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TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 141-1, Amdt. 4]

PART 1468—GRAIN

USE OF CORN AND RYE FOR DISTILLED PRODUCTS

War Food Order No. 141-1, as amended (11 F. R. 14065), is hereby further amended as follows:

1. By deleting paragraph (d) entitled *Use of corn*.

2. By deleting paragraph (e) entitled *Use of rye*, and substituting in lieu thereof the following:

§ 1468.15 *Grain quotas for distillers of beverage spirits.* . . .

(d) *Use of rye.* (1) No distiller shall use rye in the manufacture of ethyl alcohol or butyl alcohol.

(2) No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of the greatest quantity computed under either of the two following subdivisions (i) or (ii) of this subparagraph.

(i) Ninety percent of the average monthly amount of rye used by such distiller during December 1946 and January 1947; or

(ii) Six percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during such month by each distilling plant operated by such distiller: *Provided*, That the minimum monthly allocation of rye for each distilling plant operated by such distiller shall be 2,000 bushels.

Each distiller's total allocation of rye or any part of such allocation, computed in accordance with either of the above formulae, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller: *Provided*, That the total quantity of rye used by any distiller during any calendar month under the provisions of this subparagraph shall not exceed fifteen percent of the total quantity of grain or grain products used in the manufacture of distilled spirits for beverage purposes by such distiller during such month.

This amendment shall become effective at 12:01 a. m., e. s. t., February 6, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141-1, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179, E. O. 9577, June 25, 1945, 10 F. R. 8087)

Issued this 5th day of February 1947.

[SEAL] C. C. FARRINGTON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-1294; Filed, Feb. 11, 1947; 8:48 a. m.]

Chapter XXI—Organization, Functions, and Procedure

PART 2209—OFFICE OF HEARING EXAMINERS

Sec.

2209.1 Central organization.

2209.2 Field organization.

2209.3 Public information, submittals, and requests.

2209.4 Functions, duties and powers.

AUTHORITY: §§ 2909.1 to 2909.4, inclusive, issued under secs. 3, 12, 60 Stat. 238, 244.

§ 2209.1 *Central organization.* The address of the Office of Hearing Examiners is United States Department of Agriculture, Washington 25, D. C. The office is composed of the hearing examiners who preside at hearings subject to sections 7 and 8 of the Administrative Procedure Act (60 Stat. 241), and perform related duties, and their assistants. The work of the office is supervised by a Chief Hearing Examiner who designates the hearing examiner to preside at the hearing and perform such duties in specific proceedings. Among the hearings over which hearing examiners preside are hearings in proceedings under the Agricultural Marketing Agreement Act (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), rate making and disciplinary proceedings under the Packers and Stockyards Act, 1921 (42 Stat. 159, 7 U. S. C. 181 et seq.), and disci-

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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plinary proceedings under the Commodity Exchange Act (42 Stat. 998, 49 Stat. 1491; 7 U. S. C. 1 et seq.), the Perishable Agricultural Commodities Act, 1930 (46 Stat. 537, as amended, 7 U. S. C. 499a et seq.), the Federal Seed Act (53 Stat. 1275, 7 U. S. C. 181 et seq.), and the Grain Standards Act (39 Stat. 492; 7 U. S. C. 71 et seq.).

§ 2209.2 *Field organizations.* None.

§ 2209.3 *Public information, submittals, and requests.* Public information concerning the work of the office may be obtained from, and submittals and requests made to, the Chief Hearing Examiner, United States Department of Agriculture, Washington 25, D. C.

§ 2209.4 *Functions, duties and powers.* The functions, duties and powers of the office and of the hearing examiners are performed and exercised in accordance with the regulations and the procedures prescribed in rules of practice for proceedings under the various statutes. Such regulations and rules of practice are published in the FEDERAL REGISTER and the Code of Federal Regulations.

Issued this 7th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1292; Filed, Feb. 11, 1947;
8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—OFFICIAL PERSONNEL FOLDER¹

MISCELLANEOUS AMENDMENTS

1. In § 30.1 *Designation of agency representatives* the phrase "not later than 15 days from the date of publication of the regulations in this part of the FEDERAL REGISTER" is amended to read "not later than March 3, 1947."

2. In § 30.2 *Designation of official folder* the phrase "not later than 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER" is amended to read "not later than April 1, 1947."

3. In § 30.4 *Transfer of the official personnel folders between agencies*—(a) *Manner of transfer* the phrase "Beginning 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER" is amended to read "Beginning April 1, 1947."

4. In § 30.9 *Standard Form No. 63, request for personnel data and leave transcripts* the phrase "Effective 30 days from the date of publication of the regulations in this part in the FEDERAL REGISTER" is amended to read "Effective April 1, 1947."

(Sec. 3, E. O. 9784, Sept. 25, 1946, 11 F. R. 10909)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
ARTHUR S. FLEMING,
Acting President.

[F. R. Doc. 47-1341; Filed, Feb. 11, 1947;
8:45 a. m.]

¹ 12 F. R. 699.

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 503—SUBSTANTIVE RULES

PROHIBITION OF TRANSACTIONS AND APPOINTMENT OF AGENTS AND DELEGATES

Section 503.5 (General Order No. 31) is amended to read as follows:

§ 503.5 *Prohibition of transactions, and appointment of agents and delegates.* (a) The following transactions are prohibited unless authorized by the Attorney General, or by an agent and delegate appointed by the Attorney General, or by a supervisor designated by the Attorney General or by one of his said agents and delegates:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury, subject to the power and authority conferred upon the Attorney General; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Attorney General or his predecessor has undertaken supervision, or which has been vested, or assets of or interests in which have been vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Vesting, the Chief of the Division of Patent Administration, the Chief of the Division of Real Estate and Liquidation, the Manager of the Territorial and Insular Offices of the Office of Alien Property, the Manager of the New York Office of the Office of Alien Property, the Secretary, and the General Counsel of the Office of Alien Property, are hereby appointed and delegated, severally, to make and to revoke, on behalf of the Director, Office of Alien Property, acting for the Attorney General, authorizations of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Attorney General; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Attorney General authorizations of transactions.

(c) This section shall be applicable unless otherwise provided by an order made by or on behalf of the Attorney General. (40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App. Supp. 616; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, Cum. Supp., E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381, E. O. 9747, July 3, 1946, 11 F. R. 7518, E. O. 9760, July 23, 1946, 11 F. R.

7999, E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 7th day of February 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-1325; Filed, Feb. 11, 1947;
8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

CIBOLA NATIONAL FOREST; FOR THE REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on the Little Rosa Allotment, in the San Mateo Ranger District of the Cibola National Forest in the State of New Mexico; and

Whereas these animals are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Little Rosa Allotment, San Mateo Ranger District, of the Cibola National Forest, located within Socorro County, New Mexico, is issued:

Temporary closure from livestock grazing. (a) The following-described areas in the Cibola National Forest are hereby closed for the period February 10, 1947 to January 31, 1948, to the grazing of horses, mules, and burros, excepting those that are lawfully grazing on or crossing land in such allotments, pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land:

Little Rosa Allotment, Red Rock District. Beginning at the SE corner of Sec. 31, T. 4 S., R. 5 W., thence following forest boundary fence, north 3 miles, west 5 miles, north 1 mile, west one-half mile, to NE corner of Monica Ranger Station pasture, then in a southerly direction up Monica Canyon to Beartrap saddle, a distance of 4 miles, thence in a southeasterly direction for approximately 5 miles up San Mateo divide via Mt. Withington in approximately NW¼ of Sec. 21, T. 5 S., R. 6 W., thence in a northeasterly direction down divide between Potato and Dry Canyons to bluffs on east side of Big Rosa Canyon, following along bluffs in the same general direction to east line of Goze patent in Big Rosa Canyon, then north to point of beginning, a distance of approximately 7 miles.

(b) Officers of the United States Forest Service are hereby authorized to dis-

¹ This affects tabulation contained in 36 CFR, § 261.50.

pose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cibola National Forest is located.

Done at Washington, D. C., this 6th day of February 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1293; Filed, Feb. 11, 1947;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 300]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by deleting therefrom the following commodity:

Dept. of
Comm.
Sched. B
No.

Commodity
Fish and fish products:
Fish, canned:
Mackerel.

008698

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: January 24, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-1342; Filed, Feb. 11, 1947;
8:45 a. m.]

[Amdt. 303]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

The requirements of the certificate set forth in paragraph (c) of § 802.11 are hereby deleted and paragraph (c) is therefore amended to read as follows:

§ 802.11 *Personal baggage and personal effects.* * * *

(c) Customs officials may limit or prohibit the export of any commodity or commodities under this general license whenever the quantity is in excess of the limitations set forth in paragraph (b) of this section; whenever in their judgment the amount is excessive; or whenever there is reason to believe that the exportation is being made for the purpose of circumventing the regulations.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 7, 1947.

JOHN C. BORTON,
Director,
Commodities Branch.

[F. R. Doc. 47-1345; Filed, Feb. 11, 1947;
8:45 a. m.]

[Amdt. 301]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
163500	Sugar and related products: Confectionery: Candy other than chocolate, containing 70 percent or more sugar (report chocolate candy in 163400).	Lb...	1	1
163700	Confections and desserts, n. e. s. containing 70 percent or more sugar.	Lb...	1	1

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective February 17, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 50 U. S. C. App. Sup. 701, 702, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 4, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control,
Commodities Branch.

[F. R. Doc. 47-1343; Filed, Feb. 11, 1947;
8:45 a. m.]

[Amdt. 302]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

The list of commodities set forth in paragraph (b) is amended in the following particulars:

1. The following commodities are hereby added to the list of commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			K	E
839900	Industrial chemicals: Bismuth sub-carbonate		1	1
919098	Scientific and professional instruments, apparatus and supplies: Radiation detection instruments containing the following: Geiger-Mueller counters, proportional counters, ionization chambers, electroscopes, scaling units, and count rate meters.		None	None

2. The following commodities are hereby deleted from the list of commodities:

Dept. of Comm. Sched. B No.	Commodity
606600	Steel mill products: Cast-iron screwed pipe fittings.
607798	Iron and steel pipe fittings, n. e. s. except couplings; floor drains, cast iron; galvanized pipe fittings; malleable iron pipe fittings; pipe joints grey iron extensions; pipe nipples, lap welded black; pipe plugs; pipe unions; screw elbows; and swage nipples (report malleable iron screwed pipe fittings in 606500, cast-iron screwed pipe fittings in 606600, cast-iron pressure pipe fittings in 606798, and cast-iron soil pipe fittings in 606898).
614800	Iron and steel manufactures: Central heating equipment: House-heating boilers only. Other domestic cooking or heating equipment: Gas burners and parts. Gas-fired burners and parts. Metal fabricated doors.
615280	Medicinal and pharmaceutical preparations;
615280	Bismuth salts and compounds, medicinal grade, except bismuth sub-carbonate, bismuth sub-gallate, bismuth sub-nitrate, and bismuth sub-salicylate.
620998	Industrial chemicals: Bismuth salts and compounds, industrial grade except bismuth sub-carbonate, bismuth sub-nitrate, and bismuth sub-salicylate.

Shipments of the commodities added to the list of commodities which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

This amendment shall become effective immediately except that, with respect to the commodities added to the list of commodities, it shall become effective on February 17, 1947.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat.

215; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: February 4, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control
Commodities Branch.

[F. R. Doc. 47-1344; Filed, Feb. 11, 1947;
8:45 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program
Order 1, Direction 3]

STANDARDS FOR REVIEWING APPLICATIONS FOR NON-HOUSING CONSTRUCTION

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1:

(a) *What this direction does.* This direction sets forth the standards for reviewing applications under Veterans' Housing Program Order 1 for permission to do non-housing construction restricted by the order. In general no construction will be approved unless it is essential and non-deferrable, or unless it is necessary to alleviate or forestall an extreme and unusual hardship, or unless it will not use scarce building materials needed for the Veterans' Emergency Housing Program.

(b) *Essentiality.* An application may be approved on the ground that the construction of the proposed project at the present time is essential if it falls into one of the categories listed in this paragraph. The applicant must show clearly that the proposed construction is necessary to accomplish the purpose.

(1) *Critical products.* Applications for the construction of facilities necessary to maintain or increase production of materials or products considered by the Civilian Production Administration to be in critically short supply may be granted where the shortage of facilities limits the production, and where the application is limited to the minimum construction needed. Applications from producers of industrially made houses or from producers of new materials approved by the Office of the Housing Expediter may be approved under this paragraph if the proposed construction is essential for the production of the houses or the new material. Applications for the construction of research laboratories or pilot plants may be approved where the proposed facility is necessary for research in connection with essential production.

(2) *Food and other agricultural products.* Applications for the construction of facilities necessary to maintain or increase the production or preservation of essential foods or food products may be approved. This includes applications for both on-farm and off-farm facilities. In addition, on-farm fa-

cilities necessary to maintain the production of a farm may be approved, whether or not the farm produces food. Farm machinery and implement service facilities will not be approved under this paragraph except where it is clearly shown that the lack of such facilities is seriously hampering the production of essential foods. Frozen food locker plants will not be approved under this paragraph except in rural areas where substantially all of the food to be stored will be produced by the persons storing it, and then only when there are not sufficient available facilities to prevent the wastage of food.

(3) *Public health and safety.* Applications for the construction of facilities providing essential services vitally necessary to the public health or safety, such as public utilities, fire stations, hospitals, and similar institutions may be approved where there is or will be a serious shortage of the proposed service and where the proposed construction is the minimum necessary to provide the locality with service equal to generally accepted minimum standards. Applications for the minimum alterations required by the local authorities to protect public health and safety may be approved.

(4) *Community facilities.* Applications for the construction of essential community facilities may be approved under this paragraph where it is clearly shown that the lack of such facilities constitutes a severe and unreasonable hardship on the community or area to be served. In general, applications for additional community facilities will not be approved under this paragraph unless there has recently been such a substantial growth in population that the existing facilities are clearly inadequate. Amusement or recreational facilities and office buildings will not generally be approved under this sub-paragraph.

(5) *Primary and secondary schools.* Applications for the construction of or additions or alterations to primary and secondary schools may be approved where the existing school facilities are inadequate or unsafe and where other similar schools within a reasonable distance cannot without undue crowding accommodate the students enrolled or to be enrolled in the immediate future.

(6) *Veterans' Educational Program.* Applications by universities, colleges and schools for the construction of educational facilities, such as classrooms, laboratories, libraries, shops, and related facilities, such as dining rooms and residential space, may be approved where the facilities are indispensable for the Veterans' Educational Program under the GI Bill of Rights at the institution and where the existing facilities of the institution are being fully used, and adequate temporary facilities cannot be obtained.

(7) *Maintenance and repairs.* Applications for authorization to make repairs and to do maintenance work restricted by VHP-1 may be approved where denial will make it impossible to continue use of a building or structure or where serious injury to a structure will result. Authorizations will only be granted for the minimum work necessary to keep structures in sound working condition. Alterations, expansions and modernizations will not be approved under this paragraph.

(8) *Veterans.* Applications for small commercial or industrial facilities of a reasonably essential nature may be approved, where (a) the applicant is a veteran of World War II, or a group of such veterans, or a partnership or corporation more than 50% of which is owned by such veterans and (b) the applicant will (i) own the proposed building or (ii) have a lease of 5 years or more on the entire proposed building or (iii) will have a lease of 2 years or more on the space to be altered under the authorization, and (c) the proposed building or the space to be altered will be used entirely for the applicant's business and (d) the veteran or veterans will devote all or substantially all of his or their

time to, and be entitled to more than 50% of the profits of, the business to be conducted in the facility, and (e) the estimated total cost of construction (Item 5c of Form CPA-4423) does not exceed approximately \$10,000. In general, amusement or recreational facilities will not be approved under this paragraph. Applications for the conversion of residential accommodations to office space or other commercial uses will not be generally approved under this paragraph. A veteran means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable, after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(c) *Hardship cases.* Applications for construction necessary to alleviate or forestall hardship may be approved where denial would work a severe and unusual hardship. The hardship must be substantial and exceedingly severe, such as threatened bankruptcy or substantial impairment of means of livelihood. However, applications which involve the conversion of residential space to commercial purpose will rarely be approved on the ground of hardship.

These examples of "hardship" cases are not intended to be exclusive, but rather illustrative of the degree of hardship which must be shown before a case should be granted on a hardship basis.

(1) *Loss of former facilities.* An applicant who has lost or is about to lose his place of business as a result of eviction, condemnation or disaster may be authorized to replace the facilities, where it is impracticable for him to repair or restore the old facilities or to buy or rent any other place to conduct his business. Applications will not generally be approved on the basis of loss of facilities, where the loss occurred more than six months before the filing of the applications. The authorization will be generally limited to approximately the same amount of space which has been or will be lost. Evidence of the practical impossibility of continuing in the premises must be shown in the case of eviction or condemnation.

(2) *Commitments before imposition of restrictions.* An application by a person who made commitments for a proposed construction job at a time when no authorization was required for the job may be approved where a denial would result in a severe and unusual hardship to the applicant. The applicant must show clearly that postponement of construction will result in a severe and unusual hardship, and that any materials and equipment or any land he has purchased cannot be resold without severe loss. However, when the commitments were made at a time when authorization was needed for the job, the hardship will be considered to have been assumed voluntarily. Hardship of this sort will not generally be treated as a basis for approval of an application. The purchasing of equipment or materials after March 26, 1946, or the beginning of construction without authorization are examples of voluntarily assumed hardship which generally will not be taken into consideration.

(3) *Community hardship based on unemployment.* Applications for industrial facilities may be approved where the proposed facility will provide substantial new employment in an area where unemployment is continuing and excessive. Projects must be of such a nature that the benefits to the national or community welfare and economy will substantially outweigh the impact on the Veterans' Emergency Housing Program. In addition, applications for partial construction, such as foundations and the erection of structural steel or other work having a negligible impact on the Veterans' Emergency Housing Program, may be ap-

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proved in an area where there is excessive unemployment in the heavy construction trades required for the job.

(d) *Impact on Veterans' housing.* (1) The purpose of VHP-1 is to channel scarce building materials into the Veterans' Emergency Housing Program. The materials listed in Schedule A to PR-33 are generally in short supply for the housing program, and use of those materials will generally impede the housing program. Some of the items listed in Schedule A are normally only sold locally, such as brick and other masonry products. In a particular locality, there may be a relatively ample supply of such a product. The use of a product in nonresidential construction under these conditions would have little or no effect on the housing program. On the other hand, the use of a material which is usually shipped considerable distances even though in a particular area there appears to be a substantial supply, would generally be considered to impede the housing program. The fact that an applicant already has materials on hand will not generally be considered to mean that their use will not constitute an impact on the housing program.

In measuring the impact of a project on the housing program, consideration should be given to the scarce building materials to be used in related work covered by the authorization, such as temporary construction buildings, fences, and the like (See Int. 5 to VHP-1).

(2) An application should be approved if the proposed work covered by the application requires no scarce building materials.

(3) Projects which require negligible quantities of scarce building materials may be approved even though they do not completely qualify under paragraph (b) or paragraph (c). However, there are several situations where applications will not generally be approved under this paragraph if they require even small amounts of critical building materials.

(i) An application for a project which is clearly nonessential and where approval would be contrary to the public interest.

(ii) An application which would not result in a usable structure, such as an application for foundation work or the erection of structural steel. Partial projects of this sort will be approved only to relieve unemployment in the heavy construction trades under paragraph (c) (3).

(iii) An application which would result in the elimination of residential accommodations, such as the conversion of apartments to offices or stores.

(iv) An application for a project where it is clear that the employment of men in the particular construction trades which would be required for the project would definitely and substantially interfere with the construction of approved veterans' housing projects. It will not generally be assumed, however, that nonhousing projects will interfere with veterans' housing by reason of their requirements for labor, but where interference appears probable, contractors and union representatives will be consulted to determine whether the necessary workers are available from other areas.

In determining whether the quantity of a scarce building material required for a project is negligible, the scarcity of the material in the area and the demand for the material in housing construction in the area will be taken into consideration.

Issued this 11th day of February 1947.

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

[F. R. Doc. 47-1415; Filed, Feb. 11, 1947;
11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1085]

E. J. McILMURRAY

E. J. McIlmurray, of Hale, Michigan, on or about October 15, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure located on Highway M-65, Hale, Michigan, for use as a salesroom, garage and service station; the estimated cost of which was in excess of \$1,000. The beginning and carrying on of this construction without authorization constituted a violation of Veterans' Housing Program Order 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1085 *Suspension Order No. S-1085.* (a) Neither E. J. McIlmurray, his successors or assigns, nor any other person shall do any construction on the structure above referred to on Highway M-65, Hale, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) E. J. McIlmurray shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or authorization to carry on construction.

(3) Nothing contained in this order shall be deemed to relieve E. J. McIlmurray, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of February 1947.

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

[F. R. Doc. 47-1414; Filed, Feb. 11, 1947;
11:33 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1090]

BERTRAM DODELIN

Bertram Dodelin, on or about August 16, 1946, began the construction of a 40' x 60' one story, cinder block combination commercial and residential structure on his premises located at the northeast corner of Berlin and Laurel Streets, Lindenwold, New Jersey, at an estimated cost of \$5,000, without authorization of either the Civilian Production Administration, or the Federal Housing Administration. The carrying on of said construction, without authorization, after being informed of the restrictions of Veterans' Housing Program Order No. 1, constituted a grossly negligent violation of that order. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1090 *Suspension Order No. S-1090.* (a) Neither Bertram Dodelin, his successors or assigns, nor any other person shall do any construction on the premises located at the northeast corner of Berlin and Laurel Streets, Lindenwold, New Jersey, including the putting up, completing or altering of any structure located thereon, unless specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Bertram Dodelin shall refer to this order in any application or appeal which he may file with the Civilian Production Administration, or any other duly authorized Governmental agency for priorities assistance, or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Bertram Dodelin from any restriction, prohibition, or provision contained in any other order of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 11th day of February 1947.

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

[F. R. Doc. 47-1413; Filed, Feb. 11, 1947;
11:33 a. m.]

Chapter XXIII—War Assets
Administration

[Reg. 21]

PART 8321—PRICING AND DISTRIBUTION
POLICY FOR PRODUCTION MATERIALS AND
PRODUCTION EQUIPMENT

War Assets Administration Regulation 21, June 18, 1946, entitled "Pricing and Distribution Policy for Production Materials and Production Equipment", as amended through October 11, 1946 (11 F. R. 7134, 9080, 11381, 12017), is hereby revised and amended as hereinafter set forth.

Sec.	Definitions.
8321.1	Scope.
8321.2	Basic policy.
8321.3	Methods of sale.
8321.4	Prices and pricing methods.
8321.5	Maximum and minimum quantities.
8321.6	Precedence for small purchasers.
8321.7	Classes of purchasers.
8321.8	Exclusive sales to one purchaser.
8321.9	Competitive bidding.
8321.10	Disposals of production equipment in short supply by owning agencies.
8321.11	Disposals of production equipment in short supply by disposal agencies.
8321.12	Disposals of integrated plants.
8321.13	Leases and donations of production equipment in short supply.
8321.14	Interpretation of fractions and approval by Administrator.
8321.15	

Exhibit A: List of production equipment in short supply.

AUTHORITY: §§ 8321.1 to 8321.15, inclusive, issued under Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Supp. 1611), Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Supp.

1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8321.1 *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) "Production materials" as used in this part means those raw or semi-finished materials which are themselves generally employed in the fabrication of end products or incorporated therein. Such materials customarily move from a manufacturer to an industrial user or distributor whose function combines that of a wholesaler and retailer. "Production materials" does not include finished products which may be incorporated in end products but customarily move to the consumer through wholesalers and retailers. These latter products are governed by the pricing and distribution policy provided for in Part 8322.¹

(2) "Production equipment" means machine tools, plant equipment and attachments thereto, and similar types of personal property used for, or in conjunction with, production facilities, except land and buildings, whether located in Government-owned or privately owned plants or property.

(3) "Facilities contract" means a lease, rental agreement, or other contract or contract provision, specifically governing the acquisition, use or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(4) "Small business" means any commercial, industrial, or manufacturing enterprise or group of enterprises, under common ownership and control, which does not on the date of acquisition of any property pursuant to this part have more than five hundred (500) employees, or any such enterprise which by reason of its relative size and position in a particular industry is determined by the War Assets Administration to be a small business. The War Assets Administration may in its discretion apply either or both criteria in determining whether or not the enterprise is a small business.

(5) "Integrated plant" means land, buildings, and production equipment capable of operation as a complete unit.

§ 8321.2 *Scope.* This part shall apply to disposals of production materials and production equipment by disposal agencies in the continental United States, its territories and possessions, except disposals to priority claimants as provided in Part 8302² and nonprofit institutions and instrumentalities as provided in Part 8314.³ Sections 8321.11, 8321.14, and 8321.15 shall apply to owning agencies when disposing of property listed in Exhibit A of this part as contractor inventory, pursuant to other applicable regulations of the Administrator.

§ 8321.3 *Basic policy.* The Congressional policy announced by the Surplus

Property Act of 1944 is to discourage monopolistic practices and to foster wide distribution of surplus commodities to consumers at fair prices, utilizing normal channels of trade in such a manner as to strengthen and preserve the competitive position of small business concerns. This part is intended to implement that policy by providing a method for the pricing and distribution of production materials and production equipment as defined herein, and in the case of production equipment in short supply, to limit effectively inequitable distribution which may occur by reason of advantages now enjoyed by war contractors in possession of such production equipment under facilities contracts containing options or other purchase rights by which such contractors may acquire title to production equipment on specified terms or on terms to be negotiated, including the right of first refusal as well as the right to acquire production equipment in short supply as contractor inventory.

§ 8321.4 *Methods of sale*—(a) *Fixed prices.* Generally, fixed price sales shall be used in preference to all other methods. The fixed price method of sale shall be used when property is in unused condition, is available in inventory in large quantities, and is either a standard commercial item or is readily marketable; and may be used whenever property, either used or unused, can best be moved by this method. Production equipment which is subject to the pricing provisions provided for in Part 8313⁴ shall be sold only pursuant to the provisions of such part.

(b) *Competitive bids.* The competitive bid method of sale may be used where the property is a nonstandard commercial item, or is of unknown marketability, or is available only in mixed lots or small quantities, or when rapid clearance of a site is necessary. In addition, except as to property subject to the pricing provisions of Part 8313; the competitive bid method may be used in disposing of property which remains in inventory after a full and adequate offering has been made at fixed prices to all classes of purchasers, and in the areas in which such property is normally purchased. The competitive bid method includes the use of sealed bids, open bids, and public auctions.

(c) *Negotiated sale.* Negotiated sales may be used by the disposal agency for any one or more reasons set forth in the subparagraphs hereunder: *Provided, however,* That whenever negotiated sales are used, the disposal agency shall prepare and file in writing a full justification of the desirability or necessity for using this method of sale and such sales shall not be consummated except with the approval of a reviewing authority. Such sales may be made:

(1) When the proposed purchasers can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing, more economically and effectively than the disposal agency or others;

(2) When the property is such a hazard to health and property as to require immediate disposition;

(3) When the property will spoil or deteriorate so rapidly as to jeopardize any disposal unless immediately sold;

(4) When the property is to be sold to a foreign government by or at the request of the State Department;

(5) When the property remains in inventory after a full and adequate offering has been made by competitive bid as provided in § 8321.10 of this part.

(6) When the disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the monetary return to the Government if all such bids were subsequently rejected.

§ 8321.5 *Prices and pricing methods*—(a) *General.* In fixed price sales, prices shall be established as close to the current market price as practicable, recognizing that they must be attractive enough to move the property in volume and compensate for any unusual features of the property which may add to the difficulty of reselling. Methods of distributing both production materials and production equipment vary in accordance with the nature of the property and the established commercial practices applicable to different types of property. As a consequence, pricing methods must likewise conform to such trade practices and distribution methods.

(b) *Discounts.* (1) Discounts may be granted on the disposal of surplus property only (i) when different price levels are established in order to compensate for the services rendered in the distribution of property to the various levels of trade; or (ii) when a discount is granted pursuant to the provisions of Part 8302 to compensate the Treasury Department for performing distributive services for a disposal agency; or (iii) when a discount is granted pursuant to the provisions of Part 8314 to reflect the benefit which has accrued or may accrue to the United States from the use of surplus property by educational or public-health institutions or instrumentalities. No other discounts shall be given, and there shall be no graded discounts within the same class of purchasers. Discounts may not be granted for volume purchases in any case for any item.

(2) In order to qualify for a price discount in the sale of production equipment (other than machines subject to the pricing provisions of Exhibit D of Part 8313) as compensation for the distributive function to be performed, each order from a distributor shall bear a certificate signed by such distributor in the following manner:

It is hereby certified that the distributor is and expects to continue to be a distributor of production materials or production equipment similar to those specified on this order to industrial users and other independent purchasers, and that in consideration of the receipt of the distributor's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's price and distribution policy, the purchaser agrees to use his best efforts to sell such property to industrial users and small independent purchasers,

¹ Reg. 22 (11 F. R. 14106).

² Reg. 2 (11 F. R. 14267, 12 F. R. 152).

³ Reg. 14 (11 F. R. 11505; 12 F. R. 257).

⁴ Reg. 13 (12 F. R. 663).

(3) In order to qualify for a price discount in the sale of production equipment described in Exhibit D of Part 8313 and subject to the pricing provisions of such part, purchasers of such equipment must likewise engage in a distributive function in effecting a resale of such equipment to users. Essentially, such purchasers may be classified as "discount dealers" as distinguished from "commission dealers" for the purpose of qualifying under this subparagraph, and further, must acquire title to such production equipment as a discount dealer for the purpose of resale as distinguished from use. Rebuilders, manufacturers, builders, exporters, dealers, or other distributors shall, as a condition prerequisite to classification as a "discount dealer" and a price discount hereunder execute a certificate signed by such discount dealer which certificate shall appear in each order by such discount dealer in the following form:

It is hereby certified that the purchaser is, and expects to continue to be, a dealer in standard general purpose machinery of the type set forth, and subject to, the pricing provisions in Exhibit D of War Assets Administration Regulation 13; is now engaged in the business of buying and selling such standard general purpose machinery to users and is acquiring the property listed on this purchase order for the purpose of resale either with or without rebuilding, by export or otherwise, but in any case is not acquiring this property for use as distinguished from resale. In consideration of the dealer's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's price and distribution policy, the purchaser agrees to use his best efforts to effect the resale of such property to users.

(c) *Production materials.* (1) In general, sales of production materials are governed by fixed prices both to ultimate users and to distributors. In the case of most such commodities, the price to the distributor and the user is the same for a specified minimum quantity at which the property may be economically disposed. Consequently, such commodities will be disposed of at one price for one minimum quantity, and only one level of trade shall be applicable. (Examples: commodities which are disposed of in bulk, such as toluene, gasoline, and sulfuric acid.)

(2) Certain production materials follow a trade practice whereby the manufacturer sells in a minimum quantity to both the distributor and the user, allowing a discount to the distributor. In such cases a similar discount will be allowed the distributor by the disposal agency. (Example: steel pipe.)

(3) It is recognized that packaging may be a determinant as to whether any particular material is adaptable for sale to ultimate users through the normal channels of trade including wholesalers and retailers, or for sale to industrial users and distributors. For example, turpentine in tank cars is customarily sold to industrial users and distributors while the same material in five (5) gallon containers is customarily sold through wholesalers and retailers. The disposal

agency shall determine, in accordance with customary trade practice, and its packaging, whether any particular material is to be disposed of as a production material pursuant to the provisions of this part or as consumer goods pursuant to Part 8322.

(d) *Production equipment.* (1) Sales of production equipment are likewise governed by fixed prices, a substantial portion being subject to the pricing provisions provided for in Part 8313.

(2) Production equipment which is not subject to the pricing provisions provided for in Part 8313 is governed by fixed prices to ultimate users or distributors as follows:

(i) Much production equipment generally moves from the manufacturer to an industrial user without the intermediate distributive function of a distributor. Such equipment shall be disposed of at a single price for one minimum quantity and without a discount. (Example: large industrial equipment such as furnaces, mills.)

(ii) Certain production equipment is sold by manufacturers in accordance with a trade practice to industrial users and distributors, allowing a discount to the distributor.

(iii) Finally, some industrial equipment is sold by manufacturers only through the regular and established channels of trade. As a consequence, discounts will be permitted to each level of trade for the distributive function performed. (Example: small industrial tools.)

§ 8321.6 *Maximum and minimum quantities*—(a) *Maximum quantities.*

(1) The maximum quantity which should be offered by the disposal agency to any one purchaser should to the extent feasible be a quantity which will assure wide distribution of the available property. Such maximum quantities shall be established in all cases where it reasonably may be expected that the total demand will exceed the supply offered for sale within the area in which the offering is made.

(2) In fixed price sales, whenever the available quantity of surplus property is insufficient to satisfy the requirements of eligible purchasers, all purchase orders submitted by affiliated persons, firms, or corporations, or by groups thereof under common ownership or control for the same type of property in a single sales offering shall be treated as a single purchase order.

(b) *Minimum quantities.* The minimum quantity, i. e., the minimum lot size, which should be offered for sale by the disposal agency should to the extent feasible be a quantity which will enable small independent purchasers to participate. Such minimum quantities may be larger when (1) large quantities of merchandise are packaged in military cartons or in bulk containers and it would be uneconomical to repack the property to provide for sales in smaller quantities, or (2) it is necessary to consolidate several packages in order to assure

an equitable or appropriate distribution of the property to each purchaser.

§ 8321.7 *Precedence for small purchasers.* In fixed price sales, when the total supply of a commodity is less than the amount ordered, consideration shall be given to the needs of other purchasers before large quantities are sold to one or a few purchasers. Precedence shall be given to orders received from small purchasers and from distributors who serve small independent purchasers and who furnish the certificate required by § 8321.5.

§ 8321.8 *Classes of purchasers.* The following conditions shall be observed for the classes of purchasers specified below:

(a) Commercial exporters, foreign governments acting through duly accredited agents in the United States, and foreign commercial firms acting through their duly accredited agents in this country shall be permitted to participate in sales of production materials and production equipment.

(b) Purchasing agents (including resident buyers, commission men, brokers, and other agents) who perform the purchasing function for the principals they represent, shall be permitted to participate in disposals of surplus property. Sales made through these agents shall be made only in the name of the principal they represent and in fixed price sales at the level of distribution of the principal. Such agents shall be required to present a written authorization from the principal for each purchase.

(c) All purchasers who may participate in fixed price sales shall also be eligible to acquire property offered by any other method.

(d) Ultimate users (persons who buy for their own personal use) are not ordinarily expected to purchase surplus property directly from the disposal agency except when such property is offered in suitable lots or units under circumstances which will not complicate the work of disposal; or where sales to ultimate users, for example, through rural farm auctions, would be more effective than offerings by other methods.

§ 8321.9 *Exclusive sales to one purchaser.* It is contrary to general policy to sell any item of surplus property exclusively to one purchaser (including the original vendor or manufacturer). Exceptions may be taken to this rule only when:

(a) It is necessary in order to protect public health or public safety, or

(b) The exclusive purchaser can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing more economically and effectively than the disposal agency or others, or

(c) The disposal agency makes a written finding that the property is (i) of so special a nature or manufacture or limited use that only one or a few purchasers would be interested in the acquisition and (ii) that an offering of such property by competitive bidding would prejudice the

monetary return to the Government if all such bids were subsequently rejected.

§ 8321.10 *Competitive bidding.* (a) Whenever the competitive bid method of sale is employed, an upset price may be established in appropriate cases representing the tentative estimate of the disposal agency as to what may be the fair value of the property. The amount of the upset price shall not be disclosed in the offering nor in any other way to any person not in the employ of the disposal agency. If all or some bids received are lower than such upset price, the disposal agency may reject the bids below the upset price, or, with the approval of the reviewing authority may accept them. The unsold balance may be re-offered with the same or a lower upset price.

(b) No certificate or other finding shall be required that the property offered for sale by competitive bidding is scrap or salvage. No scrap warranty shall be required of the purchaser except in cases where the disposal agency finds that the property is dangerous to public health or safety.

(c) Whenever property which has not previously been offered for sale to priority claimants at fixed prices is offered for sale by competitive bidding, a reserve of such property shall be established to meet the anticipated requirements of priority claimants. The competitive bid offering shall be made simultaneously to priority claimants and to non-priority purchasers, and the lowest acceptable bid by such non-priority purchasers shall be regarded as fair value for priority claimants. Any property so reserved which remains after filling the legitimate requirements of priority claimants shall be used to fill the requirements of acceptable non-priority bidders.

§ 8321.11 *Disposals of production equipment in short supply by owning agencies.* Production equipment which the Administrator has determined to be in short supply is listed in Exhibit A of this part. Such exhibit may be amended from time to time to reflect changing circumstances in the supply of production equipment. To assure equitable distribution of this type of property, disposal thereof shall be made only pursuant to the conditions prescribed herein unless approval for deviation from these conditions is secured pursuant to § 8321.15 of this part.

(a) *Sales to contractors in possession under facilities contracts.* Owning agencies empowered to dispose of plant equipment as contractor inventory to contractors in possession pursuant to the provisions of Part 8306,¹ shall make such disposals only in accord with the following:

(1) No item of production equipment in short supply may be disposed of to a contractor in possession unless at the time of sale, or previously thereto, such contractor has released and waived any and all options or other purchase rights to any and all production equipment, including any rights of first refusal pro-

vided for by the particular facilities contract.

(2) Subject only to the provisions of paragraph (a) (3) of this section, a contractor may acquire no more than twenty-five (25) per cent in number of each item of production equipment in short supply listed in Exhibit A of this part. In computing such allowance, the base upon which such percentage shall be computed shall include all the short supply items which at the time of sale are owned by the Government under the particular facilities contract, and which are located in the war contractor's plant.

(3) A contractor in possession who is engaged in a small business as defined herein and who desires to acquire for his own use and not for resale production equipment from an owning agency may acquire the production equipment covered by the particular facilities contract without limitations as to short supply items. *Provided*, That the total cost to the Government of the production equipment covered by that particular facilities contract does not exceed \$300,000.

(b) *Retention as contractor inventory.* In those cases where contractors, by pre-termination agreements or otherwise, have indicated an intention to retain any production equipment pursuant to the provisions of Part 8309² and listed in Exhibit A of this part, then in such event, owning agencies shall be governed by the provisions of paragraph (a) of this section notwithstanding that options or other purchase rights do not exist, when such retention is for the use of such equipment by the contractor: *Provided, however*, That retentions for resale by the contractor of any item of production equipment in short supply is not authorized hereunder, and instead such property shall be declared surplus to the appropriate disposal agency pursuant to the applicable regulations of the Administrator.

§ 8321.12 *Disposals of production equipment in short supply by disposal agencies.* (a) In those cases where a contractor seeks to acquire from the disposal agency only a portion of the production equipment acquired by the Government under a facilities contract which provides for existing options or other purchase rights in the contract, then in such event, and in return for a full release and waiver of any and all options or other purchase rights to any and all production equipment, including the right of first refusal as to all the production equipment covered by such facilities contract, the disposal agency may dispose of not more than twenty-five (25) per cent in number of each item of production equipment in short supply as listed in Exhibit A of this part and which are owned by the Government at the time of sale under the particular facilities contract.

(b) In the case of purchasers or lessees of land and buildings being disposed of as industrial or transportation

real property pursuant to the provisions of Part 8310,³ or as airport property pursuant to Part 8316,⁴ or as marine industrial real property pursuant to the provisions of Part 8320,⁵ and who desire to acquire only a portion of any production equipment located on the premises or used in the operation of any plant situated on such premises, the disposal agency may dispose of production equipment in short supply as listed in Exhibit A of this part and situated on such premises only upon a written representation from the purchaser that he intends to use such equipment in connection with the productive operation of the land and buildings and that he is not purchasing the production equipment in short supply for the purpose of reselling it, directly or indirectly, at a profit.

§ 8321.13 *Disposals of integrated plants.* Whenever an integrated plant is disposed of pursuant to the provisions of Part 8310 or Part 8320, such disposal may include all items of production equipment in short supply which are a part of the integrated plant and located therein. *Provided*, That the purchaser makes a representation in writing that he intends to use such equipment in an integrated plan of operation and that he is not acquiring the production equipment for the purpose of selling it, directly or indirectly, at a profit.

§ 8321.14 *Leases and donations of production equipment in short supply.* Surplus production equipment in short supply as listed in Exhibit A of this part may not be leased by the disposal agency or donated by owning and disposal agencies under the Surplus Property Act, or any other law, for other than instructional purposes without the approval of the Administrator or such other person as he may designate.

§ 8321.15 *Interpretation of fractions and approval of Administrator.* (a) When determining the number of items of production equipment in short supply hereunder by application of a fixed percentage, fractions shall be disregarded and not included in the amount authorized for any purchaser.

(b) No deviation from the fractional rule provided for in paragraph (a) of this section, nor from the twenty-five (25) per cent limitation prescribed by § 8321.11 (a) (2) and § 8321.12 (a) nor from any other limitation prescribed by this part shall be authorized by the owning or disposal agencies unless the approval of the Administrator or such other person as he may designate is first obtained.

This revision of this part shall become effective February 6, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

FEBRUARY 6, 1947.

¹ Reg. 10 (11 F. R. 7583, 12017).

² Reg. 16 (11 F. R. 7427, 8361).

³ Reg. 20 (11 F. R. 182, 561, 3302, 7431).

⁴ SPA Reg. 6 (10 F. R. 14521, 11 F. R. 1893).

NOTE: Table below revised February 6, 1947.

EXHIBIT A—PRODUCTION EQUIPMENT IN SHORT SUPPLY

Standard commodity classification	Description
(The Standard Commodity Classification is more definitive than the description in those cases where the classification numbers are inclusive. In such cases each inclusive designation is to be considered as an Exhibit A item. Where only one classification is prescribed above as distinguished from an inclusive group, the description is controlling. References are Volume I, May 1943, Standard Commodity Classification.)	
MAJOR GROUP 25—FABRICATED METAL BASIC PRODUCTS	
25-3200 through 25-3290.....	Landpower boilers.
MAJOR GROUP 31—GENERAL PURPOSE INDUSTRIAL MACHINERY AND EQUIPMENT	
31-4600 through 31-4690.....	Overhead conveyors.
31-5100 through 31-5190.....	Cranes, railroad.
31-5200 through 31-5290.....	Overhead traveling cranes (except gantry and monorail.)
MAJOR GROUP 32—ELECTRICAL MACHINERY AND APPARATUS	
32-1311.....	Electric motors, fractional horsepower (less than one horsepower) A. C. only.
32-1321.....	Electric motors (1 to 5 horsepower, inclusive) A. C. only.
32-2210.....	Transformers, power and distribution, all types, 1 to 25 KVA inclusive.
MAJOR GROUP 33—SPECIAL INDUSTRY MACHINERY	
33-2500 through 33-2529.....	Sewing machinery, industrial.
33-3100 through 33-3190.....	Pulp mill machinery.
33-3200 through 33-3290.....	Paper mill machinery.
33-3300 through 33-3390.....	Paper converting machinery.
33-4000 through 33-4900.....	Printing trade machinery and equipment. (Standard general purpose only.)
33-5100 through 33-5190.....	Rubber processing machinery.
33-5200 through 33-5290.....	Rubber fabricating machinery.
33-5300.....	Rubber reclaiming machinery.
33-6000 through 33-6990.....	Woodworking machinery. (Standard general purpose only.)
33-7260.....	Die casting machines. (Standard general purpose only.)
MAJOR GROUP 34—METALWORKING MACHINERY	

NOTE: References in right-hand column are intended to facilitate identification and are taken from the Directory of Metalworking Machinery (1945) compiled under the supervision of the Committee on Metalworking Machinery of the Technical Committee on Standard Commodity Classification. In determining Exhibit A items under Major Group 34, this classification shall be used when specified.

Standard commodity classification	Description	Directory of metalworking machinery
34-11400 through 34-11409.....	Jig boring machines, vertical, all makes and sizes (jig grinders not included).	3411-420 through 3411-42-60.
34-13220 through 34-13249.....	Drills, radial, 3'-4'-5' arm.....	3413-4120 through 3413-41-42 and 3413-42-10.
34-13510 through 34-13561.....	Drills, pedestal, 110 volt, including ½" capacity (single spindle only).	3413-21-10 through 3413-21-61; 3413-22-10 through 3413-22-61.
34-13610 through 34-13690.....	Drills, bench, 110 volt, single phase, 60 cycle, including ½" capacity (single spindle only).	3413-11-10 through 3413-11-61; 3413-12-10 through 3413-12-61.
34-15700 through 34-15709.....	Grinders, tool and cutter, Universal only.	3415-710 through 3415-71-30.
34-16100 through 34-161142.....	Lathes, engine, screw cutting, bench and floor, (not including multi-tool production and manufacturing types) including 16" swing by 64" center to center.	3416-120 through 3416-12-44; 3416-200 through 3416-21-43; 3416-220 through 3416-22-43; 3416-300 through 3416-31-22; 3416-320 through 3416-32-32.
34-16600 through 34-16612.....	Automatic screw machines, single spindle, (Brown and Sharpe only, including 1.0" bar capacity).	3416-700 through 3416-71-30.
34-17730 through 34-17732.....	Die sinkers, plain and Universal.	3417-700 through 3417-72-30.
34-17223 through 34-17224.....	Milling machines, horizontal, Universal size No. 2 and No. 3 only.	3417-22-20 through 3417-22-30.
34-17720 only.....	Duplicator, Gorton model 8½ only.	3417-64-10-12 only.
34-19112 through 34-19113.....	Shapers, horizontal, crank and hydraulic 16" and 20" stroke.	3419-11-30 through 3419-11-40; 3419-12-20 through 3419-12-30; also 3419-13-20.
34-19521 and 34-19523.....	Contour saws.....	3419-510 through 3419-51-40; 3419-53-10 through 3419-53-40.
34-19720 through 34-19730.....	Threading machines, bolt and pipe.	3419-71-00 through 3419-74-32.
34-41312 through 34-41329.....	Press brakes (5' width and over).....	3441-41-20 through 3441-41-56.
34-43600 through 34-43644.....	Presses, open back, inclinable, including 150-ton capacity.	3443-11-10 through 3443-11-90.
34-44412 through 34-44429.....	Squaring shears, power (10 gauge through ¾" thickness capacity).	3445-32-30 through 3445-3266.

MAJOR GROUP 44—RAILROAD TRANSPORTATION EQUIPMENT

Standard commodity classification	Description
44-1000 through 44-1900.....	Locomotives, all types and gauges.
44-4200 through 44-4290.....	Freight railroad cars, all gauges.

[F. R. Doc. 47-1412; Filed, Feb. 11, 1947; 11:26 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 10—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS

Sections 10.1 to 10.79, inclusive, of this part contain Public Health Service Regulations issued pursuant to the provisions of section 622 of the Public Health Service Act as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress) approved August 13, 1946, which added to the act a new Title VI entitled "Construction of Hospitals." Section 622 requires that within six months after enactment of the new title, the Surgeon General shall promulgate regulations prescribing general policies to be followed in setting up and administering State plans for construction of public and other nonprofit hospitals. Regulations issued under this section are subject to the approval of the Federal Hospital Council established by the act and of the Administrator. These regulations were approved by the Federal Hospital Council at a meeting held on November 14, 1946.

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- 10.71 General.
- 10.72 Construction program.
- 10.73 Personnel administration.
- 10.74 Fair hearings.
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Sec.

- 10.77 Processing construction applications.
 10.78 Requests for construction payments.
 10.79 Fiscal and accounting requirements.

AUTHORITY: §§ 10.1 to 10.79, inclusive, issued under sec. 622, Pub. Law 725, 79th Cong., 60 Stat. 1042; 42 U. S. C. Supp. 291e.

SUBPART A—DEFINITIONS

§ 10.1 *Definitions.* Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Area.* A logical hospital service area, taking into account such factors as population distribution, natural geographic boundaries, transportation and trade patterns, all parts of which are reasonably accessible to existing or proposed hospital facilities and which has been designated by the State Agency as a base, intermediate, or rural area. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned.

(b) *Base area.* Any area which is so designated by the State Agency and has the following characteristics: (1) Irrespective of the population of the area, it shall contain a teaching hospital of a medical school whose undergraduate medical program is approved by the American Medical Association's Council on Medical Education and Hospitals. This hospital shall be suitable for use as a base hospital in a coordinated hospital system within the State; or (2) The area shall contain a total population of at least 100,000 and at least one general hospital which has a complement of 200 or more beds for general use. This hospital shall be registered with the American Medical Association and approved by the American College of Surgeons. Approved residencies in two or more specialties, as defined by the American Medical Association, and approved internships shall be provided by this hospital. The hospital shall be suitable for use as a base hospital in a coordinated hospital system within the State.

(c) *Intermediate area.* Any area so designated by the State Agency which: (1) Has a total population of at least 25,000 and (2) contains, or will contain on completion of the hospital construction program under the State plan, at least one general hospital which has a complement of 100 or more beds and which would be suitable for use as a district hospital in a coordinated hospital system within the State.

(d) *Rural area.* Any area so designated by the State Agency which constitutes a unit, no part of which has been included in a base or intermediate area.

(e) *Coordinated hospital system.* An interrelated network of general hospitals throughout a State in which one or more base hospitals provide district hospitals and the latter in turn provide rural and other small hospitals with such services relative to diagnosis, treatment, medical research and teaching as cannot be provided by the smaller hospitals individually.

(f) *Hospital.* Public health centers and general, tuberculosis, mental, chronic disease, and other types of hos-

pitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but not institutions furnishing primarily domiciliary care. The term "hospital," except as applied generally to include public health centers, shall be restricted to institutions providing community service for in-patient medical or surgical care of the sick or injured; this includes obstetrics. It shall exclude Federal hospitals and institutions found to constitute a public hazard.

(g) *Allied special hospital.* Cardiac, eye-ear-nose-throat, isolation, maternity, children's orthopedic, and skin and cancer, as well as other hospitals providing similar specialized types of care commonly given in general hospitals. The term excludes mental, tuberculosis, and chronic disease hospitals.

(h) *Chronic disease hospital.* A hospital, the primary purpose of which is medical treatment of chronic illness, including the degenerative diseases, and which furnishes hospital treatment and care, administered by or under the direction of persons licensed to practice medicine in the State. The term includes such convalescent homes as meet the foregoing qualifications. It excludes tuberculosis and mental hospitals, nursing homes, and also institutions, the primary purpose of which is domiciliary care.

(i) *General hospital.* Any hospital for in-patient medical or surgical care of acute illness or injury and for obstetrics, of which not more than 50% of the total patient days during the year are customarily assignable to the following categories of cases: Chronic, convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis.

(j) *Mental hospital.* A hospital for the diagnosis and treatment of nervous and mental illness but excluding institutions for the feeble-minded and epileptics.

(k) *Nonprofit hospital.* Any hospital owned and operated by a corporation or association, no part of the net earnings of which is applied, or may lawfully be applied, to the benefit of any private shareholder or individual.

(l) *Psychopathic hospital.* A type of mental hospital where patients may receive intensive treatment and where only a minimum of continued treatment facilities will be afforded.

(m) *Tuberculosis hospital.* A hospital for the diagnosis and treatment of tuberculosis, excluding preventoria.

(n) *Hospital bed.* A bed for an adult or child patient. Bassinets for the newborn in a nursery, beds in labor rooms and in health centers, and other beds used exclusively for emergency purposes are not included in this definition.

(o) *Population.* In computing the population of the State or any area thereof for purposes of the regulations in this part, the State Agency shall use the latest figures of civilian population certified by the Federal Department of Commerce with such adjustments as may be necessary to reflect changing local conditions. Such adjustments shall not result in any increase in the total popu-

lation of the State over the figures certified by the Department of Commerce.

(p) *Public health center.* A publicly owned facility utilized by a local health unit for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(q) *Local health unit.* A single county, city, county-city, or local district health unit, as well as a State health district unit where the primary function of the State district unit is the direct provision of public health services to the population under its jurisdiction.

(r) *Public health services.* Services provided through organized community effort in the endeavor to prevent disease, prolong life, and maintain a high degree of physical and mental efficiency. In addition to the services which the community already provides as a matter of practice, the term shall include such additional services as the community from time to time may deem it desirable to provide.

(s) *State.* The 48 States, Alaska, Hawaii, Puerto Rico, and the District of Columbia.

(t) *State agency.* As the context may require, either the agency designated by the State pursuant to section 612 (a) (1) of the Federal Hospital Survey and Construction Act or the agency designated to administer the State plan pursuant to section 623 (a) (1) of the Federal Act.

(u) *Surgeon General.* The Surgeon General of the United States Public Health Service.

(v) *Federal Act.* Title VI of the Public Health Service Act, as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress, 60 Stat. 1042; 42 U. S. C. Supp. 291 (e)), approved August 13, 1946.

SUBPART B—DISTRIBUTION OF GENERAL HOSPITAL BEDS

§ 10.11 *Plan of distribution.* It is the intention of the regulations in this part to provide for distribution of general hospital beds among the different areas of the State so as to provide comprehensive and adequate types of hospital services to all sizes of communities. In accordance with this intent the general methods by which general hospital beds shall be distributed among base areas, intermediate areas, and rural areas, shall be as provided for in §§ 10.12 to 10.14, inclusive.

§ 10.12 *Maximum State allowance.* The number of general hospital beds required to provide adequate hospital services to the people residing in any State shall be:

(a) In States having 12 or more persons per square mile, 4.5 beds per thousand population;

(b) In States having less than 12 and more than 6 persons per square mile, 5 beds per thousand population; and

(c) In States having 6 persons or less per square mile, 5.5 beds per thousand population.

If in any area (base, intermediate, or rural), as determined by the State

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agency, there are more beds than required by these standards, such excess may be eliminated in calculating the maximum allowance for the State as a whole.

§ 10.13 *Standards for construction program.* The construction program under the State plan shall provide for general hospital beds, existing and proposed, in each area within the State in accordance with the following standards:

(a) In States having 12 or more persons per square mile, 2.5 beds per thousand population in rural areas, 4.0 beds per thousand in intermediate areas, and 4.5 beds per thousand in base areas;

(b) In States having less than 12 but more than 6 persons per square mile, 3 beds per thousand population in rural areas, 4.5 beds per thousand in intermediate areas, and 5 beds per thousand in base areas; and

(c) In States having 6 or less persons per square mile, 3.5 beds per thousand population in rural areas, 5.0 beds per thousand in intermediate areas, and 5.5 beds per thousand in base areas.

In addition, the State Agency shall subtract from the total number of beds permitted for each area under § 10.12 the total number of beds permitted for each area under this section or the number of beds in existence, whichever is greater. The total number of beds so determined for all areas shall be distributed at the discretion of the State Agency and without regard to standards specified in §§ 10.12 and 10.13. This shall be done in such a manner as to meet the special needs of any area and facilitate the coordination of hospital services. In allocating beds under this section, the State Agency shall give special consideration to hospitals serving persons in rural areas and communities with relatively small financial resources.

§ 10.14 *Beds classified as general hospital beds.* The count of existing general hospital beds shall include the beds in the hospitals of this category as defined above, and also: (a) Beds in allied special hospitals, and (b) beds in any tuberculosis, mental, or chronic disease hospital which are specifically assigned for the care of general patients, except where the beds so assigned in any institution number less than ten. Beds for persons hospitalized for the primary condition of tuberculosis, mental, or chronic disease shall be excluded.

SUBPART C—DISTRIBUTION OF TUBERCULOSIS, MENTAL, AND CHRONIC DISEASE HOSPITAL BEDS

§ 10.21 *Maximum State allowance.* The number of beds required to provide adequate hospital services for tuberculous patients, mental patients, and chronic disease patients in any State shall be:

(a) For tuberculous patients, 2.5 times the average annual deaths from tuberculosis in the State over the 5 year period from 1940 to 1944 inclusive;

(b) For mental patients, 5 per thousand population; and

(c) For chronic disease patients, 2 per thousand population.

The count of existing tuberculosis, mental, and chronic disease hospital beds shall include the beds in the hospitals of these respective categories as defined above, and also beds in any general hospital which are specifically assigned for the care of tuberculous, mental and chronic disease patients respectively, except where the beds so assigned in any institution number less than 10 in any category.

§ 10.22 *Distribution.* Whenever practicable, tuberculosis hospitals receiving grants under the Federal Act shall be built in centers of population and in proximity to general hospitals.

Whenever practicable, mental hospitals receiving grants under the Federal Act shall be located in centers of population and in proximity to general hospitals.

Whenever practicable, chronic disease hospitals shall be built in centers of population and in proximity to general hospitals.

SUBPART D—DISTRIBUTION OF PUBLIC HEALTH CENTERS

§ 10.31 *Maximum State allowance.* The number of public health centers in a State (counting those existing as well as those provided with aid under the act), shall not exceed one per 30,000 State population, except in States having less than 12 persons per square mile the number shall not exceed one per 20,000 population. The following shall be excluded from the count of public health centers:

(a) Existing facilities which the State Agency, after consultation with the State health authority, has determined to be unsuitable for use as public health centers, and

(b) Auxiliary facilities such as laboratories and clinics, whether existing or proposed, and whether they are located within the same structure as the health department office or in a separate structure.

§ 10.32 *Distribution.* The general method of distribution of public health centers throughout the State shall conform to the plan of organization of local health units within the State. In instances where the State Health Department is not the State Agency designated under section 623 (a) (1) of the Federal Act, the method of distribution shall be determined after consultation with the State health authority.

SUBPART E—PRIORITY OF PROJECTS

§ 10.41 *Manner of determination.* The general manner in which the State Agency shall determine the priority of projects included in the State construction program shall conform with the principles set out in §§ 10.40 to 10.47, inclusive.

§ 10.42 *Balance among categories of facilities.* Insofar as practicable, the State Agency shall develop its construction program in relation to the proportionate need for each of the five categories of facilities (general, mental, tuberculosis, chronic, and health centers). In determining proportionate needs, consideration shall be given to existing fa-

cilities and those under construction without assistance under the Federal act.

§ 10.43 *All categories of facilities; additional facilities as against replacements.* Initial installations and additions to existing hospitals and health centers shall be given priority over replacements, except:

(a) Where replacement is of minor character and necessary to the provision of needed additional facilities;

(b) Where, in the case of a hospital, replacement is essential to eliminate an existing needed hospital which constitutes a public hazard;

(c) Where, in the case of a public health center, the State health authority has certified that the existing facility is unsuitable for use as a public health center.

§ 10.44 *General hospital category.* The relative priority of these projects shall be determined after consideration of the following factors in the order of importance as given:

(a) The relative need for beds in the area (base, intermediate, or rural) in which the project will be located, taking into account the utilization of existing general hospital beds in the area and giving special consideration to projects providing service for persons located in rural communities and areas with relatively small financial resources;

(b) The extent to which beds will be made available for groups of the population which by reason of race, creed, or color are less adequately served than other groups of the population.

§ 10.45 *Chronic disease category.* Priority shall be given to those projects in which the chronic disease facilities will be operated as sub-units of general hospitals.

§ 10.46 *Public health centers.* Highest priority in this category shall be given to the provision of facilities for local health units serving rural communities and areas with relatively small financial resources. Where the agency designated to administer the State plan is not the State health authority, the State Agency shall determine the relative priorities to be established after consultation with the State health authority.

§ 10.47 *Size and character.* Insofar as practicable and without affecting the priority of hospitals serving rural communities and areas with relatively small financial resources, special consideration shall be given to applications for construction of projects of a size and character consistent with efficient and economical operation.

SUBPART F—GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

§ 10.51 *General.* Plans and specifications for each project submitted to the Surgeon General for approval under the Federal Act shall be prepared in accordance with the "General Standards of Construction and Equipment" for hospitals of different classes and in different types of location as prescribed by the Surgeon General and set forth in Appendix A. Equipment shall be provided in the kind and to the

extent necessary for the proper functioning of the facility as planned. The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State Agency.

§ 10.52 *Size of mental and psychopathic hospitals.* No application for construction of a psychopathic hospital with a capacity of more than 500 beds or of a mental hospital with a capacity of more than 3,000 beds shall be approved. This requirement shall not be construed to prevent approval of applications for improvements of psychopathic and mental hospitals with bed capacities equal to or greater than those specified above if such improvements are designed to provide more intensive treatment facilities within such hospitals.

§ 10.53 *Size of tuberculosis hospitals.* No application for construction of a tuberculosis hospital with a capacity of less than 100 beds shall be approved, except that an application for construction of a tuberculosis hospital with a capacity from 50 to 100 beds may be approved where necessary to provide facilities for an isolated area too small to support a larger hospital.

SUBPART G—NON-DISCRIMINATION AND HOSPITAL SERVICES FOR PERSONS UNABLE TO PAY THEREFOR

§ 10.61 *General.* The State plan shall provide for adequate hospital facilities for the people residing in a State without discrimination on account of race, creed, or color and shall provide for adequate hospital facilities for persons unable to pay therefor.

§ 10.62 *Non-discrimination.* Before a construction application is recommended by a State Agency for approval, the State Agency shall obtain assurance from the applicant that the facilities to be built with aid under the Act will be made available without discrimination on account of race, creed, or color to all persons residing in the area to be served by that hospital. However, in any area where separate hospital facilities are provided for separate population groups, the State Agency may waive the requirement of assurance from the construction applicant if (a) it finds that the plan otherwise makes equitable provision on the basis of need for facilities and services of like quality for each such population group in the area, and (b) such finding is subsequently approved by the Surgeon General. Facilities provided under the Federal Act will be considered as making equitable provision for separate population groups when the facilities to be built for the group less well provided for heretofore are equal to the proportion of such group in the total population of the area, except that the State plan shall not program facilities for a separate population group for construction beyond the level of adequacy for such group.

§ 10.63 *Hospital services for persons unable to pay therefor.* Before a construction application is recommended by a State Agency for approval, the State Agency shall obtain assurance that the applicant will furnish a reasonable volume of free patient care. As used in this section, "free patient care" means hospital service offered below cost or free to persons unable to pay therefor, including under "persons unable to pay therefor," both the legally indigent and persons who are otherwise self-supporting but are unable to pay the full cost of needed hospital care. Such care may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as community chests or may be contributed at the expense of the hospital itself. In determining what constitutes a reasonable volume of free patient care, there shall be considered conditions in the area to be served by the applicant, including the amount of free care that may be available otherwise than through the applicant. The requirement of assurance from the applicant may be waived if the applicant demonstrates to the satisfaction of the State Agency, subject to subsequent approval by the Surgeon General, that furnishing such free patient care is not feasible financially.

SUBPART H—METHODS OF ADMINISTRATION OF THE STATE PLAN

§ 10.71 *General.* The State plan shall provide for general methods of administration which are in accord with the principles set out in §§ 10.72 to 10.78, inclusive.

§ 10.72 *Construction program.* The State hospital construction program shall be developed in the following manner:

(a) The State Agency shall determine need for hospital facilities of all types and health center facilities by applying the ratios heretofore specified and deducting existing facilities, except those justifying replacement under priority regulations.

(b) The State Agency shall determine through field investigation, and otherwise, the approximate locations within each area at which needed beds or health centers should most appropriately be built.

(c) After having determined hospital and public health center needs, the State Agency shall establish an overall construction program. This program shall set forth all such needs in accordance with the standards specified in §§ 10.12, 10.21, and 10.31 and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation.

(d) The State Agency shall, from time to time as necessary, but at least annually, review the overall hospital construction program. Annually, at a time fixed by the Surgeon General, the Agency shall submit to him a report, which shall contain such revisions of the construction program, as the Agency considers necessary.

(e) The State Agency shall establish a separate construction schedule on such forms and for such periods as the Surgeon General may prescribe. Insofar as funds are available for construction and for maintenance and operation, construction shall be scheduled in the order of relative need.

§ 10.73 *Personnel administration.* A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(a) Impartial administration of the merit system;

(b) Operation on the basis of published rules or regulations;

(c) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(d) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(e) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(f) Advancement on the basis of capacity and meritorious service; and

(g) Tenure of permanent employees.

Substantial compliance with the merit system policies of the Public Health Service as set forth in Appendix B will be deemed to meet the requirements of the regulations in this part.

§ 10.74 *Fair hearings.* The State Agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State Agency to every applicant for a construction project who is dissatisfied with any action of the State Agency regarding its application.

§ 10.75 *Construction standards.* The State Agency shall adopt general standards of construction and equipment for the various types of hospitals and health centers assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Surgeon General and set forth in Appendix A.

§ 10.76 *Publicizing the State plan.* (a) Prior to submission of the State plan to the Surgeon General, the State Agency shall publish a general description of the provisions proposed to be included in the State plan and shall give reasonable notice of a public hearing at which all interested persons or organizations will be given an opportunity to be heard.

(b) After the Surgeon General has approved the State plan, the State Agency shall publish a general description of its provisions in newspapers having general circulation throughout the State and shall make the approved State plan available for examination, upon request, to all interested persons or organizations.

§ 10.77 *Processing construction applications*—(a) *Form of application.* Construction applications, including a detailed estimate of the cost of the project, shall be submitted to the Surgeon General through the State Agency and shall be executed on forms prescribed by the Surgeon General.

(b) *Order of processing applications.* The State Agency shall process applications received in the order of priority, except that the State Agency may approve, recommend and forward to the Surgeon General applications out of the order of priority if:

(1) The State Agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) If the State Agency certifies to the Surgeon General that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have previously been approved and recommended by the State Agency.

(c) *Assurances from applicant.* In addition to assurances otherwise required by the State Agency, before approving an application, the State Agency must have assurance from the applicant:

(1) That actual construction work will be performed by the lump-sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;

(2) That the construction contracts will prescribe the minimum rates of pay for laborers and mechanics engaged in construction of the project as determined by the Secretary of Labor and that such minimum rates will be stated in the specifications advertised in the call for bids on the proposed project;

(3) That the requirement that each contractor or subcontractor shall furnish a weekly sworn affidavit with respect to the wages paid each employee during the preceding week, as required by 48 Stat. 948, (40 U. S. C. 276 (b) and 276 (c)), and the regulations issued pursuant thereto, will be incorporated in the project specifications and made a part of the construction contract;

(4) That the project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Surgeon General and the applicant has been so notified;

(5) That no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans, will be entered into without the prior approval of the Surgeon General;

(6) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an

amount not less than fifty percentum (50%) of the contract price, and to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance;

(7) That any change or changes in the contract which (i) makes any major alteration in the work required by the plans and specifications, or (ii) raises the total contract price over the approved estimate of cost of the work covered by the plans and specifications will be submitted to the Surgeon General for prior approval;

(8) That the construction contract will provide that the Surgeon General, the State Agency and their representatives will have access at all times to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(9) That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the project to insure that the completed work conforms with the approved plans and specifications; and

(10) That the hospital, when completed, will be operated and maintained in accordance with minimum standards prescribed by the State Agency for the maintenance and operation of hospitals aided under the Federal Act.

(d) *Certification to the Surgeon General.* After the State Agency has approved a construction application, it shall recommend it to the Surgeon General for approval and shall certify:

(1) That the application contains reasonable assurance as to title, payment of prevailing rates of wages, and financial support for the non-Federal share of the cost of construction and the entire cost of maintenance and operation when completed;

(i) Availability of funds for the non-Federal share of construction costs shall mean (a) funds immediately available, placed in escrow, or acceptably pledged, or (b) funds or fund sources specifically earmarked in a sum sufficient for that purpose or (c) other assurances acceptable to the Surgeon General.

(ii) To assure the availability of funds for maintenance and operation, the applicant for the construction of a new project must have included in the application a proposed operating budget, on a form prescribed by the Surgeon General giving assurance that (a) for the first year of operation, available funds, contingent or other acceptable pledges, or escrow arrangements for funds are equal to the difference between proposed operating expenditures and anticipated revenue from patients and are not less than one-third of the proposed operating expenditures for that period, and (b) for the second year, available funds, contingent or other acceptable pledges or escrow arrangements for funds are equal to the difference between proposed operating expenditures and anticipated income. In the case of publicly sponsored applications the statement of the responsible public officials may be accepted as sufficient assurance. In the case of an addition to an existing facility,

the applicant must have given assurance, through one or more of the means specified above, that funds are or will be available to meet the difference between proposed expenditures and anticipated income from the operation of the constructed addition for the two year period immediately following its completion;

(2) That the plans and specifications are in accord with Appendix A;

(3) That the application is in conformity with the State plan approved by the Surgeon General and contains an assurance that the applicant will conform to the applicable requirements of the plan;

(4) That the application contains an assurance that the applicant will conform to the requirements of §§ 10.61, 10.62, and 10.63 regarding the provision of facilities without discrimination on account of race, creed, or color, and for furnishing needed hospital facilities for persons unable to pay therefor;

(5) That the application contains an assurance that the applicant will conform to State standards for operation and maintenance and to all applicable State laws and State and local codes, regulations, and ordinances;

(6) That the application is entitled to priority over other projects within the State and that in making this determination the State agency has complied with paragraph (b) of this section; and

(7) That the State Agency has approved the application.

(e) *Amendments to application.* An amendment to any application approved by the Surgeon General shall be processed in the same manner as an original application, except that the original application's conformity with priority regulations shall suffice for the amendment. Minor changes not provided for under paragraph (c) (7) of this section are not considered amendments.

§ 10.78 *Requests for construction payments*—(a) *Certification by State Agency.* The State Agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

Requests for payments under the construction contract shall be submitted in each of three stages as follows:

(1) The first installment when the shell of the building and roof are completed,

(2) The second installment when the mechanical work has been substantially roughed in, and

(3) The third installment when work under the construction contract is completed and final inspection made.

Requests for payment of the Federal share of other allowable costs such as architect's fee, inspection cost, and cost of equipment shall be included in requests for payments made at one or more of the stages indicated above.

All costs that have not been determined at the time the third payment for work performed under the construction contract is requested shall form the basis of a request for final payment of the Federal share of the cost of the entire project.

Consideration will be given to the payment of an additional installment prior to payment of the final installment provided the State Agency finds there are unusual circumstances which may unduly delay submission of the claim for payment of the final installment.

(b) *Inspection by State Agency.* As a basis for certification by the State Agency that payment of an installment is due an applicant, the State Agency, without expense to the Federal government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

§ 10.79 *Fiscal and accounting requirements—(a) Construction allotments.* The State Agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

The State Agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects. Separate accounts by source shall be maintained of all funds received for construction projects. These records shall be maintained regardless of whether Federal funds are received through the State Agency or directly from the Federal government.

The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Surgeon General for approved construction projects.

Dated: January 24, 1947.

[SEAL] JAMES A. CRABTREE,
Acting Surgeon General.

Approved: January 24, 1947.

JAMES A. CRABTREE,
Acting Chairman,
Federal Hospital Council.

Approved: February 4, 1947.

WATSON B. MILLER,
Federal Security Administrator.

APPENDIX A—GENERAL STANDARDS OF CONSTRUCTION AND EQUIPMENT

Sec.

I. Introduction.

II. Site survey and soil investigation.

III. General design and construction standards.

A. Site.

B-1. General hospital.

2. Tuberculosis hospital.

3. Mental hospital.

4. Psychiatric hospital.

5. Chronic disease hospital.

6. Nurses' home.

7. School of nursing.

8. Public health centers.

9. State public health laboratory.

10. Details, finishes, etc.

11. Finishes.

C. Structural.

D. Mechanical.

E. Preparation of plans, specifications and estimates.

IV. Equipment.

I. *Introduction.* The standards set forth herein have been established by the Surgeon General of The U. S. Public Health Service as required by the Hospital Survey and Construction Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the act. They are considered necessary to insure properly planned and well constructed hospitals and public health centers which can be maintained and efficiently operated to furnish adequate services.

It should be particularly noted that the small hospital of 50 beds or under, presents a special problem. The size of the various departments will be generally smaller and will depend upon the requirements of the particular hospital. Some of the functions allotted separate spaces or rooms in these General Standards may be combined provided that the resulting plan will not compromise the best standards of medical and nursing practice.

Since these are minimum requirements it is desirable only that they form a basis for development of higher standards. In the interest of promoting the development of higher standards it is the intention of the Public Health Service to make suggestions and disseminate the latest information as to current good practice in planning and design of health facilities. This information will be distributed from time to time to State Agencies and other interested persons.

No attempt has been made in establishing these standards to comply with all of the various State and local codes and regulations. However, strict compliance with all applicable State and local codes and regulations is required. Likewise, compliance is required with minimum standards of construction and equipment promulgated by the State Agency where such requirements provide a higher standard than these Federal requirements.

II. *Site survey and soil investigation.* 1. The applicant shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain all information necessary for the design of the building, foundations and mechanical service connections and development of the site. It is suggested that this matter be deferred until the Architect has been selected in order that he may co-operate with the Engineer who obtains the data.

2. If any existing structures or improvements on the site are to be removed by the owners or others, the buildings or improvements must be so designated on the plat.

3. Any discrepancies between the Survey and the recorded legal description shall be reconciled or explained.

4. The plat shall indicate:

(a) The courses and distances or property lines.

(b) Dimensions and location of any buildings, structures, casements, rights-of-way or encroachments on the site.

(c) Details of party walls, or walls and foundations adjacent to the lot lines.

(d) The position, dimensions and elevations of all cellars, excavations, wells, back-filled areas, etc., and the elevation of any water therein.

(e) All trees which may be affected by the building operations.

(f) Detailed information relative to established curb and building lines and street, alley sidewalk and curb grades at or adjacent to the site and the materials of which they are constructed.

(g) All utility services and the size, characteristics, etc., of these services.

(h) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey.

(i) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rain-water or sanitary disposal purposes if dry wells are used.

(j) Official datum upon which elevations are based and a bench mark established on or adjacent to the site.

(k) Contours on elevations taken at 20 feet intervals, changes in slope, etc., over that portion of the site to be developed.

(l) Elevations of contours, bottoms of excavations, etc.

(m) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

5. The plat shall bear a certification by the City Engineer or other qualified official, that the true street lines and the officially established grades of curbs, sidewalks and sewers are correctly given.

6. Adequate investigation shall be made to determine the sub-soil conditions. The investigations shall include a sufficient number of test pits or test borings as will determine, in the judgment of the Architect, the true conditions.

7. Samples of strata of soil or rock taken in each pit or boring shall be retained in hermetically sealed cans. Each sample can shall be identified as to the boring and elevations at which taken and the labels initialed by the Engineer making the soil investigation.

8. The following information shall be noted on the plat:

(a) Thickness, consistency, character and estimated safe bearing value of the various strata encountered in each pit or boring.

(b) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(c) The elevation of rock, if known and the probability of encountering quicksand.

(d) Average depth of frost effect below surface of ground.

(e) High and low water levels of nearby bodies of water affecting the ground water level.

(f) The probability of freshets overrunning the site.

(g) Whether the soil contains alkali in sufficient quantities to affect concrete foundation.

(h) The elevation and location of the top of workings relative to the site, if the site is underlain with mines, or old workings are located in the vicinity.

(i) Whether the site is subject to mineral rights which have not been developed.

III. *General design and construction standards—(A) Site.* The site of any hospital should be reasonably accessible to the center of community activities. Public transportation should be available within a reasonable distance, especially if an outpatient service is to be maintained.

No hospital should be built in a remote outlying district but should be located in

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relation to the center of population, close to where patients live and where competent special medical and surgical consultation is readily available and where employees can be recruited and retained.

The site should not be near insect breeding areas, noise or other nuisance producing industrial developments; airports, railways or highways producing noise or air pollution, or near penal or other objectionable institutions or near a cemetery.

Adequate roads and walks shall be provided within the lot lines to the main entrance, ambulance entrance and service entrance.

The site for a public health center should be convenient to the center of community activities.

(B-1). *General Hospital.* Units required in the General Hospital:

Administration Department

Up to and including 100 beds:
Business office with information counter.
PBX Board and night information.
Administrator's office.¹
Director of nurses' office.¹
Medical record room.
Staff lounge.
Lobby.
Public toilets.
Over 100 beds:
Business office.
Information counter.
PBX Board and night information.¹
Administrator's office.
Director of nurses' office.
Admitting office.
Medical social service room.
Medical record room (should be easily available to O. P. D.)
Staff lounge.
Library, conference and board room.
Lobby.
Reception room.
Public toilets.
Toilets for administrative personnel.

Adjunct Diagnostic and Treatment Facilities

Laboratory:

Up to and including 100 beds:
One room for 50 beds.
Two rooms for 100 beds.
Over 100 beds:
Four rooms.
Basal metabolism and electrocardiography:
Up to and including 100 beds; No special provisions required. Can be done in bed rooms.
Over 100 beds: One room near the laboratory and convenient to Out-Patient Dept.
Morgue and autopsy: may not be required in hospital under 50 beds if other facilities such as undertaker or coroner are available. Where provided: Combination morgue and autopsy with mortuary refrigerator.

Radiology: Each hospital to have at least 1 radiographic room with adjoining dark-room, toilet, and office. Hospitals of 150 beds and over should have at least 1 additional radiographic room. The radiology department must be convenient to in- and out-patients, and should have lead protection as required.

Physical therapy: In hospitals of 100 beds and over: Space should be provided for electrotherapy, hydrotherapy, massage, and and exercise. Equipment to be furnished when competent technician is acquired.

Pharmacy:

Up to and including 100 beds: Drug room with minimum facilities for compounding.
Over 100 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital. Must be convenient to Out-Patient Department.

Nursing Department

General:

No room shall have more than 4 beds.
In hospitals over 200 beds, rooms with more than 4 beds are permissible but not advisable. Each room shall have a lavatory. Nursing units composed of multi-bed rooms shall have a quiet room.
Approximately $\frac{1}{2}$ of the hospital beds shall be in one-bed rooms, $\frac{1}{2}$ in two-bed rooms, and $\frac{1}{2}$ in four-bed rooms.¹
Size of nursing unit: Not more than 30 beds.¹ Larger units are permissible in hospitals over 200 beds, if additional facilities are provided.
Minimum room areas: 80 sq. ft. per bed in two- and four-bed rooms. 125 minimum sq. ft. in one-bed rooms.
Service rooms in each nursing unit:
Nurses' station.
Utility room.
Floor pantry (one per floor).
Two toilets (male and female).
Bedpan facilities.
One bathroom.
Stretcher alcove.
Linen closet.
Supply closet.
Janitors' closet.
Isolation suite: One for each hospital unless contagious disease nursing unit is available in hospital.
Treatment room: One for each two nursing units per floor.
Solarium: One for each nursing floor.¹
Nurses' toilet room: One for each nursing floor.
In hospitals of 100 beds and over the maternity department shall be housed in a separate wing or floor.

Nursery Department

Full term nursery:

Area required: Not less than 24 square feet per bassinet, 30 square feet recommended.
Number of bassinets: No more than 12 bassinets in each full term nursery, 8 recommended.
Examination and work room: One examination and work room between each two full term nurseries.
Premature nursery (to be provided where four or more premature bassinets will be required):
Area required: 40 square feet per bassinet.
Number of bassinets: Not more than six in each premature nursery.
Work room: Each premature nursery to have own work areas.
Suspect nursery:
Area required: 40 square feet per bassinet.
Number of bassinets: Approximately 20% of full term bassinets. Not more than 3 bassinets in each suspect nursery.
Work room: One work room for each two suspect nurseries.
Formula room: Location in nursery area or near kitchen optional.

Surgical Department

(Shall be located to prevent traffic through it to any other part of the hospital)

Operating rooms:

Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.
Minor: One in each hospital over 50 beds.
Cystoscopy: One in each hospital over 100 beds. Shall have an adjoining toilet room.
Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.
Auxiliary rooms:
Sub-sterilizing room: One between each two operating rooms in hospitals of 50 beds and over.
Scrub-up room: One between each two operating rooms.

Nurses' locker room with toilet and shower.
Janitors' closet.
Instrument room beginning at 100 beds.
Clean-up room.
Anesthesia equipment storage.
Surgical Supervisor station.
Doctors' locker room with toilet and shower.
Storage closet.
Stretcher alcove.
Storage room for sterile supplies beginning at 100 beds.
Dark room beginning at 100 beds.
Central sterilizing and supply room:
Divided into work space, sterilizing space and sterile storage space.
Adjacent room for storage of unsterile supplies.

Obstetrics Department

(Shall be located to prevent traffic through it to any other part of the hospital. Shall be completely separated from Surgical Department)

Delivery rooms: one for each 20 maternity beds.
Labor beds: One for each 10 maternity beds.
Auxiliary rooms:
Sub-sterilizing room: One between each two delivery rooms.
Scrub-up room: One between each two delivery rooms.
Clean-up room or utility room.¹
Supervisors' station.
Nurses' locker room with toilet and shower starting at 50 beds.
Sterile storage closet.
Stretcher alcove.
Janitors' closet.
Doctors' locker room with toilet and shower starting at 50 beds.

Emergency Department

Accident room:
With separate ambulance entrance.
Should be completely separated from operating suite and obstetrical suite.
Additional facilities will depend on amount of accident work expected.

Service Department

Dietary facilities:

Main kitchen and bakery.
Dietitians office.
Dishwashing room.
Adequate refrigeration.
Garbage refrigerator.
Can washing facilities.
Day storage room.
Personnel dining space.
Provide 12 square feet per person; may be designed for 2 sittings.
Cafeteria or table service optional.
Housekeeping facilities:
Laundry: unless commercial or other laundry facilities are available, each hospital shall have a laundry of sufficient capacity to process full 7 days laundry in work week and contain the following areas:
Sorting area.
Processing area.
Clean linen and sewing room separate from laundry.
Sewing room may be included in clean linen room in hospitals up to and including 100 beds.
Housekeeper's office.
Mechanical facilities:
Boiler and pump room.
Maintenance shops.
Shower and locker facilities.
Engineers' office.
In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting and plumbing should be provided.
For minimum requirements for mechanical and electrical work see the respective sections.

¹ Desirable but not mandatory.

Employees' facilities:

- Nurses' locker room without nurses' home;
- Locker room with one locker for each two hospital beds.
- Rest room.
- Toilet and shower room.
- Nurses' locker room with nurses' home adjacent:
- Rest room.
- Lockers as required.
- Toilet room.
- Female help lockers:
- Locker room.
- Rest room.
- Toilet and shower room.
- Male help lockers:
- Locker room.
- Toilet and shower room.
- Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:

- Inactive record storage.
- General storage: 20 feet per bed and to be concentrated in one area in so far as possible. Mechanical maintenance storage may be in a separate area.

Out-Patient Department

(If survey indicated that the out-patient department is unnecessary it may be omitted)

General:

Out-patient department should be located on the most easily accessible floor. It should have convenient access to radiology, pharmacy, laboratory and physical therapy.

The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.

An out-patient department may be combined with the public health center clinics if the health center is a part of the hospital.

Administrative:

- Waiting room with public toilets.
- Appointment and cashiers' office.
- Social service office.

Clinical:

- History or screening room.
- Examination and treatment rooms including eye, ear, nose, and throat room.
- Two chair dental unit.
- Utility room.

Contagious Disease Nursing Unit¹**Patient rooms:**

A maximum of 2 beds in each room separated by a glazed partition.

Patient rooms shall have a view window from corridor.

Each patient room shall have a separate toilet and a lavatory in the room.

Each nursing unit shall contain:

- Nurses' station.
- Utility room.
- Nurses' work room.
- Treatment room.
- Scrub sinks strategically located in the corridor.
- Kitchen with separated dishwashing room adjacent.
- Doctors' locker and gown room.
- Nurses' locker and gown room.
- Janitors' closet.
- Storage closet.
- Stretcher alcove.

Pediatric Nursing Unit¹**General:**

- Each bed in a multi-bedroom shall be in a clear glazed crucible.
- Each room shall have a lavatory.
- Patients rooms wherever possible should have clear glazing between them and in the corridor partitions.

Minimum area:

- 80 square feet per bed in two-bed rooms and over.
- 100 square feet in single rooms.
- 40 square feet per bassinet in nurseries.
- Each nursing unit shall contain:
- Nursery.
- Isolation suite.
- Treatment room.
- Nurses' station: with adjoining toilet room.
- Utility room.
- Floor pantry.
- Play room or solarium.
- Bath and toilet room: with raised free-standing tub and 50% children's fixtures.
- Bed pan facilities.
- Wheelchair and stretcher alcove.
- Janitors' closet.
- Storage closet.

Psychiatric Nursing Unit in the General Hospital¹

General: Layout and design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Care must be taken to avoid sharp projections of corners of structure, exposed pipes, heating elements, fixtures, etc., to prevent injury by accident.

Minimum room areas:

- 80 square feet per bed in 4-bed rooms.
- 125 square feet in single rooms.
- 40 to 50 square feet per patient in day rooms.

Each nursing unit shall contain:

- Doctors' office.
- Examination room.
- Nurses' station.
- Day room.
- Utility room.
- Bedpan facility.
- Pantry.
- Dining room.
- Toilet room.
- Shower and bathroom.
- Continuous tub room (for disturbed patients).
- Patients' laundry.
- Patients' locker room.
- Storage closet (for recreational and occupational therapy).
- Stretcher closet.
- Linen closet.
- Supply closet.
- Janitors' closet.

(B-2). Tuberculosis Hospital.**Administration Department**

From 50 up to and including 200 beds:

- Business office with information counter.
- Medical social service office.²
- Medical director's office.
- Secretary's office.
- Director of nurses' office.
- Physicians' offices: one for each 50 patients (including the medical director's office).
- Medical record and film filing room.
- Viewing room, library and conference room. Singly or in combination.
- Lobby and waiting room.
- Retiring room.
- Toilets for public and personnel.

Over 200 and up to 500 beds:

- Business office and information counter.
- Business manager's office.
- Secretary.
- Admitting office.
- Two medical social service offices.
- Medical director's office.
- Secretary.
- Assistant medical director's office.
- Director of nurses' office.
- Secretary.
- Assistant director of nurses' office.

² These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Physicians' offices: one for each 50 patients (including the medical director and assistant medical directors' offices).

- Medical record room.
- Library and conference room.
- Staff lounge and locker room.
- Lobby and waiting room.
- Retiring room.
- Public toilets.
- Personnel toilets.

Adjunct Diagnostic and Treatment Facilities**Laboratory:**

- From 50 up to and including 200 beds:² two rooms.
- Over 200 and up to 500 beds: four rooms.
- Basal metabolism and electrocardiography: One room near the laboratory and convenient to Out-Patient Dept.
- Morgue and autopsy:
- From 50 up to and including 200 beds:² combination morgue and autopsy room with mortuary refrigerator.
- Over 200 and up to 500 beds: Morgue with mortuary refrigerator.
- Autopsy room.
- Shower and toilet room.
- Separate exit.

Radiology:

- From 50 up to and including 200 beds:²
 - Radiographic room.
 - Dark room.
 - Dressing booths.
- Must be convenient to out-patient department as well as in-patients.
- Over 200 and up to 500 beds:
 - Radiographic room.
 - Dark room.
 - Dressing booths.
 - Viewing room.
 - Roentgenologist's office.
 - Film file room.
- Must be convenient to out-patient department as well as in-patients.

Pharmacy:

- From 50 up to and including 200 beds: Drug room with minimum facilities for mixing. Must be convenient to out-patient department.
- Over 200 and up to 500 beds: Complete pharmacy and may include space for manufacturing and solution preparation depending on policy of hospital. Must be convenient to out-patient department.

Dental and eye, ear, nose, and throat:

- From 50 up to and including 200 beds:
 - One dental room.
 - One eye, ear, nose, and throat room.
- Over 200 and up to 500 beds:
 - Two dental chairs.
 - Eye, ear, nose, and throat room.
 - Waiting room.

Occupational therapy:

- Library.
- Barber shop.
- Canteen.
- Patient auditorium (1 seat for each bed up to 250 beds).
- Flexible space for learning and working in crafts and class room for patient instruction shall be provided.

Nursing Department

General: At least 30 percent of the hospital beds shall be in single rooms. No room shall have more than four beds. Each room shall have a lavatory.

Size of nursing unit: No nursing unit shall be larger than 50 beds.

Minimum room areas:

- 80 square feet per bed in two- and four-bed rooms.
- 125 square feet in one-bed rooms.
- Service rooms in each nursing unit:
 - Nurses' station.
 - Utility room.
 - Floor pantry (one per floor).
 - Toilet and washroom:
 - Water closets—1 to each 5 patients.
 - Lavatories—1 to each 5 patients.
 - Dental basins—1 to each 5 patients.

¹ Desirable but not mandatory.

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Storage closet for supplies.
 Bath and shower room:
 Bath tubs—1 to each 14 patients.
 Shower—1 to each 7 patients.
 Gown room.
 Bed pan facilities.
 Linen closet.
 Janitors' closet.
 Space for wheel chairs and stretchers.
 Storage closet for equipment.
 Doctors' office (including adjacent treatment room): One for each nursing unit.
 Solarium: One for each nursing unit.
 Sputum technique room: One for each nursing floor.
 Nurses' toilet room: One for each nursing floor.
 Nurses' cloak room: One for each nursing floor.

Surgical Department

(Shall be located to prevent traffic through it to any other part of the hospital)
 From 50 up to and including 200 beds:²
 Major operating room.
 Sterilizing room.
 Central supply and work room.
 Scrub-up room.
 Clean-up room.
 Storage closet.
 Janitors' closet.
 Doctors' locker room with toilet and showers.
 Nurses' locker room with toilet and showers.
 Over 200 and up to 500 beds:
 Major operating room: One for each 200 beds or major fraction thereof.
 Minor operating and fracture room.
 Sub-sterilizing room: One between each two operating rooms.
 Clean-up room.
 Scrub-up room: One between each two operating rooms.
 Janitors' closet.
 Storage room for sterile supplies.
 Anesthesia storage.
 Surgical supervisor office.
 Doctors' locker room with toilet and shower.
 Nurses' locker room with toilet and shower.
 Storage closet.
 Stretcher alcove.
 Central sterilizing and supply room divided into work space, sterilizing space, and sterile storage space.
 Adjacent room for storage of unsterile supplies.
 Pneumothorax suite:
 Pneumothorax room with dressing booths.
 Fluoroscopy room.
 Waiting space.
 From 50 up to and including 200 beds:
 One pneumothorax suite for 100 beds or major fraction thereof.
 Over 200 and up to 500 beds: One pneumothorax suite for 100 beds or major fraction thereof.

Service Department

Dietary facilities:
 Main kitchen and bakery.²
 Dietitian's office and special diets kitchen.
 Patients' dishwashing room.
 Staff and help dishwashing room.
 Adequate refrigeration.
 Garbage refrigerator.
 Can washing room.
 Day storage room.
 Help dining room.
 Staff dining room.
 Patients' dining space—to serve 40 percent of the patients.
 Provide 12 square feet per person in dining rooms. May be designed for two seatings.
 Cafeteria or table service optional.

²These facilities need not be provided if the Tuberculosis Hospital is in connection with a general hospital in which such facilities exist.

Housekeeping facilities:

Laundry:²
 Sorting area.
 Processing area.
 Clean linen room.
 Sewing room.
 Laundry capacity shall be adequate to process full 7 days laundry in work week.
 Housekeeper's office.
 Incinerator.
 Mechanical facilities:²
 Boiler and pump room.
 Engineers' office.
 Shower and locker facilities.
 Maintenance shops:
 Carpentry.
 Painting.
 Plumbing.
 For minimum requirements for mechanical and electrical work, see the respective sections.
 Employees' facilities:
 Nurses' locker room without nurses' home:
 Locker room with lockers as required.
 Rest room.
 Toilet and shower room.
 Where nurses' home is adjacent provide only rest room and toilet.
 Female help locker room:
 Locker room.
 Rest room.
 Toilet and shower room.
 Male help locker room:
 Locker room.
 Rest room.
 Toilet and shower room.

Storage:

General storage.
 Record storage. Provide 20 square feet per bed to be concentrated in one area.

Out-patient department:²

Out-patient department should be located on most easily accessible floor. Must be convenient to radiology, pharmacy, and laboratory departments.

Size will vary in different locations and with the availability of other examination and diagnostic facilities, and is not necessarily proportionate to the size of the hospital. The estimated patient load will determine the number, size, and scope of individual facilities in out-patient department.

Facilities required:

Administrative:
 Waiting room with public toilets.
 Information, appointment and records office.
 Medical social service office.
 Janitors' closet.
 Clinical:
 History or screening room.
 Examination rooms.
 Dressing booths.
 Pneumothorax rooms.
 Fluoroscopy room.
 Utility room.
 Storage room.

(B-3). *Mental Hospital—General.* A mental hospital should be on a large acreage with ample space around all buildings for recreation, attractive landscaping and the proper segregation of the various patient classification groups and building functions; and should be readily accessible to the community which it is to serve.

The mental hospital presents a special problem of patient classification, treatment and supervisory function. In the following minimum requirements an over-all organization is designated with certain supervisory or organizational functions mentioned in their most desirable, but not mandatory, locations and these may, therefore, be changed to other locations.

Patients have been classified and grouped according to behavior, and requirements vary somewhat for each classification. Minimum room area requirements are grouped into the following main categories, as follows:

A. Medical and surgical, and chronic disease classification: 80 square feet per bed in four-bed rooms; 125 square feet in single rooms.

B. Tuberculosis classification: 80 square feet per bed in four-bed rooms; 125 square feet in single rooms.

C. Reception, convalescent, chronic disturbed, industrial classifications. 70 square feet per bed in four or more bed rooms; 80 square feet in single rooms.

D. Infirm and inactive: 60 square feet per bed in four or more bed rooms; 80 square feet in single rooms.

Administration. This area shall include only the administrative, business and public contact functions of the institution.

Location: Near main entrance to institution and close to reception area.

General:

Entrance lobby.
 Public toilets (male and female).
 Information and telephones (main switch-board).
 Post office.
 Personnel toilets (male and female).
 Mechanical room.

Offices:

Director.
 Assistant director.
 Conference room.
 Business administrator.
 Business.
 Public relations and services.
 Secretaries.
 Janitors' closet.

Medical:

Central records office.
 Central records room.
 Inactive records storage.

Reception. This area includes the reception and treatment of new patients, most of whom will be entering a mental hospital for the first time. Since they are new patients, and in need of very careful treatment, it is necessary to separate and prohibit contact between patients in the following classifications of behavior:

Quiet.
 Depressed.
 Disturbed.

In addition, each of the above classifications should be separated by sexes, and each classification should have its own complete Nursing Units with all nursing facilities available, and each should be readily accessible to an outdoor area. All safety and security measures should be observed in this group. Intensive care and treatment will be given these new patients in an effort to cure them in the first few weeks of treatment. Should the patient fail to recover in this comparatively short period of time he will be sent to other Nursing Areas for continued treatment. These other Nursing Areas will be classified according to the behavior of the patients which they are to house.

The Reception area should be set well apart from the other areas of the hospital, and should contain sufficient diagnostic, treatment, recreational and occupational facilities, to furnish complete treatment in order that these new patients may recover without having been transferred to the other areas of the Mental Hospital.

The number of beds required in this Reception Area must be determined by study of the total Receiving and Intensive Treatment Facilities in the community which is served. The total number of beds in this and the convalescent area should be in accord with the admissions within a three to six month period.

Location: Near administration area.

General:

Lobby.
 Visitors toilet (male and female).
 Main visitors room with alcoves.

Janitors' closets.
Mechanical room.
Administration:
Medical records office.
Information.
Chief psychiatrist's office and conference room.
Secretaries' offices.
Clinical psychologist's office.
Chief of nursing service and staff.
Chief of social service and offices.
Personnel toilets (male and female).
Staff facilities:
Doctors' toilet room.
Nurses lounge and toilet room.

Admission:
Ambulance entrance.
Patients' bath and toilet.
Utility room.
Examination and consultation rooms.
Adjunct diagnostic and treatment facilities:
Minor surgery.
Portable X-ray storage room.
Dark room.
Small laboratory.
Patients' toilet and shower.
Small treatment room (for shock therapy, etc.).

Patients' exercise room (directly accessible to outdoor exercise yard).
Occupational therapy:
Occupational therapy room (to be located near quiet patient units).
Storage closets.
Occupational therapists' office.
Barber shop.
Beauty shop.

Nursing units: The following classifications of nursing units of 15 to 25 beds will be required:
Quiet nursing units (male and female).
Depressed nursing units (male and female).
(Disturbed nursing units (male and female).

Suggested bed distribution of nursing units:

Each disturbed nursing unit:	Patients
Two 4-bed wards.....	8
Three 2-bed or 3-bed wards.....	6 or 9
Four or six 1-bed rooms.....	4 or 6
Two 1-bed rooms (isolation unit) ¹	2

Total	20 to 25
Each depressed nursing unit:	Patients
Two 4-bed wards.....	8
Two 3-bed alcoves.....	6
Four 1-bed rooms.....	4
(Isolation unit) ¹	2
Total	20

Quiet unit: Same bed distribution as disturbed nursing units.

Facilities in each nursing unit:
Doctors' consultation room (for each two units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Small dining room and pantry:
Essential for disturbed.
Convenient for depressed.
Unnecessary for quiet.
Patients' locker room.
Linen closet.
Patients' shower and bath room.
Patients' dressing room.
Patients' toilets.
Patients' wash room.
Continuous tub room (for disturbed units).
Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
Occupational therapy storage closet.
Janitors' closet.

¹ Desirable but not mandatory.

Dietary:

Patients' dining room cafeteria service: this dining room will be used by patients from convalescent houses as well as from Reception area (two seatings may be used).

Janitors' closet.
Coat room and toilets (male and female).¹
Kitchen (serving).
Dishwashing room (enclosed).
Employees' toilet.
Patients' toilet (male and female).
Refrigerated garbage storage.
Can washing room.

Convalescent. This area is considered a part of the reception area and will house new patients who have been sent from the reception building, and who are expected to recover within six months to a year. Most of these patients will have the same classification as those in the reception area. Small complete nursing units, separate for each sex, should be provided. Special treatment, such as mechanical fever, electric shock, special electro and hydro therapy, and insulin, etc., can be given in the reception building.

These patients will also use the dining room facilities of the reception area.

In general, while most of these patients are continuing to receive intensive treatment, they are well enough and manageable enough to go freely or be escorted to their activities.

The same security and safety measures are required as those for the reception area.

Location: Grouped by sexes on either side of and near reception area.

General:

Entrance lobby.
Visitors' room with alcoves.
Visitors' toilet (male and female).
Attendants' locker and toilet room.
Mechanical room.
Nursing units (to contain from 25 to 50 beds).

Suggested bed distribution of each nursing unit:

	Patients
One 8-bed ward.....	8
Four 4-bed wards.....	16
Eleven 1-bed wards.....	11
Total	35

Facilities in each nursing unit:

Doctors' consultation room (for each two units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (one for each two nursing units).
Patients' locker.
Patients' toilet room.
Patients' shower or bath room.
Day room (40 to 50 square feet per patient—preferably divided into one large and one small room).
Storage closet (occupational and recreational therapy equipment).
Linen closet.
Janitors' closet.
Patients' wash room.
One-third of the nursing units, for both men and women should have one continuous tub room.¹

Chronic disturbed. This area should be separate from the main group of mental hospital facilities and set apart from the Nursing Areas of other patient classifications because of possible noise or other disturbance. It will be used to treat restless, noisy, assaultive or suicidal patients and must be designed to provide the greatest security and observation. Since these patients are very active it is necessary to have an outdoor area or exercise yard, and due to the amount of equipment and care these patients require, and the resulting necessary space for treat-

ment, not less than two Nursing Units to a building are recommended.

Location: These buildings to be located away from the other Nursing buildings.

General:

Entrance lobby.
Visitors' room.
Visitors' toilets (male and female).
Beauty shop (female buildings).
Barber shop (male buildings).
Attendants' locker and toilet room.
Pantry (for two nursing units).
Mechanical room.
Enclosed exercise yard (100 square feet per patient).

Treatment facilities:

Hydrotherapist's office and toilet.
Continuous tub room.
Linen closet.
Patients' dressing room.
Janitors' closet.
Exercise room (near outdoor exercise yard).
Storage closet (for small gymnasium equipment).

Nursing units (to contain 20 to 30 beds):

Suggested bed distribution of each unit:

	Patients
One 8-bed ward.....	8
Two 4-bed wards.....	8
Ten 1-bed rooms.....	10
Total	26

Facilities in each nursing unit:

Doctors' office with toilet (for each two units).
Examination room.
Nurses' station.
Utility room.
Patients' locker room.
Patients' toilet room.
Patients' wash room.
Patients' shower and dressing room.
Day room (40 to 50 square feet per patient). Preferably divided into (1) small room & (1) large room.
Storage closet (recreational equipment).
Occupational therapy room (one for each two units).
Linen closet.
Janitors' closet.

Dietary:

Dining room—cafeteria service.
Serving kitchen.
Dishwashing room.
Employees' toilet.
Janitors' closet.

Infirm. This area will house patients who are in need of considerable medical care and who may be infirm. The very sick will be transferred to the medical and surgical building, but these patients will need constant and careful nursing. Minimum security and all safety measures will be required, and the nursing units should be complete with all facilities available and readily accessible to an out-door yard or area.

Location: Close to medical and surgical building.

General:

Entrance lobby.
Visitors' room.
Visitors' toilets (male & female).
Barber shop (male buildings).
Beauty shop (female buildings).
Attendants' locker and toilet room (male and female).
Mechanical room.
Enclosed yard (40 square feet per patient).¹
Nursing units (to contain 30 to 60 beds) suggested bed distribution for each unit:

	Patients
Two 10-bed wards.....	20
Four 4-bed wards.....	16
Four 1-bed rooms.....	4
Total	40

RULES AND REGULATIONS

Facilities in each nursing unit:

Doctors' office (for each 3 units).
 Examination room.
 Nurses' station.
 Utility room.
 Bed pan facilities.
 Pantry and dining room (one for each two units).
 Patients' locker room.
 Patients' wash room.
 Patients' toilet room.
 Patients' dressing room.
 Patients' shower or bath room.
 Day room (30 square feet per patient).
 Storage closet (for recreational and occupational therapy equipment).
 Linen closet.
 Wheel chair and stretcher closet.
 Janitors' closet.

Dietary:
 Serving kitchen.
 Dishwashing room.
 Employees' toilet.
 Janitors' closet.

Inactive. This area will house patients who are lethargic. They need a considerable amount of attention, most of which will be furnished by the physical therapist and occupational therapist. They will be urged into activities furnished in the occupational and recreational therapy buildings, but some of the lighter occupational and physical therapy should be provided in this area. All security and safety measures will be required.

Location: In main group of nursing buildings and near gymnasium and recreation buildings.

General:

Entrance lobby.
 Visitors' room.
 Visitors' toilets (male and female).
 Occupational therapy room (one to each two nursing units).
 Attendants' locker and toilet room.
 Mechanical room.
 Enclosed yard (100' square feet per patient).¹

Nursing units (to contain 30 to 50 beds) suggested bed distribution (of each unit):

	Patients
Three 10-bed wards.....	30
Two 4-bed wards.....	8
Four 1-bed rooms.....	4
Total	42

Facilities in each nursing unit:

Doctors' office (for each 3 units).
 Examination room.
 Nurses' station.
 Utility room.
 Bedpan facilities.
 Pantry (for each 2 units).
 Patients' locker room.
 Patients' wash room.
 Patients' toilet room.
 Patients' shower or bath room.
 Patients' dressing room.
 Day room (40 to 50 square feet per patient and preferably divided into one small and one large room).
 Storage closet (for recreational and occupational therapy equipment).
 Linen closet.
 Janitors' closet.

Dietary:

Dining room.
 Serving kitchen.
 Dishwashing room.
 Employees' toilet.
 Janitors' closet.

Industrial. This area will house patients who are well enough to be occupied on the grounds, farm, industrial buildings, shops, kitchens, laundry, etc. Less supervision and

care is necessary than in the other groups, and these patients can go to the out-patient department of the medical and surgical building for examination and treatment.

Location: In main group of nursing buildings near service buildings.

General:

Entrance lobby.
 Visitors' room.
 Visitors' toilets (male and female).
 Attendants' locker and toilet room.
 Mechanical room.

Nursing units (to contain 40 to 60 beds) suggested bed distribution:

	Patients
Two 16-bed wards.....	32
Two 8-bed wards.....	16
Four 1-bed rooms.....	4
Total	52

Facilities in each nursing unit:

Doctors' office and examination room—one for each 3 units.
 Nurses' station.
 Patients' toilet.
 Patients' dressing room.
 Patients' shower room.
 Patients' locker room.
 Patients' wash room.
 Day room (40 to 50 square feet per patient) preferably divided into one small and one large room.
 Storage closet (for recreation equipment).
 Linen closet.
 Janitors' closet.

Medical and surgical. This area will house patients who have been hospitalized from Nursing Units of other classifications for short periods of illnesses, and should be housed in a modern general hospital complete with all facilities to serve the entire mental hospital community. Nursing Units should be arranged for easy segregation of patients and the Adjunct Diagnostic and Treatment facilities are recommended to be on the first or ground floor for easy access to the out-patient department. All security and safety measures should be incorporated in this building. The number of beds shall be approximately 4 percent of the total patients which this buildings serves.

Location: Between main group of nursing area and reception area.

General:

Entrance lobby.
 Information counter.
 Visitors' toilets (male and female).
 Mechanical room.

Administration:

Chief physician's office.
 Medical record room.
 Head nurse's office.
 Secretaries' offices.
 Personnel toilets (male and female).

Staff facilities:

Doctors' locker and shower rooms.
 Nurses' locker and shower room.

Adjunct diagnostic and treatment facilities:

Laboratory: Separate spaces for office, clinical, pathology, bacteriology and serology, washing, and sterilizing.
 Basal metabolism and electrocardiography: Near laboratory and convenient to out-patient department.
 Morgue and autopsy room: ¹ Combination morgue and autopsy with mortuary refrigerator.

Radiology:

Radiographic room with an adjoining dark room and office.
 X-ray therapy suite.¹

Physical therapy: Suite for electro-therapy, stimulative hydro-therapy, and exercise room with adjoining office.

Pharmacy: Drug room with minimum facilities for mixing. (May be in service area).

Nursing units (to contain from 15 to 30 beds) suggested bed distributions:
 Medical wards (25 beds each):

	Patients
Two 4-bed wards.....	8
Three 2-bed rooms.....	6
Nine 1-bed rooms.....	9
Isolation suite ¹	2
Total	25

Surgical wards (25 beds each) same as medical wards.

Employees' wards: ¹ Maximum size, 25 to 30 beds.

NOTE: Where isolation suite or contagious disease nursing unit is available the small units in each nursing unit are not required.

Facilities in each nursing unit:

Doctors' examination room (one for each two nursing units).
 Nurses' station.
 Utility room.
 Bed pan facilities.
 Pantry (one for each two nursing units).
 Patients' bath and shower room.
 Supply closet.
 Patients' toilet room (male and female).
 Day room (approximately 25 square feet per patient). Omit for employees' wards.
 Storage closet (recreational and occupational therapy equipment).
 Stretcher and wheel chair closet.
 Linen closet.
 Janitors' closet.

Surgical department: Should be located to prevent traffic through it to any other part of hospital.

Operating rooms:

Major: One for each 50 beds up to and including 200 beds. Above 200 beds the number of operating rooms will be based on the expected average of daily operations.

Minor: One in each hospital over 50 beds.
Cystoscopy: ¹ One in each hospital over 100 beds. Shall have an adjoining toilet room.

Fracture room: One in each hospital over 100 beds. Shall have an adjoining splint room.

Auxiliary rooms:

Substerilizing room: One between each two operating rooms in hospitals of 50 beds and over.

Scrub-up room: One between each two operating rooms.

Nurses' locker room with toilet and shower. Instrument room beginning at 100 beds.

Clean-up room.

Anesthesia equipment storage.

Surgical supervisor station.

Doctors' locker room with toilet and shower. Storage closet.

Stretcher closet.

Storage room for sterile supplies beginning at 100 beds.

Janitors' closet.

Dark room beginning at 100 beds.

Central sterilizing and supply room:

Divided into work space, sterilizing space and sterile storage space.

Adjacent room for storage of unsterile supplies.

Emergency department:

Ambulance entrance.
 Receiving bath and toilet.
 Utility room.

Supply and stretcher storage.

Emergency operating room, near out-patient department.

Service department:

Kitchen (serving).
 Dishwashing room.
 Refrigerated garbage room.
 Can washing room.

Dining rooms (for 1/3 of patients).

Storage.

General storage (20 square feet per bed).

Housekeepers' office.

¹ Desirable but not mandatory.

Linen storage room.
Sewing room.
Linen sorting room.
Personnel facilities.
Locker and toilet room (male and female).
Attendants' locker and toilet room (male and female).
Out-patient department:
Waiting room.
Examination and treatment room (including eye, ear, nose and throat rooms and gynecology room).¹
Record room.
Dental suite (2 chairs).
Electroencephalographic unit.

NOTE: Out-patient department should be convenient to radiology, laboratory, therapy, emergency, etc.

Chronic disease. This area will house patients who have chronic illness, or who are in need of intensive treatment and nursing care or those who, because of infectious diseases, need to be isolated.

Nursing Units of this classification should be attached to the Medical and Surgical building for easy access to the Diagnostic and Treatment facilities.

Not all of these Nursing Units need have maximum safety and security measures.

The number of beds shall be approximately 2 percent of the total number of patients which these buildings serve.

Location: Attached to medical and surgical building.

General: Corridors to service department and adjunct facilities.

Nursing units (to contain from 15 to 30 beds) suggested bed distribution (of each nursing unit)

	Patients
Two 4-bed wards.....	8
Three 2-bed wards.....	6
Eight 1-bed rooms.....	8
Total	22

Facilities in each nursing unit:

Doctors' office (for each 2 units).
Examination room.
Nurses' station.
Utility room.
Bed pan facilities.
Pantry (for each 2 nursing units).
Dining room (for 1/2 of patients in nursing unit).
Patients' locker room.
Patients' wash room.
Patients' toilet.
Patients' dressing room.
Patients' shower or bath room.
Day room (30 square feet per patient).
Closet (recreational and occupational therapy equipment).
Stretcher and wheel chair closet.
Linen closet.
Janitors' closet.

Tuberculosis. For patients of this classification, it is recommended to use the requirements of the tuberculosis hospital. In addition, patients will be grouped according to behavior as Quiet or Disturbed. Security and safety measures comparable to those of the Reception Area are required.

The number of beds shall be determined as approximately 5 percent of the total patients which this building serves.

Gymnasium, Theater, Recreation, Library and Chapel

(Combination or separate buildings acceptable)

Location: Adjacent to main group of nursing and reception areas.

General:

Entrance lobby.
Coat rooms and toilets (male and female).
Personnel toilets (male and female).
Mechanical room.

Theater facilities:

Office.
Hall (seating capacity based on 7 square feet per person with 40 percent attendance of patients and personnel).
Projection booth.
Stage.
Dressing rooms with toilets (two for each sex).
Work shop.

Chapel facilities:

Three offices for ecclesiastics.
Toilets.
Three small prayer rooms.
Portable altars (where chapel is not separate).
Storage rooms.

Gymnasium facilities:

Recreational therapists' office.
Personnel locker and toilet room (male and female).
Patients locker and toilet rooms (male and female).
Basketball court (standard college size plus space for collapsible seating).
Small gymnasium (for exercise equipment).
Storage rooms.

Recreation facilities:

Chief recreational therapist's office.
Bowling alleys (with space for spectators).
Billiard room.
Ping pong room.
Patients' barber shop.
Patients' beauty shop.
Canteen (for light lunch, drinks, etc.).
Office and table areas.
Cooking and fountain areas.
Dishwashing and sterilizing.
Storage.
Garbage refrigeration.
Can washing.
Sales rooms.
Storage room.

Library:

Librarians' office.
Reading room (current and request matter).
Stock room.
Work room and storage space.

Music rooms:

Music therapists' office.
Music room (approximately 500 square feet with portable stage).
Store rooms.
Music rooms (approximately 250 square feet).

Occupational Therapy

Location: Adjacent to main group of nursing areas and reception area.

General:

Entrance lobby.
Patient coat room and toilets (male and female).
Personnel coat room and toilets (male and female).
Mechanical room.

Administration: Office for occupational therapist.

Facilities:

Open floor space (for occupational equipment).
One or more special purpose rooms.
Storage rooms (for materials and equipment).
Industrial therapy occupations should be located near the service group of buildings.

Central Kitchen and Dining Rooms

Location: In main group of Nursing buildings.

General: load on dining rooms, kitchens and preparation will vary; see requirements of each.

Men patients' coat room and toilet.¹
Women's patients' coat room and toilet.¹
Men attendants' coat room and toilet.
Women attendants' coat room and toilet.
Dining rooms: patients' and personnel (capacity 15 square feet per person).

Kitchen:

Dietitians' office and toilet.
Diet kitchen.
Complete cooking and baking facilities.
Dishwashing room.
Preparation (meat and vegetables).
Refrigerated storage.
Day storage.
Garbage refrigeration and can washing room.
Janitors' closet.
Personnel lockers and toilets.

Storage Buildings

Location: In service groups of buildings.
General: Area (20 square feet per patient).

Laundry

Adequate to process seven full days of laundry per work week.

Location: In service group of buildings.

Facilities:

Manager's office and toilet.
Receiving room.
Sorting area.
Contaminated receiving room.
Sterilizing room.
Clean linen storage.
Sewing room.
Personnel locker and toilet room.

Heating plant

Location: In service group of buildings.

General:

Heating plant (to be determined by engineering studies).
Emergency generating facility.
Office.
Personnel toilets.
General repair shop.
Carpenter shop.
Electrical shop.
Plumbing shop.
Paint shop.

Incinerator

Location: Removed from building areas.

General: For trash, kitchen refuse, etc. (size to be determined by engineering study).

(B-4). **Psychiatric hospital—General.** The principles of psychiatric safety shall be followed throughout. Materials and details of construction shall be such that patients will not be afforded opportunity for escape, suicide, etc. Care must be taken to avoid sharp projections of corners of structure, exposed piping, heating elements, fixtures, hardware, etc.

For requirements of sizes of doors, widths of corridors, sizes of elevators, provisions for ventilation, fire protection, etc., see section on Details, Finishes, etc.

Administration Department

Up to and including 100 beds:

Business office with information counter.
Chief psychiatrist's office.
Chief psychologist's office (if there is no out-patient department).
Record office.
Director of nurses' office.¹
Social service offices (if there is no out-patient department to be near receiving).
Staff lounge.
Lobby.
Public toilets.

From 100 to 500 beds:

Business office.
Chief psychiatrist's office.
Chief psychologist's office (if there is no out-patient department).
Social service offices (if there is no out-patient department).
Director of nursing.
Record room.
Staff lounge.
Library and conference room.
Lobby.
Public toilets.
Toilets for administrative personnel.

¹ Desirable but not mandatory.

Receiving Department

Facilities for male and female receiving:

Entrance hall.
Dressing room.
Bath and toilet room.
Medical examination room.
Waiting room.
Stretcher closet.
Clerks' offices.
Doctors' office.

Adjunct Diagnostic and Treatment Facilities

Laboratory:

Up to and including 100 beds:

Office.
Laboratory.

Over 100 beds: Separate spaces for office, clinical pathology, bacteriology, washing and sterilizing.

Basal metabolism and electrocardiography:
Up to and including 100 beds: No special provision necessary.

Over 100 beds: Room near laboratory and convenient to out-patient department.
Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator. (Is not required in hospital of less than 100 beds if similar facilities are available nearby.)

Two chair dental suite.

Eye, ear, nose and throat suite.

Electro-encephalographic suite.

Radiology:

Up to and including 100 beds: One radiographic room and dark room and convenient to out-patient department.

Over 100 beds: At least one additional radiographic room.

Physical therapy:

Electro-therapy.
Hydro-therapy with exercise space.
Continuous tub and pack room.
Small gymnasium, convenient to outdoor area, and to disturbed patients.

Pharmacy: One room with minimum facilities for compounding.

Occupational therapy:

Space for small woodworking tools and benches for carpentry, metal work, leatherwork, printing, weaving, rug making, etc.

Office.

Storage room.

Surgical Department

Operating rooms.

Major: One.

Minor: One, with adjoining splint room.

Auxiliary rooms:

Sub-sterilizing room (one between two operating rooms).

Scrub-up room (one between two operating rooms).

Clean-up room.

Anesthesia room.¹

Anesthesia storage.

Doctors' locker room with toilet.

Nurses' locker room with toilet.

Storage closet.

Stretcher closet.

Janitors' closet.

Storage room for sterile supplies and instruments.

Surgical department to be located to prevent traffic through it from other parts of the hospital.

Central sterilizing and supply room—divided into work space, sterilizing space, and sterile storage—adjacent room for storage of unsterile supplies.

Nursing Department

General: The layout and the design of details to be such that the patient will be under close observation and will not be afforded opportunity for escape, suicide, hiding, etc. Provision shall be made for the following classifications:

New admissions (male).

New admissions (female).

¹ Desirable but not mandatory.

Quiet ambulant (male).
Quiet ambulant (female).
Medical and surgical.
Disturbed (male).
Disturbed (female).
Alcoholic (male).
Alcoholic (female).
Criminalistic (male).
Criminalistic (female).
Children.

Minimum room areas:

80 square feet per bed in four-bed rooms.

125 square feet in single rooms.

40 to 50 square feet per patient in day rooms and preferably divided into one large and one small room.

Facilities for each nursing unit:

Doctors' office and examination room.

Nurses' station and toilet.

Day rooms.

Utility room.

Pantry.

Dining room.

Wash room and toilets.

Patients' locker.

Shower and bath room.

Storage closet (for recreational and occupational therapy).

Supply closet.

Linen closet.

Janitors' closet.

Stretcher closet.²

Bed pan facilities.³

Isolation suite: In medical and surgical unit.

Service Department

Dietary facilities:

Main kitchen and bakery.

Special diet kitchen.

Dietitians' office.

Dishwashing room.

Adequate refrigerators.

Garbage refrigerator.

Can washing room.

Day storage room.

Staff dining room (12 square feet per person).

Housekeeping facilities:

Laundry (if provided): Capacity shall be adequate to process full 7 days laundry in work week.

Sorting area.

Processing room.

Clean linen and sewing room separate from laundry.

Housekeeper's office: Near linen storage.

Mechanical facilities:

Boiler room and pump room (if provided).

Engineers' office.

Shower and locker room.

Maintenance shops—carpentry, painting, mechanical repair rooms.

Employees' facilities:

Nurses' locker rooms. If no nurses home:

Locker room.

Rest room.

Toilet and shower room.

Attendants' locker rooms. If no attendants home (male and female):

Locker room.

Toilet and shower rooms.

Other female help lockers:

Locker room.

Rest room.

Toilet and shower room.

Other male help lockers:

Locker room.

Toilet and shower room.

Storage:

Record space.

General storage: 20 square feet per bed and to be concentrated in one area.

Out-Patient Department (if provided)

General:

Located on the ground floor with entrance separate from main entrance of hospital.

It must be convenient to radiology, laboratory and physical therapy.

² Medical and surgical unit.

The patient load must be estimated in order to determine the number of consultation and examining rooms.

Facilities required:

Administrative:

Waiting room with public toilets.
Cashiers' and appointment office.
Social service offices.
Psychological examination rooms.
Medical examination rooms.
Utility rooms.
Children's rooms.

(B-5). Chronic Disease Hospital—Intensive Nursing Section.

Administration (for infirmary and home):

Business office with information counter, telephone switchboard, and cashiers' window.

Administrator's office.

Medical director's office.

Medical record room.

Medical social service office.

Combination conference room and doctors' lounge.

Lobby and waiting room.

Public toilets.

Personnel toilets.

Adjunct Diagnostic and Treatment Facilities

Laboratory:

Two rooms for analyses.

Sterilizing and glasswashing room.

Pathologist's office.

Basal metabolism and electrocardiography:

One room convenient to Out-Patient Department and laboratory.

Morgue and autopsy: Combination morgue and autopsy with mortuary refrigerator.

Radiology:

Each hospital to have at least one radiographic room with toilet, adjoining dark room and film filing space.

The radiology department must be convenient to in- and out-patients and shall have lead protection as required.

Physical therapy: Space should be provided for electrotherapy, massage, hydrotherapy, and exercise.

Pharmacy: Drug room with minimum facilities for compounding. Complete pharmacy may include space for manufacturing and solution preparation depending on policy of hospital. Must be convenient to Out-Patient Department.

Service rooms required:

Patients' waiting room.

Toilets.

Nurses' office.

Eye, ear, nose and throat room.

2 chair dental unit.

Utility room.

Doctors' office.

Treatment room also used as emergency operating room.

Record room.

Nurses' and staff locker space.

Examination cubicles.

Out-patient department:¹

If out-patient department is added, in addition to above named service rooms the following space will be required:

Out-patient waiting room with toilets.

Admission office.

Medical social service office.

Information and cashier space.

Out-patient department should be located on the most easily accessible floor with an entrance separate from the main entrance to the hospital. It must be convenient to radiology, pharmacy, laboratory, and physical therapy.

The size will vary in different locations and is not necessarily proportional to the size of the hospital. The patient load must be estimated to determine the number of rooms required.

Nursing Department

General: No room shall have more than 6 beds and not more than 3 beds deep from outside wall. Each room shall have a lavatory. Each nursing unit shall have a quiet room.

Size of nursing unit: 40 to 50 beds.

Minimum room areas:

125 square feet in single rooms.

96 square feet per person in larger rooms.

Service rooms in each nursing unit:

Nurses' station.

Utility room.

Floor pantry.

Toilet room for each sex.

Bed pan facilities.

Day room.

Wheel chair parking area.

Treatment room, one for each 2 nursing units a floor.

One bath room.

Stretcher alcove.

Linen closet.

Supply closet.

Janitors' closet.

Solarium: One for each nursing floor.

Nurses' toilet: One for each nursing floor.

Service Department

Dietary facilities:

Main kitchen and bakery.

Special diet kitchen.

Dietitians' office.

Dishwashing room (enclosed).

Adequate refrigeration.

Garbage refrigerator.

Can washing facilities.

Day storage room.

Personnel dining space: Provide 12 square feet per person. May be designed for 2 sittings, cafeteria, or table service optional.

Housekeeping facilities:

Laundry:

Sorting area.

Processing area.

Clean linen and sewing room separate from laundry.

Provision of laundry facilities in hospital will depend upon hospital policy and availability of commercial laundry.

If laundry is provided, capacities shall be adequate to process full 7 days' laundry in work week.

Housekeeper's office: Located adjacent to laundry, or if no laundry is provided near central linen supply.

Mechanical facilities:

Boiler and pump room.

Engineers' office.

Maintenance shops.

Shower and locker facilities.

In hospitals up to and including 100 beds at least one room shall be provided. In larger hospitals separation of carpentry, painting and plumbing should be provided.

For minimum requirements for mechanical and electrical work see the respective sections.

Employees' facilities:

Nurses' locker room without Nurses' home: Locker room with locker for each 4 hospital beds.

Rest room.

Toilet and shower room.

Female help lockers:

Locker room.

Rest room.

Toilet and shower room.

Male help lockers:

Locker room.

Toilet and shower room.

Ratio of male and female help will vary and size of locker rooms must be adjusted accordingly.

Storage:

Inactive record storage.

Patients' clothes storage room.

General storage: 20 square feet per bed and to be concentrated in one area.

Ambulant Patient Section

General: Centrally located facilities connected to Intensive Nursing Section, capable of operating jointly, or each of them, detached, providing the best possible flexibility and future extension.

Dining hall: Provide minimum of 16 square feet per person. May be designed for two sittings. Table service, with food prepared in main kitchen of intensive nursing section.

Canteen.

Auditorium:

Seating capacity capable of seating entire ambulant population of institution.

Ample space for wheel chairs.

Arrangement for religious services.

Wash rooms and toilets.

Projection facilities.

Beauty parlor and barber shop.

Occupational therapy:

Office space for the occupational therapist.

One exhibition space.

Space 50-60 feet long divided for diversified occupational therapy work.

Recreational therapy:

Office space for the recreational therapist.

Class room or rooms.

Social room or rooms to be at the disposal and use of patients.

Patients' library facilities.

Bedroom unit:

Room:

Size 300 square feet (for 2 patients).

Closet for each person.

Lavatory in each room.

Common facilities:

Toilet and washroom:

Water closets—1 to each 5 patients.

Lavatories—1 to each 5 patients.

Dental Basins—1 to each 8 patients.

Bath tub or shower—1 to each 8 patients.

Janitors' closet each unit.

Linen closet each unit.

Supervisors' room each unit.

Living room and visitors' lounge.

Solarium.

Telephone booths.

Nurses' call system.

General facilities:

Employees' toilet and locker room.

Storage—reserve equipment.

Storage for patients' personal belongings.

(B-6). Nurses' home.

Rooms:

One nurse per room:¹

120 square feet in single rooms.

150 square feet in double rooms.

Lavatory in each room.

Closet for each nurse.

Common floor facilities:

Lounge with kitchenette to serve approximately each 30 students.

Laundry room with two trays and two ironing boards to serve approximately each 30 students.

Bath room: One shower or tub for each 6 beds.

Toilet room: One water closet for each 6 beds and one lavatory for each 12 beds.

Linen closet.

Janitors' closet.

Telephone facilities.²

General facilities:

Lobby.

Office.

Main lounge with alcoves.

Men's toilet (off lobby).

Storage room for trunks.

General storage room.

Laundry distribution room.

Employees' toilet room.

Boiler room (if facilities not available elsewhere).

(B-7). School of Nursing.

Teaching facilities:

One science laboratory room.

One dietetics laboratory room.

One nursing arts laboratory with adequate facilities (laboratories to provide facilities for not more than 20 and not less than 12 students).

One classroom to accommodate approximately twice the number of students as a laboratory.

One lecture room to accommodate total student body.

One library.

Offices: Offices for instructors.

General:

Storage room convenient to classrooms.

Toilet room.

Janitors' closet.

(B-8). Public Health Centers.

Administration:

Where health department administration personnel has no offices in health center:

Waiting room.

Public toilets.

Office for public health nurses.

Staff toilets.

Assembly space: Waiting room may be used for this purpose where health centers serve under 30,000 population.

Where health department administration offices are provided in health centers add:

Health officer's office.

Office for sanitary engineers.

Health education office.

Staff room and library: In health center for over 30,000 population.

Clinical: The clinical services, and extent of such services, provided in the health center will depend on the program contemplated by the health department to take care adequately of the particular needs of the population served by the health center.

For populations up to 30,000:

Two examination rooms for maternal and child health, V. D. and TB clinics.

Consultation room.

Utility room.

Dental room.

For population over 30,000, if the following services are provided, they shall include areas noted as follows:

Maternal and child health:

Demonstration room.

Examining room.

Toilet.

Tuberculosis and X-ray:

X-ray room with dressing booths.

Dark room.

Consultation and viewing room.

Veneral disease:

Examination room.

Treatment room.

Consultation room.

Toilet.

Dental:

2 Dental chairs.

Small dental laboratory.

Pharmacy: Dispensing room.

Laboratory:

The volume and type of laboratory tests in the health center will vary with local conditions and will determine the size of the laboratory. Such factors as density of population, area to be served, type of center (municipal, county, or rural), its use as a branch of the State Laboratory and availability of other laboratory facilities must be considered. One room is required for urinalysis, hematology, and dark field examinations for syphilis and storage of biologicals furnished by the State Health Department.

¹ Desirable but not mandatory.

Where food control, sanitation and communicable disease work is contemplated another room shall be furnished for this purpose.

Service:

General storage areas:
Bulk office and janitors' supplies.
Bulk clinical supplies.
Educational material.
Storage closets:
Office supplies.
Medical supplies.
Educational material.
Janitors' closet: Centrally located.
Heating plant.

(B-9). State Public Health Laboratory.

Administration department:

Director's office.
Secretary's office.
Assistant Director's office.
Information desk and switchboard.
Clerical office.
Office supply room.
Library.
Staff meeting room.
Records and filing room.
Mailing and receiving room for incoming specimens, distribution of containers and of biologicals.
Specimen and emergency treatment room.

Bacteriology department:

Office.
Water, food and milk laboratory.
Enteric disease and agglutination laboratory.
Tuberculosis laboratory.
Diagnostic laboratory.
Incubator room.
Sterile room.
Rabies room.
Adequate refrigeration.

Syphilis serology department:

Office.
Laboratory: Section of room separated by partitions for centrifuges and preparation of specimens.

Chemistry department:

Office.
Laboratory: Facilities for water, food, drug, toxicology, and/or industrial hygiene analyses.

Research and Investigation:

Laboratory: Complete laboratory facilities within unit.

Biologicals department:

Adequate refrigeration.
Deep freeze unit.
Room temperature storage.

Central services:

Culture media and reagent preparation room.
Glassware cleaning room: Separate sterilizing facilities for contaminated materials.
Acid cleaning unit.
Sterilizing room for culture media and clean glassware only.
Supply room for storage and issue of sterile supplies, general supplies, chemicals, and glassware. Adjacent to sterilizing and glassware cleaning room.
Bulk storage room.
Janitor service room.
Maintenance and utilities unit: Provisions for metal and woodwork, and glassblowing.
Incinerator (animal).
Animal quarters:
Animal rooms.
Room for cleaning and sterilizing cages.
Preparation room for food and bedding.
Operating and animal inoculation room.
Facilities for personnel:
Men's locker room with washroom and shower.
Women's locker room with washroom and shower.
Rest room.
Lunch room.
Staff toilets.

State public health laboratory. If the following activities are included, minimum requirements will be as follows:

Consultation and evaluation service to local laboratories:

Office.
Laboratory.
Manufacture of biologicals:
Office.
Laboratory: Cubicles for isolation work.
Culture media room.
Sterile room.
Sterilizing room.
Glasswashing room.
Adequate refrigeration.
Deep freeze unit.
Storage room, controlled temperature.
Packaging room.

Blood and blood products:

Laboratory: Space and equipment for processing.
Sterile room.
Office (may be shared with biologicals department).
Adequate refrigeration (may be shared with biologicals department).
Storage room (may be shared with biologicals department).

Pathology department: Laboratory.

Clinical laboratory department: Laboratory.
Virology department: This department shall be efficiently isolated from other laboratories including a separate mechanical ventilating system:

Office.
Laboratory: Cubicles for isolation work.
Sterile room.
Sterilizing room.
Inoculation and operating room.

Animal quarters:

Facilities for storage of food and bedding.
Cleaning and sterilizing of cages.
Locker room with washroom and shower.

(B-10). Details, finishes, etc. The following general requirements and finishes apply to all hospitals. Conditions in special hospitals, not covered in the general requirements, are specifically noted.

General Requirements for Hospitals

Door widths:

3 feet 10 inches at all: Bed rooms.

Treatment rooms.

Operating rooms.

X-ray therapy rooms.

Delivery rooms.

Solariums.

X-ray rooms.

Physical therapy rooms.

Labor rooms.

5 feet at all: Fracture rooms.

No doors shall swing into the corridor except closet doors.⁴

Corridor widths: 7 feet, 6 inches, (8 feet preferred). A greater width shall be provided at elevator entrances.

Stair widths: Clear width between rails—3 feet, 8 inches.

Elevators: Platform size—5 feet 4 inches x 8 feet. Door opening—3 feet 10 inches. See also mechanical section.

Laundry chutes: Use optional. Where used 2' 0" minimum diameter.

Incinerators: Use optional. See also mechanical section.

Nurses' call system:⁴ Call station between each two beds in two-bed rooms and four-bed rooms and one in each one-bed room:

Corridor dome light over each nursing room.

Dome light and buzzer at nurses' station, utility room and floor pantry.

Fire protection: Exits, exit lights, fire towers, construction equipment, etc., shall conform to local and State Codes and the National Board of Fire Underwriters.

⁴Does not apply to: mental hospitals, psychiatric hospitals or mental units in general hospitals.

form to local and State Codes and the National Board of Fire Underwriters.
Mechanical ventilation: See mechanical section for details.

Chronic Disease Hospitals

Space allowances should be more generous than in other types of hospitals to allow for wheelchair traffic in such areas as dining rooms, recreation rooms, porches and toilets.

Corridors shall be 10 feet wide with handrails on both sides.

Allow wheelchair storage area in infirmaries at the rate of one wheelchair for each two patients.

Water closet enclosures to have handrails on both sides.

Urinals to have vertical bars on each side.

Lavatories to be supported on brackets to allow wheelchairs to slide under.

Raised thresholds at doorways shall be omitted.

Mental Hospitals, Psychiatric Hospitals and Mental Units in General Hospitals

The principles of psychiatric security and safety shall be followed throughout. Materials and details of construction shall be such that patients will not be tempted to escape, suicide, hiding, etc. Care must be taken to avoid projecting sharp corners, exposed piping, heating elements, fixtures, hardware, etc.

Public Health Centers

Width of corridors shall be not less than 5' 0". Greater width preferred.

Windows of examination and treatment rooms shall be glazed with obscure glass to insure privacy.

State Public Health Laboratories

Provide separate airconditioning or ventilation system for bacteriological and virus laboratories with ample supply and exhaust to function properly with closed windows.

Emergency showers shall be provided in chemical laboratories.

Each chemical laboratory room shall have a minimum of two exits.

All windows must be screened.

(B-11). Finishes.

Floors:

The floors of the following areas shall have smooth, waterproof, surfaces which are wear-resistant:

Toilets.
Baths.
Bedpan rooms.
Floor pantries.
Utility rooms.
Treatment rooms.
Sterilizing rooms.
Janitors' closets.

The floors of the following areas shall be smooth, easily cleaned and acid resistant:

Pharmacies.
Laboratories.

The floors of the following areas shall be waterproof, greaseproof, smooth and resistant to heavy wear:

Kitchens.
Butcher shops.
Food preparation.
Formula rooms.

The floors of the following areas shall have conductive flooring as approved by the National Board of Fire Underwriters:

Operating rooms.
Delivery rooms.
Anesthesia rooms.
Adjoining spaces.

The floors in the following areas shall have a smooth resilient surface which is easily cleaned: Patient rooms.

Walls:

The walls of the following areas shall have a smooth surface with painted or equal washable finish in light color. They shall be without cracks and, in conjunction with floors, shall be waterproof and free from cracks and spaces which may harbour ants and roaches: All rooms where food and drink are prepared, served or stored.

The walls of the following areas shall have waterproof painted, glazed or similar finishes to a point above the splash or spray line:

Kitchens.
Sculleries.
Utility rooms.
Baths.
Showers.
Dishwashing rooms.
Janitors' closets.
Sterilizing rooms.
Spaces with sinks.

The walls of the following areas shall have waterproof glazed, painted or similar surface which will withstand washing to a distance of not less than 5' 0":

Operating rooms.
Delivery rooms.

Ceilings:

The ceilings of the following areas shall be painted with waterproof paint:

Operating rooms.
Delivery rooms.
All sculleries, kitchens and other rooms where food and drink are prepared.

The ceilings of the following areas shall be acoustically treated:

Corridors in patient areas.
Nurses' stations.
Labor rooms.
Utility rooms.
Floor pantries.

State Public Health Laboratory

Floors:

Resilient, smooth and stain resistant: All laboratories other than chemistry laboratories.

Resilient, smooth and acid resistant: Chemistry laboratories.

Smooth, waterproof, grease-proof, easily cleaned, non-slip, resistant to heavy traffic:

Culture media rooms.
Glasswashing rooms.
Sterilization rooms.
Acid cleaning rooms.
Animal rooms.

Walls:

Waterproof, painted, glazed or similar finishes to a point above the splash or spray line. They shall be without cracks, and in conjunction with floors, shall be waterproof and free of cracks and spaces which may harbor ants and roaches:

Laboratories.
Incubator rooms.
Sterilizing rooms.
Culture media rooms.
Glasswashing rooms.
Acid cleaning rooms.
Inoculation and operating rooms.
Animal rooms.

Same as above, but finish to reach to ceiling: Sterile rooms.

Ceilings: Waterproof painted: Sterile rooms. Shelves and cabinets: Shelves and cabinets which are used for the storage of food, dishes, and cooking utensils shall be so constructed and mounted that there shall be no openings or spaces which cannot be cleaned and which might harbor vermin or insects. Cabinets which are used for the storage of open food containers and dishes shall be dust tight.

III-C. Structural—A. Codes. All construction shall be in accordance with the applicable local and State building codes

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and regulations. In areas which are not subject to local or State building codes, the recommendations of the following nationally recognized technical and engineering authorities shall be adopted insofar as such recommendations are not in conflict with the minimum general standards as set forth herein.

1. *American Concrete Institute.* (a) For good engineering practice in the design, erection, allowable working stresses, and for the mixing and placing of concrete on structures built of reinforced concrete.

(b) For standard specifications for cast stone.

2. *American Standards Association.* (a) For standard practice in masonry construction.

(b) For the design and erection of structural steel for buildings (the American Institute of Steel Construction Code).

(c) For good practice in gypsum plastering, including requirements for lathing and furring.

(d) For good practice in the design and erection of reinforced gypsum concrete.

(e) For safe practice in the design and construction of elevators and dumbwaiters.

3. *American Society of Testing Materials.* (a) For the specifications on, and the methods of testing, for metals and the materials of masonry construction.

(b) For the methods of standard fire tests of building construction and materials and for the methods of fire tests of door assemblies.

4. *National Lumber Manufacturers' Association.* (a) For good practice in the use of wood in types of construction of which it is a part, and for the working stresses of stress-grade lumber and its fastenings.

5. *National Board of Fire Underwriters.* (a) For estimated and tested fire-resistance ratings of materials and constructions.

(b) For safe practice in the design and construction of chimneys and metal smoke stacks.

6. *National Bureau of Standards.* (a) Publication BMS 92 and other data for tested fire-resistive ratings of materials and constructions.

B. Design data—General. The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.

Special. Special provisions shall be made for machines or apparatus loads which would cause a greater load than the specified minimum live load.

Consideration shall be given to structural members and connections of structures which may be subject to hurricanes or tornadoes. Floor areas where partition locations are subject to change shall be designed to support, in addition to all other loads, a uniformly distributed load of 25 p. s. f.

Live loads. The following unit live loads shall be taken as the minimum distributed live loads for the occupancies listed:

Hospital wards and bedrooms, 40 p. s. f.
Corridors above second floor, solariums and miscellaneous service rooms, 60 p. s. f.
Offices, treatment rooms, operating rooms, conference rooms, toilet and locker rooms, laboratories, kitchens, 80 p. s. f.

Corridors on first and second floors, library, assembly, lounges and recreation, waiting room, dining, laundry, 100 p. s. f.

Records File room, storage, supply, 125 p. s. f.

Mechanical equipment room, 150 p. s. f.

Roofs (except use increased value where snow and ice may occur), 20 p. s. f.

Wind (as required by local conditions, but) not less than 15 p. s. f.

Earthquake—for structures located within an area subject to earthquake shocks, refer

to "Uniform Building Code" of the Pacific Coast Building Officials Conference.

C. Construction. Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Reasonable care shall be taken to establish proper soil-bearing values for the soil at the building site. If the bearing capacity of a soil is not definitely known or is in question, a recognized load test may be used to determine the safe bearing value.

One-story buildings shall be constructed of not less than one-hour fire-resistive construction throughout except that boiler rooms, heating rooms, and combustible storage rooms shall be of three-hour fire-resistive construction.

Buildings more than one story in height shall be constructed of incombustible materials, using a structural framework of reinforced concrete or structural steel except that masonry walls and piers may be utilized for buildings up to three stories in height not accounting for Penthouses. The various elements of such buildings shall meet the following fire-resistive requirements:

Walls:	Hours
Party and firewalls.....	4
Exterior bearing walls.....	3
Exterior panel and curtain walls.....	3
Inner court walls.....	3
Bearing partitions.....	3
Non-load bearing partitions.....	1
Enclosures for stairs, elevators and other vertical openings.....	2
Columns, girders, beams, trusses.....	3
Floor panels (including beams and joists in same).....	2
Roof panels (including beams and joists in same).....	2

Stairs and platforms shall be reinforced concrete or structural steel with hard incombustible materials for the finish of risers and treads.

Rooms housing furnaces, boilers, combustible storage or other facilities which may provide fire hazards shall be constructed of 3-hour fire-resistive construction.

III D. Mechanical—1. Heating; steam piping and ventilation—Codes. The heating system, steam piping, boilers and ventilation shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Board of Fire Underwriters and the minimum general standards as set forth herein. Where there is no local or State boiler code, the recommendations of the A. S. M. E. shall apply. Gas fired equipment shall comply with the regulations of the American Gas Association.

Boilers. Boilers shall have the necessary capacity when operating at normal rating to supply the heating system, hot water, and steam operated equipment, such as sterilizers, laundry and kitchen equipment. Spare boiler capacity shall also be provided in a separate unit to replace any boiler which might break down. Boilers which supply high pressure steam to sterilizers, kitchens, laundry, etc., shall meet the requirements of the city and State boiler codes for 125 pounds working pressure. Boilers for laundries shall be operated at not less than 125 pounds pressure while boilers for sterilizers and kitchen may operate at 50 pounds pressure.

Heating system. The building shall be heated by a hot water, steam, or equal type heating system.

Steam system. A system of Steam and Return Mains and Connections shall be provided to supply all equipment which requires steam heat.

Boiler accessories. Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, with feeder water heater, each of which has a capacity to carry the full load. Blow off valves, relief valves, non-return valves and fittings shall be provided to meet the requirements of the City and State Codes.

Radiation. The necessary radiation shall be furnished in each room and occupied space to maintain a temperature of 70° F. except in operating, delivery, and nurseries where a temperature of 75° F. shall be maintained. Each radiator shall be provided with hand control valve.

Piping. Steam and hot water heating piping shall be installed with standard weight steel or iron pipe and cast iron fittings. Pipe used in heating and steam systems shall not be smaller sizes than prescribed by the latest edition of the Heating, Ventilating and Air Conditioning Guide. The ends of all steam mains and low points in steam mains shall be dripped.

Valves. Steam, return and heating risers, steam return, and heating mains shall be controlled separately by a valve. Each steam and return main shall be valved. Each piece of equipment supplied with steam shall be valved on the supply and return ends.

Thermostatic control. The heating system shall be thermostatically controlled in one or more zones.

Auxiliary heat. Auxiliary radiators shall be provided in operating rooms, delivery rooms, and nurseries to supply heat when the main heating system is not in operation.

Coverings. Boilers and smoke breeching shall be insulated with covering not less than 1" Magnesia blocks and ½" plastic asbestos finish. All high pressure steam and high pressure return piping shall be insulated with covering not less than the equivalent of 1" four ply asbestos covering. Heating mains in the boiler room, in excavated spaces, unexcavated spaces, and where concealed, shall be insulated with covering not less than 1" asbestos air cell.

Ventilation. Rooms which do not have outside windows and which are used by hospital personnel, such as Utility rooms, Toilets, Bed pan rooms, and Baths, and Sterilizer rooms, shall be provided with forced or suitable ventilation to change the air at least once every six minutes.

Kitchens, morgues and laundries which are located inside the hospital building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50' 0" from any window. The ventilation of these spaces shall comply with the State or Local Codes but if no code governs, the air in the work spaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flat work ironer and ranges. Rooms used for the storage of inflammable material shall be ventilated to the outside air with intake and discharge ducts.

The operating and delivery rooms shall be provided with a supply ventilating system with heaters and humidifiers which will change the air at least eight times per hour by supplying fresh filtered air humidified to prevent static. No recirculation will be permitted. The air shall be removed from these rooms by forced system of exhaust. The sterilizing rooms adjoining these rooms shall be furnished with separate exhaust ventilating systems.

Incinerator. If coal fired boilers are not used incinerators shall be provided. If provided, the incinerator shall be of a design that will completely burn 50% wet garbage without objectionable smoke or odor. It shall be designed with drying hearth, grates and combustion chamber lined with 9" fire brick. The gases shall be carried to a point above the roof of the hospital.

Tests. The systems shall be tested to demonstrate to the satisfaction of the State agencies having jurisdiction that: The boilers will carry the full load with one boiler in reserve, that the steam supply to all steam heated equipment is ample, that the ventilating equipment meets the minimum requirements and that all systems circulated satisfactorily without leaks or noise.

Health centers, nurses homes and laboratories. High pressure steam and a spare boiler, will not be required for a Health Center, Nurses Homes, and Laboratory building. Incinerators are not mandatory but are recommended in Health Centers, Laboratories and Nurses Homes.

Separate special ventilation or air-conditioning systems are required for the bacteriological and virus laboratories.

Mental hospitals. Radiators, grilles, pipes, valves and equipment shall be so located that they are not accessible to patients. Hot air heating may be used for spaces occupied by mental cases.

2. Plumbing and drainage. All parts of the plumbing systems shall comply with all applicable local and State codes and the requirements of the State Department of Health and the minimum general standards as set forth herein. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the National Bureau of Standards Plumbing Manual BMS 66 shall apply.

Water service. The water supply available for the hospital shall be tested and approved by the State Department of Health.

The water service shall be brought into the building to comply with the requirements of the local water department and shall be free of cross connections.

Hot water heaters and tanks. The hot water heating and storage equipment shall have sufficient capacity to supply 5 gallons of water at 150° F. per hour per bed for hospital fixtures, and 8 gallons at 180° F. per hour per bed for the laundry and kitchen.

The hot water storage tank or tanks shall have a capacity equal to 80% of the heater capacity.

Where direct fired hot water heaters are used they shall be of an approved high pressure cast iron type. Submerged steam heating coils shall be of copper. Storage tanks shall be of non-corrosive metal or be lined with non-corrosive material to comply with the A. S. M. E. Code for pressure vessels. Tanks and heaters shall be fitted with vacuum and relief valves, and where the water is heated by coal or gas they shall have thermostatic relief valves. Heaters shall be thermostatically controlled.

Water supply systems. From the cold water service and hot water tanks, cold water and hot water mains and branches shall be run to supply all plumbing fixtures and equipment which require hot or cold water or both for their operation. Pipes shall be sized to supply water to all fixtures with a minimum pressure of 15 pounds at the top floor fixtures during maximum demand periods. All plumbing fixtures except water closets, bed pan washers and drinking fountains shall have both hot and cold water supplies. Every supply outlet or connection to a fixture or appliance shall be protected against back flow in accordance with the provisions of standards for air gaps and back-flow preventors as provided by plumbing Standards ASA-40.4 and 40.6. Wherever the usage of fixture or appliance will permit, water supplied to all fixtures, open tanks and equipment, shall be introduced through a suitable air gap between the water supply and the flood level of the fixture. No connections shall be made which will permit back-flow.

Hot water circulating mains and risers shall be run from the hot water storage tank to a point directly below the highest fixture

at the end of each branch main. Where the building is higher than 3 stories, each riser shall be circulated. Water pipe sizes shall be equal to those prescribed by the National Bureau of Standards Report BMS 66.

Drainage system. All fixtures and equipment shall be connected through traps to soil and waste piping and to the sewer. Indirect wastes pipes shall be installed in waste connections as required by BMS 66. All drainage and vent systems shall be designed and installed in accordance with the City and State Codes and the Plumbing Manual BMS 66 of the National Bureau of Standards where a city or State code is not in force.

Rain water drains. Leaders shall be provided to drain the water from roof areas to a point from which it cannot flow into the basement or areas around the building. Courts, yards, and drives which do not have natural drainage from the building shall have catch basins and drains to low ground, storm water system, or dry wells. Where dry wells are used they shall be located at least 20' 0" from the building.

Gas piping. Gas appliances shall be approved by the American Gas Association and shall be connected in accordance with the requirements of the company furnishing the gas.

Oxygen piping, outlets and manifolds where used shall be installed in accordance with the requirements of the company which will furnish the gas.

Pipe. The building drain, to a point 5' 0" from the building, shall be of cast iron. Soil stacks, drains, vents, waste lines, and leaders shall be of cast iron or steel except drain lines in back-fill or soil shall be of cast iron. Oxygen lines shall be of copper tubing not lighter than type "L" or I. P. S. red brass with fittings of brass or copper. Drains from sinks which use chemicals shall be of approved acid resistant metal. Gas piping shall be of black iron with malleable fittings or copper tubing.

Valves. Each main, branch main, riser and branch to a group of fixtures of the water systems shall be valved.

Insulation. Tanks and heaters shall be insulated with covering equal to 1" 4-ply air cell.

Hot water and circulating pipes shall be insulated with covering equal to canvas jacketed 3-ply asbestos air cell.

Cold water mains in occupied spaces and in store rooms shall be insulated with canvas jacketed felt covering to prevent condensation. All pipes in outside walls shall also be insulated to prevent freezing.

Stand pipe system. The stand pipe system shall be installed as required by the local and State departments having jurisdiction and the National Board of Fire Underwriters.

Plumbing fixtures. The material used for plumbing fixtures shall be of an approved non-absorptive acid resisting material.

Water closets in and adjoining patients' areas shall be of a quiet operating types.

Flush valves shall have non-return stops and an acceptable back-flow preventer. Flush valves in rooms adjoining patients' rooms shall be designed for quiet operation with quiet acting stops.

Faucet spouts shall have the discharge openings above the rim of the fixture. Goose neck spouts shall be used for patients' lavatories, nurses' lavatories and sinks which may be used for filling pitchers. Knee or elbow action faucets shall be used for doctors' wash-up, utility and clinic sinks and in treatment rooms. Elbow or wrist action spade handles control shall be used on other lavatories and sinks used by doctors or nurses. Drinking fountains, where used, shall comply with the A. S. A. Std. A42-1942.

Tests. All soil, waste, vents and drain lines shall be tested by water or air test before they are built in.

A smoke or chemical test shall be applied after fixtures have been set. Water pipe shall be hydraulically tested to a pressure equal to twice the working pressure. The tests shall demonstrate to the satisfaction of the State Health Department and that there are no leaks, that hot water mains and risers are circulating, that all traps are properly vented; that there is ample supply of hot and cold water to all fixtures, that no fixture or equipment can be back siphoned and that there are no back-flow connections.

Sterilizers. Sterilizers and autoclaves shall be provided of the required types and necessary capacity to adequately sterilize instruments, utensils dressings, water, operating room material, such as gloves, sutures, etc., and as required for laboratories. The sterilizers shall be of recognized hospital types with approved controls and safety features.

Mental and T. B. hospitals. Plumbing fixtures which require hot water and which are accessible to mental patients shall be supplied with water which is thermostatically controlled to provide a maximum water temperature of 110° F. at the fixture.

Special consideration shall be given to piping, controls and fittings of plumbing fixtures as required by the types of mental patient and the doctor in charge of planning. No pipes or traps shall be exposed and fixtures shall be substantially bolted through walls. Generally, for disturbed patients prison type water closets without seats shall be used and shower and bath controls shall not be accessible to patients.

The hot water heat and tank capacities for laundries in T. B. and mental hospitals may be reduced to 40% of that required for general hospitals.

Laboratories, nurses home and health centers. Emergency quick acting cold water showers are required at convenient points in chemical laboratories.

Only one system of hot water will be required in laboratories, nurses homes and health centers and the elbow or knee action lavatory and sink faucet handles will be required only in clinical rooms of health centers.

3. Electrical installations—Codes and regulations. The installation of electrical work and equipment shall comply with all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth herein. Where such codes and laws are not in effect or where they do not cover special installations the National Electrical Code shall apply. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters Laboratories, Inc. Certificates of approval shall be issued by these departments having jurisdiction before the work will be approved for final payment.

Service. Connections from the service mains, with meter connections and service switches shall be installed as required by the Public Service Company.

Feeders and circuits. Separate power and light feeders shall be run from the service to a main switchboard and from there sub-feeders shall be provided to the motors and power and light distributing panels. From the power panels feeders shall be provided for large motors, and circuits from the light panels shall be run to the lighting outlets. Large heating elements shall be supplied by separate feeders from the Power or Light Service as directed by the local Public Service Company. Independent feeders shall be furnished for X-ray equipment.

Switchboard and power panels. Circuit breakers or dead front type fused switches shall be installed to protect all feeders and sub-feeders. Motors shall be connected with breakers or fused switches.

Light panels. Light panels shall be provided on each floor for the lighting circuits on that floor. Light panels shall be located near the load centers not more than 100' 0" from the farthest outlet. Receptacles for special equipment shall be of a heavy duty type on separate circuits.

Lighting outlets, receptacles and switches. All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum general illumination, a bracket or receptacle for each bed, a duplex receptacle for each two beds for doctor's examination, and a night light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' rooms shall be of an approved mercury or equal, quiet operating type, or shall be placed in the corridor. Operating and delivery rooms shall be provided with special lights for the tables each on an independent circuit and for general illumination. Not less than three 3-point grounded explosion proof receptacles shall be provided in each room. Each operating room shall have a film-viewing box of an explosion-proof type. Grounding shall be provided for floors in the operating, anesthesia, and delivery sections.

Emergency lighting. Emergency lighting shall be provided for exits, stairs, and patient corridors which shall be supplied by an emergency service, an automatic emergency generator or battery with automatic switch. Operating and delivery room lights shall be connected with an automatic transfer switch which will throw the circuits to the emergency service in case of current failure. Should an emergency service from the street be used it shall be from a generating plant independent of that used for the main electric service.

Nurses' call. Each patient shall be furnished with a nurses' call station which will register a call from the patient; at the corridor door, at the nurses' station, and in each pantry and utility room of the nursing unit. A duplex unit may be used for 2 patients. Indicating lights shall be provided at each station where there are more than two beds in a room. Wiring for nurses' call systems shall be installed in conduit.

Lighting fixtures. Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall be of a type which does not shine in the patients' eyes.

Tests. Lighting fixtures, all wiring and equipment shall be tested to show that it is free from grounds, shorts or open circuits.

Health centers, nurses' homes and laboratories. Emergency lighting and call systems will not be required in health centers, nurses' homes and laboratories except as provided for by local and State codes.

Mental hospitals. No lighting fixtures, switches, receptacles or electrical equipment shall be accessible to mental patients.

Nurses' call systems will not be required in areas occupied by mental patients.

4. Elevators and dumbwaiters—Codes. The elevator installations shall comply with all local and State Codes, American Standard Safety Code for Elevators, the National Board of Fire Underwriters, the National Electric Codes, and the minimum general standards as set forth herein.

Number of cars. Any hospital with patients on one or more floors above the first or where the operating or delivery rooms are above the first floor shall have at least one electric motor driven elevator. Hospitals with a bed capacity of 60 to 200 shall have not less than two elevators. Hospitals with a bed capacity of from 150 to 350 above the first floor shall have not less than 3 elevators, two passenger and one service. A larger number may be required by the hospital plan, a large visitors' traffic and food distribution.

Elevators with a rise of more than 6 stories require special consideration.

Cab. Cabs shall be constructed with fire-proof material. Passenger cab platforms shall be not less than 5' 4" x 8' 0" with a capacity of 3,500 pounds. Service elevators shall be of sufficient size to receive a stretcher with patient.

Cab and shaft doors shall be not less than 3' 10" clear opening.

Controls. Elevators, for which operators will not be employed, shall have automatic push button control, signal control or dual control for use with or without operator. Where two push button elevators are located together and where one such elevator serves more than three floors and basement, they shall have collective or signal control. Where the car has a speed of more than 100' 0" per minute or has a rise of four or more floors, the elevator shall be equipped with automatic self-leveling control which will automatically bring the car platform level with the landing with no load or full load. Multivoltage or variable voltage machines shall be used where speeds are greater than 150' 0" per minute. For speeds above 350' 0" per minute, the elevators shall be of the gearless type.

Dumbwaiters. Dumbwaiter cabs shall be not less than 24" x 24" x 36" of steel with one shelf to operate at speed of 50 to 100' per minute when carrying a load of 100 pounds. Dumbwaiters serving basement and four floors shall have a minimum speed of 100' 0".

Tests. Elevator machines shall be tested for speed and load with and without loads in both directions and shall be given over-speed tests as covered by the "Safety Code for Elevators."

5. Refrigeration—Codes. The refrigerators and refrigerating systems shall be furnished and installed to meet all requirements of the local and State Codes and regulations, the National Board of Fire Underwriters, and the minimum general standards as set forth herein.

This section shall include portable refrigerators, built-in refrigerators, garbage refrigeration, ice-making and refrigerator equipment, morgue boxes.

Box construction. Boxes shall be insulated with waterproof, nonabsorbent, verminproof insulation. For the portable boxes, the insulation in the doors and walls shall be equal to 2" cork. Outer walls and doors of the walk-in boxes shall have insulation equal to 4" cork. Boxes shall be lined with nonabsorbent sanitary material which will withstand the heavy use to which it will be subjected and constructed so as to be easily cleaned.

Refrigerators of adequate capacity shall be provided in all kitchens and other preparation centers, where perishable foods will be stored.

In the main kitchen, a minimum of two separate sections or boxes shall be provided, one for meats and dairy products, and one for general storage.

Refrigerator machines. Toxic, "irritant", or inflammable refrigerants shall not be used in refrigerator machines located in buildings occupied by patients.

The compressors and evaporators shall have sufficient capacity to maintain temperatures of 35° F. in the meat and dairy boxes, and 40° F. in the general storage boxes when the boxes are being used normally. Compressors shall be automatically controlled.

Tests. Compressors, piping, and evaporators shall be tested for leaks and capacity.

6. Kitchen equipment—Codes. The kitchen equipment shall be so constructed and installed as to comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 280, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, recommended by the U. S. Public

Health Service," and with the minimum general standards set forth herein.

Equipment. The equipment shall be adequate and so arranged as to enable the storage, preparation, cooking, and serving of food and drink to patients, staff and employees to be done in an efficient and sanitary manner. The equipment shall be selected and arranged in accordance with the types of food service adopted for the hospital.

Adequate cabinets or other facilities shall be provided for the storage or display of food, drink, and utensils, and shall be designed as to protect them from contamination by insects, rodents, other vermin, splash, dust, and overhead leakage.

Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities to maintain a water temperature of at least 170° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 170° F., measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods, and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodable material free of breaks, corrosion, open seams or cracks, chipped places, and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

7. Laundry—Codes. The laundry equipment shall be designed and installed to comply with all local and State codes and laws, and the requirements of the State Department of Health and the minimum general standards as set forth herein.

Where laundries are provided they shall be complete with washers, extractors, tumblers, ironer and presses which shall be provided with all safety appliances and sanitary requirements.

Washers. There shall be at least two washers which shall have a combined rated capacity of not less than 12 pounds of dry laundry per day per patient bed, when operating not more than 40 hours per week.

Ironer. Provide one flat work ironer with a capacity equal to 70% of the washer capacity when operating 40 hours per week.

Extractor. There shall be not less than one extractor with a daily capacity equal to that given above for the washers and for hospitals with more than 100 beds there shall be two extractors.

Tumbler. Provide a minimum of one tumbler with a rated capacity equal to 25% of the washers, when operating 40 hours per week.

Presses. For finished work provide not less than 1 nurses uniform unit consisting of 3 presses or one utility unit with 2 presses which shall be increased for the larger hospitals.

Wash tubs. Provide 2 wash tubs.

Mental and T. B. hospitals. The capacity per bed of laundry equipment for T. B. and Mental hospitals shall be 40% of that required for general hospitals.

III (E). Preparation of plans, specifications & estimates. The requirements contained herein have been established for the guidance of the Applicant and the Architect to provide a standard method of preparation of drawings, specifications and estimates.

It is expected that the applicant will find it advantageous to submit the material through the State Agency in three stages for its recommendation and approval. However, the applicant may, if he so elects, combine the first two stages.

If the data required under stage 3 is available, it may be submitted without the drawings required under stages one and two.

Copies of the final working drawings and specifications previously submitted under stage three will be submitted for approval with the formal application for the project. The requirements for the material submitted at each of the three stages are as follows.

Drawings and specifications—1. (First stage) program and schematic plans—(a) Program. List in outline form the rooms or spaces to be included in each department, explaining the functions or services to be provided in each, indicating the approximate size, the number of personnel and the kind of equipment or furniture it will contain. Note any special or unusual services or equipment to be included in the facility.

If a hospital project, submit a schedule showing the total number of beds, their distribution in room and in the services, such as medicine, surgery, obstetrics, etc.

(b) Schematic plans. Single line drawings of each floor showing the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room should be noted. The proposed roads and walks, service and entrance courts, parking and orientation may be shown on either a small plot plan or the 1st floor plan. Simple vertical space diagram should be submitted at this stage.

(c) Construction outline. A brief description of the type of construction.

(d) Description of site. If a survey has been made, a plat shall be submitted at this time, if not it should be submitted with the Preliminary Plans. **(Second Stage).** In lieu of a plat of the survey, a description of the site may be submitted at this time. This shall note the general characteristics of the site, easement, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc. A map indicating location of the hospital in its geographic area with particular reference to recommendation given under Site III A, should be submitted.

(e) Preliminary cost estimates.

2. (Second stage) preliminary plans, elevations, and outline specifications. **(A) Development of the preliminary sketch plans** indicating in more detail the assignment of all spaces, size of areas and rooms, indicating in outline, the fixed and movable equipment and furniture.

The plans shall be drawn a scale sufficiently large to clearly present the proposed design. The total floor area shall be computed and shown on the drawings.

The drawings shall include (1) a plan of each floor including the basement or ground floor, (2) Roof plan, (3) Approach plan showing roads, parking areas, sidewalks, etc., (4) elevations of all facades, (5) sections through the building.

A print of the "Site Survey and Soil Information" which is described under another section of this manual shall be included unless it has already been submitted in Stage I.

(B) Outline specifications shall provide a general description of the construction including interior finishes; accoustical material, its extent and type; extent of the conductive floor covering; heating and ventilating systems; and the type of elevators.

(C) Revised cost estimates.

3. (Third stage) working drawings and specifications. **(A)** All working drawings shall be well prepared so that clear and distinct prints may be obtained; accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical. They shall include or contain the following:

1. Architectural drawings. **(a)** Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be seeded. All structures and improvements which are to be removed under the construction contract shall be shown. A print of the survey shall be included with the working drawings for the information of bidders only. The survey shall not be made a contract drawing.

(b) Plan of each floor and roof.

(c) Elevations of each facade.

(d) Sections through building.

(e) Scale and full size details as necessary; scale details at one and one-half (1½) inches to the foot may be necessary to properly indicate portions of the work. Full size details may be prepared after award of construction contract.

(f) Schedule of finishes.

2. Equipment drawings. **(a)** Large scale drawings of typical and special rooms indicating all fixed equipment and major items of furniture and movable equipment. The furniture and movable equipment will not be included in the construction contract but should be indicated by dotted lines.

3. Structural drawings. **(a)** Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members. Schedule of beams, girders and columns.

(b) Floor levels, column centers, and offsets shall be dimensioned.

(c) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

(d) Details of all special connections assemblies and expansion joints shall be given.

(e) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.

(f) For special structures, a stress sheet shall be incorporated in the drawings showing:

(1) Outline of the structure,

(2) All load assumptions used,

(3) Stresses and bending moments separately for each kind of loading.

(4) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from (3).

(5) Horizontal and vertical reactions at column bases.

4. Mechanical drawings. These drawings with specifications shall show the complete heating, steam piping and ventilation systems; plumbing, drainage and stand pipe systems; and laundry.

(a) Heating, steam piping and ventilation.

(1) Radiators and steam heated equipment, such as sterilizers, warmers and steam tables.

(2) Heating and steam mains and branches with pipe sizes.

(3) Diagram of heating and steam risers with pipe sizes.

(4) Sizes, types and heating surfaces of boilers, furnaces, with stokers and oil burners, if any.

(5) Pumps, tanks, boiler breeching and piping and boiler room accessories.

(6) Air conditioning systems with refrigerators, water and refrigerant piping, and ducts.

(7) Exhaust and supply ventilating systems with steam connections and piping.

(b) *Plumbing, drainage and stand pipe systems.* (1) Size and elevation of: Street sewer, house sewer, house drains, street water main and water service into the building.

(2) Location and size of soil, waste, and vent stacks with connections to house drains, fixtures and equipment.

(3) Size and location of hot, cold and circulating mains, branches and risers from the service entrance and tanks.

(4) Riser diagram to show all plumbing, stacks with vents, water risers and fixture connections.

(5) Gas, oxygen and special connections.

(6) Standpipe system.

(7) Plumbing fixtures and fixtures which require water and drain connections.

(c) *Elevators and dumbwaiters.* Shaft details and dimensions, size car platform and doors; travel, pit and machine room.

(d) *Kitchens, Laundry Refrigeration and Laboratories* shall be detailed at a satisfactory scale to show the location, size and connection of all fixed and movable equipment.

5. *Electrical drawings.* Drawings shall show all electrical wiring, outlets, and equipment which require electrical connections.

(a) Electrical service entrance with service switches, service feeders to the public service feeders and characteristics of the light and power current. Transformers and their connections if located in the building, shall be shown.

(b) Plan and diagram showing main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.

(c) Light outlets, receptacles, switches, power outlets and circuits.

(d) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the Telephone Co. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the Telephone Company.

(e) Nurses' call systems with outlets for beds, duty stations, door signal lights, annunciators and wiring diagrams.

(f) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.

(g) Fire alarm system with stations, gongs, control board and wiring diagrams.

(h) Emergency lighting system with outlets, transfer switch, source of supply, feeders and circuits.

6. *Additions to existing projects.* (a) Procedures and requirements for working drawings and specifications to be followed and in addition the following information shall be submitted:

(1) Type of activities within the existing building and distribution of existing beds, etc.

(2) Type of construction of existing building and number of stories high.

(3) Plans and details showing attachment of new construction to the existing structure and mechanical systems.

(B) Specifications shall supplement the drawings and shall comply with the following:

1. The specifications shall fully describe, except where fully indicated and described on the drawings; the materials; workmanship; the kind sizes, capacities, finish and other characteristics of all materials, products, articles and devices.

2. The specifications shall include:

(a) Cover or title sheet.

(b) Index.

(c) Invitation for bids.

(d) General conditions.

(e) Wage rates.

(f) General requirements.

(g) Sections describing material and workmanship in detail for each class of work.

(h) Form of bid bond.

(i) Bid form.

(j) Form of agreement.

(k) Performance and payment bond forms.

3. In order to obtain a standard procedure Standard Specification Forms will be furnished to the State Agency for use of the Architect. They will include all items enumerated under Paragraph 2 above, except item (g). The General Conditions, item (d), may be supplemented by the Architect to cover local or special conditions. (Sample Standard Specification Forms are available upon request.)

(C) Estimates shall show in convenient form and detail the probable total cost of the work to be performed under the contract for construction of new buildings, expansion, remodeling and alteration of existing buildings including provision of fixed equipment contemplated by plans and specifications.

IV. *Equipment—General.* Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project.

Definition of equipment. The term "equipment" as used herein means all items necessary for the functioning of all services of the facility including such services as accounting and records, maintenance of buildings and grounds, laundry service, public waiting rooms, public health, and related services. The term "equipment" does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, soap, and the like.

Classification of equipment. All equipment shall be classified in three groups as indicated below; the basis of classification being the usual methods of purchasing the equipment and suggested accounting practices in regard to depreciation:

Group I. Built-in equipment included in construction contracts. 1. Hospital cabinets and counters, laboratory and pharmacy cabinets, X-Ray and darkroom equipment, cubicle curtain equipment, shades and venetian blinds and any other built-in equipment, including items which have been included previously under Sections II and III of the General Standards such as: Kitchen equipment, laundry chutes, elevators, dumbwaiters, boilers, incinerators, refrigerating equipment, sterilizing equipment, surgical lighting and the like.

Group II. Depreciable equipment of five years' life or more normally purchased through other than construction contracts.

1. Large items of furniture and equipment having a reasonably fixed location in the building but capable of being moved.

2. Example: Furniture, surgical apparatus, diagnostic and therapeutic equipment, office machines, dental equipment, laboratory and pharmacy equipment (except cabinets) wheeled equipment and the like.

Group III. Non-depreciable equipment of less than five years' life normally purchased through other than construction contract.

1. Small items of low unit cost and suited to storeroom control.

2. Examples. Chinaware, silverware, kitchen utensils, bedside lamps, waste baskets, bed pans, dressing jars, catheters, surgical instruments, linens, sheets, blankets, mattresses and the like.

It shall be the responsibility of the applicant to select and purchase all necessary equipment for the complete functioning of all services included in the project in accordance with these standards and any fur-

ther standards prescribed by the State Agency.

It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project, necessitating the use of cheap and inadequate equipment for other services.

As soon as possible after the award of the construction contract, the applicant shall submit to the Surgeon General through the State Agency for approval a complete list in triplicate of all proposed Groups II and III equipment, including itemized estimate of cost.

APPENDIX B—MERIT SYSTEM POLICIES OF THE PUBLIC HEALTH SERVICE

Introduction. The United States Public Health Service is in accord with other Federal agencies and leaders in the field of public administration who recognize the principle that a system of personnel administration on a merit basis is the most effective method of securing and retaining qualified personnel. The employment of qualified personnel is considered a prerequisite of efficient administration, without which the purposes of sections 314 and 623, of the Public Health Service Act as amended may not effectively be achieved.

Accordingly, the regulations of the United States Public Health Service contain provisions relative to the establishment of merit system of personnel administration in State and local health departments and other State agencies administering programs assisted by grants-in-aid from the United States Public Health Service. Under these regulations the United States Public Health Service reviews merit systems to determine their conformity with accepted standards of personnel administration.

The application of these policies is required as evidence that minimum standards of efficient personnel administration have been met. They are herewith adopted by the United States Public Health Service as standards for evaluating compliance with § 9.12 of the regulations governing grants to States and § 10.73 of the regulations governing the administration of the Hospital Survey and Construction program.

MERIT SYSTEM POLICIES

SECTION I. Jurisdiction of the merit system. (1) The following standards are applicable to personnel employed in State programs, the budgets for which provide for the expenditure of Federal funds or of State funds for matching purposes, and to persons having administrative responsibility for such programs unless specifically exempted in accordance with these policies.

(2) Upon completion of extension of merit system to local programs, these standards shall also apply to personnel employed in local programs, the budgets for which provide for the expenditure of Federal funds or of State funds for matching purposes, and to persons having administrative responsibility for such programs unless specifically exempted in accordance with these policies.

(3) At the option of the State agency,¹ the following positions may be exempted from application of these standards: the executive head of the State agency administering a program under the jurisdiction of the merit system; one confidential secretary to the executive head, provided the confidential secretary has no administrative or managerial responsibility for State plans; members of State and local boards or commissions

¹ As used in these policies, "State agency", refers to those agencies administering programs assisted by grants-in-aid from funds made available by the United States Public Health Service in accordance with the provisions of the Public Health Service Act.

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and members of advisory councils or committees or similar boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties; part-time professional personnel who are paid for any form of medical, nursing, or other professional service and who are not engaged in the performance of administrative duties.

(4) Upon request of the proper State authority, exemption of hospital and sanatoria personnel from application of these standards will be considered on the basis of current State and local administration. However, the requirement of a merit system of personnel administration does not apply to personnel operating hospitals aided under the Federal Hospital Survey and Construction program solely by reason of their benefit under the Act.

SEC. II. Merit system organization. (1) The merit system organization for State agencies shall be either a State civil service, that is, a merit system established by statute or other legislative enactment; or a joint merit system, that is, a merit system established by agreement among two or more State agencies. A single agency system, that is, a merit system maintained by and for a single State agency, may be approved on a temporary basis when the Public Health Service is convinced by presentation of facts that either a State civil service or a joint agency plan may be immediately impracticable. Temporary approval will be continued for only such period as required to make the necessary adjustments for the establishment of or participation in a State civil service or joint agency system.

(2) If merit system costs are charged to the State agencies no more than an equitable share of the costs shall be borne by funds made available through these grants.¹ The share so borne shall be based on the planned predetermined ratio of such State agency costs to the total merit system costs as set forth in the Fiscal Manual for Joint Merit System Administration prepared by the Social Security Board of the Federal Security Agency, September 1943.

(3) The merit system shall provide for an advisory council whose members shall be selected from outside the agency served, in order to establish public confidence in the impartiality of merit system administration.

SEC. III. Merit system supervisor. (1) The merit system shall provide for a merit system supervisor qualified by training and experience for the responsibilities of the position, and shall be of known sympathy with the merit principle of personnel administration in the public service.

(2) The merit system shall provide that examinations will be conducted under the direction of the merit system supervisor.

SEC. IV. Personnel officer. The executive head of the State agency shall employ a personnel officer, or designate a staff employee to serve in this capacity until a personnel officer can be included in the State plan. The personnel officer shall be responsible for the agency's internal personnel administration. It shall be his responsibility to administer the classification and compensation plans; to provide for adequate personnel records of all persons included in the State plan and all personnel actions taken; to request certification of eligibles by the

merit system supervisor; to report periodically to the executive head of the State agency on selection, promotion, salary advancements, demotions, transfers, separations, resignations and other types of personnel actions; to report on and recommend action concerning probationary appointees; to make provision for and supervise service ratings for all employees; to be responsible for the preparation and maintenance of written procedural instructions covering personnel actions as set forth in section XVII of these policies.

SEC. V. Classification plan. A classification plan including class specifications for all classes of positions included in the approved State plan shall be established and maintained for the State agency in accordance with the provisions of the merit system rules. The classification plan shall be based on an investigation and analysis of the duties and responsibilities of each position. Each class specification shall include a descriptive title, examples of duties and responsibilities of the class and minimum requirements of education, experience and other qualifications necessary for the performance of the duties of the position.

SEC. VI. Compensation plan. A compensation plan shall be established and maintained for all classes of positions included in the classification plan. The plan shall be formulated within the provisions of existing laws related to salary rates, and of rules and regulations uniformly applicable to comparable departments of the State government. In the development of salary schedules consideration shall be given to the difficulty and responsibility of the duties involved and of the preparation required. Salary ranges shall consist of minimum and maximum rates of pay with intermediate steps for salary advancement within the range.

SEC. VII. Political activity and religious affiliation. (1) The merit system rules shall prohibit employees from participating in any type of political activity or from taking part in city, county, State or national elections, except that any employee has the right as an individual citizen to express his views and cast his vote.

(2) No employee shall be permitted to solicit or receive any money or contribution for political purposes, nor shall any employee be separated, transferred, demoted or subjected to any coercive action for refusing to make any contribution for political purposes.

(3) The merit system regulations shall provide against discrimination because of political or religious opinions or affiliations.

SEC. VIII. Recruitment and appointment of personnel. (1) An employee who has acquired permanent status under a State civil service or merit system with standards substantially comparable to those adopted by the State agency need not be required to take an examination to retain his position at the time a merit system is established.

(2) All positions in the State agency, except those specifically exempted, shall be filled by personnel selected in accordance with the rules and regulations of the merit system.

(3) The merit system shall include the following provisions governing the administration of examinations for entrance into the service:

A. Examinations shall be conducted on an open competitive basis.

B. Applicants admitted to examinations shall meet the requirements set forth in the class specifications.

C. Examinations shall be constructed to reveal the capabilities of applicants for positions for which they are competing, the general background and related knowledge. Examinations may include an objective rating of training and experience, consideration

of written material offered as evidence of candidates' past achievements, a performance test for positions involving the operation of office machines or other equipment, and an oral examination for positions requiring frequent contact with the public or involving important administrative or supervisory duties. Examinations shall be rated objectively.

1. Assembled examinations, including a written test, and when appropriate a performance test, shall be given to applicants for non-professional positions, and whenever practicable to applicants for professional positions.

2. Unassembled examinations, which may include an oral interview for the evaluation of personal qualifications, may be given in accordance with the provisions of the merit system rules and regulations. Use of unassembled examinations should be limited to supervisory or consultative professional positions for which a specified minimum number of years of responsible experience in a special field is required for admission to the examination, and to non-supervisory professional positions for which a period of experience in the special field is required which is long enough, preferably not less than two years, to serve as a satisfactory basis for judgment of competence.

3. When an examination consists of several parts, such as an evaluation of training and experience, a written test and an oral interview, the relative weight of each part shall depend on its importance in determining ability to perform the duties of the position.

SEC. IX. Eligible registers. (1) The merit system agency shall prepare and establish registers of eligibles in the order of their final examination ratings; maintain current registers; abolish or retire registers as they become inactive, obsolete or depleted; make certification of eligibility; and be responsible for all examination records.

(2) Except for emergency and provisional appointments to positions in classes for which no list of eligibles is available, the selection of personnel shall be from a limited number of the highest available eligibles certified by the merit system supervisor.

SEC. X. Probationary period and permanent appointment. Personnel selected from registers to fill permanent positions shall serve a probationary period of specified length. Permanent appointment shall be based on a written evaluation of the performance of the employee during the probationary period. Provision shall be made to prevent probationary appointments becoming permanent appointments through default, that is, through failure of a rating officer to declare to the proper merit system authority that the probationary appointee has been satisfactory or unsatisfactory.

SEC. XI. Provisional appointment. In the absence of an appropriate eligible register, provisional appointment to permanent or temporary positions may be made pending competitive examination, provided each provisional appointee is certified by the merit system supervisor as meeting the minimum qualifications established for the class to which the position is allocated. No provisional appointment shall be continued for more than thirty days after an appropriate register has been established. Successive provisional appointments of the same person may not be made, nor may a position be filled by repeated provisional appointments.

SEC. XII. Promotion.—(1) Promotion shall be based on ability, quality and length of service.

(2) Eligibility for promotion shall be determined on recommendation of the State agency and certification by the merit system supervisor that the employee meets the minimum qualifications. Candidates for pro-

¹Except that no Federal funds will be available under section 623 of the Public Health Service Act as amended by the Hospital Survey and Construction Act for payment of any merit system costs incurred in the administration of the hospital construction program. Such funds may be used to meet a share of the costs if a merit system is applied in the administration of a State hospital survey and planning program.

motion shall be required to qualify by promotional competitive or non-competitive examination administered by the merit system agency.

SEC. XIII. *Pay roll certification.* The State agency shall provide for review of all pay rolls to insure that payments are authorized only for persons appointed in conformity with the merit system rules. Pay roll exceptions shall be reported to the executive head of the State agency and will be subject to audit by authorized representatives of the Public Health Service.

SEC. XIV. *Leave and separations.*—(1) Regulations shall be established by the State agencies governing vacation and sick leave, military, educational and other types of leave.

(2) Employees who have completed the required probationary period and have acquired permanent status shall not be subject to removal except for cause, unless separation is due to curtailment of work or lack of funds. In the event of removal, permanent employees shall have the right of appeal to an impartial body through an established procedure provided in the merit system rules.

SEC. XV. *Service ratings.* A system of periodic service ratings for the evaluation of performance shall be maintained, and such ratings shall be considered in promotions, salary increases, and separations.

SEC. XVI. *Personnel records.* The State agency and the merit system agency shall maintain adequate personnel records to provide current information regarding each employee, including status and rate of pay.

SEC. XVII. *Agency rules and regulations.* State agencies should have written regulations for the following types of personnel actions: (1) attendance requirements and leave regulations; (2) salary adjustments and advancements; (3) periodic service ratings; (4) employment procedures for promotion, demotion, transfer and separation; (5) staff training.

[F. R. Doc. 47-1247; Filed, Feb. 11, 1947; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

FURTHER STATEMENT ON TEMPORARY PROCEDURE FOR EXPEDITING STANDARD BROADCAST APPLICATIONS

CROSS REFERENCE: For further statement on temporary procedure for exped-

iting standard broadcast applications (§ 1.373, 11 F. R. 177A-415, 13973), see F. R. Doc. 47-1301 under Federal Communications Commission in the Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of January, A. D. 1947.

The matter of Annual Reports from Steam Railways of Class III being under consideration:

It is ordered, That the order of January 28, 1946, in the Matter of Annual Reports from Steam Railway Companies of Class III (§ 120.12, Title 49, Code of Federal Regulations) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.12 *Form prescribed for small steam railways.* Each Class III Steam Railway Company, excluding switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads) which is hereby approved and made a part of this order.¹ The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(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))

NOTE: The reporting requirement of this order has been approved by the Bureau of

¹ Filed as part of the original document.

the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1321; Filed, Feb. 11, 1947; 9:02 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

SWITCHING AND TERMINAL ANNUAL REPORT FORM D

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of January A. D. 1947.

The matter of Annual Reports from Switching and Terminal Companies of Class III being under consideration:

It is ordered, That the order of January 5, 1946, in the Matter of Annual Reports from Switching and Terminal Companies of Class III (§ 120.13, Title 49, Code of Federal Regulations) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.13 *Form prescribed for small switching and terminal companies.* Each Class III Switching and Terminal Company subject to the provisions of Section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form D (Small Switching and Terminal Companies) which is hereby approved and made a part of this order.¹ The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(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))

NOTE: The reporting requirement of this order has 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.

[F. R. Doc. 47-1322; Filed, Feb. 11, 1947; 9:01 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment

of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the

employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

Name and address of firm, industry, learner occupations, number of learners, learning period, learner wage, effective and expiration dates:

Adelphian Academy, Holly, Michigan; Wood Shop; twenty-four (24) learners, millman, assembler, packer, shipper and related operations, for a learning period of 480 hours at 30 cents per hour for the first 300 hours and 35 cents per hour for the remaining 180 hours; effective February 1, 1947, expiring January 31, 1948.

Maplewood Academy, Hutchinson, Minnesota:

Bindery; eighteen (18) learners, bindery worker and related operations, for a learning period of 700 hours at 30 cents per hour for the first 400 hours and 35 cents per hour for the remaining 300 hours;

Craftshop; eight (8) learners, sawing, sanding, gluing, assembling and related operations, for a learning period of 480 hours at 30 cents per hour for the first 300 hours and 35 cents per hour for the remaining 180 hours;

Printshop; six (6) learners, compositor, pressman and related operations, for a learning period of 1,000 hours at 30 cents per hour for the first 500 hours and 35 cents per hour for the next 500 hours;

Broomshop; six (6) learners, winding, stitching, sorting, and related operations, for a learning period of 350 hours at 30 cents per hour for the first 200 hours and 35 cents per hour for the remaining 150 hours;

Effective February 1, 1947, expiring January 31, 1948.

Signed at New York, New York, this 5th day of February 1947.

ISABEL FERGUSON,
Authorized Representative
of the Administrator.

[F. R. Doc. 47-1288; Filed, Feb. 11, 1947; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ASSIGNMENT OF APPLICATION FILE NUMBERS (BROADCAST)

JANUARY 28, 1947.

In the interests of simplification, the Commission has abandoned its practice of assigning zone numbers (1, 2, 3, 4 or 5) to indicate the geographical location of proposed facilities in applications accepted for filing. Thus, an application for, say a standard broadcast station construction permit application from New England (Zone 1), which formerly might have received file number "B1-P-1234", will hereafter be designated simply as "BP-1234".

In this connection, a brief explanation of the system of numbering applications will be helpful:

Applications received by the Commission are first divided into two general classes: "Broadcast" and "Other than Broadcast".

In assigning file numbers to broadcast applications the letter "B" (for broadcast) is prefixed. The letter or letters following the "B" indicates the type of

application and, in all cases except standard broadcast, the class of station. For example, an application for assignment of license of a commercial broadcast station is shown as "BAL-1234" ("B" for Broadcast, "AL" for Assignment of License, and identifying numeral). An application for construction permit for a Commercial FM station would be, for example, BPH-1234 ("B" for Broadcast, "P" for Construction Permit, "H" for Commercial FM, and identifying numeral).

By the same token, an application for assignment of license of a commercial television station would be designated "BALCT-1234" ("B" for Broadcast, "AL" for Assignment of License, "CT" for Commercial Television, etc.).

The numerals are indicative of the progressive numbering for each type of application and class of station in the order in which received. The symbols used in broadcast application file numbering follows:

CLASS B

Type of Application

- AL—Assignment of license.
- AP—Assignment of C. P.
- APL—Assignment of license and construction permit.
- F—Authority to install automatic frequency control.
- FP—Permit to transmit programs to foreign radio stations.
- L—License.
- ML—Modification of license.
- MP—Modification of construction permit.
- MSA—Modification of special experimental authorization.
- MSSA—Modification of special service authorization.
- P—Construction permit.
- R—Renewal.
- S—Special temporary authorization or official station file number.
- SA—Special experimental authorization.
- SSA—Special service authorization.
- TC—Transfer of control of corporation.
- Z—Authority to determine operating power by direct method.

Class of Station

- (1)—Standard.
- ARE—Public address relay.
- CT—Commercial television.
- EB—Class II, experimental.
- ED—Noncommercial educational.
- EX—Developmental.
- FB—Facsimile.
- H—Commercial FM.
- HB—Experimental high frequency.
- IB—International.
- RE—High frequency relay.
- RY—Low frequency relay.
- ST—Studio transmitter (ST).
- VB—Experimental television.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1300; Filed, Feb. 11, 1947; 8:58 a. m.]

TEMPORARY PROCEDURE FOR EXPEDITING STANDARD BROADCAST APPLICATIONS

JANUARY 24, 1947.

On January 8, 1947, the Commission announced that it would seek to dispose

¹ No symbol used for standard broadcast.

of all applications for standard broadcast construction permits or modifications of permits before May 1, 1947, by processing all such applications without regard to applications filed after February 7, 1947.

This procedure will undoubtedly result in a large number of new applications being filed before February 7. While this was anticipated, the Commission wishes to emphasize that applications which are incomplete in any major respect will not be accepted for filing and, following established practice, will be returned to the applicant.

The temporary procedural plan would be unduly complicated and, possibly, rendered unworkable if the Commission had to consider a large number of last-minute applications which are incomplete, particularly with respect to engineering details. Consequently, the policy of returning incomplete and otherwise defective applications will be strictly adhered to and no such application will be considered in the group to be processed during the period February 7 to May 1.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1301; Filed, Feb. 11, 1947; 8:58 a. m.]

[Docket Nos. 7404, 7997, 8085]

ATLANTIC RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Atlantic Radio Corporation, Boston, Massachusetts, Docket No. 7404, File No. B1-P-4372; Bristol Broadcasting Company, Inc. (WNBH), New Bedford, Massachusetts, Docket No. 7997, File No. B1-P-4605; The Fairfield Broadcasting Company, Danbury, Connecticut, Docket No. 8085, File No. B1-P-5566; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947:

The Commission having under consideration the above entitled application of The Fairfield Broadcasting Company, filed on December 30, 1946, for a construction permit for a new standard broadcast station to operate on the frequency 550 kilocycles with 500 watts nighttime and 1 kilowatt daytime power, at Danbury, Connecticut, and also having under consideration a petition filed by The Fairfield Broadcasting Company requesting that its said application be designated for hearing in the consolidated proceeding involving the above entitled applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH) currently scheduled to be heard on February 4, 1947, and an opposition to the said petition filed by Atlantic Radio Corporation; and

It appearing, that the said application of Atlantic Radio Corporation was heard in a consolidated proceeding with a number of other applications for the frequency 550 kilocycles on April 8-12 and 15-19, and June 24-28, 1946; that Bristol

Broadcasting Company, Inc. (WNBH) was a party intervenor in the said proceeding but that its above-entitled application, filed February 27, 1946, was not designated for hearing therein; and that the Commission in an order dated December 6, 1946, designated the said application of Bristol Broadcasting Company, Inc. for hearing to be consolidated with the hearing held as aforesaid on the application of Atlantic Radio Corporation, and scheduled the hearing for January 20, 1947, which hearing has since been continued to February 4, 1947, as aforesaid;

It is ordered, That the said petition of The Fairfield Broadcasting Company be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, its above-entitled application be, and it is hereby designated for hearing in the consolidated proceeding involving the applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH), upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Atlantic Radio Corporation (Docket 7404), Bristol Broadcasting Company, Inc. (WNBH) (Docket 7997), The Hampden-Hampshire Corporation (WHYN) (Docket 7325) and Pynchon Broadcasting Corporation (Docket 7886) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the record in the matter of the application of Atlantic Radio Corporation (Docket No. 7404) be, and it is hereby, reopened for

the purpose of this consolidated proceeding and that the orders of the Commission dated February 25, 1946 (Bill of Particulars) and December 6, 1946, respectively designating the applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH) (Docket No. 7997) for hearing be, and they are hereby, amended to include the application of The Fairfield Broadcasting Company (Docket No. 8085).

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1316; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket Nos. 7404, 7997, 8085, 7325, 7886]

ATLANTIC RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR
HEARING

In re applications of Atlantic Radio Corporation, Boston, Massachusetts, Docket No. 7404, File No. B1-P-4372; Bristol Broadcasting Company, Inc. (WNBH), Bedford, Massachusetts, Docket No. 7997, File No. B1-P-4605; The Fairfield Broadcasting Company, Danbury, Connecticut, Docket No. 8085, File No. B1-P-5566; The Hampden-Hampshire Corporation (WHYN), Holyoke, Massachusetts, Docket No. 7325, File No. B1-P-4347; Pynchon Broadcasting Corporation, Springfield, Massachusetts, Docket No. 7886, File No. B1-P-5217; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above entitled applications of Atlantic Radio Corporation, requesting 550 kc, 1 kw, 5 kw-LS, with directional antenna, Bristol Broadcasting Company, Inc. (WNBH), requesting 550 kc, 5 kw, unlimited time with directional antenna, The Fairfield Broadcasting Company, requesting 550 kc, 500 watts, 1 kw-LS, The Hampden-Hampshire Corporation (WHYN), requesting 560 kc, 1 kw, unlimited time with directional antenna, and Pynchon Broadcasting Corporation, requesting 560 kc, 5 kw, unlimited time using directional antenna; and also having under consideration a petition filed by the applicant, The Hampden-Hampshire Corporation, on January 3, 1947, requesting leave to intervene in the consolidated proceeding involving the above entitled applications for the frequency 550 kc; and

It appearing, that, on December 6, 1946, the application of Bristol Broadcasting Company, Inc. (WNBH) was designated for hearing to be consolidated with the hearing previously held on the application of Atlantic Radio Corporation, and that heretofore, on this date, the Commission designated for hearing in the said consolidated proceeding the above-entitled application of The Fairfield Broadcasting Company; and

It further appearing, that, on September 3, 1946, the applications of The Hampden-Hampshire Corporation

(WHYN) and Pynchon Broadcasting Corporation were designated for hearing in a consolidated proceeding, and that the hearing on the said applications is currently set for February 17, 1947, at Washington, D. C.; and

It further appearing, that all of the above entitled applications involve mutual problems of interference;

It is ordered, That the above entitled applications of Bristol Broadcasting Company, Inc. (WNBH), The Fairfield Broadcasting Company, The Hampden-Hampshire Corporation (WHYN) and Pynchon Broadcasting Corporation be heard in a consolidated proceeding, upon the issues heretofore defined in the several orders designating the said applications for hearing; that the above entitled application of Atlantic Radio Corporation, upon which a hearing has heretofore been held, be included in the said consolidated proceeding; and that the hearing upon the said applications, as consolidated, be held on February 17, 1947, at Washington, D. C., commencing at 10:00 a. m.;

It is further ordered, That the hearing date of February 4, 1947, heretofore set for the consolidated proceeding involving the said applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH), be, and it is hereby, cancelled.

It is further ordered, That the said petition of The Hampden-Hampshire Corporation (WHYN), requesting leave to intervene in the consolidated proceeding involving the said applications of Atlantic Radio Corporation and Bristol Broadcasting Company, Inc. (WNBH), since, in view of the foregoing action, it has become moot, be, and it is hereby, dismissed.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1317; Filed, Feb. 11, 1947;
9:01 a. m.]

[Docket Nos. 7503, 8054, 8081]

CLEARWATER RADIO BROADCASTERS INC.
ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Clearwater Radio Broadcasters, Inc., Clearwater, Florida, Docket No. 7503, File No. B3-P-4650; Lyle Van Valkenburgh, St. Petersburg, Florida, Docket No. 8054, File No. B3-P-5547; Ledger Publishing Company, Inc., Lakeland, Florida, Docket No. 3081, File No. B3-P-5602; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application of Ledger Publishing Company, Inc. (File No. B3-P-5602) requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Lakeland, Florida;

It appearing, that the Commission on January 16, 1947, designated for hearing

NOTICES

in a consolidated proceeding the applications of Clearwater Radio Broadcasters, Inc. (File No. B3-P-4650; Docket No. 7503) requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Clearwater, Florida; and Lyle Van Valkenburgh (File No. B3-P-5547; Docket No. 8054) requesting a permit to construct a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at St. Petersburg, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Ledger Publishing Company, Inc. be, and it is hereby, designated for hearing in the above consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Clearwater Radio Broadcasters, Inc. (File No. B3-P-4650; Docket No. 7503); Lyle Van Valkenburgh (File No. B3-P-5547; Docket No. 8054, or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of January 16, 1947, designating for hearing in said consolidated hearing said applications of Clearwater Radio Broadcasters, Inc., and Lyle Van Valkenburgh, be, and it is hereby, amended to include said application of Ledger Publishing Company, Inc., and to change issue No. 7

in said order to read as issue No. 7 stated above.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1308; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket Nos. 7749 and 8082]

SAN FERNANDO VALLEY BROADCASTING CO.
AND KENNETH O. TINKHAM

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7749, File No. B5-P-4657; Kenneth O. Tinkham, San Fernando, California, Docket No. 8082, File No. B5-P-5600; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947:

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 1 kw power, unlimited time, using a directional antenna, at San Fernando, California;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and the officers, directors and stockholders of the corporate applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed sta-

tion would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1309; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket Nos. 7875, 8038]

LEE-SMITH BROADCASTING CO. AND ASSOCIATED BROADCASTERS, INC.

ORDER SETTING FORTH DATE OF HEARING

In re applications of Herbert H. Lee, Palmer Dragsten and John E. Hyde, Jr., doing business as Lee-Smith Broadcasting Company, Faribault, Minnesota, Docket No. 7875, File No. B4-P-4581, for construction permit; Associated Broadcasters, Inc., Wadena, Minnesota, Docket No. 8038, File No. B4-P-5351, for construction permit.

The Commission having under consideration a petition filed January 17, 1947, by Lee-Smith Broadcasting Company, Faribault, Minnesota, requesting reinstatement of the hearing date of February 13, 1947, at Washington, D. C., in the matter of its above-entitled application; and the opposition thereto filed January 23, 1947, by Associated Broadcasters, Inc., Wadena, Minnesota; and

It appearing, that on January 2, 1947, the Commission consolidated the above-entitled application of Associated Broadcasters, Inc., Wadena, Minnesota, for hearing with the above-entitled application of Lee-Smith Broadcasting Company, Faribault, Minnesota; and that on January 10, 1947, the issues upon which said consolidated applications are to be heard were mailed; and

It appearing further from the petition and opposition thereto that the grant of the petition of Lee-Smith Broadcasting Company to schedule the hearing on the above-entitled applications for February 13, 1947, will prejudice the rights of Associated Broadcasters, Inc., whereas, if said consolidated hearing is scheduled for a later date, to-wit: March 3, 1947, neither applicant will be prejudiced; and that it will conduce to the dispatch of the Commission's business and to the ends of justice to so schedule the consolidated hearing upon the above-entitled applications;

It is ordered, This 24th day of January 1947, that the consolidated hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 o'clock a. m., Monday, March 3, 1947, in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1319; Filed, Feb. 11, 1947;
9:01 a. m.]

[Docket Nos. 7890, 7891, 8080]

MORRIS LUSKIN ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Morris Luskin, Burbank, California, Docket No. 7890, File No. B5-P-5027; Burbank Broadcasters, Inc., Burbank, California, Docket No. 7891, File No. B5-P-5251; Bear State Broadcasters, Inc., Van Nuys, California, Docket No. 8080, File No. B5-P-5613.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application of Bear State Broadcasters, Inc. (File No. B5-P-5613) requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Van Nuys, California, and also having under consideration a petition by the said applicant requesting that its application be designated for hearing in a consolidated proceeding involving the other two applications named above;

It appearing, that the Commission on September 30, 1946, designated for hearing in a consolidated proceeding the applications of Morris Luskin (File No. B5-P-5027; Docket No. 7890) and Burbank Broadcasters, Inc. (File No. B5-P-5251; Docket No. 7891), each requesting a permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time at Burbank, California, and that said consolidated proceeding is set for February 10, 1947, at 10 a. m. in the Council Room, City Hall, Burbank, California;

It further appearing, that said application of Bear State Broadcasters, Inc., was filed on January 14, 1947;

It is ordered, That the petition of Bear State Broadcasters, Inc., be, and it is hereby granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Bear State Broadcasters, Inc., be, and it is hereby, designated for hearing in the above consolidated proceeding, set for February 10, 1947, at Burbank, California, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors, and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Morris Luskin (File No. B5-P-5027; Docket No. 7890), Burbank Broadcasters, Inc. (File No. B5-P-5251; Docket No. 7891), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of September 30, 1946, designating the said applications of Morris Luskin and Burbank Broadcasters, Inc., for hearing in a consolidated proceeding, be, and they are hereby, amended, to include the said application of Bear State Broadcasters, Inc., and to change issue No. 7 of said orders to read as issue No. 7 stated above.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 47-1307; Filed, Feb. 11, 1947;
8:59 a. m.]

[Docket Nos. 8067 and 8068]

MIDLAND BROADCASTING CO. ET AL.

ORDER SETTING FORTH DATE FOR HEARING

In re applications of Midland Broadcasting Company, Kansas City, Missouri, for construction permit, Docket No. 8067, File No. B4-P-5154; Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, for construction permit, Docket No. 8068, File No. B3-P-5404.

The Commission having on January 23, 1947, designated the above-entitled applications for a consolidated hearing in Washington, D. C.; and

It appearing, that public interest, convenience and necessity will be served by scheduling said consolidated hearing for Monday, March 3, 1947;

It is ordered, This 28th day of January, 1947, on the Commission's own motion that the consolidated hearing on the above-entitled applications be, and it is hereby, scheduled for 10:00 o'clock a. m., Monday, March 3, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 47-1305; Filed, Feb. 11, 1947;
8:59 a. m.]

[Docket Nos. 8056, 7129, 7843, 7844, 7447]

MISSOURI BROADCASTING CORP. (WIL)
ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Missouri Broadcasting Corporation (WIL), St. Louis, Missouri, Docket No. 8056, File No. B4-P-5606; Southern Illinois Broadcasting Company, Inc., Centralia, Illinois, Docket No. 7129, File No. B4-P-4181; Metropolitan Broadcasting Corporation, Belleville, Illinois, Docket No. 7843, File No. B4-P-5034; Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, Belleville, Illinois, Docket No. 7844, File No. B4-P-5176; George Dyson, Jr., d/b as The Alton Broadcasting Co., Alton, Illinois, Docket No. 7447, File No. B4-P-4518; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above entitled application of George Dyson, Jr., d/b as The Alton Broadcasting Co. for a construction permit for a new standard broadcast station to operate on the frequency 1410 kilocycles with 500 watts power, daytime only, at Alton, Illinois; and

It appearing, that a consolidated hearing involving the above entitled applications of Missouri Broadcasting Corporation (WIL), Southern Illinois Broadcasting Company, Inc., Metropolitan Broadcasting Corporation and Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, commenced on January 29, 1947, at Washington, D. C., and that the said application of George Dyson, Jr., d/b as The Alton Broadcasting Co. involves adjacent-channel interference with the foregoing applications all of which request the frequency 1430 kilocycles;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of George Dyson, Jr., d/b as The Alton Broadcasting Co. be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KWK, St. Louis, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other applications in this consolidated proceeding, or in the pending application of Illinois Broadcasting Company for a new station at Centralia, Illinois, to operate on 1400 kilocycles (File No. B4-P-4732, Docket No. 7623), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 19 and October 4, 1946, and January 16, 1947, designating for hearing the said applications of Southern Illinois Broadcasting Company, Inc., Metropolitan Broadcasting Corporation, Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, and Missouri Broadcasting Corporation (WIL) be, and they are hereby, amended to include the said application of George Dyson, Jr., d/b as the Alton Broadcasting Co.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1318; Filed, Feb. 11, 1947;
9:01 a. m.]

[Docket Nos. 8067, 8068]

MIDLAND BROADCASTING CO. AND FRED JONES RADIOCASTING AND TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Midland Broadcasting Company, Kansas City, Missouri, Docket No. 8067, File No. B4-P-5154, for construction permit; Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, Docket No. 8068, File No. B3-P-5404, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of January 1947;

The Commission having under consideration the above-entitled application filed October 31, 1946, by Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, requesting a construction permit for a new standard broadcast station to operate on the frequency of 550 kc, with 5 kw power day, 1 kw night, directional antenna, at Oklahoma City, Oklahoma (File No. B3-P-5404); and

It appearing, that the Commission on the 23d day of January, 1947, designated for hearing the above-entitled application of Midland Broadcasting Company, Kansas City, Missouri, for construction permit (File No. B4-P-5154; Docket No. 8067), requesting the use of the frequency 550 kc, with power of 5 kw, daytime only, and with directional antenna;

It is ordered, That pursuant to section 309 of the Communications Act of 1934, as amended, the said application of Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, be, and it is hereby, designated for hearing in a consolidated proceeding with the application of the Midland Broadcasting Company (File No. B4-P-5154; Docket No. 8067), at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Midland Broadcasting Company (File No. B4-P-5154; Docket No. 8067), Radio Broadcasting, Inc. (File No. B3-P-3915; Docket No. 7156), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of the newly authorized Station KFMJ at Tulsa, Oklahoma, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of this date designating for hearing the application of Midland Broadcasting Company (File No. B4-P-5154; Docket No. 8067) be, and it is hereby, amended, to include the said application of Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, and to include, among the issues for said hearing, Issue No. 8 stated above.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1306; Filed, Feb. 11, 1947;
8:59 a. m.]

[Docket No. 7982]

WESTERN UNION TELEGRAPH CO.

ORDER AUTHORIZING TELEGRAPH COMMITTEE TO PRESIDE AT HEARINGS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of January 1947:

The Commission, having under consideration its order of December 30, 1946, herein, providing for an investigation under the Communications Act of 1934, as amended, and particularly section 214 thereof, into the matter of the over-all plans of The Western Union Telegraph Company with respect to the discontinuance, reduction, and impairment of service, and the standards to be applied;

It is ordered, That the Commission's Telegraph Committee, composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, be, and they are hereby, authorized, to preside at the hearings, and otherwise to conduct the proceedings, herein;

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1320; Filed, Feb. 11, 1947;
9:01 a. m.]

[Docket No. 8074]

UNION-CAROLINA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Union-Carolina Broadcasting Company, Union, South Carolina, for construction permit; Docket No. 8074, File No. B3-P-5304.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to oper-

ate on 1230 kc, 250 w power, unlimited time at Union, South Carolina;

It is ordered. That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WAIM, Anderson, South Carolina, WNOK, Columbia, South Carolina and WKDK, Newberry, South Carolina or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered. That Welton E. Hall, licensee of WAIM, Anderson, South Carolina, C. A. Kaufmann and John F. Clarkson, d/b as Newberry Broadcasting Company, permittee of WKDK, Newberry, South Carolina and Palmetto Radio Corporation, permittee of WNOK, Columbia, South Carolina, be, and they are hereby, made parties to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1315; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket Nos. 8075, 8076]

BEAVER VALLEY RADIO INC. AND WZHD,
INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Beaver Valley Radio Inc., Beaver Falls, Pennsylvania,

Docket No. 8075, File No. B2-P-5563; WZHD, Inc., Warren, Ohio, Docket No. 8076, File No. B2-P-5598; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled applications of Beaver Valley Radio Inc., requesting a permit to construct a new standard broadcast station to operate on 830 kc, with 250 w power, daytime only, at Beaver Falls, Pennsylvania; and WZHD, Inc., requesting a permit to construct a new standard broadcast station to operate on 830 kc, with 1 kw power, daytime only, at Warren, Ohio;

It is ordered. That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of either of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of either of the proposed stations would involve objectionable interference with the services proposed in the other application in the consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1314; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket No. 8077]

CITIZENS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Everard B. Cureton, Jr., George W. Fisher, John T. Ward, Jr., and Joseph R. Trott, Jr., a partnership d/b as Citizens Broadcasting Company, North Adams, Massachusetts, for construction permit; Docket No. 8077, File No. B1-P-5376.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 250 w power, daytime only, at North Adams, Massachusetts;

It is ordered. That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Neal W. Welch (File No. B1-P-5618), requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 1 kw power, daytime only, at North Adams, Massachusetts; at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications

in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1312; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket No. 8078]

NEAL W. WELCH

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Neal W. Welch, North Adams, Massachusetts, for construction permit; Docket No. 8078, File No. B1-P-5618.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 1 kw power, daytime only, at North Adams, Massachusetts;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Everard B. Cureton, Jr., George W. Fisher, John T. Ward, Jr., and Joseph R. Trott, Jr., a partnership d/b as Citizens Broadcasting Company (File No. B1-P-5376), requesting a permit to construct a new standard broadcast station to operate on 940 kc, with 250 w power, daytime only, at North Adams, Massachusetts, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1313; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket No. 8083]

CAPITAL BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Capital Broadcasting Co., Trenton, New Jersey, for construction permit; Docket No. 8083; File No. B1-P-4832.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 1 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of WSWZ Incorporated (File No. B1-P-5590), requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 5 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with

the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1311; Filed, Feb. 11, 1947;
9:00 a. m.]

[Docket No. 8084]

WSWZ, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of WSWZ Incorporated, Trenton, New Jersey, for construction permit; Docket No. 8084, File No. B1-P-5590.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 5 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Capitol Broadcasting Co. (File No. B1-P-4832) requesting a permit to construct a new standard broadcast station to operate on 1260 kc, with 1 kw power, unlimited time, using a directional antenna, at Trenton, New Jersey, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if

so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1310; Filed, Feb. 11, 1947;
9:00 a. m.]

TEMPORARY EXPEDITING PROCEDURE FOR STANDARD BROADCAST APPLICATIONS

ANNOUNCEMENT OF CONFERENCES

Pursuant to the Commission's Public Notice of January 8, 1947, entitled "Temporary Expediting Procedure For Standard Broadcast Applications," and as provided for therein, the following partial schedule of informal engineering conferences, is announced:

Date	Channel (kilocycles)	Time
February 14, 1947.....	940	10 a. m.
	970	10 a. m.
	1370	10 a. m.
	1510	10 a. m.
	1520	10 a. m.
February 15, 1947.....	620	10 a. m.
	850	10 a. m.
	1360	10 a. m.
	1460	10 a. m.
	1470	10 a. m.

Attorneys and engineers representing applicants on the above specified channels should appear in Room 7454, New Post Office Building, Washington, D. C., at the time indicated, prepared to participate in the conference concerning the channel in which they are interested. In the event such representatives of adjacent channel applicants, or of existing station licensees, desire to participate in any of the foregoing conferences they should address a written request to the Secretary of the Commission specifying their interest in the conference and the reasons for their participation.

Further conferences, pertaining to the above specified channels, will, if necessary, be scheduled and announced at the initial conferences provided for herein. No additional public notice, insofar as such conferences are concerned, is contemplated, although a public announcement of additional initial conferences

pertaining to other channels, will be made in the immediate future.

The Commission desires to stress the urgent necessity for the attendance of representatives of applicants for the above specified frequencies at the conference involving their applications. Failure to attend will be construed as indicating that such applicants do not desire to participate in the expediting plan and, although their applications will be considered in connection with the other applications concerned, they will not be accorded the amendment privileges provided for in the Public Notice of January 8, 1947.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1374; Filed, Feb. 11, 1947;
8:45 a. m.]

[Docket No. 8087]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING AND LISTING BUT NOT LIMITING CONSIDERATION TO STATED QUESTIONS

In the matter of the application of The Western Union Telegraph Co., Kansas City, Missouri, Docket No. 8087, File No. T-D-451.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission, having under consideration the telegraphic request filed May 17, 1946, and the formal application filed on June 1, 1946, under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File No. T-D-451, for authority to close temporarily its "MH" branch office, located in the Muehlebach Hotel, Kansas City, Missouri, beginning June 1, 1946, until suitable alternate space for relocating the office could be found;

It appearing, that the Commission on May 24, 1946, granted temporary emergency authority for the closure of this office for a period of four months beginning June 1, 1946; that upon further representations by applicant of inability to obtain suitable office space in this vicinity, this authority was extended on September 30, 1946, for a further four-month period beginning October 1, 1946, and, on January 30, 1947, for a further period of two months beginning February 1, 1947;

It further appearing, that informal complaints expressing opposition to the closure have been received;

It further appearing, that the present or future public convenience or necessity may be adversely affected by the continued closure of the said office;

It is ordered, Pursuant to section 214 of the Communications Act of 1934, as amended, that the above described application of The Western Union Telegraph Company be, and it is hereby, designated for hearing, and that the matters to be considered at such hearing shall include, but not be limited to the following questions:

1. Whether the present or future public convenience and necessity will be adversely affected by the continued closure of the "MH" branch office;

2. The extent of public need for a branch telegraph office at or in the vicinity of the Muehlebach Hotel, Kansas City, Missouri;

3. The adequacy of telegraph service provided to the users formerly served by "MH" branch; or in the service area of this office, and whether in the absence of this particular office, telegraph service to such users or in this area will be adequate;

4. The validity under section 214 of the Communications Act of the grounds advanced by applicant in support of its application;

5. The extent and nature of applicant's efforts to obtain space for the purpose of retaining or replacing the "MH" branch office;

It is further ordered, That The Western Union Telegraph Company, be and it is hereby, made a party respondent to this proceeding, and that a copy hereof be served upon it and upon each of the persons who have complained of the closure of the above office, the Secretary of War, the Secretary of the Navy, the Governor and Public Service Commission of the State of Missouri, the City Manager of Kansas City, Missouri, the National Association of Railroad and Utilities Commissioners, and all other parties which were given leave to intervene in the proceeding in Docket No. 7982 and Docket No. 8088 by the Commission's orders therein dated December 30, 1946, and January 30, 1947, and each of the above persons, organizations and agencies, be, and it is hereby, given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 17th day of February 1946, beginning at 10:00 a. m. before the Commission's Telegraph Committee, composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, at the offices of the Federal Communications Commission in Washington, D. C., to be heard in consolidated hearing with the proceedings in Docket No. 7982 and Docket No. 8088;

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1304; Filed, Feb. 11, 1947;
8:59 a. m.]

[Docket No. 8088]

WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR HEARING AND LISTING BUT NOT LIMITING CONSIDERATION TO STATED QUESTIONS

In the matter of the application of The Western Union Telegraph Co., Dallas, Texas, Docket No. 8088, File No. T-D-771.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of January 1947;

The Commission, having under consideration the application filed on December 30, 1946, under section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, File No. T-D-771, for permanent authority to close its "CR" branch office, located at 403 South Akard St., Dallas, Texas, and, pending decision on this request, for temporary authority beginning February 1, 1947; also having under consideration its Order and Authorization issued January 27, 1947, granting temporary authority to discontinue the said office for a period of four months, beginning February 1, 1947;

It appearing, that informal complaints expressing opposition to the closure have been received;

It further appearing, that the present or future public convenience or necessity may be adversely affected by a permanent closure of the said office;

It is ordered, pursuant to section 214 of the Communications Act of 1934, as amended, that the above described application of The Western Union Telegraph Company, be, and it is hereby, designated for hearing, and that the matters to be considered at such hearing shall include, but not be limited to, the following questions:

1. Whether the present or future public convenience and necessity will be adversely affected by the permanent closure of the "CR" branch office;

2. The extent of public need for a branch telegraph office at or in the vicinity of 403 South Akard St., Dallas, Texas;

3. The adequacy of telegraph service provided to the users formerly served by "CR" branch, or in the service area of this office, and whether, in the absence of this particular office, telegraph service to such users or in this area will be adequate;

4. The validity under section 214 of the Communications Act of the grounds advanced by applicant in support of its application;

5. The extent and nature of applicant's efforts to obtain space for the purpose of retaining or replacing the "CR" branch office;

It is further ordered, That The Western Union Telegraph Company, be, and it is hereby, made a party respondent to this proceeding, and that a copy hereof be served upon it and upon each of the persons who have complained of the closure of the above office, the Secretary of War, the Secretary of the Navy, the Governor of the State of Texas, the City Manager of Dallas, Texas, the National Association of Railroad and Utilities Commissioners, and all other parties which were given leave to intervene in the proceedings in Docket No. 7982 and Docket No. 8087 by the Commission's orders therein dated December 30, 1946, and January 30, 1947, and each of the above persons, organizations and agencies, be, and it is hereby, given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 17th day of February, 1947, beginning at 10:00 a. m., before the Commission's Telegraph Committee composed of Commissioners Ray C. Wakefield, Paul A. Walker and Clifford J. Durr, or any member or members of such Committee, at the offices of the Federal Communications Commission in Washington, D. C., to be heard in consolidated hearing with the proceedings in Docket No. 7982 and Docket No. 8087;

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1303; Filed, Feb. 11, 1947;
8:58 a. m.]

[Designation Order 6]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Ray C. Wakefield, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of February 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1299; Filed, Feb. 11, 1947;
8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 108]

RECONSIGNMENT OF PEARS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 5, 1947, by Auster Co., of car SFRD 38112, pears, now on the Pennsylvania RR., to Justman Frankenthal, New York, N. Y. (P. RR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1323; Filed, Feb. 11, 1947;
8:48 a. m.]

[S. O. 396, Special Permit 109] RECONSIGNMENT OF APPLES AT PHILADELPHIA PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., February 5, 1947, by M. Rosen Co., of car FGE 32432, apples, now on the Baltimore and Ohio RR., to C. E. Merrill Co., New York, N. Y. (B&O-Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1324; Filed, Feb. 11, 1947;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1440]

MIDDLE WEST CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Middle West Corporation ("Middle West"), a registered holding company, and by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a non-affiliate of Middle West.

Notice is further given that any interested person may, not later than the 17th day of February 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

At the present time Consolidated owns all of the capital stock of Houghton County Electric Light Company ("Houghton") and all of the outstanding securities of Iron Range Light and Power Company ("Iron Range"). Middle West and Copper Range Company ("Copper Range"), primarily a mining company which this Commission has heretofore determined to be "exempted from all those provisions of the Public Utility Holding Company Act of 1935, which would require it to register under said act because of owning, controlling, or holding with power to vote, 10 per centum or more of the outstanding voting securities of the Copper District Power Company", own severally and not jointly all of the preferred stock and an aggregate of 86% of the common stock of Copper District Power Company ("Copper District"). Houghton, Iron Range and Copper District are all electric utility companies operating in the upper peninsula of Michigan.

Consolidated, Middle West, and Copper Range have entered into an agreement which provides, among other things, that they will cause a new corporation to be organized under the laws of the State of Michigan, to be called Upper Peninsula Power Company ("New Company"), that they will initially subscribe for shares of capital stock of New Company of an aggregate par value of \$1,000, and that Consolidated will lend to New Company such moneys as it may require to defray its organization expenses and preliminary expenses of the issue and sale of its securities to the public.

The instant filing is concerned solely with the obtaining of authorization for (1) Consolidated and Middle West to organize New Company with an initial authorized capital of 5,000 shares, par value \$10 per share, and the subscription by Consolidated for \$600 par value of such stock and Middle West for \$200 par value of such stock (it appears from the filing, but not as part of the transactions embraced in the filing, that Cop-

per Range is to subscribe for \$200 par value of such securities), and (2) Consolidated to advance to New Company such sums as it may require to defray its organization expenses and the preliminary expenses of the proposed financing.

The filing further indicates that, upon the consummation of the transactions embraced therein, a new application and declaration is to be filed with this Commission, joining New Company as a party thereto, for the purpose of obtaining the requisite authority for the remaining transactions contemplated by New Company, Consolidated, Middle West, and Copper Range. These new transactions, generally speaking, will consist of the issuance and sale of securities by New Company and the use of the proceeds derived therefrom to acquire from Consolidated, Middle West, and Copper Range their respective security holdings in Houghton, Iron Range, and Copper District, and to provide for the public security holders of Houghton and Copper District (Iron Range has no publicly held securities) whereupon New Company will acquire the assets of Houghton, Iron Range, and Copper District and these latter named companies will be dissolved.

The filing designates sections 9 (a), 10 and 12 (b) of the act, and Rule U-45 thereunder as being applicable to the transactions embraced in the instant joint application-declaration.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1283; Filed, Feb. 11, 1947;
8:53 a. m.]

[File No. 70-1445]

PHILADELPHIA GAS WORKS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Philadelphia Gas Works Company (Gas Company), a subsidiary of The United Gas Improvement Company, a registered holding company. Applicant designates section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person, may not later than February 14, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to

said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Gas Company proposes to issue and sell to three Philadelphia banks 2% promissory notes at their principal amount as follows:

	Dated on or about	Principal amount
The Pennsylvania Co. for insurance on lives and granting annuities.	Mar. 1, 1947 Aug. 31, 1947	\$1,000,000 1,000,000
The Corn Exchange National Bank & Trust Co.	Mar. 1, 1947 Aug. 31, 1947	625,000 625,000
The First National Bank of Philadelphia.	Mar. 1, 1947 Aug. 31, 1947	375,000 375,000
Total		4,000,000

All said notes will be due in equal installments, payable quarter annually, beginning on December 1, 1947, and will mature August 31, 1952. Gas Company will pay, in addition to interest at the rate of 2% on the unpaid principal, a stand-by charge of $\frac{1}{4}$ of 1% per annum from ten days after receiving necessary regulatory authority until the money is actually received from the banks. The notes may be prepaid without premium provided such prepayment is not by means of other borrowing or refinancing, in which event the premium shall be $\frac{1}{4}$ of 1% per annum of the amount of such prepayment to the maturity date.

The proceeds of said notes are to be used to make property additions to the municipal gas works of Philadelphia, which Gas Company operates under lease. It is alleged by applicant that, according to the lease agreement, the principal, interest and standby charges will be included in the expenses of operation of the municipal gas works and will be repaid to Gas Company by charging same to the cost of gas in the ensuing years, not exceeding five, as determined by the Philadelphia Gas Commission.

Said construction and financing were authorized by an Ordinance of the Council of the City of Philadelphia, which Ordinance was approved by the Mayor of Philadelphia on January 20, 1947. The Ordinance also authorized the charging of the capital and interest costs against the cost of gas in the manner outlined hereinabove. It is stated that the proposed issuance and sale of notes by Gas Company are subject to the jurisdiction of the Pennsylvania Public Utility Commission, and that the order of that Commission approving the proposed transactions will be supplied by amendment.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1284; Filed, Feb. 11, 1947;
8:52 a. m.]

[File No. 70-1443]

THE HARTFORD GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of February 1947.

Notice is hereby given that an application, as amended, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by The Hartford Gas Company ("Hartford"), a subsidiary of The United Gas Improvement Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 18, 1947 said amended application as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, as amended, which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Hartford proposes to issue and sell for cash at principal amount to six banks and insurance companies an aggregate of \$2,000,000 principal amount of 2% First Mortgage Bonds, due February 1, 1972. The net proceeds of the sale of the bonds are to be used to provide funds for the enlargement of Hartford's gas manufacturing plant, for new business extensions, and for the repayment of bank borrowings which were expended for such improvements.

Applicant requests that the Commission exempt the issue and sale from the competitive bidding requirements of Rule U-50 for reasons set forth in the application.

Applicant states that the transaction is subject to the approval of the Connecticut Public Utilities Commission and a copy of the approval of such commission has been filed by amendment.

The applicant requests that the Commission's order granting the application become effective not later than February 20, 1947.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1285; Filed, Feb. 11, 1947;
8:52 a. m.]

[File No. 70-1377]

NEW YORK STATE ELECTRIC & GAS CORP.
AND GENERAL PUBLIC UTILITIES CORP.

ORDER RELEASING JURISDICTION AND GRANTING AMENDMENT TO JOINT APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February 1947.

General Public Utilities Corporation, a registered holding company, and its subsidiary, New York State Electric & Gas Corporation ("New York State"), having filed joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 6 (b), 7, 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935, in which it was proposed, among other things, that New York State issue and sell, pursuant to the competitive bidding provisions of Rule U-50, \$13,000,000 principal amount of its First Mortgage Bonds due 1977 and thereafter 150,000 shares of its Cumulative Preferred Stock; and

The Commission having, by order dated January 13, 1947, granted said applications and permitted said declarations to become effective, subject to the condition, among others, that the proposed issuance and sale of securities not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in the proceedings and a further order has been entered by the Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and the Commission having reserved jurisdiction over the payment of all legal fees and expenses of all counsel in connection with the proposed transactions; and

The Commission by supplemental order dated January 22, 1947, having granted and permitted to become effective an amendment, filed on January 22, 1947, to said joint applications-declarations with respect to the results of competitive bidding on the First Mortgage Bonds due 1977, and having released jurisdiction with respect thereto; and

New York State having filed a further amendment dated February 5, 1947, to said applications-declarations in which it is stated that, in accordance with the permission granted by the said order of the Commission dated January 13, 1947, it has offered its Cumulative Preferred Stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

	Price to company	Dividend rate	Cost to company
Harriman, Ripley & Co., Inc.	100.139	3.75	3.744795
First Boston Corp.	101.14	3.90	3.757168
Glore, Forgan & Co.			
Blyth & Co., Inc.	101.10	3.80	3.758655
Smith, Barney & Co.			

The amendment further stating that New York State has accepted the bid of Harriman, Ripley & Co., Incorporated for the Cumulative Preferred Stock as set out above and that the preferred stock will be offered for sale to the public at a price of \$102 per share resulting in an underwriters' spread of \$1.861 per share; and

Counsel concerned having filed statements with respect to the nature of the services performed in connection with the transactions; and it appearing to the Commission that the proposed fee of Naylor, Foster and Shepherd in the amount of \$23,500 and expenses in the amount of approximately \$500; the proposed fee of Sullivan and Cromwell in the amount of \$20,000 and expenses to date of approximately \$375; the proposed fee of Louis K. Thaler in the amount of \$2,500 and expenses to date of approximately \$475; and James T. Taaffe in the amount of \$750, all of the above being counsel for New York State; and the proposed fee of Davis, Polk, Wardwell, Sunderland & Kiendl, independent counsel for the underwriters, in the amount of \$18,000, are necessary expenses and not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters;

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for the Cumulative Preferred Stock be, and the same hereby is, released, and that the amendment filed on February 5, 1947 to the joint applications-declarations be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over all legal fees and expenses of counsel be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1286; Filed, Feb. 11, 1947;
8:52 a. m.]

[File Nos. 70-1187, 59-5]

WEST TEXAS UTILITIES CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February 1947.

In the matter of West Texas Utilities Company, Central Power and Light Company and Central and South West Utilities Company, File No. 70-1187; The Middle West Corporation and its subsidiary companies, File No. 59-5.

The Commission having, by its orders dated January 24, 1944 and February 16, 1945 entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed Central and South West Utilities Company, a registered holding company and subsidiary of The Middle West Corporation, to dispose of its interest in the utility assets and the non-utility properties of Central Power and Light Company, a subsidiary of Central and South West Utilities Company, in the Big Bend area of Texas; and

The Commission, by its order dated December 20, 1945, having approved the sale and transfer of the above-mentioned properties by Central Power and

Light Company to West Texas Utilities Company, a subsidiary of Central and South West Utilities Company, and having modified its said orders of January 24, 1944 and February 16, 1945 to permit Central and South West Utilities Company to retain the said assets subject, however, to the condition that West Texas Utilities Company interconnect the said Big Bend electric properties, excepting Presidio, with its present electric properties prior to December 31, 1946; and

West Texas Utilities Company having filed an application for extension of time until September 1, 1947 within which to comply with the Commission's order of December 20, 1945, above described, said application reciting that West Texas Utilities Company has been unable in the exercise of due diligence to comply with the said order within the time specified therein, owing to difficulties in securing necessary materials; and

It appearing to the Commission, in the light of the particular circumstances that it is appropriate to extend the time for compliance with the said order of December 20, 1945, from December 31, 1946 until September 1, 1947:

It is ordered, That the application of West Texas Utilities Company for an extension of time until September 1, 1947, within which to comply with the condition of the order of December 20, 1945, that the Big Bend electric properties be connected with the present electric properties of West Texas Utilities Company be, and hereby is, granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1287; Filed, Feb. 11, 1947;
8:52 a. m.]

[File Nos. 54-85 and 59-90]

EAST COAST PUBLIC SERVICE CO. ET AL.

NOTICE OF FILING, ORDER FOR HEARING, AND
ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February A. D. 1947.

In the matters of East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Floyd W. Woodcock, Applicants, File No. 54-85; East Coast Public Service Company, Virginia East Coast Utilities, Incorporated, Tidewater Electric Service Company, Respondents, File No. 59-90.

I. Notice is hereby given that an amended plan has been filed with this Commission by East Coast Public Service Company ("East Coast"), a registered holding company, Virginia East Coast Utilities, Incorporated ("Virginia"), a subsidiary of East Coast, Tidewater Electric Service Company ("Tidewater"), a subsidiary of Virginia, and Floyd W. Woodcock, an affiliate of East Coast, in substitution for a plan heretofore filed, whereby the said applicants seek approval, pursuant to section 11 (e)

of the Public Utility Holding Company Act of 1935, of a plan designed to enable East Coast to comply with section 11 (b) of said act.

All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

East Coast, a Delaware Corporation, proposes to liquidate and dissolve after having satisfied and discharged its outstanding First Lien Collateral 4% Bonds, Series A, due August 1, 1948 ("Collateral Bonds"), all of its liabilities, including its Federal income tax liabilities, and distributed its then remaining assets to its common stockholders.

The following table shows as of November 30, 1946, the outstanding securities of East Coast and its subsidiaries.

	Principal amount or shares outstanding		
	Owned by East Coast	Owned by Virginia	Owned by others
East Coast Public Service Co.: Fifteen-year first lien collateral 4% bonds, series A, due Aug. 1, 1948.....			\$740,000
Common stock, par value \$1 per share.....			Shares 30,000
Virginia East Coast Utilities, Inc.: Virginia East: Advances from parent company.....	\$100,000		
Bank loan.....			\$150,000
First mortgage 5% bonds, due Aug. 1, 1948.....	1,876,745		
Common stock, par value \$100 per share.....	Shares 500		
Tidewater Electric Service Co.: First mortgage notes (2%).....			123,530
Common stock, par value \$10 per share.....		Shares 700	

¹ Increased to \$200,000 by order of this Commission dated January 23, 1947.

² As of November 30, 1946, the amount of \$17,885 had been accumulated by Tidewater to be applied toward the payment of its Notes.

The presently outstanding First Mortgage 5% Bonds and Common Stock of Virginia are pledged under the indenture securing the Collateral Bonds of East Coast.

To carry out said amended plan, the following steps are proposed:

(1) *Merger of Virginia and Tidewater.* It is proposed to merge Tidewater, all of whose capital stock is now owned by Virginia, into Virginia as the surviving company. The outstanding First Mortgage Notes of Tidewater in the net amount of \$105,645, which are owned by the Reconstruction Finance Corporation, would be paid and satisfied at the same time the Collateral Bonds of East Coast are retired. Sufficient funds for the payment of such Notes are to be provided through the sale of new First Mortgage Bonds of Virginia as hereinafter set forth.

(2) *Recapitalization of Virginia.* Virginia proposes the issuance and sale to East Coast of \$800,000 principal amount of First Mortgage 3% Bonds, Series A, and 60,000 shares of new common stock,

par value \$10 per share in exchange for the \$1,876,745 principal amount of First Mortgage 5% Bonds and 500 shares of common stock of Virginia now held by East Coast. As of November 30, 1946, Virginia was also indebted to East Coast on open account advances in the amount of \$100,000. It is proposed that East Coast will forgive and cancel such open account advances to Virginia.

Simultaneously with the sale by East Coast as hereinafter set forth of the \$800,000 principal amount of First Mortgage Bonds and 60,000 shares of new common stock of Virginia, Virginia proposes the issuance and sale for its own account of \$400,000 principal amount of additional First Mortgage 3% Bonds, Series A, such bonds to be sold at competitive bidding, pursuant to Rule U-50. The proceeds from the sale of such additional bonds would be used by Virginia (a) to retire its bank loan in the amount of \$200,000, (b) to retire the First Mortgage Notes of Tidewater in the net amount of \$105,645.61, and (c) to provide funds for property additions.

(3) *Liquidation of East Coast.* East Coast proposes to sell at competitive bidding the \$800,000 principal amount of First Mortgage 3% Bonds, Series A, and the 60,000 shares of new common stock, par value \$10 per share, of Virginia. East Coast proposes to use the proceeds from such sale to retire its presently outstanding Collateral Bonds and discharge its other liabilities. East Coast would then distribute the net remaining assets (consisting entirely of cash) among the holders of its common stock and would thereupon dissolve.

East Coast has requested that the Commission, in the event that this amended plan is approved, apply to the District Court of the United States for the District of Delaware for an order to enforce and carry out the provisions of said amended plan.

East Coast has further requested that if the Commission should approve the amended plan, such order or orders of approval shall contain recitals necessary to meet the requirements of the Internal Revenue Code, as amended, including section 1808 and Supplement R thereof.

II. The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of East Coast and its subsidiary companies, the relationship among the companies in the holding company system of East Coast, and the character of the interest thereof and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified and unnecessary complexities therein eliminated under the standards of section 11 (b) of the act; and said examination having disclosed data establishing the following:

(1) East Coast, a registered holding company, is a corporation organized under the laws of the State of Delaware and maintains its principal office in the City of Wilmington, State of Delaware.

(2) Following is a tabulation showing the names, states of organization and

kinds of business of East Coast and its subsidiaries:

Name of company	State of organization	Kind of business
East Coast	Delaware	Holding company.
Virginia	Virginia	Electric utility.
Tidewater	do.	Do.

East Coast owns all of the outstanding securities of Virginia (except certain notes) which in turn owns all of the outstanding securities of Tidewater (except certain notes).

(3) Virginia and Tidewater conduct their operations within the State of Virginia and render service to approximately 10,700 electric customers in 227 communities:

	Gross revenues	Gross income	Fixed charges	Net income	Times fixed charges earned
1941	\$495,671	\$143,802	\$101,881	\$41,921	1.41
1942	500,122	119,154	101,187	17,967	1.17
1943	510,129	99,492	101,327	(1,835)	.98
1944	559,290	131,469	100,265	31,204	1.31
1945	637,727	158,880	99,657	59,223	1.59
12 months ended Nov. 30, 1946	766,226	178,667	99,342	79,325	1.79
Average	578,194	138,544	100,610	37,968	1.37

(5) The balance sheet of Virginia, as at November 30, 1946, shows net plant, net current assets and investment in subsidiary company totalling \$2,160,156. Such company as of the same date owed First Mortgage Bonds in the principal amount of \$1,878,745, open account advances amounting to \$100,000 and a bank loan amounting to \$150,000 (increased to \$200,000 by order of this Commission dated January 23, 1947) or an aggregate indebtedness of \$2,126,745.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected by such plan; and

It being the duty of the Commission, among other things, pursuant to section 11 (b) (2) of the act, to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding company system does not unduly or unnecessarily complicate the structure of such holding company system; and

It appearing to the Commission on the basis of the allegations hereinbefore set forth that the corporate structure of East Coast's holding company system may be unduly and unnecessarily complicated and that the continued existence of East Coast may unduly and unnecessarily complicate the structure of such holding company system and that proceedings should be instituted under section 11 (b) (2) of the act with respect thereto; and

It further appearing to the Commission that it is appropriate in the public

The electric properties of Virginia consist of three separate electric systems which buy substantially all of their power requirements from a non-affiliate utility company. This company owns two small diesel generating plants which are maintained primarily for standby purposes.

The properties of Tidewater consist of rural distribution lines connected with the systems of Virginia and are leased to Virginia.

(4) The following table shows gross revenues, gross income, fixed charges, net income and times fixed charges earned of Virginia and Tidewater on a consolidated basis for the years 1941 through the twelve months ended November 30, 1946:

interest and in the interest of investors and consumers that a hearing be held with respect to the amended plan filed by East Coast pursuant to section 11 (e) of the act and the proceedings instituted herein by the Commission under section 11 (b) (2) of the act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together;

It is hereby ordered, That a proceeding be and it hereby is instituted under section 11 (b) (2) of the act directed to East Coast and its subsidiaries, that such proceeding be and it hereby is consolidated with the proceeding with respect to the amended plan filed herein pursuant to section 11 (e), and that a hearing in the consolidated proceeding under the applicable provisions of the act and the rules and regulations of the Commission thereunder be held on March 4, 1947, at 10:00 a. m., e. s. t. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That jurisdiction be and it hereby is reserved to separate, either for hearing, in whole or in part, for disposition either in whole or in part, any issues or questions which may arise in those proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

Notice is hereby given of said hearing to the above named applicants, The State Corporation Commission of Virginia, and to all interested persons, said notice to be given to said applicants and to The State Corporation Commission of Virginia by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER. It is requested that any persons desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before February 27, 1947, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented in such consolidated proceedings, particular attention shall be directed at the hearing to the following matters and questions:

(1) Whether the amended plan as submitted or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby, and if not, in what respects said amended plan including any modifications thereof, should be modified and amended;

(2) Whether the securities of Virginia to be outstanding upon consummation of the amended plan will be reasonably adapted to the security structure and earning power of the company and will otherwise meet the standards of the Act;

(3) Whether the amended plan should be modified to include a provision for the payment by East Coast of all fees and expenses by whomsoever incurred in connection with said amended plan or the proceedings with respect thereto which the Commission may determine, award, allow or allocate and whether the fees and expenses to be paid in connection with the consummation of the plan and all transactions incidental thereto are for necessary services and are reasonable in amount;

(4) Whether the accounting adjustments and entries proposed to be made in connection with the amended plan are proper and in accordance with sound accounting practice;

(5) Whether the allegations contained in section II hereof are true and correct;

(6) Whether the corporate structure or continued existence of East Coast unduly or unnecessarily complicates the structure of the East Coast holding company system; and if so, what action shall be required with respect thereto pursuant to section 11 (b) (2) of the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1278; Filed, Feb. 11, 1947;
8:53 a. m.]

[File No. 812-479]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION, STATEMENT OF
ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 6th day of February A. D. 1947.

In the matter of Bankers Securities Corporation, Union Building Company of Pennsylvania, Market Street National Building, Inc., Touraine Apartments, Inc., File No. 812-479.

Notice is hereby given that Bankers Securities Corporation ("Bankers") and Union Building Company of Pennsylvania ("Union"), respectively, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act (1) the proposed tender by Bankers to Land Title Bank and Trust Company ("Land Title"), as indenture trustee, of First Mortgage Bonds without stock attached of Market Street National Building, Inc. ("Market Street") pursuant to a general call for tenders by Land Title in accordance with the sinking fund provisions of the indenture securing such First Mortgage Bonds, and (2) the proposed tender by Union to Land Title, as indenture trustee of First Mortgage Bonds without stock attached of Touraine Apartments, Inc. ("Touraine") pursuant to a general call for tenders by Land Title in accordance with the sinking fund provisions of the indenture securing such First Mortgage Bonds.

Bankers is a closed end, management, non-diversified investment company and is registered under the Investment Company Act of 1940. Bankers owns 12.07% of the voting securities of Market Street and 21.39% of the voting securities of Touraine. It also owns 31.79% of the voting securities of Union Building Company which owns all of the voting securities of Union Building Company of Pennsylvania ("Union"). Union, in turn, owns 16.7% of the voting securities of Touraine.

The tender of First Mortgage Bonds of Market Street by Bankers, if accepted by the indenture trustee, would constitute a purchase of such bonds by an affiliated person (Market Street) of a registered investment company (Bankers) from such investment company, and is prohibited by section 17 (a) of the act. The tender of First Mortgage Bonds of Touraine by Union, if accepted by the indenture trustee, would constitute a purchase of such bonds by an affiliated person (Touraine) of a registered investment company (Bankers) from a controlled person (Union) of the investment company and is prohibited by section 17 (a) of the act.

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transactions from the provisions of section 17 (a) of the act, and they assert that the proposed transactions meet the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transactions and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Com-

mission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

- (1) Whether the proposed transactions are fair and reasonable;
- (2) Whether the proposed transactions involve overreaching on the part of any person concerned;
- (3) Whether the proposed transactions are consistent with the policy of Bankers Securities Corporation as recited in its registration statement and reports filed under the act;
- (4) Whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application to be held on February 19, 1947, at 9:30 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, Land Title Bank and Trust Company, Market Street National Building, Inc., Union Building Company of Pennsylvania and Touraine Apartments, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before February 17, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1279; Filed, Feb. 11, 1947;
8:53 a. m.]

[File No. 812-477]

FILBERT CORP.

NOTICE OF APPLICATION, STATEMENT OF
ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 6th day of February A. D. 1946

Notice is hereby given that Filbert Corporation has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act a proposed transaction whereby the Applicant would exchange 1,565 shares of 5% Cumulative Preferred Stock of Gamble-Skogmo, Inc. with the issuer for common stock of the issuer at a ratio of one share of preferred for 5 1/4 shares of common.

Filbert Corporation is a closed-end non-diversified investment company and is registered under the Investment Company Act. Gamble-Skogmo, Inc. is an affiliated person of Filbert Corporation within the meaning of section 2 (a) (3) of the act.

The proposed exchange of securities by a registered investment company with an affiliated person is prohibited by section 17 (a) of the act. The Applicant has, therefore, filed an application pursuant to section 17 (b) for a Commission order exempting the proposed transaction from the provisions of section 17 (b) and it asserts that the proposed transaction meets the standards and requirements of section 17 (b).

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

- (1) Whether the proposed transaction is fair and reasonable;
- (2) Whether the proposed transaction involves overreaching on the part of any person concerned;
- (3) Whether the proposed transaction is consistent with the policy of Filbert Corporation as recited in its registration statement and reports filed under the act;
- (4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on February 18, 1947, at 9:45 a. m., eastern standard time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Allen McCullen, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Filbert Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before February 14, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1280; Filed, Feb. 11, 1947;
8:53 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of February A. D. 1947.

In the matters of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company, and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

Notice is hereby given that Electric Bond and Share Company (Bond and Share), a registered holding company, has filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, a supplemental declaration to its Plan II-A, as amended, approved by the Commission on September 6, 1946. The declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested may, not later than February 17, 1947, 11:00 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 11:00 a. m., e. s. t., February 17, 1947, said declaration as filed or amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the

offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Bond and Share proposes to issue and sell to thirteen banks promissory notes in an aggregate principal amount not to exceed \$30,000,000, bearing interest at the rate of 1½% per annum and maturing two years after the date of issue. The proceeds of such notes together with cash realized by Bond and Share from the sale of common stock of American Gas and Electric Company and Pennsylvania Power & Light Company will be used for the payment of \$70 per share to Bond and Share's preferred stockholders in accordance with the provisions of Bond and Share's Plan II-A as amended.

Bond and Share requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

Bond and Share also requests that the Commission's order permitting the declaration to become effective be issued as soon as possible and become effective forthwith so that the company may be in a position to expedite the consummation of its Plan II-A, as amended.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1281; Filed, Feb. 11, 1947;
8:53 a. m.]

[File No. 70-1241]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING AMENDMENTS TO DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of February 1947.

Notice is hereby given that Standard Gas and Electric Company (Standard Gas), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, has filed its Amendments No. 7 and 8 to its declaration filed pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 regarding the proposed modification of the terms and conditions with respect to the payment of the purchase price for certain securities under the Company's proposed sale of its interest in Empresa de Servicios Publicos de los Estados Mexicanos, S. A. (Empresa), a Mexican corporation conducting a public utility business in the States of Sonora and Sinaloa, Mexico. The declarant designates sections 11 (b) and 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 14, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the rea-

sons for such request and the issues, if any, of fact or law raised by said declaration, as amended by Amendments No. 7 and 8, proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration, as so amended, which is on file in the office of this Commission, for a statement of the proceedings heretofore had in connection with the proposed sale and for a statement of the transactions therein proposed, which are summarized below:

The Commission on April 15, 1946 issued its order permitting the declaration, as then amended, to become effective regarding the proposed sale by Standard Gas to Theodore E. Shepard, for \$858,000 cash, pursuant to an agreement of sale dated February 15, 1946, between the parties, of the following securities: (a) 50,000 shares of the par value of \$100 (money of the United States of America) per share, of the capital stock of Empresa, consisting of 15,000 shares described as "Fully Paid Shares" and the remaining 35,000 shares described as "Assessable Series" (40% assessed and paid), and (b) a claim for indebtedness held by Standard Gas against Empresa in the principal sum of \$428,495.48 (payable in United States currency), without interest. The said 50,000 shares of capital stock are all of the issued and outstanding shares of capital of Empresa and, together with the said claim of indebtedness, constitute the entire investment of Standard Gas in Empresa.

The terms of the agreement of sale dated February 15, 1946 provided for the payment by the purchaser of \$50,000 earnest money to be applied upon the purchase price for the securities. Under the terms of the agreement, it was further provided that the closing date for consummation of the proposed sale was to be April 1, 1946, subject to extension, at which date the balance of the purchase price would be paid. By supplemental agreements of the parties such closing date was extended, from time to time, and upon applications of Standard Gas filed at the request of the proposed purchaser, the time within which said sale might be consummated was extended by orders of the Commission dated June 14, 1946, June 21, 1946, July 31, 1946, October 15, 1946 and December 2, 1946. The last order, dated December 2, 1946, extended the time within which to consummate the proposed sale to February 1, 1947. Under the terms of the original contract of sale and the supplemental agreements between the parties extending the time of closing, a total of \$258,000 as earnest money has been paid by the proposed purchaser to Standard Gas, including the original payment of \$50,000

earnest money paid under the terms of the original contract of sale.

Standard Gas, under the provisions of its Amendments No. 7 and 8, now proposes to sell to Theodore E. Shepard, for \$858,000, the securities set forth above, under the terms of a supplemental agreement dated December 16, 1946, modifying the provisions of the original contract of sale dated February 15, 1946, as modified, regarding payment of the purchase price and extending the time of closing the transaction to February 21, 1947, subject to the right of Standard Gas to accelerate said closing date. Under the terms of said supplemental agreement the sum of \$600,000 (representing the balance of the purchase price after applying \$258,000 earnest money heretofore paid by the proposed buyer to Standard Gas) shall be paid as follows: \$170,000 cash to be paid by the buyer to Standard Gas at time of closing (plus interest due under the contract of sale as supplemented by supplemental agreements, between the parties, extending the date of closing, dated July 29, 1946, and October 10, 1946), and the execution and delivery to Standard Gas by the buyer of his note in the amount of \$430,000, to be dated as of the date of closing, which note shall be payable as follows: \$80,000 principal amount on or before March 31, 1947, and \$350,000 principal amount on or before December 31, 1947, with interest thereon at the rate of 3% per annum, payable March 31, 1947, June 30, 1947, September 30, 1947, and December 31, 1947.

Under the terms and conditions of said supplemental agreement dated December 16, 1946, and said note and as security for the payment of said note, it is expressly provided that Standard Gas will retain a vendor's lien on all of the Empresa securities proposed to be sold to the purchaser. In addition, among other provisions contained in said supplemental agreement and said note, it is provided that the purchaser will cause Empresa to issue in substitution for the open account indebtedness of Empresa a demand note, bearing interest at 6% from date thereof, in the amount of \$428,495.48 and to be pledged with and held by Standard Gas as further security for the payment of said note. It is also provided under the terms and conditions of said supplemental agreement and said note given in part payment of the purchase price for said securities, that upon default in the payment of said note, or of any of the other obligations and provisions provided for therein to be kept and performed by the proposed purchasers, said notes shall at the option of the holder immediately become due and payable without demand or notice, and the holder thereof may sell all or any part of the property held as security for the payment of said note.

Standard Gas represents that the sale of the securities, as proposed by its original declaration and as now proposed by its Amendments No. 7 and 8, including the acceptance by Standard Gas of the note of the purchaser in the amount of \$430,000, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and is a step in compliance with the Commission's order dated August 8, 1941, issued pursuant to section

11 (b) (1) of the act, directing Standard Gas, among other things, to dispose of its interest in Empresa, and requests that the Commission, in its order permitting the declaration, as amended, to become effective, find that such sale and the acceptance of such note are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and make the specifications and itemizations necessary in order that the provisions of sections 371 (b), 371 (e) and 1808 (f) of the Internal Revenue Code shall be applicable.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1282; Filed, Feb. 11, 1947;
8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8054]

HELMUTH SCHULZ

In re: Estate of Helmuth Schulz, deceased. File No. D-28-9183; E. T. sec. 11888.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Olbricht, Wilhelm Schulz and Helmuth Schulz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$5,721.53 and the certificates representing the following described property were delivered to the Alien Property Custodian by Elizabeth Oettershagen, Executrix of the estate of Helmuth Schulz, deceased:

Five (5) shares of Class A stock of the Central Public Utility Corporation without par value as represented by stock certificate No. CAO-3739 issued in the name of Helmuth Schulz together with any declared and unpaid dividends.

Two (2) shares of Class A preferred stock of Midland Utilities Company with a par value of \$100.00 per share as represented by stock certificate No. CAO-7511 issued in the name of Helmuth Schulz together with any declared and unpaid dividends.

Five (5) shares of seven percent (7%) prior lien capital stock of the Chicago North Shore and Milwaukee Railroad Company with a par value of \$100.00 per share as represented by certificate No. PLO-31351 issued in the name of Helmuth Schulz together with any declared and unpaid dividends.

Certificate of deposit No. AO-2331 in the name of Helmuth Schulz, issued by Central Trust Company of Illinois, depository, for one share of prior preferred stock (Series A) of Chicago Rapid Transit Company together with all rights thereunder and thereto.

All rights and interests in a note of the Aetna State Corporation as evidenced by a Certificate of Participation No. 2293 in the face amount of \$21.34 issued in the name of the Alien Property Custodian and the right to the transfer

and possession of any and all instruments evidencing such rights and interests.

3. That the said sum of \$5,721.53 and the said certificates are presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on November 26, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1326; Filed, Feb. 11, 1947;
8:46 a. m.]

[Vesting Order 8097]

GEORG GROTHEER

In re: Estate of Georg Grotheer a/k/a George Grotheer, deceased. File F-28-8138; E. T. sec. 4449.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Beta Schmonsees, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of

Georg Grotheer, also known as George Grotheer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William J. Topken, as Ancillary Executor under the Will of Georg Grotheer, also known as George Grotheer, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1329; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8094]

MARGARET EBERT

In re: Estate of Margaret Ebert, deceased. File No. D-28-10211; E. T. sec. 14551.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Hans Kuhn, Erna Ricklau and Ella Kuhn, and each of them, in and to the estate of Margaret Ebert, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address.

Hans Kuhn, Germany.
Erna Ricklau, Germany.
Ella Kuhn, Germany.

That such property is in the process of administration by Mrs. Louise Lueders, as Administratrix, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1327; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8096]

HENRIETTA GOLDSMITH

In re: Estate of Henrietta Goldsmith, deceased. File No. 017-20542.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Carl Zickel, Johanna Zickel and Jennie Zickel, and each of them, in and to the estate of Henrietta Goldsmith, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Carl Zickel, Germany.
Johanna Zickel, Germany.
Jennie Zickel, Germany.

That such property is in the process of administration by Ruth Kunnes, as Executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1328; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8102]

MARIE P. REUSTLE

In re: Estate of Marie P. Reustle, deceased. File D-28-10870; E. T. sec. 15285.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Reustle, Louise Eppler, Sister Freda, Martha Reustle, Herman Eppler, and Dorie Eppler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the child or children of Wilhelm Reustle, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie P. Reustle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Catherine T. Cleary, as executrix, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the above-named persons and the child or children of Wilhelm Reustle, names unknown, are not within a designated enemy coun-

try, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945; 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1330; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8103]

FERDINAND SIEMENS

In re: Estate of Ferdinand Siemens, deceased. File D-28-9697; E. T. sec. 13493.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Krucke (First name unknown), Alhard Siemens, and Carl Siemens, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$192.00 was paid to the Alien Property Custodian by Charles Siemens, William J. Siemens, and Olivia Siemens, Co-Executors of the Estate of Ferdinand Siemens, deceased;

3. That the said sum of \$192.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 26, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1331; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8108]

PHILIP BUSS

In re: Estate of Philip Buss, deceased. File No. D-28-10440; E. T. sec. no. 14847.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of George Buss, Heinrich Buss, Leonhard Buss, Frau Ludwig Schmidt, and Frau Justus Range, and each of them, in and to the estate of Philip Buss, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

George Buss, Germany.
Heinrich Buss, Germany.
Leonhard Buss, Germany.
Frau Ludwig Schmidt, Germany.
Frau Justus Range, Germany.

That such property is in the process of administration by Miss Marion E. E. Walls, as Administratrix of the estate of Philip Buss, deceased, acting under the judicial supervision of the Union County Orphans' Court, Elizabeth, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1332; Filed, Feb. 11, 1947; 8:46 a. m.]

[Vesting Order 8110]

JOHN HOLLER

In re: Estate of John Holler, deceased. File No. D-28-10453; E. T. sec. 14864.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Alvina Saks Britt and Helen Saks Kitzrow, and each of them, in and to the Estate of John Holler, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely;

Nationals and Last Known Address

Alvina Saks Britt, Germany.
Helen Saks Kitzrow, Germany.

That such property is in the process of administration by Helen H. Delz, as Administratrix, acting under the judicial supervision of the Surrogate's Court, County of Westchester, State of New York.

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1333; Filed, Feb. 11, 1947;
8:46 a. m.]

[Vesting Order 8111]

KATHERINE ZABEL HOUSE

In re: Trust under will of Katherine Zabel House, also known as Katharina Zabel House, deceased. File No. D-28-10056; E. T. sec. No. 14279.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Wilhelmina Junge, Anna Schumacher, and Herman Watje, and each of them, in and to the trust created under the Will of Katherine Zabel House, also known as Katharina Zabel House, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Wilhelmina Junge, Germany.
Anna Schumacher, Germany.
Herman Watje, Germany.

That such property is in the process of administration by Martha Muller, also known as Martha Muller, as Executrix and Trustee of the trust created under the Will of Katherine Zabel House, also known as Katharina Zabel House, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1334; Filed, Feb. 11, 1947;
8:47 a. m.]

[Vesting Order 8113]

ANTOINE RUPPNER

In re: Trust u/w of Antoine Ruppner, deceased. File No. D-34-127; E. T. sec. 4249.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Maria Lantos Pelle, Iloa Lantos, Ferenc Lantos, and Flora Lantos Kopunovics, and each of them in and to the trust created under the will of Antoine Ruppner, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Maria Lantos Pelle, Hungary.
Iloa Lantos, Hungary.
Ferenc Lantos, Hungary.
Flora Lantos Kopunovics, Hungary.

That such property is in the process of administration by Abraham Grometstein, Successor Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1335; Filed, Feb. 11, 1947;
8:47 a. m.]

[Vesting Order 8115]

FRANZISKA SONDEREGGER

In re: Estate of Franziska Sonderegger, deceased. File No. D-28-10778; E. T. sec. 15120.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of William Heckendorn, Ludwig Heckendorn, Jr., Anna Wenk, Karl Heckendorn, Elise Grasslin, Hilda Riechert, Elise Rudiger, Rose Rudiger, Fritz Rudiger and Hans Rudiger, in and to the Estate of Franziska Sonderegger, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

William Heckendorn, Germany.
Ludwig Heckendorn, Jr., Germany.
Anna Wenk, Germany.
Karl Heckendorn, Germany.
Elise Grasslin, Germany.
Hilda Riechert, Germany.
Elise Rudiger, Germany.
Rose Rudiger, Germany.
Fritz Rudiger, Germany.
Hans Rudiger, Germany.

That such property is in the process of administration by Mary Floescher Sullivan, as Executrix, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 28, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1336; Filed, Feb. 11, 1947;
8:47 a. m.]

[Vesting Order 8117]

ILSE BARMEISTER ET AL.

In re: Stock owned by Ilse Barmeister, Heinrich Adelheim, Rolf Bernhard and the personal representatives, heirs, next of kin, legatees and distributees of Henry George Bernhard, deceased. F-28-88-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Barmeister, Heinrich Adelheim and Rolf Bernhard, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kind, legatees, and distributees of Henry George Bernhard, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: One Hundred (100) shares of \$3.00 par value capital stock of Electric Boat Company, 40 Wall Street, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered 16293, registered in the name of Wilhelm Zschemmer, executor of the estate of Henry George Bernhard, deceased, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ilse Barmeister, Heinrich Adelheim, Rolf Bernhard and the personal representatives, heirs, next of kin, legatees and distributees of Henry George Bernhard, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above named persons and the personal representatives, heirs, next of kind, legatees and distributees of Henry George Bernhard, deceased, are not within a designated enemy country, the national interest of the United States requires that

such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1337; Filed, Feb. 11, 1947;
8:47 a. m.]

[Vesting Order 8133]

LUCIE WILMS-POSEN

In re: Stocks and bank account owned by Lucie Wilms-Posen. F-28-2999-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lucie Wilms-Posen, whose last known address is c/o Dr. H. W. Renkl, Hauptstrasse 78, Hafenhof A. M., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The Chase Na-

tional Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Lucie Wilms-Posen, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, Account Number FS 88155, entitled Lucie Wilms-Posen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Name, last known address and State of incorporation of issuer	Certificate No.	Par value	Registered owner	Number of shares	Type of stock
Cincinnati Car Corp.....	2828.....	No	Mrs. Lucie Wilms-Posen,	10	Class B.
	2625.....	\$20	do.....	25	7 percent cumulative preferred.
Cincinnati Street Ry. Co., Dixie Terminal Bldg., Cincinnati, Ohio (incorporated in Ohio).	61.....	25	Cudd & Co.....	19	Capital.
Cincinnati Traction Bldg. Co.....	1896.....	No	Mrs. Lucie Wilms-Posen,	50	Common.
Standard Oil Co., 30 Rockefeller Plaza, New York, N. Y. (incorporated in New Jersey).	C953500.	25	do.....	1	Capital.
Washington Railway & Electric Co., 929 E St. N.W., Washington, D. C. (incorporated by Act of Congress).	F83662..	100	do.....	1/40	Common.

[F. R. Doc. 47-1339; Filed, Feb. 11, 1947; 8:47 a. m.]

[Vesting Order 8128]

MARIA SCHMOLZ

In re: Stock owned by Maria Schmolz.
F-28-24025-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schmolz, whose last known address is c/o Deutsche Bank und Diskonto, Mauerstrasse 26-27, Berlin W8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-nine (29) shares of \$1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 96309 for twenty-five shares, 153360 for two shares, 188284 for one share and 212857 for one share, registered in the name of Mrs. Maria Schmolz, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1338; Filed, Feb. 11, 1947;
8:47 a. m.]

[Vesting Order 8136]

MARTIN LEONHARDT

In re: Stock owned by Martin Leonhardt. F-28-27956-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Leonhardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of no par value capital stock of International Telephone & Telegraph Corporation, 67 Broad Street, New York, New York, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered NNF 464415, registered

in the name of Martin Leonhardt, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1340; Filed, Feb. 11, 1947;
8:47 a. m.]