility company, a mutual service company, or a company engaged in the business of performing services or construction for, or selling goods to, associate public-utility companies, as long as such transaction complies with the provisions of such rules, regulations, or orders of the Commission as may be applicable (including Rule 13-31); and such transaction shall be exempt from the provisions of Section 13 (a) of the Act to the extent that such transaction would otherwise be prohibited thereby. Thereafter, subject to compliance with such applicable provisions (including said Rule), a registered holding company may perform services or construction for, or sell goods to, such an associate company, and such transaction shall be likewise exempt, if:

(1) such holding company is principally engaged in the business of an operating electric or gas utility company, or any business or businesses other than that of selling goods to associate companies, that of performing services or construction, that of a holding company or fiscal or financing agency of a holding company, or that of an investment company or investment trust; and, incidentally to such business, performs such services or construction or sells such goods; or

(2) such services, construction, or goods are reasonably required by such associate to meet a breakdown or other emergency, and the parties believe in good faith that, under the conditions then existing, such transaction will be to the advantage of such associate; or

(3) such transaction consists of performance of a contract made before August 26, 1935, for the construction of a specific project, building, or unit, pursuant to which contract substantial expenses were incurred before August 26, 1935; or

(4) such transaction consists of the sale, at not more than cost less depreciation, of goods purchased by such holding company for its own use; or

(5) such transaction consists of a sale of goods which is merely incidental to a sale of an entire business or a substantial portion thereof, or to a sale of assets other than goods; or

(6) such transaction, although not exempted by any of the foregoing subparagraphs of this Rule, is not in the regular course of business of such holding company and does not involve a cost to the associate of more than \$2,500 including the cost to such associate of all previous transactions with such holding company consummated in the same fiscal year which were exempted only by this subparagraph (6).

**RULE 13-20. Prohibition of Unauthorized Transactions by Subsidiaries.**—Except as authorized by rule, regulation, or order of the Commission, no subsidiary company (including a mutual service company) of a registered holding company shall—whether or not pursuant to a contract heretofore or hereafter entered into—perform any service or construction for, or sell any goods to, any associate company thereof, or enter into any contract to do so.

**RULE 13-21. Subsidiaries Authorized to Perform Services or Construction or to Sell Goods.**—(a) Until and including August 1, 1936, or such later date as the Commission may prescribe, a subsidiary company (including a mutual service company) of a registered holding company may perform services or construction for, or sell goods to, an associate company thereof, as long as such transaction complies with the provisions of such rules, regulations, or orders of the Commission as may be applicable (including Rule 13-31). Thereafter, subject to compliance with such applicable provisions (including said Rule) the following classes of such subsidiary companies may perform services or construction for, or sell goods to, associate companies:

- (1) an approved mutual service company;
- (2) a subsidiary company whose organization and conduct of business the Commission has found, pursuant to Rule 13-22, sufficient to meet the requirements of Section 13 (b) of the Act.
- (3) a subsidiary company which is principally engaged in the business of an operating electric or gas utility company, or any business or businesses other than that of selling goods to associate companies, that of performing services or construction, that of a holding company or fiscal or financing agency of a holding company, or that of an investment company or investment trust; and which, incidentally to such business, performs such services or construction or sells such goods.

(b) Any subsidiary of a registered holding company, whether or not it is a company specified in subparagraph (1), (2), or (3) above, may perform services or construction for, or sell goods to, an associate company thereof, if:

- (1) such associate company is not an electric or gas utility company, and is principally engaged in a business or businesses other than that of a holding company or fiscal or financing agency of a holding company, or that of an investment company or investment trust; or
- (2) such services, construction, or goods are reasonably required by such associate to meet a breakdown or other emergency, and the parties believe in good faith that, under the conditions then existing, such transaction will be to the advantage of such associate; or
- (3) such transaction consists of performance of a contract made before August 26, 1935, for the construction of a specific project, building, or unit, pursuant to which contract substantial expenses were incurred before August 26, 1935; or
- (4) such transaction consists of the sale, at not more than cost less depreciation, of goods purchased by such subsidiary company for its own use; or
- (5) such transaction consists of a sale of goods which is merely incidental to a sale of an entire business or a substantial portion thereof, or to a sale of assets other than goods; or
- (6) such transaction consists of a sale of goods produced by the seller.

(c) This Rule shall not be applicable to a subsidiary which is itself a registered holding company. Such a company may perform services or construction for, or sell goods to, associate companies as provided in Rule 13-11.

**RULE 13-22. Approval of Mutual Service Companies; Organization and Conduct of Business of Subsidiary Service Companies.**—(a) Application for approval of a company as a mutual service company shall be filed by the company, or the persons proposing to organize it, with the Commission on Form U-13-1, as specified in the instructions for that form. The Commission will not approve any company as a mutual service company unless it finds that the company is so organized as to capitalization, ownership by and representation of member companies, costs, revenues, and the sharing

thereof, and other matters as reasonably to insure the efficient and economical performance of services or construction or sale of goods by the company for or to its member companies, at cost fairly and equitably allocated among them and at a reasonable saving over the cost of comparable services or construction performed or goods sold by independent persons.

(b) A finding by the Commission that a subsidiary company of a registered holding company (other than a mutual service company) is so organized and conducted, or to be conducted, as to meet the requirements of Section 13 (b) of the Act with respect to reasonable assurance of efficient and economical performance of services or construction or sale of goods for the benefit of associate companies, at cost fairly and equitably allocated among them (or as permitted by Rule 13-31), will be made only pursuant to a declaration filed with the Commission on Form U-13-1, as specified in the instructions for that form, by such company or the persons proposing to organize it.

(c) Within a reasonable time after the filing of an application for approval of a mutual service company, the Commission shall, after notice and opportunity for hearing, enter an order granting or refusing approval or otherwise disposing of the application.

(d) Within a reasonable time after the filing of a declaration with respect to the organization and conduct of business of a subsidiary service company, the Commission shall, after notice and opportunity for hearing, enter an order finding that the company's organization and conduct of business meet the requirements of Section 13 (b) of the Act, or refusing so to find, or otherwise disposing of the declaration.

(e) Unless the Commission shall otherwise by order provide, the approval of a mutual service company, or the finding that a subsidiary service company's organization and conduct of business are sufficient to meet the requirements of Section 13 (b) of the Act, shall continue in effect until the Commission, after notice and opportunity for hearing, shall find that the conditions which led to such approval or finding are not satisfied or shall find that the company in question has persistently violated a provision of Section 13 of the Act, or of any rule, regulation, or order of the Commission.

**RULE 13-30. Termination of Contracts.**—Every service, sales, or construction contract made after April 1, 1936, between a registered holding company and an associate company thereof which is a public-utility company, a mutual service company, or a company engaged in the business of performing services or construction for, or selling goods to, associate public-utility companies, or between a subsidiary company of a registered holding company (including a mutual service company) and any associate company thereof, shall contain provision for its termination to the extent that performance may conflict with any rule, regulation, or order of the Commission adopted before or after the making of such contract.

**RULE 13-31. Transactions Limited to Cost.**—(a) Except as permitted by this Rule, or any other applicable rule, regulation, or order of the Commission:

- (1) no registered holding company shall perform any service or construction for, or sell any goods to, any associate company thereof which is a public-utility company, a mutual service company, or a company engaged in the business of performing service or construction for, or selling goods to, associate public-utility companies, or enter into any contract to do so, and
- (2) no subsidiary company of a registered holding company (including a mutual service company) shall perform any service or construction for, or sell any goods to, any associate company thereof, or enter into any contract to do so.

at more than cost as determined pursuant to Rule 13-32 or any other applicable rule, regulation, or order of the Commission, or in the absence thereof, in accordance with sound methods of determining cost. In the case of a sale of used goods the price shall be not more than cost less deprecia-

tion. Any charges on a basis of estimated cost shall be readjusted to actual cost at least annually, if for services or goods, and upon completion of individual projects, in case of construction.

(b) In the case of construction for an associate company of a specific project, building, or unit on which substantial expenses were incurred before August 26, 1935, pursuant to a contract made before that date, the holding company or subsidiary performing the construction shall be entitled to the proportion of its profit or fee earned prior to April 1, 1936.

(c) If a sale of goods is merely incidental to a sale of an entire business or a substantial portion thereof, or to a sale of assets other than goods, a lump sum price for the entire transaction may include such goods without the assignment of a specific portion of the price to the cost of such goods.

(d) The price of services, construction, or goods need not be limited to cost although the transaction comes within the terms of paragraph (a) of this Rule if—

(1) the associate company receiving the services or construction, or buying the goods, does not derive, directly or indirectly, any material part of its income from sources within the United States and is not a public-utility company operating within the United States; or

(2) neither the company performing the services or construction, or selling the goods, nor the associate company receiving such services or construction, or buying such goods, is (i) a public-utility or holding company, (ii) an investment company or investment trust, including any company or trust which is a medium of investment in securities for the benefit of a registered holding company or its employees or officers, or (iii) a company engaged in the business of selling goods to associate companies or performing services or construction, or (iv) a company controlling, directly or indirectly, any company specified in (i), (ii), or (iii) above; or

(3) such transaction consists of a sale of goods produced by the seller.

**RULE 13-32. Determination of Cost.**—(a) Subject to the provisions of this Rule and of any other applicable rule, regulation, or order of the Commission, a transaction shall be deemed to be performed at not more than cost if the price (taking into account all charges) does not exceed a fair and equitable allocation of expenses (including the price paid for goods) plus reasonable compensation for necessary capital procured through the issuance of capital stock (or similar securities of an unincorporated company).

(b) Direct charges shall be made so far as costs can be identified and related to the particular transactions involved without excessive effort or expense. Other elements of cost, including taxes, interest, other overhead, and compensation for the use of capital procured by the issuance of capital stock (or similar securities of an unincorporated company) shall be fairly and equitably allocated. Interest on borrowed capital and compensation for the use of capital shall represent a reasonable return on only the amount of capital reasonably necessary for the performance of services or construction for, or the selling of goods to, customers for whom transactions are required by the rules of the Commission to be performed at cost. Such amount shall not include the cost of assignment of, or any capitalization of, any service, sales, or construction contract.

(c) Any expense (including the price paid for goods) incurred in a transaction with an associate company of the performing or selling company (directly or through one or more other associate companies thereof), to the extent that it exceeds the cost of such transaction to such associate company, shall not be included in determining cost to such performing or selling company.

(d) Any expense (including the price paid for goods) incurred in a transaction with a person other than an associate company but not at arms-length, to the extent that it exceeds the expense at which the performing or selling company might reasonably be expected to obtain elsewhere, or to furnish itself, comparable performance, goods, capital, or other items of expense involved (giving due regard to quality, quantity, regularity of supply, and other factors

entering into the calculation of a fair price), shall not be included in determining cost to such performing or selling company.

**RULE 13-40. Sales of Goods Produced by Seller.**

(1) No registered holding company shall sell any goods produced by it to any associate company thereof which is a public-utility company, a mutual service company, or a company engaged in the business of performing services or construction for, or selling goods to, associate public-utility companies, or enter into any contract to do so, and

(2) No subsidiary company of a registered holding company (including a mutual service company) shall sell any goods produced by it to any associate company thereof, or enter into any contract to do so,

at a price which exceeds the price at which the purchaser might reasonably be expected to obtain comparable goods elsewhere, or to furnish them itself, giving due regard to quality, quantity, regularity of supply, and other factors entering into the calculation of a fair price.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[Filed, March 30, 1936; 12:28 p. m.]

[Adopted March 28, 1936]

FORM U-13-1

*Application for Approval of Mutual Service Company Pursuant to Rule 13-22*

1. Exact name of company.
2. Address of principal executive offices.
3. Name and address of person authorized to receive notices and communications from the Securities and Exchange Commission.
4. (a) Form of organization, (corporation, business trust, etc.).
- (b) State or other sovereign power under the laws of which the company was or is to be organized.
5. Business, if any, other than performing services or construction or selling goods to public-utility companies.
6. State, as to each existing or proposed member company or regular associate company customer:
  - (a) Name.
  - (b) Principal business (whether an electric or gas utility, water company, pipe line, industrial company, etc.).
  - (c) Holding company system of which it is an associate.
  - (d) Gross operating revenue for last available twelve-month period, showing separately transactions between companies in the same holding company system.
7. Methods, if any, followed or to be followed or to be followed in allocating control among member or associate companies and the provisions, if any, for reallocation of such control from time to time to conform to changed conditions.
8. Proposed method of allocating cost of doing business among member or associate companies.
9. State whether company may perform services or construction for, or sell goods to, persons with whom transactions at prices not limited to cost are permitted under Rule 13-31. If so, explain means of insuring against losses on such business being borne by member companies or by associate companies with which transactions are required by the rules of the Commission to be at not more than cost.
10. The following information relative to the capitalization of the company:
  - (a) The authorized capital stock.
  - (b) The number, classes, and par value of shares into which it is divided.
  - (c) The amount of such shares subscribed for and outstanding, naming each direct or indirect beneficial owner who owns 10% or more of any class or is an associate or member company, and the amount owned by each.
  - (d) The consideration paid or to be paid therefor.
  - (e) Existing indebtedness (other than incurred in current operations), naming each direct or indirect beneficial owner

who owns 10% or more of any class or is an associate or member company, and the amount owned by each.

11. The method the company proposes to follow for raising additional capital.

12. An explanation of the relationship between the present and proposed capitalization of the company and the amount of capital needed for the performance of service or construction for, or the selling of goods to, only those companies with which transactions are required by the rules of the Commission to be at not more than cost.

13. A general schedule in summary form of the property of the company used or to be used in its business of performing services or construction or selling goods not produced by it, with the book value thereof before and after depreciation and an explanation of the difference between book value and cost, if any; and of property proposed to be acquired for such use.

14. A statement of the nature of, and amount payable under, all contracts relating to the company's business of performing services or construction or selling goods not produced by it, which extend beyond April 1, 1936, and involve, or may reasonably be expected to involve, annual payments of over five thousand dollars, except contracts of employment with officers and employees and service, sales or construction contracts with member or associate companies.

15. (a) In the case of a company in operation prior to date of filing, the following information for the latest available twelve-month period, or for such portion thereof as the company has been in operation:

(i) A list of the officers and directors of the company and, with respect to each, a statement of his connections with any other company which is an affiliate or associate of the company or to which it sells goods, or from which it makes purchases or leases property, and the total compensation of whatsoever character paid to him, directly or indirectly, by the company and by any such other company—separately stated as to each company involved; to which shall be added, in the case of part-time officers, the approximate time devoted by each to the company.

(ii) Similar information as to each permanent employee (other than officers or directors) whose aggregate compensation from all sources mentioned in (i) above exceeded an annual rate of ten thousand dollars.

(iii) A statement of the total annual compensation paid by the company to other employees and the average number of such employees.

(b) In the case of a company not in operation prior to the date of filing, information with respect to officers, directors, and employees, as specified in (i) and (ii) above, to the extent at present available, together with the proposed budget of operating expenses for the first fiscal year detailed with respect to major items, including (i), (ii), and (iii) above. Compensation to be paid by other companies mentioned in (i) above should be included as supplemental information.

16. A brief description of the extent, if any, to which the company is organized on a departmental basis, and of the functions of the various departments.

17. If application is for approval as a mutual service company, submit information bearing on the question whether the company will be able to perform service, sales, or construction contracts for member companies at a reasonable saving over the cost to such companies of comparable contracts performed by independent persons.

18. In the case of a company already in existence, a concise statement of the applicable provisions of the articles of incorporation, by-laws, or similar documents relating to the right of the person signing and filing the application or declaration to take such action on behalf of the company and a statement that all such requirements have been complied with, and that the person signing and filing the same is fully authorized to do so. If such authorization is dependent on resolutions of directors or other bodies, such resolutions shall be attached as an exhibit or the pertinent provisions thereof shall be quoted.

The following exhibits are attached:

A. A copy of the charter or articles of association with any amendments thereto, and a copy of the existing by-laws, or copies of instruments corresponding to the foregoing.

B. Copies of all contracts now in force or contemplated affecting allocation or re-allocation of control among member companies, as mentioned in item 7 above.

C. Balance sheet as of the latest available date and profit and loss statement for the year ended on that date.

D. Sample copies of typical service, sales, or construction contracts now in force or proposed to be made.

Date \_\_\_\_\_  
 [SEAL] \_\_\_\_\_  
 Attest: \_\_\_\_\_ By \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)  
 \_\_\_\_\_ (Title)

Verification.—(Form for corporations. Suitable changes may be made for other kinds of companies.)

STATE OF \_\_\_\_\_  
 County of \_\_\_\_\_, ss:

The undersigned being duly sworn deposes and says that he has duly executed the attached application or declaration dated \_\_\_\_\_ 193... for and on behalf of \_\_\_\_\_ (Name of

\_\_\_\_\_); that he is the \_\_\_\_\_ of \_\_\_\_\_ Company) such company; and that all action by stockholders, directors, and other bodies necessary to authorize deponent to execute and file such instrument has been taken. Deponent further says that he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information, and belief.

\_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Type or print name beneath)

Subscribed and sworn to before me \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ 193....

[OFFICIAL SEAL] \_\_\_\_\_  
 My commission expires \_\_\_\_\_

Instructions

1. Applications or declarations on Form U-13-1 shall be verified by the person executing the same. In case of signature by an agent or attorney, the power of attorney evidencing his power to sign shall be attached, unless it has been otherwise filed with the Commission.

2. The application or declaration shall be filed in triplicate. One copy shall be signed but the other two copies may have facsimile or typed signatures. The application or declaration should be on paper approximately 8½ x 13 inches in size, except that tables, charts, and other documents may be larger if folded to approximately that size. The left margin should be at least 1½ inches wide and if the application or declaration is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial statements) should be set forth in black so as to permit photostating.

3. Reference is made to Rule 22A-1 of the General Rules and Regulations, providing for public disclosure of information filed with the Commission, and to Rule 22B-1 prescribing the manner of making objection to public disclosure of material filed with the Commission.

4. Unless the context clearly indicates the contrary, all terms used in this form and these instructions have the same meaning as in the Public Utility Holding Company Act of 1935 and in the Rules and Regulations under Section 13 thereof.

5. Every amendment to an application or declaration shall conform to requirements governing the original with respect to the number of copies filed, size of paper, the manner of signature, and similar matters. All amendments shall be dated and numbered in order of filing.

6. The application or declaration should be signed by and in behalf of the company to which it has reference, if the company is already organized. If the application has reference to a company which it is proposed to reorganize, it

should be signed by the present company. If no company is as yet organized, the application or declaration should be signed by the persons proposing to organize a company.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[Filed, March 30, 1936; 12: 33 p. m.]

#### FEDERAL REGISTER ACT

[PUBLIC—No. 220—74TH CONGRESS; 49 STAT. 500-503]

AN ACT To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

Sec. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

Sec. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the

restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

Sec. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

Sec. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

Sec. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

Sec. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for

public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

Sec. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

Sec. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be

entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

Sec. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

Sec. 11. Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

Sec. 12. Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

Sec. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

Sec. 14. This Act may be cited as the "Federal Register Act."

Approved, July 26, 1935.

