just, including but not limited to the following:

(1) Infer that the admission, testimony, documents or other evidence would have been adverse to the party;

(2) Rule that for the purposes of the proceeding the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party;

(3) Rule that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, officer, or agent, or the documents or other evidence;

(4) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown;

(5) Rule that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the party, or both.

(c) Any such action may be taken by written or oral order issued in the course of the proceeding or by inclusion in an initial decision of the Administrative Law Judge or an order or opinion of the Commission. It shall be the duty of parties to seek and Administrative Law Judges to grant such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for withheld testimony, documents, or other evidence. If in the Administrative Law Judge's opinion such relief would not be sufficient, or in instances where a nonparty fails to comply with a subpena or order, he shall certify to the Commission a request that court enforcement of the subpena or order be sought.

§ 3.42 **Presiding Officials.**

* * * * *

(c) *Powers and duties.* Administrative Law Judges shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and orders requiring answers to questions;

(3) To take depositions or to cause depositions to be taken;

(4) To compel admissions, upon request of a party or on their own initiative;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(7) To hold conferences for settlement, simplification of the issues, or any other proper purpose;

(8) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adjudicative proceeding, including motions to open defaults;

(9) To make and file initial decisions;

(10) To certify questions to the Commission for its determination; and

(11) To take any action authorized by the rules in this part or in conformance with the provisions of the Administrative Procedure Act as restated and incorporated in Title 5, U.S.C.

By direction of the Commission dated November 9, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33772 Filed 12-1-78; 8:45 am]

[6750-01-M]

MOTIONS TO QUASH COMPULSORY PROCESS

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: Section 1.13(d)(6), 2.7(b), 2.11(b), and 2.12(d) are amended to provide that objections to Commission demands for information should set forth all claims of privilege or other objections including all supporting documentation. A parallel technical amendment is made to § 4.9(b)(22). These amendments codify requirements under existing Commission practices.

EFFECTIVE DATE: December 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerold D. Cummins, Deputy Assistant General Counsel, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, (202) 523-1928.

In consideration of the foregoing, 16 CFR Chapter I is amended as follows:

PART 1—GENERAL PROCEDURES

§ 1.13 **[Amended]**

(1) Add to § 1.13(d)(6) just before the next to the last full sentence.

* * * * *

(d) * * *

(6) * * * Such motion shall set forth all assertions of privilege or other factual and legal objection to the ruling, including all appropriate argument, affidavits and other supporting documentation. * * *

PART 2—NONADJUDICATIVE PROCEDURES

§ 2.7 **[Amended]**

(2) Add to § 2.7(b) after the first sentence:

* * * * *

(b) * * * Such motion shall set forth all assertions of privilege or other factual and legal objections to the subpena, including all appropriate argument, affidavits and other supporting documentation. * * *

§ 2.11 **[Amended]**

(3) Add to § 2.11(b) after the first sentence:

* * * * *

(b) * * * Such motion shall set forth all assertions of privilege or other factual and legal objections to the order requiring access, including all appropriate argument, affidavits and other supporting documentation. * * *

§ 2.12 **[Amended]**

(4) Add to § 2.12(d) after the first sentence:

* * * * *

(d) * * * Such motion shall set forth all assertions of privilege or other factual and legal objection to the order requiring a report or answer to specific questions, including all appropriate argument, affidavits and other supporting documentation. * * *

PART 4—MISCELLANEOUS RULES

§ 4.9 **[Amended]**

(5) Revise § 4.9(b)(22) to read in its entirety:

* * * * *

(b) * * * (22) Motions to limit or quash compulsory process, and the rulings thereon, except for information exempt from disclosure under § 4.10(a)(2) or § 4.10(a)(7) of this chapter.

By direction of the Commission dated November 9, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33773 Filed 12-1-78; 8:45 am]