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TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Rent Procedural Reg. 2]

PART 840—PROCEDURE

Rent Procedural Regulation 2 (§§ 840.101 to 840.153) is hereby issued to read as follows:

Pursuant to the authority of the Housing and Rent Act of 1947, as amended (Pub. Laws 129, 422 and 464, 80th Cong.; Pub. Law 31, 81st Cong.) in order to provide for orderly procedures the following rules are prescribed for adjustments, administrative review and interpretations under the maximum rent regulations:

Sec.

AUTHORITY: §§ 840.101 to 840.153 issued under sec. 204 (d), 61 Stat. 197, as amended by Pub. Laws 422, 464, 80th Cong., and Pub. Law 31, 81st Cong.; 50 U. S. C. App., Sup., 1894 (d).

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

§ 840.101 *Purpose of §§ 840.101 to 840.153.* It is the purpose of §§ 840.101 to 840.153 to prescribe and explain the procedure of the Office of the Housing Expediter in making various kinds of determinations in connection with the establishment of maximum rents and the issuance of certificates relating to eviction.

(a) Sections 840.102 to 840.111 ("Landlords' petitions, tenants' applications and action on the Area Rent Directors' initiative") deal with petitions by landlords and applications by tenants for adjustment of maximum rents, certificates relating to eviction, and other relief provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Sections 840.112 to 840.119 ("Landlords' and tenants' applications for review of Area Rent Director's action") deal with applications for review. The procedure governing the filing and determination of applications for review is set forth in these sections.

(c) Sections 840.120 to 840.135 ("Appeals to the Housing Expediter") deal with appeals. The procedure governing the filing and determination of appeals is set forth in these sections.

(d) Sections 840.136 to 840.138 explain the way in which interpretations of the meaning or effect of provisions of the act or of maximum rent regulations are given by officers of the Office of the Housing Expediter.

(e) Sections 840.139 to 840.153 ("Miscellaneous provisions and definitions").

LANDLORDS' PETITIONS, TENANT'S APPLICATIONS AND ACTION ON THE AREA RENT DIRECTOR'S INITIATIVE

Introduction. Sections 840.102 to 840.111 deal with administrative proceedings before the Area Rent Director. These proceedings are normally commenced by the filing of a petition by a landlord or an application by a tenant. These sections then provide for the filing of a response to the petition or application by the other party, and thereafter the petitioner or applicant is afforded an opportunity to file rebuttal directed to the response. It is intended that in the usual petition or application situation the Area Rent Director will make a determination based on the evidence submitted by the landlord and tenant. Of course, the Area Rent Director may in his discretion introduce evidence into the record with appropriate opportunity to the parties to respond thereto or take other action outlined in these sections.

When the Area Rent Director commences a proceeding on his own initiative, he is required to serve a notice on both the landlord and the tenant who must be afforded an opportunity to reply to the notice.

Local advisory boards, provided by the Housing and Rent Act of 1947, as amended, are authorized to make recommendations to the Area Rent Director with respect to individual adjustment cases (and certificates relating to eviction) and to the Housing Expediter with respect to certain other matters. Provisions governing the consideration of such recommendations are set forth in the act (and regulations promulgated thereunder). Information concerning these provisions may be obtained from the area office.

§ 840.102 *Petitions and applications.* A landlord's petition or a tenant's application for adjustment or other relief, including a petition for a certificate relating to eviction, may be filed by any landlord or tenant who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action. Where a landlord is seeking a rental adjustment pursuant to the provisions of an applicable maximum rent regulation he must, with his petition, file upon a form prescribed by the Housing Expediter a certificate of maintenance of the services which he is required to provide.

§ 840.103 *Method of filing, form, contents and service.* (a) A landlord's petition or tenant's application for adjustment or other relief provided by a maximum rent regulation shall be filed only with the Area Rent Director of the Office of the Housing Expediter for the defense-rental area within which the housing accommodations involved are located. Petitions and applications shall be filed upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms and must be accompanied by affidavits or other documents setting forth all of the evidence upon which the petitioner or applicant relies in support of the facts alleged in his petition or application. A landlord's petition and tenant's application and all accompanying documents shall be filed in an original and one copy.

(b) Where the proceedings involve only one landlord and one tenant, the copy of the landlord's petition or the tenant's application and accompanying documents shall be served by the Area Rent Director upon the opposing tenant or landlord, as the case may be. Where the proceedings involve, or may involve, more than one landlord or tenant, the copy of the petition or application and all accompanying documents shall be placed in a public inspection file, and the Area Rent Director shall serve a notice upon each affected landlord or tenant informing him that such petition or application has been filed and is available for his inspection in the Area Rent Office.

§ 840.104 *Response to landlord's petition or tenant's application and service.* (a) Responding parties shall be afforded a period of seven (7) days from the date of mailing by the Area Rent Office of the copy of the petition or application, or notice of opportunity to inspect, as the case may be, within which to present written objections to the petition or application, together with supporting evidence.

(b) The response must in all cases be limited to the grounds presented in the petition or application. The response shall be filed with the Area Rent Director in an original and one (1) copy. Any affected person who fails to file such a response shall be deemed to have waived his right to become a party to the proceedings before the Area Rent Director except upon leave granted for good cause shown.

(c) Where the proceedings involve only one landlord and one tenant the copy of the tenant's or landlord's response shall be served by the Area Rent Director upon the opposing landlord or tenant, as the case may be. Where the proceedings involve or may involve more than one landlord or tenant, the copy of the response shall be placed in the public inspection file and the Area Rent Director shall serve notices upon each affected tenant or landlord informing him that such response has been filed and is available for his inspection in the Area Rent Office.

§ 840.105 *Petitioner's or applicant's rebuttal.* (a) Parties shall be afforded a period of seven (7) days from the date of mailing by the Area Rent Office of the copy of the response or notice of opportunity to inspect, as the case may be, within which to present written rebuttal to the response, together with supporting evidence.

(b) The rebuttal must be strictly limited to the matters set forth in the response and must be filed with the Area Rent Director in an original and one (1) copy. The copy shall be served or made available for inspection in the same manner as provided in § 840.104 (c) for responses.

§ 840.106 *Joint petitions and applications; consolidation.* Two or more landlords or tenants may file a joint petition or application for adjustment or other relief where the grounds of the petition or application are common to all landlords or tenants joining therein. A joint petition or application shall be filed and determined in accordance with the rules governing the filing and determination of petitions and applications filed by one landlord or tenant. A petition or application may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the Area Rent Director deems it necessary or appropriate, he may order the filing of separate petitions or applications or consolidate separate petitions or applications presenting common questions which can be determined expeditiously in one proceeding. The Area Rent Director may, in the case of a tenant's application, when he deems it appropriate, join tenants of other units in the subject building.

§ 840.107 *Investigation by the Area Rent Director.* Upon the commencement of any proceeding, the Area Rent Director may make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the proceeding.

§ 840.108 *Action by the Area Rent Director on his own initiative.* In any case where the Area Rent Director, pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord and tenant of the housing accommodations involved stating the proposed action and the grounds therefor. The proceeding shall be deemed commenced on the date of issuance of such notice. Both parties shall be afforded a period of seven (7) days from the date of mailing within which to respond to the notice of proceeding. The response must in all cases be limited to the issues raised by the notice and shall be filed with the Area Rent Director in an original and one (1) copy. Any person so notified who fails to file such a response shall be deemed to have waived his right to become a party to the proceedings before the Area Rent Director except upon leave granted for good cause shown.

§ 840.109 *Action by the Area Rent Director.* (a) At any appropriate stage of a proceeding the Area Rent Director may:

(1) Dismiss the petition or application if it fails substantially to comply with the provisions of the applicable maximum rent regulation or of this Procedural Regulation; or

(2) Grant or deny the petition or application in whole or in part or issue an appropriate order in proceedings commenced by him; or

(3) Serve upon or make available for inspection by the other party any evidence presented by a landlord or tenant and not otherwise required to be served and afford an opportunity to file rebuttal thereto if in his discretion he deems such opportunity necessary; or

(4) Notice such proceeding for an oral hearing to be held in accordance with § 840.111; or

(5) Provide for the introduction into the record of such evidence as he may deem appropriate. Any evidence introduced into the record by the Area Rent Director must be served upon or made available for inspection by all parties to the proceeding who shall be afforded an opportunity to file evidence in response thereto; or

(6) Up to the date of entry of the order, accept for filing any evidentiary papers, even though not filed within the time limited; or

(7) Require any person to appear and testify or to produce documents, or both.

(b) An order entered by an Area Rent Director upon a petition or application for adjustment or other relief, or an order entered by an Area Rent Director on his own initiative or upon remand of a proceeding to the Area Rent Director by the Housing Expediter pursuant to

§ 840.133, shall be effective and binding until changed by further order and shall be final subject only to application for review or appeal. Unless an application for review thereof has been filed, an order entered by an Area Rent Director may be revoked or modified at any time: *Provided*, That due notice of the intention to revoke or modify was previously given to all persons affected by such order. A copy of an order entered by the Area Rent Director shall be served upon all parties to the proceeding. Any evidence in the record which has not been previously served upon or made available for inspection by any party to the proceeding shall be served upon or made available for inspection by him at the time of entry of the order.

(c) Upon remand of a proceeding to the Area Rent Director by the Housing Expediter pursuant to § 840.133, the Area Rent Director shall proceed in accordance with the order of remand and consistent with the matters involved and at the conclusion of such proceedings shall issue an appropriate order. Review of an Area Rent Director's order issued after remand shall be only by appeal to the Housing Expediter pursuant to §§ 840.120 to 840.135.

§ 840.110 *Evidence not subject to landlord's or tenant's control.* In any proceeding before an Area Rent Director, the landlord or tenant may file a statement in affidavit form setting forth in detail the nature and sources of any evidence not subject to his control, upon which the landlord or tenant believes he can rely in support of the facts alleged by him. Such statement shall be accompanied by an application for assistance by way of interrogatories or otherwise, in obtaining documentary evidence or evidence of persons not subject to the control of the landlord or tenant showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify such documents with sufficient particularity to enable identification for purposes of production. If the Area Rent Director deems the evidence necessary, he shall order its production. When such an application is denied written notice of such denial shall be served upon the parties.

§ 840.111 *Oral testimony*—(a) *Requests for oral hearing.* In most cases, evidence in proceedings before an Area Rent Director will be received only in written form, since this procedure is most conductive to the fair and expeditious disposition of such proceedings. However, the Area Rent Director may, upon his own initiative, direct the receipt of oral testimony or the landlord or tenant may request that oral testimony be taken. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the proceeding. In the event that an oral hearing is ordered, notice thereof shall be served on the landlord and tenant not less than five (5) days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer shall be appointed by the Area Rent Director with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. Where a request for oral hearing is denied, written notice of such denial shall be served upon the parties.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made in duplicate. A copy shall be available for inspection during business hours in the appropriate defense-rental area office. In cases where a public inspection file exists, the copy shall be added to such file.

LANDLORDS' AND TENANTS' APPLICATIONS FOR REVIEW OF AREA RENT DIRECTOR'S ACTION

Introduction. Sections 840.112 to 840.119 ("Landlords' and tenants' applications for review of Area Rent Director's action") deal with administrative proceedings before the Regional Housing Expediter. These proceedings afford landlords and tenants an opportunity to secure de novo review by the Regional Housing Expediter of orders entered by Area Rent Directors. The proceedings are commenced by the filing of an application for review of an Area Rent Director's order by a landlord or tenant. The other party is then afforded an opportunity to file a response to the application for review and thereafter the applicant may file rebuttal directed to the response. Ordinarily, the Regional Housing Expediter will make his determination on the basis of evidence submitted by the landlord and tenant and the record of the proceedings before the Area Rent Director and these proceedings will afford the last opportunity for the parties to present evidence. The Regional Housing Expediter may, however, on his own initiative, introduce evidence or take other action outlined in these sections.

§ 840.112 *Landlords' and tenants' applications for review and service.* (a) Except as provided in § 840.109 (c), any landlord or tenant affected by an order issued by an Area Rent Director may file with the Area Rent Director, an application for review of such order by the Regional Housing Expediter for the region in which the defense-rental area is located.

(b) An original and one copy of an application for review and all accompanying evidence and objections shall be filed upon forms prescribed by the Housing Expediter and pursuant to instructions stated on such forms: *Provided, however*, That evidence submitted in the proceedings before the Area Rent Director shall not be resubmitted. Upon the filing of an application for review with respect to such determination, the Area Rent Director shall forward the record of the proceedings, with respect to which such application for review is filed, to the appropriate Regional Housing Expediter.

(c) Applications for review shall be filed within fifteen (15) days after the date of issuance of the determination to be reviewed. An application for review which is not filed within the specified time ordinarily will be dismissed unless special circumstances are shown to justify a later filing.

(d) Where the proceedings involve only one landlord and one tenant, a copy of the application for review and accompanying documents shall be served by the Regional Housing Expediter upon the opposing tenant or landlord, as the case may be. Where the proceedings involve or may involve more than one landlord or tenant, a copy of the application for review and all accompanying documents shall be forwarded to the Area Rent Office and there made a part of the public inspection file and the Regional Housing Expeditor shall serve a notice upon each affected party informing him that such application for review has been filed and is available for his inspection in the Area Rent Office.

(e) *Joint applications for review: Consolidations.* Two or more landlords or tenants may file a joint application for review where the grounds for the application are common to all landlords or tenants joining therein. A joint application shall be filed and determined in accordance with the rules governing the filing and determination of applications for review filed by one landlord or tenant. An application for review may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the Regional Housing Expediter deems it necessary or appropriate, he may order the filing of separate applications or he may consolidate separate applications presenting common questions which can be determined expeditiously in one proceeding.

§ 840.113 *Stay of landlord's obligation to refund.* (a) Where the effect of an Area Rent Director's order is to require a landlord to make a refund to the tenant, the obligation to refund shall be stayed if the landlord, within fifteen (15) days after the date of issuance of said order, duly files an application for review together with a refund transmittal memorandum directed to the Regional Budget and Finance Officer on forms prescribed by the Housing Expeditor, accompanied by a certified check or money order in the amount of the refund payable to the U. S. Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Regional Housing Expediter or in accordance with the final disposition of the proceedings.

The provisions of this paragraph shall apply only to orders of refund issued in accordance with the provisions of § 825.4 (c), or (e), § 825.5 (b) or (c) (1) of this chapter (Controlled Housing Rent Regulation), § 825.85 (b) (2) or (c) (1) (Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments), § 825.24 (c) or (e), § 825.25 (b) or (c) (1) (Controlled Housing Rent Regulation for New York City Defense-Rental Area), § 825.105 (b) (2) or (c) (1) (Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City De-

fense-Rental Area), § 825.44 (c) or (e), § 825.45 (b) or (c) (1) (Controlled Housing Rent Regulation for Miami Defense-Rental Area), § 825.125 (b) (2) or (c) (1) (Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area), or § 825.64 (c) or (e), § 825.65 (b) or (c) (1) (Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area.

(b) Compliance with that portion of an order issued by a Regional Housing Expediter upon final determination of an application for review, which specifies the manner in which the money deposited pursuant to paragraph (a) of this section shall be distributed to a tenant, shall be stayed for a period of thirty (30) days from the date of issuance of said order.

§ 840.114 *Response to application for review and service.* (a) Responding parties shall be afforded a period of ten (10) days from the date of mailing by the Regional Office of the copy of the application for review or notice of opportunity to inspect, as the case may be, within which to present written objections to the application for review, together with supporting evidence. Such response shall be filed with the Regional Housing Expediter in an original and one copy.

(b) Where the proceedings involve only one landlord and one tenant a copy of the response and accompanying documents shall be served by the Regional Housing Expediter upon the opposing tenant or landlord, as the case may be. Where the proceedings involve or may involve more than one landlord or tenant, a copy of the response and all accompanying documents shall be forwarded to the Area Rent Office and there made a part of the public inspection file and the Regional Housing Expediter shall serve a notice upon each affected party informing him that such response has been filed and is available for his inspection in the Area Rent Office.

(c) Any party who fails to respond in the appropriate manner in the application for review proceeding shall be deemed to have waived his right to become a party to the proceedings before the Regional Housing Expediter except upon leave granted for good cause shown.

§ 840.115 *Applicant's rebuttal.* Parties shall be afforded a period of ten (10) days from the date of mailing by the Regional Office of the copy of the response or notice of opportunity to inspect, as the case may be, within which to submit written rebuttal to the response. The rebuttal must be strictly limited to the matters set forth in the response and shall be filed with the Regional Housing Expediter in an original and one copy.

§ 840.116 *Action by the Regional Housing Expediter on application for review.* (a) At any appropriate stage of the proceeding, the Regional Housing Expediter may:

(1) Dismiss the application if it fails substantially to comply with the provisions of this Procedural Regulation; or

(2) Terminate or reinstate a stay of a certificate relating to eviction pursuant to § 840.117; or

(3) Affirm, revoke, or modify in whole or in part, the order of the Area Rent Director sought to be reviewed; or

(4) Serve upon or make available for inspection by the other party any evidence presented by a landlord or tenant and not otherwise required to be served, and afford an opportunity to file rebuttal thereto, if, in his discretion, he deems such opportunity necessary; or

(5) Notice such proceeding for an oral hearing to be held in accordance with § 840.119; or

(6) Provide for the introduction into the record of such evidence as he may deem appropriate. Any evidence introduced into the record by the Regional Housing Expediter must be served upon or made available for inspection by all parties to the proceeding who shall be afforded an opportunity to present evidence in response thereto; or

(7) Up to the date of entry of the order, accept for filing any evidentiary paper even though not filed within the time limted; or

(8) Require any person to appear and testify or to produce documents, or both.

(b) Any order entered by a Regional Housing Expediter dismissing, granting or denying any application for review, in whole or in part, shall be accompanied by a statement of the grounds upon which the decision is based and shall set forth any economic data or other facts of which the Regional Housing Expediter has taken official notice. Such order and opinion shall be served upon all parties to the proceeding; such order shall be effective and binding until changed by further order and shall be final subject only to appeal as provided in §§ 840.120 to 840.135. Unless an appeal therefrom has been filed, an order entered by a Regional Housing Expediter upon an application for review may be revoked or modified by him at any time, provided that due notice of the intention to revoke or modify was previously given to all parties to the application for review proceeding. Any evidence in the record which has not previously been served upon or made available for inspection by any party to the proceeding shall be served upon him or made available for inspection by him at the time of entry of the order.

(c) In those cases where a stay of the obligation to refund has been obtained in accordance with § 840.113 (a), the modification or revocation of the Area Rent Director's order by the Regional Housing Expediter, as it affects the refund, shall be retroactive.

§ 840.117 *Stay of certificates relating to eviction.* (a) Where a tenant files an application for review of a certificate relating to his eviction within fifteen (15) days after its issuance, the certificate shall be stayed until twenty (20) days after issuance of the order determining the application for review: *Provided, however,* That the waiting period, if any, provided by the certificate shall not be tolled by the stay and that the termination or expiration of a stay shall not operate to curtail such waiting period; *And provided, further,* That where the tenant's application for review or objections are dilatory, frivolous or not made in good faith, the stay of the certificate may be terminated.

(b) Where a certificate relating to eviction is granted by a Regional Housing Expediter, the certificate shall be stayed until twenty (20) days after the date of issuance of the Regional Housing Expediter's order.

§ 840.118 *Evidence not subject to landlords' or tenants' control.* In any proceeding before a Regional Housing Expediter, the landlord or tenant may file a statement in affidavit form setting forth in detail the nature and sources of any evidence not subject to his control, upon which the landlord or tenant believes he can rely in support of the facts alleged. Such statement shall be accompanied by an application for assistance by way of interrogatories or otherwise, in obtaining documentary evidence or evidence of persons not subject to the control of the landlord or tenant, showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify such documents with sufficient particularity to permit identification for purposes of production. If the Regional Housing Expediter deems the evidence necessary, he shall order its production. When such an application is denied written notice of such denial shall be served upon the parties.

§ 840.119 *Oral testimony*—(a) *Requests for oral hearing.* In most cases evidence in proceedings before the Regional Housing Expeditor will be received only in written form. This procedure is most conducive to the fair and expeditious disposition of such proceedings. However, the Regional Housing Expediter may, upon his own initiative, direct the receipt of oral testimony or the landlord or tenant may request that oral testimony be taken. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit a fair and expeditious disposition of the proceeding. In the event that an oral hearing is ordered, notice thereof shall be served on the landlord and tenant not less that five (5) days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer shall be appointed by the Regional Housing Expediter with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. Where a request for oral hearing is denied, the order of such denial shall be served upon the parties.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, in duplicate, a copy of which shall be available for inspection during business hours in the appropriate defense-rental area office. In cases where a public inspection file

exists, the copy shall be added to such file.

APPEALS TO THE HOUSING EXPEDITER

Introduction. Sections 840.120 to 840.135 ("Appeals to the Housing Expediter") deal with appeals to the Housing Expediter. An appeal is the means provided for landlords to obtain review by the Housing Expediter of a maximum rent regulation or of any provision thereof and for landlords and tenants to obtain review by the Housing Expediter of an order issued by the Regional Housing Expediter or by the Area Rent Director upon remand by the Housing Expediter. In the case of an appeal from an order issued by the Regional Housing Expediter determining an application for review, no new evidence may be introduced by the parties in the appeal proceeding and ordinarily the Housing Expediter will make his determination on the basis of the evidential record made in the prior proceedings and argument presented in the appeal proceeding. The Housing Expediter may, however, in his discretion, request the presentation of evidence, introduce evidence or take other action outlined in these sections. All appeals before the Housing Expediter shall be decided on the basis of a de novo review.

Where the landlord files an appeal against a regulation or from an order issued by an Area Rent Director upon remand, the appeal may be accompanied by supporting evidence.

The filing and determination of a proper appeal is ordinarily a prerequisite to obtaining judicial review of administrative determinations. At any time during the administrative consideration of an appeal directed solely to a regulation, the Housing Expediter may refer the appeal to the Area Rent Director for the area from which the appeal arises and request such Area Rent Director to make a recommendation with respect to the disposition of the appeal.

GENERAL PROVISIONS

§ 840.120 *Right to appeal.* (a) Any landlord affected by any provision of a maximum rent regulation, or any landlord or tenant affected by an order issued by a Regional Housing Expediter under § 840.116 or of an order entered by an Area Rent Director under § 840.109 (c) may file an appeal in the manner set forth below.

(b) Any appeal filed by a landlord or tenant not affected by the order or the provision appealed from, or otherwise not in accordance with the requirements of this Procedural Regulation, may be dismissed by the Housing Expediter.

§ 840.121 *Scope of appeals.* (a) A party who files an appeal from an order issued by the Regional Housing Expediter shall be limited to the presentation of briefs and arguments directed to the objections raised and the evidence presented in the prior proceedings. No new evidence or objections shall be presented, received, or considered on such an appeal, except as authorized by paragraph (b) of this section. An appeal against a maximum rent regulation or an order issued by an Area Rent Director upon remand may be accompanied by any relevant supporting evidence in affidavit form.

(b) An appellant may request leave to present further specified evidence or objections setting forth the reasons for the request. Such request will be granted only upon a showing that such evidence is newly discovered or a showing that prior presentation was not possible. Such evidence should not be submitted with the request and will be received only upon entry of an order authorizing its introduction into the record. The order may limit the evidence in any manner deemed necessary.

§ 840.122 *Time and place of filing appeals.* (a) An appeal directed against the provisions of a maximum rent regulation may be filed at any time after the issuance thereof;

(b) An appeal directed against an order must be filed within twenty (20) days after the date of issuance of the order to be reviewed unless special circumstances are shown to justify the delay;

(c) An appeal shall be filed in an original and three copies with the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C.: *Provided, however,* That an appeal directed solely against a regulation shall be filed with the Area Rent Director of the area out of which the appeal arises and the Area Rent Director shall, within ten (10) days of such filing, transmit the appeal to the Housing Expediter. In such case the Area Rent Director may also transmit such pertinent data and materials as are available.

(d) In cases where the appeal is from an order of a Regional Housing Expediter, a copy of the appeal, and accompanying documents and briefs, shall be filed with the Regional Housing Expediter issuing the order being appealed. In cases where the appeal is from an order of an Area Rent Director issued upon remand, a copy of the appeal, accompanying documents and briefs, shall be filed with the Area Rent Director issuing the order being appealed.

(e) Each copy of the appeal, accompanying documents and briefs, shall be printed, typewritten, mimeographed or prepared by similar process and shall be plainly legible. Copies shall be double-spaced except that quotations shall be single-spaced and indented.

§ 840.123 *Form and contents of appeals*—(a) *What each appeal must contain.* There is no printed form for use in making an appeal. However, every appeal shall be clearly designated "Appeal to the Housing Expediter" and shall set forth the following:

(1) The name and post office address of the person filing the appeal, whether he is the landlord or tenant of the accommodations, the manner in which such person is affected by the provision of the maximum rent regulation or the order appealed from, the location, by post office address or otherwise, of all housing accommodations involved in the appeal and the name and addresses of all other parties in the prior proceedings;

(2) The name and post office address of any person filing the appeal on behalf of the landlord or tenant and the name and post office address of the person to whom all communications from the Office of the Housing Expediter, relating to the appeal shall be sent;

(3) A complete identification of the provision or provisions appealed from, citing the number of the maximum rent regulation or the order, the section or sections thereof to which objection is made, the date of issuance thereof, and the name of the defense-rental area involved;

(4) A statement that a copy of the appeal and all accompanying documents and briefs has been filed with the Regional Housing Expediter, or the Area Rent Director, as provided in § 840.122 (d);

(5) A simple concise statement of objections pertinent to the provision or provisions appealed from making known the precise grievance of the appellant; each such objection to be separately stated and numbered;

(6) A clear and concise statement of all facts supporting each objection. The supporting facts must be limited to the objections specified;

(7) A statement of the relief requested and, if modification of a provision of a maximum rent regulation is sought, a statement of the specific changes which the landlord seeks to have made in this provision;

(8) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the person filing the appeal personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the appeal and the documents filed therewith are prepared in good faith: *Provided, however,* That in the case of an appeal directed against a regulation or against an order issued by an Area Rent Director on remand, the person filing the appeal shall file an oath or affirmation that the facts alleged are true to the best of his knowledge, information and belief. The person filing the appeal shall specify which of the facts alleged are known to be true and which are alleged on information and belief. Where any statement is filed by a representative on behalf of the appellant, the statement must be accompanied by a power of attorney as provided in § 840.147.

§ 840.124 *Assignment of docket number.* Upon receipt of an appeal it shall be assigned a docket number, and all further papers filed in the proceedings by either the appellant or other parties and all correspondence relating thereto shall contain on the first page thereof the docket number so assigned.

§ 840.125 *Joint appeals; consolidation.* Two or more landlords or tenants may file a joint appeal. Joint appeals shall be filed and determined in accordance with the rules governing the filing and determination of appeals filed severally. A joint appeal shall be verified in accordance with § 840.123 by each person joining in the appeal. A joint appeal may be filed only where at least one ground is common to all persons joining in the appeal. Whenever the Housing Expediter deems it necessary or

appropriate for the disposition of joint appeals, he may treat such joint appeals as several, and, in any event, he may require the filing of relevant materials by each person joining therein. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more appeals the Housing Expediter may consolidate such appeals.

§ 840.126 *Stay of landlord's obligation to refund.* (a) Compliance with that portion of an Area Rent Director's order issued under § 840.109 (c) or of a Regional Housing Expediter's order which specifies the manner in which the money deposited pursuant to § 840.113 (a) shall be distributed to a tenant, shall be stayed if the landlord, within twenty (20) days after the date of issuance of said order, duly files an appeal in the manner herein set forth. In such event, the money so deposited shall be distributed pursuant to the order of the Housing Expediter or in accordance with the final disposition of the proceedings.

(b) Compliance with that portion of an order, issued by the Housing Expediter upon the final determination of an appeal which specifies the manner in which the money deposited pursuant to § 840.113 (a) shall be distributed to a tenant, shall be stayed for a period of twenty (20) days from the date of issuance of said order.

§ 840.127 *Stay of certificates relating to eviction.* (a) Where a tenant files an appeal from an order with respect to a certificate relating to his eviction within twenty (20) days after the date of its issuance and such certificate has been stayed pursuant to § 840.117 (a), the certificate shall remain stayed until ten (10) days after the determination of the appeal: *Provided, however,* That the waiting period, if any, provided by the certificate shall not be tolled by the stay and that the termination or expiration of a stay shall not operate to curtail such waiting period: *And provided, further,* That where the tenant's appeal or objections are dilatory, frivolous, or not made in good faith, the stay of the certificate may be terminated.

(b) Where a tenant files an appeal from an order of a Regional Housing Expediter granting a certificate relating to his eviction within twenty (20) days after the date of its issuance, the certificate shall be stayed until 10 days after the determination of the appeal, subject, however, to both proviso clauses contained in paragraph (a) of this section.

§ 840.128 *Response to appeals.* (a) Where an appeal from an order issued by a Regional Housing Expediter has been filed by a landlord or tenant the Housing Expediter shall, immediately upon receipt of the appeal, serve the appeal and accompanying documents on the responding party or make a copy of such appeal and documents available in the Area Rent Office for inspection by the other party or parties who shall be afforded a period of fifteen (15) days from the date of mailing of such appeal and documents, or of mailing of notice of availability, within which to file a response to the appeal. Such response shall be limited to the presentation of briefs and arguments directed to the objections raised and the evidence presented in the prior proceedings. No new evidence or objections shall be presented, received, or considered in such response except as authorized by paragraph (b) of this section.

(b) A respondent may request leave to present further specified evidence or objections setting forth the reasons for the request. Such request will be granted only upon a showing that such evidence is newly discovered or a showing that prior presentation was not possible. Such evidence should not be submitted with the request and will be received only upon entry of an order authorizing its introduction into the record. The order may limit the evidence in any manner deemed necessary.

(c) Where an appeal from an order issued by an Area Rent Director upon remand, has been filed, the Housing Expediter shall, immediately upon receipt of said appeal, serve the appeal and accompanying documents on the other party or make a copy of such appeal and documents available in the Area Rent Office for inspection by the other party or parties, who shall be afforded a period of fifteen (15) days from the date of mailing of such appeal and documents, or of mailing of notice of availability, within which to file a response to the appeal. The response may contain any objections and supporting evidence which are relevant to the appeal.

EVIDENCE AND BRIEFS

§ 840.129 *Submission of briefs.* The parties to an appeal proceeding may file briefs in support of their contentions only with the appeal or response, as the case may be, unless leave is granted to file a brief at some other time. An original and three (3) copies shall be submitted.

§ 840.130 *Introduction of evidence into record of appeal proceeding.* The Housing Expediter may, at any time, in his discretion, incorporate such evidence into the record of any appeal proceeding or direct any party thereto to submit such evidence, in the form of affidavits or otherwise, as he deems appropriate. In the event any such new evidence is introduced into the record of the appeal proceeding it must be served upon all parties to the proceeding or be made available for inspection by them and such parties shall be afforded a reasonable opportunity to file evidence in rebuttal thereto.

§ 840.131 *Receipt of oral testimony and evidence not subject to party's control.* On appeal, additional evidence will be received from the parties where the appeal is directed against a maximum rent regulation or an order issued by an Area Rent Director upon remand, and in cases of an appeal from an order of a Regional Housing Expediter, only where leave has been granted by the Housing Expediter in accordance with §§ 840.121 and 840.128, or where the Housing Expediter, on his own initiative has determined that additional evidence is necessary for a proper determination.

(a) Evidence in appeal proceedings will ordinarily be received only in written form because this procedure is most conducive to the fair and expeditious disposition of appeals. However, a request for the receipt of oral testimony may be made in the circumstances set forth below. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the appeal.

In the event that the Housing Expediter orders the receipt of oral testimony, notice shall be served on all parties to the appeal proceeding not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Housing Expediter. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. If the Housing Expediter rejects the request for receipt of oral testimony he may, if he deems it appropriate, permit the filing of a request for written interrogatories, as provided in paragraph (b) of this section. Where a request for oral hearing is denied the order of such denial shall be served upon the parties.

(b) A request for the receipt of evidence not subject to the party's control may be made only upon a showing that such evidence is necessary to the disposition of the appeal. Such request must be made in affidavit form setting forth in detail the nature and sources of any evidence, not subject to his control, upon which the party believes he can rely in support of the facts alleged in his appeal. Such statement shall be accompanied by an application for assistance by way of interrogatories, or otherwise, in obtaining the documentary evidence or evidence of persons not subject to the control of the party, showing in every instance what material facts would be adduced thereby. Such applications, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify such documents with sufficient particularity to permit identification for purposes of production. Any order issued with respect to such request shall be served upon all parties to the proceeding.

(c) Landlords who have filed an appeal directed against a maximum rent regulation and landlords and tenants who are parties to an appeal from an Area Rent Director's order issued pursuant to § 840.109 (c) may request receipt of oral testimony and assistance in obtaining evidence not subject to their control in the manner set forth in paragraphs (a) and (b) of this section. Landlords and tenants who are parties to an appeal proceeding directed against an order issued by the Regional Housing Expediter may request receipt of oral testimony and assistance in obtaining evidence not subject to their control only where: (1) Evidence has been introduced into the record by the Housing Expediter pursuant to § 840.130; (2) where such request was made in the prior proceed-

ings and denied; or (3) where the request could not reasonably have been made at a prior stage of the proceedings.

(d) A stenographic report of the oral hearing shall be made in duplicate. A copy shall be available for inspection during business hours in the appropriate defense-rental area office. In cases where a public inspection file exists, the copy shall be added to such file.

§ 840.132 *Evidence in support of a rent regulation.* Any person affected by a maximum rent regulation may submit evidence in support of the regulation in the manner hereinafter set forth.

(a) *Written evidence in support of the regulation.* Any person affected by the provisions of a maximum rent regulation, may at any time after the issuance of such regulation submit to the Housing Expediter a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation and may be accompanied by affidavits, and other data in written form. In the event that an appeal has been, or is subsequently, filed against a provision of a maximum rent regulation in support of which a statement has been submitted, the Housing Expediter may include such statement in the record of the proceedings taken in connection with such appeal. If such supporting statement is incorporated into the record and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon, or made available for inspection in the Area Rent Office by the person filing the appeal, and he shall be given a reasonable opportunity to present evidence in rebuttal thereof.

(b) *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the maximum rent regulation, like material in support of appeals, will be received only in written form. Where, however, the Housing Expediter is satisfied that the receipt of oral testimony is necessary, he may, on his own motion, direct such testimony to be received.

ACTION BY THE HOUSING EXPEDITER

§ 840.133 *Action by the Housing Expediter.* At any appropriate stage of an appeal proceeding, the Housing Expediter may:

(a) Dismiss any appeal which does not conform in a substantial respect to the provision of this Procedural Regulation; or strike from the record or reject any evidential material which does not conform to the requirements set forth in this Procedural Regulation: *Provided, however,* That the failure to strike or reject such evidence submitted in contravention of § 840.121 shall not constitute acceptance thereof; or

(b) Terminate or reinstate a stay of a certificate relating to eviction; or

(c) Grant or deny such appeal in whole or in part or, if considered necessary or appropriate, remand the proceedings to the Area Rent Director for further action not inconsistent with the determination of the Housing Expediter; or

(d) Notice such appeal for an oral hearing to be held in accordance with § 840.131; or

(e) Serve upon or make available to the other party or parties for inspection in the Area Rent Office any evidence presented by the landlord or tenant and not otherwise required to be served or made available, and afford an opportunity to file rebuttal thereto, if, in his discretion, he deems such opportunity necessary; or

(f) Provide for the introduction into the record of the appeal proceeding of such evidence as he may deem appropriate, in accordance with § 840.130; or

(g) Require any person to appear and testify or to produce documents, or both.

§ 840.134 *Opinion and order entered in appeal proceeding.* Any order dismissing, granting or denying any appeal in whole or in part, or remanding an appeal proceeding to the Area Rent Director, shall be accompanied by a statement of the grounds upon which the decision is based and shall set forth any economic data or other facts of which the Housing Expediter has taken official notice. Such order and opinion shall be served on all parties to the appeal proceeding. Any evidence in the record which has not previously been served upon or made available for inspection by any party to the proceeding shall be served upon or made available for inspection by him at the time of entry of the order.

§ 840.135 *Relief where landlord's obligation to refund has been stayed.* In those cases where a stay of the obligation to refund has been obtained in accordance with § 840.126 (a), the modification or revocation of the order by the Housing Expediter or by the Area Rent Director upon remand, as it affects the refund, shall be retroactive.

INTERPRETATIONS

§ 840.136 *Interpretations.* An interpretation given by the Housing Expediter or an officer of the Office of the Housing Expediter, with respect to any provision of the act or any maximum rent regulation or order promulgated thereunder, will be regarded as official only if such interpretation was requested and issued in accordance with §§ 840.137 and 840.138, or was issued as an interpretation of general applicability. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given, unless issued as an interpretation of general applicability.

§ 840.137 *Requests for interpretations; form and contents.* Any person desiring an official interpretation of the Housing and Rent Act of 1947, as amended, or of any maximum rent regulation or order promulgated thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to which his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 840.138 *Interpretation to be written; authorized officials.* Interpretations involving individual cases shall be in writing and signed by the Housing Expediter, or by one of the following officers of the Office of the Housing Expediter: The general counsel, any assistant general counsel, any regional attorney, and any chief rent attorney for a defense-rental area office. Interpretations of general applicability shall be issued only by the Housing Expediter, the general counsel or an assistant general counsel.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 840.139 *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

§ 840.140 *Continuance or adjournment of hearing.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

§ 840.141 *Filing of notices, etc.* All notices, reports, registration statements, notices of termination of leases and other documents which a landlord or tenant is required to file pursuant to the provisions of the act, any maximum rent regulation or these sections shall be filed with the appropriate defense-rental area office or other specifically designated office, and shall be deemed filed on the date received by said office: *Provided, however,* That any such notice, report, registration statement, notice of termination of lease or other document properly addressed to and received by the appropriate office shall be deemed filed on the date of the post mark: *And provided, further,* That when the last day for filing falls on a Saturday, Sunday or legal holiday, the document may be physically filed at the appropriate office on the next business day.

§ 840.142 *Service of papers.* Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall constitute sufficient proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall constitute sufficient proof of service. When service is by unregistered mail, proof of service may be made by an affidavit of mailing or by any other acceptable proof or testimony. In any proceeding under § 840.108, or in any proceeding to revoke or modify an order,

any notice, order or other process or paper directed to the person named as landlord on the registration statement, filed pursuant to the registration section of the applicable maximum rent regulation at the mailing address given thereon, or where a notice of change of identity has been filed pursuant to said registration section, to the person named as landlord and at the address given in such notice of change of identity most recently theretofore filed, shall constitute notice to such landlord; notice to the tenant may be given by mailing to the "occupant" of the subject housing accommodations.

§ 840.143 *Time limitations.* All time limitations prescribed in §§ 840.101 to 840.153 shall be strictly observed by all parties to the proceedings and extensions or waivers will be afforded as a matter of right only upon a showing of good cause for inability to meet the time limitation.

§ 840.144 *Official notice.* The Area Rent Director, the Regional Housing Expediter or the Housing Expediter may take official notice of economic data and other facts, including facts found as a result of reports filed and studies and investigations made.

§ 840.145 *Subpoenas.* Subpoenas shall be issued only by the Housing Expediter and may require the production of documents or the attendance of witnesses at any designated place. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or leaving a copy at his regular place of business or abode and by tendering to him the fees and mileage specified in section 206 (f) (3) of the act. When the subpoena is issued on behalf of the Office of the Housing Expediter, fees and mileage need not be tendered in advance. Any person 18 years of age or over may serve a subpoena. The person making the service shall make an affidavit thereof describing the manner in which service is made and return such affidavit on or with the original subpoena forthwith to the Certifying Officer, Office of the Housing Expediter, Washington, 25, D. C. In case of failure to make such service, the reasons for the failure should be stated on the original subpoena.

§ 840.146 *Witness fees.* Witnesses summoned to give testimony pursuant to § 840.145 shall be paid the fees and mileage specified by section 206 (f) (3) of the act. Such fees shall be paid by the party requesting the subpoena and on whose behalf it is issued. The Housing Expediter shall pay such fees only to witnesses summoned by him upon his own initiative.

§ 840.147 *Action by representatives.* Any action which by this Procedural Regulation is required of, or permitted to be taken by, a landlord or tenant may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord or tenant has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review or an appeal. In such cases the power of attorney, signed by the landlord or tenant, shall be filed at the time action on his behalf is taken.

§ 840.148 *Certifying Officer; office hours.* The Office of the Certifying Officer, Office of the Housing Expediter, Washington 25, D. C., shall be open on week days, except Saturday, from 9 a. m. to 5 p. m. and shall be closed on Saturdays. Any persons desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Certifying Officer, requesting permission therefor.

§ 840.149 *Confidential information; inspection of documents filed with Certifying Officer.* Appeals and all papers filed in connection therewith are public records, open to inspection in the Office of the Certifying Officer upon such reasonable conditions as the Certifying Officer may prescribe. Except as provided above, confidential information filed with the Office of the Housing Expediter, will not be disclosed unless in the judgment of the Housing Expediter the disclosure thereof is in the public interest.

§ 840.150 *Appearance of employees and former employees.* Appearance of employees and former employees of the Office of the Housing Expediter or of any predecessor agency, in a representative capacity before the Office of the Housing Expediter, shall be governed by any provision relating thereto promulgated by the Housing Expediter.

§ 840.151 *Definitions.* As used in §§ 840.101 to 840.153 unless the context otherwise requires, the term:

(a) "Act" means the Housing and Rent Act of 1947, as amended;

(b) "Affected by." A landlord is "affected by" a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him. A tenant is "affected by" an order if he is or was the tenant of the subject housing accommodations during any period of time concerned in the order.

(c) "Date of issuance" with respect to a maximum rent regulation, means the date on which such maximum rent regulation was or is filed with the Division of the Federal Register.

(d) "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), as amended.

(e) "Maximum rent regulation" means any regulation establishing a maximum rent.

(f) "Maximum rent" means the maximum rent established by any maximum rent regulation or order issued thereunder.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Landlord" includes an owner, lessor, sublessor, assignee or any other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing, and who is affected by any provision of a maximum rent regulation or of an order.

(i) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(j) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(k) "Area Rent Director" means the person designated by the Housing Expediter as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Area Rent Director by the Housing Expediter.

(l) "Regional Housing Expediter" means the person designated by the Housing Expediter as administrator of any regional office established by the Office of the Housing Expediter, or such person or persons as may be designated to carry out any of the duties delegated to the Regional Housing Expediter by the Housing Expediter.

§ 840.152 *Amendment to §§ 840.101 to 840.153.* Any provision of §§ 840.101 to 840.153 may be amended or revoked by the Housing Expediter at any time. Such amendment or revocation shall be published in the Federal Register and shall take effect upon the date of its publication unless otherwise specified therein.

§ 840.153 *Saving provisions.* (a) Where an application for review or protest was filed on or before June 30, 1947, all administrative consideration thereon, to the extent appropriate, shall be governed by the provisions of Revised Procedural Regulation 3, as amended (12 F. R. 1143), and for that purpose, Revised Procedural Regulation 3, as amended, is hereby reissued and remains in effect until otherwise ordered: *Provided, however,* That no administrative proceedings of any nature may be had with respect to certificates relating to eviction issued on or prior to June 30, 1947.

(b) Insofar as offenses committed, or rights or liabilities incurred on or prior to June 30, 1947, are concerned, Revised Procedural Regulation 3, as amended, promulgated by the Office of Temporary Controls, Office of Price Administration, shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense arising under the Emergency Price Control Act of 1942, as amended.

(c) Revised Procedural Regulation 1, issued May 1, 1948, shall continue to apply to all cases where the first maximum rent order in the proceeding was entered by the Area Rent Director prior to April 14, 1949. It shall also continue to apply to administrative proceedings pending before the Area Rent Director on April 14, 1949 until the issuance of a maximum rent order by him in such proceedings.

Revised Procedural Regulation 1, issued on May 1, 1948, is hereby reissued and shall remain in full force and effect for these purposes.

(d) Sections 840.101 to 840.153 (Rent Procedural Regulation 2) shall apply to all cases in which proceedings before the Area Rent Director were first commenced on or after April 14, 1949 and to all proceedings upon application for review or appeal concerning maximum rent orders issued by Area Rent Directors on or after April 14, 1949 in proceedings commenced prior to that date.

This Rent Procedural Regulation 2 shall become effective April 14, 1949.

NOTE: All reporting and record-keeping requirements of this Rent Procedural Regulation 2 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of April 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-2881; Filed, Apr. 13, 1949; 8:52 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

WOOLEN AND WORSTED INDUSTRY

This matter is before me pursuant to the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C., secs. 35–45) entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act. It arises upon the petition of the Textile Workers Union of America that I determine the prevailing minimum wage for the Woolen and Worsted Industry to be $1.05 an hour.

The Union has also proposed a definition of the Industry. Such definition is identical with that adopted by the Administrator of the Wage and Hour Division as the definition of the woolen industry in wage orders (29 CFR, 1940 Supp., Part 556; 29 CFR, Cum. Supp., Part 612) issued pursuant to section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; 29 U. S. C. 208).

General. Notice of a hearing on the Union's petition was published in the FEDERAL REGISTER (13 F. R. 5346). Copies of the notice were mailed to trade associations, unions and Government agencies. In addition, a press release was distributed to newspapers, trade publications and trade associations. Copies of this notice and press release were sent to companies in the industry which had been awarded contracts since January 1, 1947.

This notice and release advised interested parties of the time and place at which they could appear and offer testimony: (1) for or against the proposals of the Textile Workers Union of America; and (2) as to whether any determination should include provision for the employment of learners and/or apprentices at rates lower than the prevailing minimum. The notice also provided that written statements in lieu of personal appearances could be filed at any time prior to the hearing or with the presiding officer at the hearing. It also stated that copies of lists prepared by the Union, showing the mills now paying the proposed minimum wage or above, would be available upon request.

The hearing was held on October 14, 1948, the date scheduled in the notice. Representatives of employees and of employers testified, and filed a number of briefs and statements. The record was kept open for additional data, which information was made a part of the record.

Minimum wage. The record contains evidence indicating that the overwhelming majority of experienced employees in the industry are earning at least $1.05 an hour.

Lists of mills paying plant minimum rates of $1.05 or more an hour were submitted by the Union. These include mills which had contracts with the Textile Workers Union of America, the United Textile Workers of America, and the Independent Textile Workers Union of Woonsocket, as well as companies not under union contract. These lists represent an employment of about 107,000 workers as of October 1948. The Union representative testified that the lists were not complete due to the obvious inability of the Union to furnish a verified statement of all unorganized mills paying such minima. It is estimated that employment in the industry was somewhat in excess of 150,000 employees at that time.

The Union representative further estimated a minimum of well over 75 or 80 percent of the industry workers are governed by a plant minimum of $1.05 an hour, and he considered this estimate to be conservative. Later in his testimony he said he was certain that about 80 percent of the industry was governed by the $1.05 minimum rate, and that probably an additional 10 percent also had such rate.

The accuracy of the list of mills having contracts with the United Textile Workers of America was verified by the testimony of a representative of that union. He stated that of the 30,000 employees covered by the contracts of his union 92 percent were working under agreements which provide plant minimum rates ranging from $1.05 to $1.65 an hour. He also testified that there were a few additional mills which should have appeared on the lists.

The employer representatives at the hearing did not refute the testimony of the employee representatives on these points. One employer representative, who stated that he took no exception to the Union's assertion that the minimum of $1.05 an hour prevails for at least 80 percent of the industry, expressed doubt that a great deal of difference in minimum wages would be found between organized and unorganized plants, thus apparently minimizing the effect on the prevailing minimum wage of the approximately 30 percent of employees not included on the Union lists. He stated that this similarity of wage standards in the two classes of plants was due to the necessity of meeting the prevailing market rate for labor.

The opposition of the employer representatives to the granting of the Union's petition was based primarily on arguments against the issuance of any wage determination at this time, and on the inadequacy of the Union data to support a finding that $1.05 was the prevailing minimum in the industry.

The first of these contentions is based on arguments of public policy. These arguments have been considered and found to be without merit. The Supreme Court has said ("Perkins v. Lukens Steel Co.," 310 U. S. 113) that the purpose of the Public Contracts Act is to obviate the possibility of national expenditures going to forces which tend to depress wages. It also said in the same opinion that in this legislation Congress "did no more than instruct its agents" to fix conditions "under which the Government will permit goods to be sold to it" and that "the Secretary of Labor is under a duty to observe these instructions."

The industry representatives' second contention, the claim that the Union data is inadequate to support a finding of $1.05 as the prevailing minimum in the industry, is based mainly on the argument that in numerous localities the prevailing minimum is below $1.05 an hour. The representative of the National Association of Wool Manufacturers referred to the results of a study conducted by the Bureau of Labor Statistics covering approximately 18,000 plant workers employed during April 1948 in selected occupations in plants located in six selected areas.

He placed particular emphasis upon that portion of the study indicating the large percentage of the workers selected for study in the Philadelphia-Camden and Virginia-North Carolina areas who received straight-time average hourly earnings below $1.05, but it should be noted that only about 10 percent of all the 18,000 workers selected for study in the six areas received straight-time average hourly earnings below $1.05. The record shows that the study is not representative of the earnings of all workers employed in all occupations in the industry, nor does it reflect the increases which were reported by the Union as having been made in a number of the surveyed mills after April 1948.

The Philadelphia Textile Manufacturers Association presented supplemental data on plant minima in 43 local mills in Philadelphia and vicinity. In only 17 of these 43 mills were the rates "established by a labor contract." These data show that 40 percent of the workers were employed in mills having plant minima of $1.05 an hour or higher, and that an additional 37 percent were employed in mills having plant minima ranging from 95 cents to $1.04 an hour. In evaluating the significance of this statement, it is noted that no wage data were offered which would show the actual hourly earnings of the workers employed in the 31 plants with plant minimum hourly rates of less than $1.05. The president of the Association testified at the hearing that some local plants with minima less than $1.05 have average hourly earnings in excess of such average for the industry

as a whole and that Philadelphia is not a low-wage textile center. The evidence therefore indicates that the actual earnings of only a relatively small proportion of the workers in these 43 local plants are less than $1.05 an hour.

The listings of mills presented by the Union account for a substantial proportion of the workers employed in plants located in the surveyed areas, except for the Border States and the Southeast Region. The Union representative testified that the Union minima for organized mills in the South are 94 or 95 cents an hour. But, as in the case of the Philadelphia area, it does not follow that the actual earnings of large numbers of workers in these areas are not at least $1.05 an hour. The Union representative also stated that only about 6½ percent of industry production is located in Southern plants.

On the other hand, approximately 80 percent of the plants, workers, and value of product is concentrated in the New England and the Middle Atlantic areas, and the Union lists account for 75 percent of the employees in these two areas. Particular emphasis must, of course, be given to the wages in the predominant segments of the industry. To do otherwise would be to ignore one of the basic considerations underlying the Public Contracts Act. An employer representative also admitted that Pacific Coast plants are now meeting the $1.05 minimum.

A representative of the American Cotton Manufacturers Association requested that a provision of the proposed industry definition be amended so as to exclude the manufacture or processing of yarns spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute, or any synthetic fiber on systems other than the woolen system. Under the proposed definition, only such yarn containing not more than 45 percent by weight of wool or animal fiber (other than silk) are to be excluded. His statement shows that the Association's primary reason for requesting the amendment was avoidance of the confusion which would be caused by the applicability of an additional minimum wage to those cotton mills that may manufacture such part-wool products for the Government.

The representative of the National Association of Wool Manufacturers, however, called attention to the fact that there was also involved in the question of amending such provision the matter of competitive advantage between the two industries, and he reviewed the background of this provision of the proposed industry definition. He stated that the provision was the result of compromise between representatives of the cotton and woolen industries during the wage order proceedings under the Fair Labor Standards Act of 1938. The representative of the American Cotton Manufacturers Association attested the accuracy of such review of the provision's origin.

The perplexing question of wage-order coverage on part-wool yarns was considered by the Administrator of the Wage and Hour Division as early as September of 1938 (3 F. R. 2314). In Administrative Orders No. 24 and No. 25, dated May 22, 1939 (4 F. R. 2124), he adopted correlated amendments to the proposed wage-order definitions for the Woolen Industry and the Textile Industry, respectively, establishing the 45-percent criterion on such combination yarns. He took this action only after a joint subcommittee of the woolen and textile industry committees had considered the problem, including the competitive position of the two industries on such products. He informed the two industry committees that the adopted line of demarcation was the same as the test established during the period of the National Industrial Recovery Administration and that it had worked satisfactorily. Thereupon, the two committees voted to confirm their previously made recommendations on minima for their respective industries.

The definition for the Woolen and Worsted Industry as proposed in the notice of hearing coincides with the definition in the wage orders for the woolen industry issued under the Fair Labor Standards Act, as above noted. It contains the provision in question. And the Administrator's action in drawing the line of demarcation on combination yarns was, on petition to review and set aside the first of these two wage orders, affirmed by the U. S. Court of Appeals for the District of Columbia, "National Association of Wool Manufacturers, et al. v. Fleming," 122 F. (2d) 617 (App. D. C.). See also "Opp Cotton Mills v. Administrator," 312 U. S. 126; and "Southern Garment Manufacturers Association v. Administrator," 122 F. (2d) 622 (App. D. C.)

The representative of the National Association of Wool Manufacturers testified that the competitive position of the two industries on combination yarns has not changed. He said, moreover, that the spread in average wages between the two industries is considerably greater today in favor of the cotton industry. No evidence was presented showing that the competitive position of the two industries has changed since the original wage orders were issued in 1939 (Textile Industry, 4 F. R. 4101) and 1940 (Woolen Industry, 5 F. R. 1730) containing the correlated line of demarcation. It also appears that the problem from the point of view of Government purchasing is somewhat academic since the Government has not purchased such yarns or fabrics made from such yarns in any significant quantity and is not likely to do so in the future.

Analysis of the record as above summarized indicates quite clearly that $1.05 an hour is the prevailing minimum wage, within the meaning of the Public Contracts Act, in the Woolen and Worsted Industry at this time. From 75 to 90 percent of the workers would not be directly affected by a determination of such minimum wage. Only a small percentage of the remaining 10 to 25 percent of the workers would be so affected. Among the workers whose wages would be increased are some of those employed in abnormally low-wage establishments. Such firms are potential bidders and requiring them to raise wages on Government work only to the rate found to be prevailing for the industry is the main reason for the passage of the Public Contracts Act—in the interest of other employers, as well as in the interest of the employees and the public.

As hereinafter set forth, the prevailing minimum wage to be established for this industry applies only to experienced employees.

The record shows that there is a prevailing practice in the industry to pay new workers during a specified probationary period less than the contract minima applying to experienced workers. Although the length of the probationary period and the subminimum rates vary somewhat in individual plants, the practice generally followed under union contracts covering from 75 to 80 percent of the employees in the industry, is to pay new employees with less than 320 hours experience in the industry a rate of 90 cents an hour for a period of thirty calendar days. The provision for learners as hereinafter set forth is designed to take into consideration to the fullest possible extent the practices of the industry as a whole. The record does not show any need for a subminimum rate for apprentices other than this provision.

Determination. After consideration of the entire record of this proceeding, I hereby make the following determination for the Woolen and Worsted Industry:

§ 202.47 *Woolen and Worsted Industry*—(a) *Definition.* The Woolen and Worsted Industry is defined as follows:

(1) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto.

(2) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk).

(3) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk).

(4) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto.

(5) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk).

(6) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute, or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber.

(7) The manufacturing, dyeing, or other finishing of the products enumerated in subparagraphs (2), (3), (4), and (5) of this paragraph from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other

than silk), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

(b) *Minimum wage.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of the Walsh-Healey Public Contracts Act for the manufacture or supply of products of the Woolen and Worsted Industry shall be $1.05 an hour or $42.00 in straight-time earnings per week of 40 hours, arrived at either upon a time or piece-work basis; except that learners and beginners may be employed subject to the following terms and conditions:

(1) Learners and beginners may be paid a subminimum rate of 90 cents an hour or $36 in straight-time earnings per week of 40 hours, unless experienced workers in the same plant and occupation are paid on a piece-rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers, and earnings based upon these piece rates if such earnings are in excess of 90 cents per hour;

(2) The permitted length of the learning period for learners and beginners shall be 320 hours unless the learner or beginner has had previous experience in the industry, in which case the number of hours of such experience must be deducted from the 320-hour learning period;

(3) A learner or beginner for the purpose of this determination is a person who has had less than 320 hours experience in the industry.

(c) This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after May 14, 1949.

(d) Nothing in this determination shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this determination. (49 Stat. 2036; 41 U. S. C. 35–45)

Dated: April 6, 1949.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 49–2795; Filed, Apr. 13, 1949; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 581]

CALIFORNIA

REVOKING IN PART PUBLIC LAND ORDER NO. 125 OF MAY 20, 1943, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS BOMBING TARGET SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 125 of May 20, 1943, withdrawing public lands for the use of the War Department as bombing target sites, is hereby revoked so far as it affects the hereinafter-described public lands.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 125 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 12, 1949. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 12, 1949, to August 11, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 22, 1949, to May 11, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 12, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 12, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from July 23, 1949, to August 11, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 12, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, California.

The lands affected by this order are described as follows:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 6 E.,
Sec. 26, W½;
T. 5 N., R. 1 E.,
Sec. 4, E½SE¼,
Sec. 10, NW¼;
T. 6 N., R. 2 W.,
Sec. 33, N½SE¼.

The area described aggregates 640 acres.

These public lands are generally rolling to mountainous desert.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 7, 1949.

[F. R. Doc. 49–2854; Filed, Apr. 13, 1949; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Federal Security Agency, General Administration

PART 5—AVAILABILITY OF FINAL OPINIONS, ORDERS AND OFFICIAL RECORDS

Correction

In Federal Register Document 48–11257, appearing on page 8398 of the issue for Tuesday, December 28, 1948, the ninth line of paragraph (b) of § 5.2 should read "ments of the Federal Security Agency or".

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

PART 111—PRINCE WILLIAM SOUND AREA

PART 115—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

HERRING CATCH LIMITATIONS

Basis and purposes. From the consideration of information developed at pub-

lic hearings, written briefs submitted by representatives of the fishing industry, and data resulting from continuing scientific investigations by biologists of the Fish and Wildlife Service indicating a decline in abundance of herring in the Kodiak, Prince William Sound and Southeastern Alaska Areas, it is determined that the respective catch limitations should be reduced by calculated amounts to protect and conserve the resource. In order to establish such additional protection and in conformance with the Notice of Intention to Adopt Amendments issued by the Secretary of the Interior on July 14, 1948 (13 F. R. 4128), the following provisions are adopted, to become effective 30 days after their publication in the FEDERAL REGISTER.

1. Section 108.26 is amended by deleting therefrom "390,000 barrels" and substituting in lieu thereof "250,000 barrels."

2. Section 111.14 is amended by deleting therefrom "180,000 barrels" and substituting in lieu thereof "150,000 barrels."

3. Section 115.3 is amended by deleting therefrom "400,000 barrels" and substituting in lieu thereof "200,000 barrels."

(44 Stat. 752; 48 U. S. C. 221 et seq.)

Dated: April 7, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-2857; Filed, Apr. 13, 1949; 8:47 a. m.]

Subchapter G—Alaska Aquatic Mammals Other Than Whales

PART 142—PROTECTION OF ALASKA SEA LIONS

KILLING OF SEA LIONS

Basis and purposes. On the basis of widespread complaints from fishermen, information produced at public hearings, written briefs submitted by members of the fishing industry, observations by personnel of the Fish and Wildlife Service and a scientific investigation described in Special Scientific Report #28 of the Fish and Wildlife Service, it has been determined that sea lions occur in excessive numbers in the waters of Alaska and are inflicting serious economic loss on the fisheries. The protection of the herd at Bogaslof Island will prevent the extinction of this animal as a species of interesting sea life in such manner as will not be detrimental to the Alaskan commercial fisheries. Accordingly, to reduce the abundance of sea lions, the following provision is adopted, to become effective 30 days after its publication in the FEDERAL REGISTER.

Section 142.1 is amended to read as follows:

§ 142.1 *Killing of sea lions.* The killing of sea lions in the Territory of Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, is permitted, except on Bogaslof Island and within one statute mile of the shores of Bogaslof Island. (48 Stat. 976; 16 U. S. C. 659)

Dated: April 7, 1949.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-2856; Filed, Apr. 13, 1949; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF DRIED FIGS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948), that the United States Department of Agriculture is considering the revision, as herein proposed, of the United States Standards for Grades of Dried Figs. These standards, if made effective, will be the second issue by the Department for grades of dried figs.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision shall file the same in quadruplicate with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.312 *Dried figs.* Dried figs are the fruit of the fig tree (Ficus carica) from which the greater portion of moisture has been removed. Before packing the dried figs have been thoroughly cleaned. The figs may or may not be sulphured or otherwise bleached.

(a) *Types (colors) of dried figs.* (1) "White" or "white figs" are white to dark brown in color and include such varieties as Calimyrna, Adriatic, and Kadota.

(2) "Black" or "black figs" are black or dark purple in color as in the Mission varieties.

(b) *Styles and types of packs of dried figs.* (1) "Whole figs" or "whole" means dried figs in the following types of packs:

(i) Style I (a), "Whole, loose, figs" are whole dried figs, not materially changed from their original dried form, that are packed without special arrangement in a container.

(ii) Style I (b), "Whole, pulled, figs" are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a definite arrangement in a container. The dried figs may or may not be split slightly across the eye but are not split to the extent that the seed cavity is materially exposed.

(iii) Style I (c), "Whole, layered, figs" are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a staggered-layer arrangement in a container. The figs are split across the base to the extent that the seed cavity may be materially exposed.

(2) Style II, "Sliced figs" or "sliced" means dried whole figs that are cut into slices not less than ¼ inch in thickness; such slices are not recut showing more than two cut surfaces.

(c) *Sizes of Style I (a), whole, loose, dried figs.* (1) The sizes of Style I (a), whole, loose, dried figs for the following varieties are:

BLACK MISSION

No. 1 size (Jumbo size)—1 5/16 inches or larger in width.
No. 2 size (Extra Fancy size)—1 3/16 inches to, but not including, 1 5/16 inches in width.
No. 3 size (Fancy size)—1 1/16 inches to, but not including, 1 3/16 inches in width.
No. 4 size (Extra Choice size)—15/16 inch to, but not including, 1 1/16 inches in width.
No. 5 size (Choice size)—13/16 inch to, but not including, 15/16 inch in width.
No. 6 size (Standard size)—less than 13/16 inch in width.

ADRIATIC OR KADOTA

No. 1 size (Jumbo size—1 5/16 inches or larger in width.
No. 2 size (Extra Fancy size)—1 5/16 inches to, but not including, 1 5/16 inches in width.
No. 3 size (Fancy size)—1 3/16 inches to, but not including, 1 5/16 inches in width.
No. 4 size (Extra Choice size)—1 1/16 inches to, but not including, 1 3/16 inches in width.
No. 5 size (Choice size)—15/16 inch to, but not including, 1 1/16 inches in width.
No. 6 size (Standard size)—Less than 15/16 inch in width.

CALIMYRNA

No. 1 size (Jumbo)—1 5/16 inches or larger in width.
No. 2 size (Extra Fancy size)—1 5/16 inches to, but not including, 1 5/16 inches in width.
No. 3 size (Fancy size)—1 3/16 inches to, but not including, 1 5/16 inches in width.
No. 4 size (Extra Choice size)—1 1/16 inches to, but not including, 1 3/16 inches in width.
No. 5 size (Choice size)—15/16 inch to, but not including, 1 1/16 inches in width.
No. 6 size (Standard size)—Less than 15/16 inch in width.

(2) In determining compliance with size requirements listed in subparagraph (1) of this paragraph, Style I (a), whole, loose, dried figs will be considered as of one size if not more than 10 percent by count of the figs varies from the size range. "Uniformity of size," as such, is

[1] The requirements of these standards shall not excuse failure to comply with the provision of the Federal Food, Drug, and Cosmetic Act.

not a requirement for Style I (a), whole, loose, dried figs.

(d) *Grades of dried figs (not for manufacturing).* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of dried figs that are of one variety; are well-matured with not more than 5 percent by count of reasonably well-matured dried figs; are practically uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a practically uniform typical color; possess a good, distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture); Table No. II (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. III (Defects: Style II, sliced figs) in paragraph (e) (1) of this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of dried figs that are of one variety; are reasonably well-matured with not more than 10 percent by count of fairly well-matured dried figs; are reasonably uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a reasonably uniform typical color; possess a reasonably good, distinct, typical, and normal dried fig flavor and odor; are free from foreign materials; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture); Table No. IV (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. V (Defects: Style II, sliced figs) in paragraph (e) (1) of this section.

(3) "U. S. Grade C" or "U. S. Standard" dried figs is the quality of dried figs that are of one variety or of similar varieties; are fairly well-matured; are fairly uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a fairly uniform typical color; possess a typical and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture); Table No. VI (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. VII (Defects: Style II, sliced figs) in paragraph (e) (1) of this section.

(4) "U. S. Grade D" or "Substandard" is the quality of dried figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(e) *Moisture allowances for grades (not for manufacturing) of dried figs.* (1) Dried figs shall not exceed the moisture limits for the grades, types, styles, and groups designated in Table No. I of this section. Moisture limits are not applicable to U. S. Grade D (not for manufacturing) or Substandard (not for manufacturing). Group I includes figs packaged in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons.

TABLE NO. I—MOISTURE ALLOWANCES FOR DRIED FIGS

[Maximum (by weight)]

Grades	Types	Styles	Moisture limits	
			Group I	Group II
			Percent	*Percent*
U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice and U. S. Grade C or U. S. Standard (not for manufacturing).	White	Whole	24	28
	do	Sliced	23	
	Black	Whole	23	28
	do	Sliced	23	
	Black and white (mixed)	Whole	23	28
	do	Sliced	23	

TABLE NO. II—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

Grade	Total allowance, not more than a total of 10%[1]	Limited allowances		
		Not more than 3/5 of the total or 6%[1]	Not more than 1/10 of the total or 1%[1]	Not more than 1/10 of the total or 1%[1]
U. S. Grade A (not for manufacturing) or U. S. Fancy (not for manufacturing).	Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. III—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade	Total allowance, not more than a total of 10%[1]	Limited allowances		
		Not more than 3/5 of the total or 6%[1]	Not more than 1/10 of the total or 1%[1]	Not more than 1/10 of the total or 1%[1]
U. S. Grade A (not for manufacturing) or U. S. Fancy (not for manufacturing).	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. IV—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs.; style I (b), whole, pulled, figs.; style I (c), whole, layered, figs]

Grade	Total allowance, not more than a total of 15% [1]	Limited allowances		
		Not more than 8/15 of the total or 8% [1]	Not more than 1/15 of the total or 1% [1]	Not more than 2/15 of the total or 2% [1]
U. S. Grade B (not for manufacturing) or U. S. Choice (not for manufacturing.	Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. V—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade	Total allowance, not more than a total of 15% [1]	Limited allowances		
		Not more than 8/15 of the total or 8% [1]	Not more than 1/15 of the total or 1% [1]	Not more than 2/15 of the total or 2% [1]
U. S. Grade B (not for manufacturing) or U. S. Choice (not for manufacturing).	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	— Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. VI—ALLOWANCES FOR DEFECTS

STYLE I (A), WHOLE, LOOSE, FIGS
STYLE I (B), WHOLE, PULLED, FIGS
STYLE I (C), WHOLE, LAYERED, FIGS

Grade	Total allowance, not more than a total of 20% [1]	Limited allowances		
		Not more than ½ of the total or 10% [1]	Not more than 1/10 of the total or 2% [1]	Not more than 3/10 of the total or 3% [1]
U. S. Grade C (not for manufacturing) or U. S. Standard (not for manufzeturing).	Seriously damaged by: Scars or disease. Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. VII—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade	Total allowance, not more than a total of 20% [1]	Limited allowances		
		Not more than ½ of the total or 10% [1]	Not more than 1/10 of the total or 2% [1]	Not more than 3/10 of the total or 3% [1]
U. S. Grade C (not for manufacturing) or U. S. Standard (not for manufacturing).	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

(f) *Grades of dried figs for manufacturing.* (1) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of dried figs that are of one variety or similar varieties; are reasonably well-matured with not more than 5 percent by count of fairly well-matured figs; possess a reasonably uniform typical color; possess a good, distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. VIII (Moisture); Table No. IX (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. X (Defects: Style II, sliced figs) in paragraph (g) (1) of this section.

(2) "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" is the quality of dried figs that are of one variety or mixed varietal types; are fairly well-matured; may possess a variable color; possess a reasonably good, distinct, typical and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. VIII (Moisture); Table No. XI (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. XII (Defects: Style II, sliced figs) in paragraph (g) (1) of this section.

(3) "U. S. Grade D for Manufacturing" or "Substandard for Manufacturing" is the quality of dried figs that fail to meet the requirements of "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing."

(g) *Moisture allowances for grades for manufacturing of dried figs.* (1) Dried figs shall not exceed the moisture limits for the grades, types, styles, and groups designated in Table No. I of this section. Moisture limits are not applicable to U. S. Grade D for Manufacturing or Substandard for Manufacturing. Group I includes figs packaged in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons.

TABLE VIII—MOISTURE ALLOWANCES FOR DRIED FIGS

[Maximum by weight]

Grades	Types	Styles	Moisture limits	
			Group I	Group II
			Percent	*Percent*
U. S. Grade A for manufacturing or U. S. Fancy for manufacturing and U. S. Grade B for manufacturing or U. S. Choice for manufacturing	White	Whole	24	28
	do	Sliced	23	
	Black	Whole	23	28
	do	Sliced	23	
	Black and white (mixed)	Whole	23	28
	do	Sliced	23	

TABLE NO. IX—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b); whole, pulled, figs; style I (c), whole, layered figs]

Grade	Total allowance, not more than a total of 15% [1]	Limited allowances		
		Not more than 5/15 of the total or 8% [1]	Not more than 1/15 of the total or 1% [1]	Not more than 1/15 of the total or 1% [1]
U. S. Grade A for manufacturing or U. S. Fancy for manufacturing.	Seriously damaged by: Scars or disease. Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. X—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade	Total allowance, not more than a total of 10% [1]	Limited allowances		
		Not more than 4/5 of the total or 8% [1]	Not more than 1/10 of the total or 1% [1]	Not more than 1/5 of the total or 2% [1]
U. S. Grade A for manufacturing or U. S. fancy for manufacturing.	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. XI—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

Grade	Total allowance, not more than a total of 30% [1]	Limited allowances		
		Not more than 1/3 of the total or 10% [1]	Not more than 1/15 of the total or 2% [1]	Not more than 1/10 of the total or 3% [1]
U. S. Grade B for manufacturing or U. S. Choice for manufacturing.	Seriously damaged by: Scars or disease. Damaged by: Sunburn. Insect injury. Mechanical injury. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. XII—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade	Total allowance, not more than a total of 20% [1]	Limited allowances		
		Not more than 1/3 of the total or 10% [1]	Not more than 1/10 of the total or 2% [1]	Not more than 1/4 of the total or 5% [1]
U. S. Grade B for manufacturing or U. S. Choice for manufacturing.	Damaged by: Scars or disease. Sunburn. Insect injury. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

(h) *Definitions and explanation of terms*—(1) *Definitions of varying degrees of maturity.* (i) A "well-matured" dried fig means a dried fig which is well developed and in which the interior shows very good sugary tissue development that is sirupy and gumlike in consistency and texture.

(ii) A "reasonably well-matured" dried fig means a dried fig which is reasonably well developed and in which (*a*) the interior shows good sugary tissue development that is gummy but slightly fibrous in consistency and texture or (*b*) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is "well-matured" or sirupy and gumlike in consistency and texture.

(iii) A "fairly well-matured" dried fig means a dried fig which is fairly well developed and in which (*a*) the sugary tissue in the interior of the fig is gummy and fibrous in consistency and texture or (*b*) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is "reasonably well-matured" or is gummy but slightly fibrous in consistency and texture or (*c*) more than one-third but less than one-half of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is "well-matured" or sirupy and gumlike in consistency and texture.

(iv) An "immature" fig is considered a defect (see subparagraph (4) (viii) of this paragraph).

(v) A "worthless" fig is considered a defect (see subparagraph (4) (xii) of this paragraph).

(2) *Definitions of varying degrees of uniformity of size.* Uniformity of size applies only to Style I (b), whole, pulled, figs and Style I (c), whole, layered, figs, where the original shape has been materially changed.

(i) "Practically uniform in size" means that not more than a total of 10 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(ii) "Reasonably uniform in size" means that not more than a total of 15 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(iii) "Fairly uniform in size" means that not more than a total of 20 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(3) *Definitions of varying degrees of uniformity of color.* (i) "Practically uniform in color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 5 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in colors, that there may be not more than 5 percent by count of dried figs that are markedly light-colored figs.

(ii) "Practically uniform in color" means, with respect to black varieties of dried figs, that the color of the dried figs is a practically uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 10 percent by count of the dried figs.

(iii) "Reasonably uniform in color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 10 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 10 percent by count of dried figs that are markedly light-colored figs.

(iv) "Reasonably uniform in color" means, with respect to black varieties of dried figs, that the color of the dried figs is a reasonably uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 15 percent by count of the dried figs.

(v) "Fairly Uniform in Color" means, with respect to white varieties of dried

figs that are light in color or are very light green in color, that there may be not more than 20 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 20 percent by count of dried figs that are markedly light-colored figs.

(vi) "Fairly uniform in color" means, with respect to black varieties of dried figs, that the color of the dried figs is a fairly uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 20 percent by count of the dried figs.

(4) *Definitions of defects.* (i) "Damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of dried fig, is equal to, or exceeds, the area of a circle 3/8 inch in diameter but is less than the area of a circle 1/2 inch in diameter.

(ii) "Seriously damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of dried fig, is equal to, or exceeds, the area of a circle 1/2 inch in diameter. Very light-colored scars which are not calloused are considered as "seriously damaged by scars" if such scars, singly or in the aggregate on a whole dried fig, are equal to one-half or more of the exterior surface of the dried fig.

(iii) "Damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas and which damage is accompanied by a lack of sugary tissue affecting one-third or more of the interior of a dried fig.

(iv) "Damaged by insect injury" means healed or unhealed surface blemishes or unhealed blemishes in the flesh which affect materially the appearance, edibility, or keeping quality of the dried figs.

(v) "Mechanical injury" means injury to the styles of whole dried figs as follows: (*a*) In Style I (a), Whole, loose, figs and Style I (b), Whole, pulled figs, the seed tissue is mashed out beyond the outer wall or there are excessive skin breaks which affect materially the appearance of the dried figs for the applicable style; (*b*) in Style I (c), Whole, layered, figs, there are excessive skin breaks (other than the normal splitting for the style) to the extent that a dried fig cannot be identified as a whole, layered, fig.

(vi) "Damaged by visible sugaring" means white sugar crystals which form on the exterior surface of a dried fig so as to damage materially the appearance. Units showing a few lightly sugared spots are not considered as "damaged by visible sugaring."

(vii) "Damaged by other similar defects" includes any injury or defect not specifically mentioned which affects materially the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "other similar defects."

(viii) An "immature" fig means a fig which does not meet the requirements of "fairly well-matured" (see subparagraph (1) (iii) of this paragraph) but is not worthless.

(ix) "Affected by souring" means that a dried fig is (*a*) fermented, as evidenced by a distinct sour taste or odor or by the darkening in color characteristic of fermentation or souring; or (*b*) infested with internal rot (endosepsis).

(x) "Affected by mold" means that a dried fig shows a moldy or smutty condition, singly or in the aggregate on a dried fig or portion of dried fig, that is equal to, or exceeds, the area of a circle 3/16 inch in diameter.

(xi) "Affected by decay" means that the flesh is decomposed by rot.

(xii) A "worthless" fig means a fig which is tough and fibrous and may contain a trace of sugary tissue.

(5) *Definition of varying degrees of flavor and odor.* (i) "Good, distinct, typical, and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor free from any flavors or odors such as are characteristic of scorching or caramelization or other slight abnormal flavors or odors.

(ii) "Reasonably good, distinct, typical, and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor which may possess very slight flavors or odors such as are characteristic of scorching or caramelization or other very slight abnormal flavors or odors.

(iii) "Typical and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor which may possess slight flavors or odors such as are characteristic of scorching or caramelization but may not possess such flavors in amounts resulting in objectionable or off-flavors.

(i) *Work sheet for grades (not for manufacturing) of dried figs.*

Size and kind of container	------
Container mark or identification	------
Label or brand	------
Net weight	------
Type (color)	------
Style (type of pack)	------
Size or sizes (whole, loose, figs)	------
Moisture content	------
Varietal characteristics:	
Similar ____ Mixed	------
Uniformity of color:	
White: Marked variation from Light ____ Dark	____%
Black: ____ Natural Black ____	------
Very light scars (uncalloused, etc.)	____%
Uniformity of size: (whole, pulled and layered) Conspicuously larger ____; smaller	____%
Maturity and development:	
(A) Well-matured	____%
(B) Reasonably well-matured	____%
(C) Fairly well-matured	____%
Flavor and odor: (A), (B), (C)	------
Count (per sample):	
Worthless figs	____%
Affected by decay	____%
Affected by souring, mold	____%
Dirt	____%
Subtotal above defects	____%
Seriously damaged by scars or disease [1]	____%
Damaged by scars or disease	____%

Count (per sample)—Continued	
Mechanical injury [2]	____%
Damaged by sunburn, insect injury, visible sugaring, other similar defects, and immature figs	____%
Grand total all defects	____%
U. S. Grade (including all factors)	------

[1] "Seriously damaged by scars or disease" applies to U. S. Grade C (not for manufacturing) or U. S. Standard (not for manufacturing) in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and I (c), Whole, layered, figs.

[2] "Damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

(j) *Work sheet for grades for manufacturing of dried figs.*

Size and kind of container	------
Container mark or identification	------
Label or brand	------
Net weight	------
Type (color)	------
Style (type of pack)	------
Size or sizes (whole, loose, figs)	------
Moisture content	------
Varietal characteristics:	
Similar ____ Mixed	------
Uniformity of color:	
White: Marked variation from Light ____ Dark	____%
Black: ____ Natural black ____	------
Very light scars (uncalloused, etc.)	____%
Maturity and development:	
(A) For manufacturing — reasonably well-matured	____%
(B) For manufacturing — fairly well-matured	____%
Flavor and odor: (A), (B)	------
Count (per sample):	
Worthless figs	____%
Affected by decay	____%
Affected by souring, mold	____%
Dirt	____%
Subtotal above defects	____%
Seriously damaged by scars or disease [1]	____%
Damaged by scars or disease [2]	____%
Mechanical injury [3]	____%
Damaged by sunburn, insect injury, other similar defects, and immature figs	____%
Damaged by visible sugaring [4]	____%
Grand total all defects	____%
U. S. Grade for manufacturing (including all factors)	------

[1] "Seriously damaged by scars or disease" applies to U. S. Grade A for Manufacturing or U. S. Fancy for Manufacturing and U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[2] No limit for "damaged by scars or disease" in U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in all styles.

[3] "Damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

[4] No limit for "Damaged by visible sugaring" in U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in all styles.

Issued at Washington D. C. this 11th day of April 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-2863; Filed, Apr. 13, 1949; 8:51 a. m.]

[7 CFR, Part 974]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Knights of Columbus Hall, Corner of Oak and South Sixth Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., April 18, 1949, for the purpose of receiving evidence with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area (7 CFR, Supps. 974.0 et seq.; 11 F. R. 1081, 9424, 12 F. R. 4245, 13 F. R. 2331, 5021, 9295). The proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by the handlers:

1. In § 974.4 (b) (1) after the word "feeding" which appears within the parentheses, add the following within the parentheses: "and that sold in bulk for use in commercially manufactured food products other than dairy products."

2. In § 974.4 (b) (2) insert after the words "disposed of" in (i) the following: "(except that which is sold in bulk for use in commercially manufactured food products other than dairy products)" and convert the semicolon which appears after the word "butterfat" to a period and strike out the following which now follows said semicolon: "or (ii) used to produce cottage cheese."

3. In § 974.4 (b) (3) insert "(i)" between the word "be" and the word "all" and strike out the word "or" which appears after the comma following the words "imitation ice cream"; convert the period following the words "frozen cream" to a comma, and add the following: "cottage cheese, Reddi-Wip topping and other products similarly constituted and similarly processed; and (ii) all skim milk and butterfat sold in bulk for use in commercially manufactured food products other than dairy products."

4. In § 974.4 (b) (4) strike out the following: "(ii) having been dumped or disposed of for livestock feeding;" and convert "(iii)" to "(ii)".

5. In § 974.4 (f) insert the following subparagraph immediately after subparagraph (1):

(2) For the delivery periods of October, November, December and January subtract from the pounds of skim milk and butterfat in Class I, the smaller of the following: (i) the pounds, if any, by which the skim milk and butterfat in milk received from producers is less than 115% of the pounds of skim milk and butterfat in handlers' Class I, or (ii) the pounds of skim milk and butterfat in other source milk received;".

In the same paragraph convert "(2)" to "(3)", "(3)" to "(4)", "(4)" to "(5)", "(5)" to "(6)", "(6)" to "(7)" and "(7)" to "(8)".

6. In § 974.5 (a) (2) (i) strike out the words "subtract 3.5 cents" which appears after the comma following the word "received" and insert in lieu thereof the words "subtract 5.5 cents".

7. In § 974.5 (a) (2) (ii) strike out the figure "4" which follows the word "deduct" and insert in lieu thereof "5.5".

8. In § 974.5 (b) strike out the comma following the words "classified as Class I milk" and insert the word "and"; and strike out the words "and Class III milk," appearing between "Class II milk," and "respectively,".

Strike out the present schedule appearing in § 974.5 (b) and insert in lieu thereof the following:

	Skim				Butterfat			
	Jan., Feb., Mar.	Apr., May, June, July	Aug., Sept.	Oct., Nov., Dec.	Jan., Feb., Mar.	Apr., May, June, July	Aug., Sept.	Oct., Nov., Dec.
Class I	0.2798	0.2098	0.2798	0.3498	20.86	15.64	20.86	26.08
Class II	.2098	.1399	.2098	.2798	15.64	10.43	15.64	20.86

The minimum price per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant and classified as Class III milk, shall be determined by adding the appropriate amounts as set forth in the following schedule, to the Class IV prices per hundredweight of skim milk and butterfat, respectively, for the delivery period.

	Skim				Butterfat			
	Jan., Feb., Mar.	Apr., May, June, July	Aug., Sept.	Oct., Nov., Dec.	Jan., Feb., Mar.	Apr., May, June, July	Aug., Sept.	Oct., Nov., Dec.
Class III	0.1119	0.042	0.1119	0.1819	8.34	3.13	8.35	13.56

9. In § 974.5 (c) (1) strike out "; and" which follows "0.965" and insert in lieu thereof the following: ": *Provided*, That the price of skim milk used for animal feed or accounted for as dumped, shall be determined as follows: from the average carlot price per pound of nonfat dry milk solids for animal feed, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture subtract 5.5¢ and multiply the remainder by 8.5."

10. In § 974.5 (c) (2) strike out the figure "$4.20" and insert in lieu thereof the figure "$6.60".

11. In § 974.6 (a) strike out the proviso inserted by Amendment No. 4 which amended said section and which was effective October 1, 1948.

The following amendment has been proposed by the Borden's Hamilton Milk Company and Borden's Moores and Ross:

12. Amend the applicable sections of the order (1) to provide that Columbus-approved milk received at any plant approved by the Columbus Health Authorities for the receipt of milk for fluid use shall be "producer milk", if any portion of such milk, during the delivery period, is disposed of from the plant where received from producers by delivery to any milk plant which is approved by the Columbus Health Authority for the receipt and processing of fluid milk, and (2) to provide an adequate handler location adjustment on milk which is received from producers at a plant located more than 40 miles by highway from the Ohio State capital, Columbus, and is classified as Class I, Class II, Class III or Class IV milk.

The following amendment has been proposed by the Ohio Jersey Breeders' Association:

13. Delete § 974.7 (f) and substitute, therefore, the following:

(f) *Butterfat differential.* In making payments pursuant to paragraph (a) of this section there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(1) Multiply the hundredweight of butterfat in each class computed pursuant to § 974.4 (f) by the applicable minimum price for butterfat in such class computed pursuant to § 974.5;

(2) Add into one total the butterfat values obtained in subparagraph (1) of this paragraph and divide such total by the total hundredweight of butterfat in all classes computed pursuant to § 974.4 (f) to determine a weighted average price for butterfat;

(3) Subtract from the weighted average price per hundredweight of butterfat computed in subparagraph (2) of this paragraph, a weighted average price per hundredweight of skim milk computed as follows:

(i) Multiply the hundredweight of skim milk computed in each class pursuant to § 974.4 (f) by the respective minimum price for skim milk in such class computed pursuant to § 974.5; and

(ii) Add into one total the skim milk values so obtained for all classes and divide such total by the total hundredweight of skim milk in all classes computed pursuant to § 974.4 (f); and

(4) Divide by 1,000 the prices of butterfat resulting pursuant to subparagraph (3) of this paragraph, and round off to the nearest tenth of a cent.

The following amendments have been proposed by the Central Ohio Cooperative Milk Producers, Inc.:

14. That § 974.5 (b) be amended so that the price provided in said section for skim milk and butterfat above the basic formula prices for Class I, Class II, and Class III milk for the months of April, May, June, and July, 1949, remain the same as for the month of March, 1949.

15. Delete § 974.2 (c) (7) and substitute therefor the following:

(7) On or before the 10th day after the end of each delivery period the Market Administrator shall on the request of the producers' association supply each association of producers, with respect to each producer verified by the Market Administrator to be a member of such association and from producers who are not a member of such producers' association providing said producers' association has received written authorization to receive such information, the amount of milk received, the average butterfat test thereof, the amount of any advance payment to such producer and the deductions and charges authorized by the producers' association, made by the handler subject to later verification by the Market Administrator.

16. Delete paragraph (a) of § 974.7 and substitute therefor the following:

(a) *Time and method of payment.* Each handler shall make payment subject to the butterfat differential announced pursuant to paragraph (f) of this section for all milk received from producers or from associations of producers during each month, as follows:

(1) Except as set forth in subparagraph (2) of this paragraph to each producer on or before the 15th day after such month but at not less than the uniform price.

(2) To an association of producers, if association elects to receive said payments, for milk of its members as verified by the Market Administrator and for producers not members of a cooperative association from whom a cooperative association has received written authorization to collect payment, on or before the 14th day after such month of a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under subparagraph (1) of this paragraph, less authorized deductions for supplies and merchandise: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the Market Administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the Market Administrator.

17. Delete § 974.3 (b) (2) and substitute therefor the following:

(2) On or before the 5th day after the end of each delivery period, each handler shall submit to the Market Administrator such handler's producer pay roll for the delivery period, which shall show (i) the total pounds of milk received from each producer and association of producers with the average butterfat test thereof, and (ii) the nature and amount of each deduction or charge involved in said pay roll.

18. Add to § 974.2 (c) (9) after the letter (f) the following: "(iii) Monthly publicly announce by sending notice thereof to the producers' association and producers not members of the association the hauling rates charged by each hauler."

19. Add to § 974.2 (c) (9) after the word "hauler" in proposed amendment (18) the following: "(iv) Prepare and disseminate for the benefit of producers, consumers, and haulers, such statistics and information concerning the operation hereof as do not reveal confidential information."

20. At the beginning of § 974.2 (c) (7) insert "(i)." Delete the semi-colon following the word "association" at the end of this paragraph and add the following:

(ii) On or before the 12th day of each month, report to each cooperative association for the preceding month with respect to each handler the percent of utilization in each class of milk of producers as qualified in accordance with § 974.9 (b):

21. Amend § 974.9 as approved June 26, 1947, by deleting "not exceeding 4 cents" and substituting therefor the following: "not exceeding 5 cents."

22. Delete from § 974.9 as approved June 26, 1947 between the words "milk" and "received" the following: "(except such handlers' own production)" and substitute the following: "(including such handler's own production)."

23. Insert in § 974.3 (a) after the word "handler" and before the word "except" the following: "(a person operating more than one fluid milk plant shall report as one plant)."

24. Insert following the bracket set up in paragraph (b) of § 974.5 as approved June 26, 1947, the following: "*Provided*, That the Class I, Class II and Class III price for any of the months of September, October, November and December of each year shall not be lower than the effective Class I, Class II and Class III prices for the immediate preceding month, *And, provided further*, That such price for each of the months of January, February and March shall not be less than such price for the preceding month minus $0.22."

25. Delete § 974.4 (b) (2), (3), and (4) and substitute therefor the following:

(2) Class II milk shall be all skim milk and butterfat (i) disposed of in fluid milk form for consumption as sweet or sour cream or as any mixture of cream and milk (or skim milk) including eggnog, containing more than 6 percent of butterfat, or (ii) used to produce cottage cheese, (iii) used to produce condensed milk and condensed skim milk (except evaporated milk or skim milk hermetically sealed in cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, imitation ice cream, or frozen cream.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as (i) having been used to produce any milk product other than as specified in subparagraph (1) (i), and (2) of this paragraph; (ii) having been dumped or disposed of for livestock feeding; and (iii) actual plant shrinkage but not in excess of 2 percent, respectively, of the total receipts of skim milk or butterfat, not including skim milk or butterfat received from other handlers.

26. Amend paragraph (b) of § 974.5 by deleting all Class III prices.

27. Amend paragraph (c) of § 974.5 by changing "Class IV milk prices" to "Class III milk prices".

28. Make all necessary amendments to provide for an "individual handler pool" instead of a "market wide pool".

"Individual handler" pool would provide for a uniform price for each handler computed on the basis of his particular utilization of milk.

The following amendment has been proposed by the Dairy Branch, Production and Marketing Administration:

29. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Dated: April 11, 1949, at Washington, D. C.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 49-2874; Filed, Apr. 13, 1949; 8:50 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR SOAP INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT

The Secretary of Labor, in a prevailing minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036; U. S. C. title 41, secs. 35-45) and dated July 28, 1939 (41 CFR, 1939 Supp., 202.31), determined that the minimum wage for persons engaged in the performance of contracts with agencies of the United States subject to the act for the manufacture or supply of the products of the Soap Industry was 40 cents an hour.

A wage survey of soap and glycerin establishments made by the Bureau of Labor Statistics as of August 1948 shows

clearly that the 40 cent rate now in effect no longer reflects the prevailing minimum wages in the industry and it is proposed therefore to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment to the current determination.

The Soap Industry, as defined in the current determination, is that industry which manufactures or supplies soap in bars, cakes, chips, and flakes, and in granulated, powdered, paste, and liquid forms, and glycerin; cleansers containing soap, scouring powders, and shaving soaps, and creams containing soap, and washing compounds containing soap.

Now, therefore, notice is hereby given: That a public hearing will be held on May 10, 1949, at 10:00 a. m. in Conference Room C, Interdepartmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what is the prevailing minimum wage in the Soap Industry; (2) as to whether the definition of the Soap Industry should be amended to include synthetic glycerin and synthetic detergents; (3) as to what are the prevailing minimum wages in the manufacture of synthetic glycerin and synthetic detergents; and (4) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum-rate employees.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing.

Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of the above-mentioned wage survey by the Bureau of Labor Statistics (Soap and Glycerin, 1948—Series 2, No. 69), as well as a Bureau of Labor Statistics tabulation titled "Estimated Distribution of Soap and Glycerin Establishments and Workers According to Percentage of Plant Workers Earning Less Than Specified Amounts Per Hour, August 1948," will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the Presiding Officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 8th day of April 1949.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 49-2862; Filed, Apr. 13, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Alaska Road Commission

[Administrative Order 4]

REDELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS

SECTION 1. *Contracts.* Pursuant to sections 50 and 52 of Order No. 2509, 14 F. R. 306, and subject to its provisions, the following delegations of authority are granted for action on behalf of the Alaska Road Commission:

(a) The following officials are authorized to enter into contracts in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations, for construction, supplies and services, and for leases, irrespective of the amount involved and may, with respect to any such contract, issue Change Orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized:

(1) Chief Engineer.

(2) Chief, Administrative Division.

(b) The following officials are authorized to enter into contracts, in conformity with applicable regulations and statutory requirements, and subject to the availability of appropriation, for construction, supplies and services, in amounts not exceeding $10,000.00, using United States standard forms:

(1) District Engineer, Anchorage District.

(2) Assistant District Engineer, Anchorage District.

(3) District Engineer, Fairbanks District.

(4) Assistant District Engineer, Fairbanks District.

(5) District Engineer, Valdez District.

(6) Assistant District Engineer, Valdez District

(7 District Engineer, Nome District.

(8) Assistant District Engineer, Nome District.

(c) The authority delegated under subsections (a) and (b) of this section includes the authority to enter into a contract without previous advertisement for proposals in any case where entering into a contract under such circumstances is authorized by R. S. sec. 3709 as amended by section 9 (a) of the act of August 2, 1946 (60 Stat. 806, 809; 41 U. S. C., 1946 ed., sec. 5).

SEC. 2. *Revocations.* This order revokes all other delegations or redelegations relating to the same subject matter.

JOHN R. NOYES,
Commissioner of Roads for Alaska.

[F. R. Doc. 49-2855; Filed, Apr. 13, 1949; 8:46 a. m.]

Bureau of Reclamation

[Public Notice 58]

HEART MOUNTAIN DIVISION, SHOSHONE IRRIGATION PROJECT, WYOMING

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

MARCH 18, 1949.

Shoshone Irrigation Project, Wyoming, Heart Mountain Division, Part III. Public notice announcing availability of water for public and private lands and opening of public lands to entry.

LANDS COVERED

SECTION 1. *Lands for which irrigation water will be available.* Water will be available June 1, 1949, and thereafter for certain irrigable lands on the Heart Mountain Division of the Shoshone Irrigation Project, as shown on approved farm unit plats on file in the office of the Superintendent, Bureau of Reclamation, Heart Mountain, Wyoming, and in the District Land Office at Cheyenne, Wyoming.

Application may be made in accordance with this notice, beginning at 2:00 p. m., April 13, 1949, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

Public Lands

SIXTH PRINCIPAL MERIDIAN, WYOMING

Section, lot or tract [1]	Farm unit	Description	Total irrigable acres
		Township 53 North, Range 101 West	
17	F	S½SE¼SE¼ of Section 7; Lot 5 of Section 8; Lots 2, 8, 9, N½SW¼NW¼ of Section 17; Lot 15 of Section 18	100.00
61	G	Lot 20 of Section 19; W½SW¼SW¼ of Section 20; NW¼NW¼NW¼ of Section 29; Lot 16 of Section 30; Lot 1 of Tract 61	108.70
30	H	Lot 22 of Section 19; Lots 8, 14, 19, 28, 30 of Section 30; Lot 10 of Section 25, T. 53 N., R. 102 W	116.50
		Township 53 North, Range 102 West	
25	A	Lot 31 of Section 24; Lots 11, 12, 13, 15, SE¼NE¼, E½SW¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼ SE¼ of Section 25. Lot 29 of Section 30, T. 53 N., R. 101 W	109.52
		Township 55 North, Range 100 West	
6	A	Lot 9, S½NW¼SE¼, S½N½NW¼SE¼, SW¼SE¼ of Section 6; Lot 10 of Section 7	118.10
7	B	Lot 12 of Section 7. Lot 3 of Section 12, T. 55 N., R. 101 W	129.40
8	A	Lots 11, 12 of Section 8; Lot 3 of Section 9; Tract 1 of Lot 82	110.70
8	C	Lot 6 of Section 5; SE¼SE¼ of Section 6; Lot 9 of Section 7; Lot 8 of Section 8	105.70
16	A	Lots 12, 14 of Section 16	85.30
16	B	Lots 6, 13, 16, W½NW¼SE¼, W½E½NW¼SE¼, W½E½E½NW¼SE¼, W½SW¼SE¼, W½E½ SW¼SE¼, W½E½E½SW¼SE¼ of Section 16	107.40
18	A	Lot 19 of Section 18; Tract 2 of Lot 72	112.80
21	C	SW¼SW¼NW¼SW¼, W½SE¼SW¼NW¼SW¼, W½W½SW¼SW¼, W½E½W½SW¼SW¼ of Section 15; S½S½NE¼SE¼, E½SE¼SE¼NW¼SE¼, E½E½E½SW¼SE¼, SE¼SE¼ of Section 16; Lot 2 and NE¼NE¼ of Section 21; Lot 7 of Section 22	106.90
22	A	Lot 6 of Section 22; Lot 100–C of Lot 100	112.40
30	A	Lot 13 of Section 19; Lot 13 of Section 30; Tract 2 of Lot 56	140.70
30	B	Lots 17, 18 of Section 30; Lot 16 of Section 31; Tract 6 of Lot 41; Tract 2 of Lot 69	108.20
30	D	Lot 14 of Section 30; Tract 2 of Lot 41; Tract 3 of Lot 56; Tract 3 of Lot 102	140.60
31	C	Lots 17, 18 of Section 31; Tract 3 of Lot 68; Tract 3 of Lot 95. Lot 11 of Section 25; Lot 12 and NE¼NE¼SE¼ of Section 36, T. 55 N., R. 101 W	134.60
31	D	Lots 2, 3, 12 of Section 31; Tract 3 of Lot 37; Tract 3 of Lot 70; Tract 1 of Lot 95; Lots T, U of Lot 55. Lots X, Y of Lot 55, T. 54 N., R. 100 W	116.60
32	A	Lot 1 of Section 29; Lot 5 of Section 32; Lot 4 of Section 33; Tract 1 of Lot 38; Tract 1 of Lot 39; Tract 13 of Lot 42	126.00
32	B	Lot 6 of Section 32; Lot 6 of Section 33; Tracts 2, 7 of Lot 38; Lot 64A of Lot 64	116.30
32	C	Lot 7 of Section 32; Lot 7 of Section 33; Tract 14 of Lot 52; Lot 63–G of Lot 63; Lot 64–C of Lot 64	125.30
41	C	Tract 1 of Lot 37; Tract 4 of Lot 38; Tract 3 of Lot 39; Tract 1 of Lot 40; Tract 3 of Lot 41; Tract 10 of Lot 42	111.00
41	E	Lot 15 of Section 30; Tract 2 of Lot 37; Tract 2 of Lot 40; Tract 4 of Lot 41	119.20
41	G	Lots 16, 19 of Section 30; Lot 15 of Section 31; Tract 5 of Lot 41; Tract 1 of Lot 69; Tract 1 of Lot 70	106.80
42	B	Tracts 1, 2, 3 of Lot 42; Tract 4 of Lot 43	128.10
42	D	Tracts 4, 5, 8 of Lot 42; Tract 1 of Lot 93	134.20
42	E	Tract 3 of Lot 38; Tract 2 of Lot 39; Tract 11 of Lot 42	115.00
43	A	Tracts 1, 2, 3 of Lot 43	115.70
43	C	Tracts 6, 7, 8 of Lot 43	136.70
53	A	Lot C, Tracts Q, S, T, V of Lot 53	119.20
53	B	Tracts U, W, 4 of Lot 53	122.40
53	C	Tracts 2, 3 of Lot 53	120.70
56	B	Lot 12 of Section 19; Tract 1 of Lot 56; Tract 2 of Lot 102	121.70
59	C	Lot 10 of Section 19; Tract 2 of Lot 59; Tract 6 of Lot 72	113.10
59	D	Lot 11 of Section 19; Tract 3 of Lot 59	117.50
65	L	Tract 6 of Lot 38; Tract 15 of Lot 52; Lots 55–A, 55–Q of Lot 55; Lot 64–B of Lot 64; Lot 65–A of Lot 65. Lots 55–AA, 55–DD of Lot 55, T. 54 N., R. 100 W	134.60
66	F	Tract 4 of Lot 37; Tract 5 of Lot 38; Lots 55–R, 55–S of Lot 55; Lot 65–B of Lot 65; Lot 66. Lots 55–Z, 55–BB of Lot 55, T. 54 N., R. 100 W	124.30
71	B	Tract 2 of Lot 71; Tract 4 of Lot 72	115.90
72	E	Lot 21 of Section 18; Lot 9 of Section 19; Tract 3 of Lot 72	113.50
78	B	Lots 13, 16 of Section 18; Tract 4 of Lot 78	121.10
80	C	Lot 17 of Section 18; Tract 6 of Lot 78; Tract 1 of Lot 80; Tract 3 of Lot 96	123.70
80	D	Lot 18 of Section 18; Tract 1 of Lot 71; Tract 1 of Lot 72; Tract 2 of Lot 80; Lot 90	112.20
82	B	Lot 10 of Section 8; Tract 2 of Lot 82	124.60
83	D	Lot 14 of Section 7; Lot 9 of Section 8; Tract 3 of Lot 82; Tract 1 of Lot 83	132.00
83	E	Tract 1 of Lot 78; Tract 4 of Lot 82; Tract 2 of Lot 83; Tract 3 of Lot 84; Tract 1 of Lot 96	125.10
84	A	Tract 3 of Lot 78; Tract 2 of Lot 84	122.30
84	F	Lot 13 of Section 7; Tract 1 of Lot 84	130.80
86	A	Lot 1 of Section 10; Lot 10 of Section 15; Tract 2 of Lot 86; Tract 2 of Lot 87	91.60
94	A	Tract 4 of Lot 59; Tract 2 of Lot 94	119.30
94	F	Tract 1 of Lot 59; Tract 3 of Lot 71; Tract 5 of Lot 72; Tract 1 of Lot 94	117.80
95	E	Lot 21 of Section 31; Lot V of Lot 55; Tract 4 of Lot 69; Tract 2 of Lot 70; Tract 2 of Lot 95	127.40
96	D	Tract 2 of Lot 78; Tract 2 of Lot 96	116.40
98	C	Tract 4 of Lot 86; Tract 3 of Lot 87; Tract 10 of Lot 88; Tract 3 of Lot 98; Tract 1 of Lot 100	110.50
100	B	Lot 5 of Section 22; Lot 1 of Section 27; Lot J, Tracts P, R of Lot 100	129.10
101	A	Lots G, H, and Tracts 5, N, Q, T of Lot 101	148.90
101	D	Tract 1 of Lot 53; Tracts 2, 4, K and Lot C of Lot 101	108.40
102	F	Tract 1 of Lot 41; Tract 9 of Lot 42; Tract 2 of Lot 93; Tract 1 of Lot 102	144.30
		Township 55 North, Range 101 West	
1	E	S½NE¼SE¼, E½SE¼SE¼, E½NW¼SE¼SE¼, SW¼SE¼SE¼ of Section 1; Lot 1 of Section 12. Lot 10 of Section 6; Lot 11 of Section 7, T. 55 N., R. 100 W	112.30
10	C	Lots 19 and 20 of Section 10	114.30
11	C	Lots 1, 2, 10 of Section 11; Lots 6, 7 of Section 12	103.60
11	E	Lot 21 of Section 10; Lot 9 of Section 11	116.00
12	A	Lot 5, SE¼NW¼, SE¼SW¼NW¼ of Section 12	103.50
12	D	Lot 9 of Section 12; Lot 2 of Section 13	113.90
12	G	Lot 4 of Section 12; Lot 15 of Section 7, T. 55 N., R. 100 W	121.90
13	A	Lots 4, 7 of Section 13	98.40
13	B	Lot 8 of Section 13	118.10
13	F	Lot 8 of Section 12; Lot 3 of Section 13	100.90
13	G	Lot 1 of Section 13; Lot 14, 15 of Section 18, T. 55 N., R. 100 W. Tract 5 of Lot 78, T. 55 N., R. 100 W	102.90
13	H	Lots 5, 6 of Section 13; Lot 20 of Section 18, T. 55 N., R. 100 W	112.60
14	A	Lots 3, 6 of Section 14	101.40
14	B	Lot 11 of Section 11; Lot 1 of Section 14	113.90
14	C	Lots 4, 5 of Section 14	102.10
14	D	Lot 12 of Section 11; Lot 2 of Section 14	112.90
14	E	Lot 8 of Section 14	117.30
14	F	Lot 7 of Section 14	116.70
15	A	Lots 4, 5 of Section 15	102.00
15	B	Lots 3, 6 of Section 15	101.10
15	C	Lot 7 of Section 15	104.60
15	D	Lot 8 of Section 15	117.50
15	F	Lot 22 of Section 10; Lot 1 of Section 15	112.80
15	G	Lot 23 of Section 10; Lot 2 of Section 15	107.30
22	C	N½NE¼, N½S½NE¼ of Section 22	118.30
22	D	N½NW¼, N½S½NW¼ of Section 22	110.60
22	E	S½S½NW¼, N½SW¼ of Section 22	116.20
22	F	S½S½NE¼, N½SE¼ of Section 22	116.10
22	G	Lot 1, SE¼SE¼ of Section 22; Lot 3 of Section 23; Lot 8 of Section 26; Lot 1 of Section 27	106.90
23	A	N½NE¼, N½S½NE¼ of Section 23	111.20
23	B	Lot 1 of Section 23	114.50
23	C	Lot 2 of Section 23	114.90
23	D	S½S½NE¼, N½SE¼ of Section 23	118.10
23	E	Lot 4 and S½SE¼ of Section 23	122.20
24	A	Lot 3 of Section 24	98.00
24	B	Lot 4 of Section 24	111.70
24	C	Lot 10 of Section 13; Lot 1 of Section 24	127.00
24	D	Lot 5 of Section 24	97.80
24	E	Lot 9 of Section 13; Lot 2 of Section 24	103.40
24	F	Lot 7 of Section 24; Lot 3 of Section 25	122.40
25	A	Lot 4 of Section 25	110.90
25	B	Lot 7 of Section 25	125.00
25	G	Lot 8 of Section 24; Lot 2 of Section 25	114.90
26	A	Lot 6 of Section 26	113.00
26	C	Lot 7 of Section 26; Lot 2 of Section 27	126.10
26	D	Lot 6 of Section 25; Lot 11 of Section 26	111.20
36	E	Lot 10 of Section 25; Lots 13, 14 of Section 36	119.10

[1] Numbers 36 and below refer to sections; numbers above 36 refer to lot sor tracts.

Private Land

SIXTH PRINCIPAL MERIDIAN, WYOMING

Lot	Description	Total irrigable acres	Lot	Description	Tota. irrigable acres
	Township 55 North, Range 100 West			*Township 55 North, Range 100 West*—Continued	
81	NE¼NE¼	38.20	81	SW¼SW¼	13.80
	NW¼NE¼	40.66		SE¼SW¼	4.04
	SW¼NE¼	40.66		NE¼SE¼	38.69
	SE¼NE¼	40.66		NW¼SE¼	38.58
	NE¼NW¼	40.66		SW¼SE¼	11.74
	NW¼NW¼	39.75		SE¼SE¼	22.61
	SW¼NW¼	38.00	53	53–G	31.10
	SE¼NW¼	40.04		53–H	16.68
	NE¼SW¼	39.20	44	All	153.35
	NW¼SW¼	38.22			

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

PREFERENCE RIGHTS OF VETERANS OF WORLD WAR II

SEC. 3. *Nature of preference.* The law provides that when public lands are opened to entry preference shall be given to applications which are made by veterans of World War II (and in some cases by their wives or husbands or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans preference are set forth in section 4 of this notice.

Therefore, applications for farm units on public lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before July 12, 1949.

In order to be eligible to receive farm units, all applicants, whether or not entitled to veterans preference, must possess the necessary qualifications as to industry, experience, character, capital and physical fitness (see section 8 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 11 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions;

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

SEC. 6. *Submission of proof of veterans status.* All applicants for farm units who claim veterans preference must attach to their applications a complete photostatic or other copy (both sides) of their certificate of honorable discharge, or of an official document of their respective branch of the service which shows clearly an honorable discharge, as defined in section 5 of this notice, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If the preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 7. *Examining board.* An examining board of three members, including the Superintendent of Operation and Development of the Shoshone Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Shoshone Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancellation of award or cancellation of an entry.

SEC. 8. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

(a) Character and industry. An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) Farm experience. Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution

shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) Health. An applicant must be in such physical condition as will enable him to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable must attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(d) Capital. An applicant must possess at least $3,000, consisting of cash or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation.

An applicant shall furnish in section 10 of the farm application blank a financial statement listing all of his assets and all of his liabilities. Prior to the issuance of a certificate of qualification, and not later than at the time of the personal interview, the applicant will be required to corroborate his statement of net worth by the statement of an officer of a bank or other responsibile and reputable credit agency or by other proof satisfactory to the examining board.

SEC. 9. References. (a) An applicant shall list in section 12 of the farm application blank the names, occupations, positions or titles and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agriculture Teacher; manager or agricultural representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other four persons named as references may be successful farmers who own and operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

(b) The applicant shall also be responsible for furnishing to at least three of the five persons listed in section 12 of the farm application blank the reference forms provided with this notice and for the return by these persons to the board of three complete, signed statements. At least one of these three statements must be prepared and signed by one of the agricultural leaders listed in subsection (a) of this section.

SEC. 10. *Restriction on ownership of project lands.* Applicants for farm units must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns land in a Federal reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

SEC. 11. *Principal qualifications required by homestead laws.* All applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States;

(b) Must not have exhausted the right to make homestead entry on public land;

(c) Must not own more than 160 acres of land in the United States;

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family.

The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of the family. Any applicant who is required to be the head of a family must submit with the application evidence of such status which is satisfactory to the board. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 12. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, Cody, or Heart Mountain, Wyoming; the Regional Director, Bureau of Reclamation, Billings, Montana; or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 13. *The filing of application and supporting evidence.* An application for a certificate of qualification for a farm unit listed in this notice, if sent by mail, must be addressed to the Superintendent, Shoshone Project, Box 900, Cody, Wyoming, or if delivered in person should be delivered at the project office at Heart Mountain, Wyoming. No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by:

(a) Proof of veteran's status if veterans preference is claimed (see section 6 of this notice);

(b) Statement of examining physician, in case of disability (see subsection 8 (c) of this notice);

(c) Evidence of citizenship or of declared intention if applicant is not native-born (see subsection 11 (a) of this notice);

(d) Evidence of status as head of a family if applicant is a married woman or a non-veteran under the age of 21 (see subsection 11 (d) of this notice).

The applicant must also see that three of his references submit complete signed statements of his qualifications (see subsection 9 (b) of this notice).

SEC. 14. *Applications become Department records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm his discharge papers will be attached to his certificate of eligibility (see section 22 of this notice) for submission to the Bureau of Land Management.

SEC. 15. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this notice. Failure of an applicant to provide complete answers to all questions in the farm application blank within the periods specified in this notice, or failure to provide all other information required by this notice, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 16. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) First priority group. All complete applications filed prior to 2:00 p. m., July 12, 1949, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

(b) Second priority group. All complete applications filed prior to 2:00 p. m., July 12, 1949, from applicants without veterans preference or which are not

accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

(c) Final group. All complete applications filed after 2:00 p. m., July 12, 1949, whether or not accompanied by proof of veterans preference. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 17. *Preliminary examination to determine first priority group, right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete; (b) that all of the corroborating evidence required by this notice to be submitted in advance of the drawing has been furnished; and (c) that the applicant's right to veterans preference has been fully established. Any incomplete application or any application not accompanied by the required corroborating evidence will be rejected. Any applicant without veterans preference or any applicant claiming veterans preference but failing to establish proof of eligibility for such preference shall be placed in the second priority group.

In case of rejection or placement in the second priority group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation. All appeals must be received in the office of the Superintendent of the Shoshone Project, Box 900, Cody, Wyoming, within 15 days of the applicant's receipt of such notice, or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Superintendent will forward the appeals promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application or placement in the second priority group. The Regional Director's decision on all appeals shall be final.

SEC. 18. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decision on all appeals, the board will conduct a public drawing of the names of the applicants remaining in the First Priority Group as defined in subsection 16 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be awarded) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 19. *Final examination.* The board shall examine, in the order drawn, a sufficient number of applications to determine the applicants to whom the farm units will be awarded. This examination will determine the sufficiency, authenticity and reliability of the information and evidence submitted by the applicants. If such examination indicates that an applicant is qualified, such applicant shall be so notified and shall be required to submit the statement of a credit agency corroborating his statement relative to his net worth, described in subsection 8 (d) of this notice, and if an applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid as required in section 10 of this notice.

The applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a successful applicant and shall be given an opportunity to select one of the farm units then available. If the board finds that an applicant's qualifications do not meet the requirements prescribed in this notice, or if he fails to supply the corroborating evidence, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director as prescribed in section 17 of this notice.

SELECTION OF FARM UNITS

SEC. 20. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant in accordance with the priority established by the drawing. An applicant who is considered to be disqualified as a result of the personal interview, will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by successful applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 18 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the successful applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Final Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

SEC. 21. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 22. *Payment of charges and filing homestead applications.* After each successful applicant has advised the board of his selection of a farm unit he shall be notified by the board of the annual construction, water rental, or other charges, payment of which must be received at the office of the Superintendent, Shoshone Project, Box 900, Cody, Wyoming, within 15 days of the receipt by the applicant of such notice. Upon receipt by the Superintendent of such payment from the applicant before the expiration of said 15-day period, the board shall furnish each applicant, by registered mail or by delivery in person, a certificate of eligibility stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed at the District Land Office, Bureau of Land Management, Cheyenne, Wyoming. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay the annual construction, water rental, or other charges required and to make application for homestead entry within the period specified herein will render the application subject to rejection.

GENERAL PROVISIONS

SEC. 23. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of

the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 24. *Construction charges and operation and maintenance charges*—(a) *Charges payable by all water users.* The Reclamation Law provides that except during a "development period" fixed by the Secretary of the Interior water may not be delivered for the irrigation of lands until an organization, satisfactory in form and powers to the Secretary, has entered into a contract with the United States providing for the repayment of the project construction costs which are allocated to such irrigated lands. Pursuant to section 2 (j) and 7 (b) of the Reclamation Project Act of 1939, lands described in section 1 of this public notice are hereby designated a development unit. The development period for the lands so designated is fixed at a period of six years from and including the first year in which water is delivered: *Provided*, That such period may be extended by supplemental notice should the Secretary determine that further time is reasonably necessary to bring such lands under irrigation. All lands described in section 1 must, therefore, be included within an organization of the type described and such organization must execute a contract covering the repayment of the construction costs allocated to such lands before the end of the development period.

(b) *Charges payable before execution of the repayment contract.* (1) The minimum water charge for 1949 and thereafter until further notice shall be one dollar and seventy-five cents ($1.75) per acre for each irrigable acre of land. This charge is due and payable in advance on or before January 1, of the year in which water is to be delivered. Payment of this charge will entitle the entryman or landowner to a farm delivery of 2½ acre-feet of water per irrigable acre for each irrigation season.

(2) Additional water will be furnished during the 1949 irrigation season and thereafter until further notice at the rate of seventy-five cents ($0.75) per acre-foot for the first acre-foot above 2½ acre-feet per irrigable acre and one dollar and twenty-five cents ($1.25) per acre-foot for each additional acre-foot per irrigable acre thereafter. Charges for the additional water are to be paid on or before December 1, of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

(3) In the event any applicant does not receive notice of the award of a farm unit until after June 1, 1949, or June 1 of any subsequent year, the entryman's payment of charges under this subparagraph (b) shall be applied to payment of water charges for the succeeding year.

(4) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Heart Mountain, Wyoming.

(c) *Charges payable after execution of the repayment contract.* These charges will be paid by the water users in accordance with the terms of the repayment contract. They will include an annual charge per acre to meet operation and maintenance costs and to repay to the government that portion of the construction costs allocated to the Heart Mountain Division. On the date of issue of this public notice it is impracticable to determine (1) the total construction cost of the Heart Mountain Division distributary system; (2) the allocation of costs to the Heart Mountain Division of the Shoshone Federal Reclamation Project, and (3) the ultimate water-service area of the division. Accordingly, no exact statement as to the total and per acre construction charge to be made against lands opened in this public notice is practicable. However, total estimated construction cost of the Heart Mountain Division is $9,393,000. When the total construction charge has been determined and allocated by the Secretary of the Interior, and a repayment contract negotiated with the irrigation district, a supplementary notice announcing the total and per acre charges will be issued.

SEC. 25. *Reservation of rights-of-way for public roads.* Rights-of-way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved for county, state and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 26. *Reservation of rights-of-way for publicly-owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

SEC. 27. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 28. *Effect of cancellation of entry by relinquishment.* In the event that any entry of public land made hereunder is cancelled by relinquishment at any time prior to full compliance with the homestead laws, the lands in the entry so relinquished shall become available to entry by the next numbered qualified applicant who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of this notice.

SEC. 29. *Federal assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases and on a reimbursable basis, in the development of farm units, which assistance will include clearing and rough leveling of land, roughing-in of farm irrigation and surface drainage system beyond the farm turnouts.

NOTE: The reporting requirement of this public notice has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 49-2353; Filed, Apr. 13, 1949; 8:51 a. m.]

MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 3, 1949.

To the Secretary of the Interior through the Director of the Bureau of Land Management.

In accordance with the authority vested in you by the act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of December 4, 1940, establishing Idaho Grazing District No. 5 be modified and made subject to the withdrawal effected by this order.

MINIDOKA PROJECT

BOISE MERIDIAN, IDAHO

T. 7 S., R. 24 E.,
Sec. 29, S½NW¼, SW¼;
Sec. 30, SE¼.

The above areas aggregate 400 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur: March 22, 1949.

ROSCOE E. BELL,
Associate Director, Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

WILLIAM E. WARNE,
Assistant Secretary.

MARCH 28, 1949.

Notice for filing objections to order withdrawing public lands for the Minidoka Project, Idaho. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the Minidoka Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which

will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 49-2849; Filed, Apr. 13, 1949; 8:45 a. m.]

SALT RIVER PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 9, 1949.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 1 E.,
Sec. 20, NE¼NW¼.

The above area aggregates 40 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

ROSCOE E. BELL,
Associate Director.

MARCH 11, 1949.

[F. R. Doc. 49-2850; Filed, Apr. 13, 1949; 8:46 a. m.]

BELLE FOURCHE PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 17, 1949.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 50 N., R. 66 W.,
Sec. 6, SW¼NE¼.
T. 51 N., R. 66 W.,
Sec. 28, NE¼NE¼;
Sec. 30, Lot 1.
T. 50 N., R. 67 W.,
Sec. 1, Lot 1;
Sec. 12, S½SW¼;
Sec. 13, SE¼NW¼.
T. 51 N., R. 67 W.,
Sec. 10, SE¼NE¼;
Sec. 14, NE¼NE¼;
Sec. 22, E½NE¼;
Sec. 23, SW¼NW¼, NW¼SW¼;
Sec. 25, S½NW¼;
Sec. 26, NE¼NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 33, SW¼NE¼, NE¼SW¼, NW¼SE¼.

The above areas aggregate 997.35 acres.

MICHAEL W. STRAUS,
Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

ROSCOE E. BELL,
Associate Director.

MARCH 10, 1949.

Notice for filing objections to order withdrawing public lands for the Belle Fourche Project, Wyoming. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the Belle Fourche Project, Wyoming, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 49-2851; Filed, Apr. 13, 1949; 8:46 a. m.]

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 21, 1949.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 S., R. 22 E.,
Sec. 2, Lots 14 and 16 to 21, incl., SW¼NW¼, NW¼SW¼;
Sec. 3, Lots 5, 7, 9, 10, 13, S½NE¼, SE¼NW¼, N½SE¼;
Sec. 4, Lots 11, 12;
Sec. 5, S½SE¼SW¼;
Sec. 11, NW¼NW¼, SW¼SW¼.

The above areas aggregate 917.89 acres.

KENNETH MARKWELL,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

ROSCOE E. BELL,
Associate Director.

MARCH 17, 1949.

Notice for filing objections to order withdrawing public lands for the Central Valley Project, California. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the Central Valley Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

KENNETH MARKWELL,
Assistant Commissioner.

FEBRUARY 21, 1949.

[F. R. Doc. 49-2852; Filed, Apr. 13, 1949; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 4]

ORGANIZATION; OFFICE OF AVIATION DEVELOPMENT

The Secretary of Commerce is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it (see R. S. 161; 5 U. S. C. 22). The Administrator of Civil Aeronautics is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of the Civil Aeronautics Act of 1938, as amended, as he shall deem necessary to carry out such provisions and to exercise and perform his powers and duties under the act (see sec. 205, 52 Stat. 984; 49 U. S. C. 425; 5 F. R. 2107, 2421).

Acting pursuant to the foregoing authority, the "Organization of the Civil Aeronautics Administration" is amended by adding a new section 19, as follows:

ORGANIZATION OF THE CIVIL AERONAUTICS ADMINISTRATION ADMINISTRATIVE OFFICES

SEC. 19. *Office of Aviation Development.* (a) The objective of the Office of Aviation Development shall be to foster the development of civil aviation. In achieving this objective, the office shall:

(1) Encourage the development and adoption of improved aircraft, equipment, and related products, especially for personal and agricultural uses;

(2) Encourage the expansion and improvement of air flight facilities, and the elimination of unnecessary restrictions and regulations hampering aviation;

(3) Sponsor or conduct programs for the establishment of a system of "Skyways" and uniform methods of marking ground objects as visual aids to navigation;

(4) Develop and sponsor programs designed to advance civil aviation through educational means;

(5) Sponsor or conduct programs for the collection and dissemination of flight facility information and data in the interest of safe itinerant flight.

(b) In the execution of these programs, the Office of Aviation Development shall, to the greatest possible extent:

(1) Secure the utilization of the personnel and facilities of other CAA offices;

(2) Stimulate action by other public or private agencies to accomplish its program objectives;

(3) Serve as a primary point of liaison with industry, industry associations, or other governmental agencies.

(c) The Office of Aviation Development shall be under the direction of a Director, Office of Aviation Development, and shall consist of the following principal organizational subdivisions:

(1) Aviation Extension Division
(2) Aviation Education Division
(3) Flight Information Division.

(R. S. 161; 52 Stat. 984, 5 U. S. C. 22; 49 U. S. C. 425; 5 F. R. 2107, 2421)

This amendment shall become effective May 1, 1949.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 49-2880; Filed, Apr. 13, 1949; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6193]

CONNECTICUT LIGHT AND POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

APRIL 8, 1949.

Notice is hereby given that, on April 6, 1949, the Federal Power Commission issued its order entered April 5, 1949, in the above-designated matter, approving maintenance of permanent connection for emergency use only of transmission facilities of the Connecticut Light and Power Company with those of the Connecticut Power Company at New Britain, Connecticut.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2860; Filed, Apr. 13, 1949; 8:47 a. m.]

[Docket No. E-6197]

GEORGIA POWER CO. AND SOUTH CAROLINA POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING DISPOSITION AND ACQUISITION AND MERGER OF FACILITIES

APRIL 8, 1949.

Notice is hereby given that, on April 6, 1949, the Federal Power Commission issued its order entered April 5, 1949, authorizing and approving disposition and acquisition and merger of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2859; Filed, Apr. 13, 1949; 8:47 a. m.]

[Docket No. E-6198]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

APRIL 8, 1949.

Notice is hereby given that, on April 7, 1949, the Federal Power Commission issued its order entered April 7, 1949, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2858; Filed, Apr. 13, 1949; 8:47 a. m.]

[Docket No. E-6208]

LOWER COLORADO RIVER AUTHORITY

NOTICE OF FINDING OF COMMISSION

APRIL 8, 1949.

Notice is hereby given, that on April 6, 1949, the Federal Power Commission issued its finding entered April 5, 1949, in the above-designated matter, that the interests of interstate or foreign commerce will not be affected by the proposed construction, operation and maintenance of the Austin, Marble Falls or Granite Shoals projects, on the Colorado River in the State of Texas.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2861; Filed, Apr. 13, 1949; 8:47 a. m.]

[Docket Nos. G-1065, G-1070]

EAST TENNESSEE NATURAL GAS CO. AND TENNESSEE GAS TRANSMISSION CO.

FINDINGS AND ORDER TO SHOW CAUSE, REOPENING PROCEEDINGS AND SETTING HEARING

These proceedings concern the amended application filed in Docket No. G-1065 by East Tennessee Natural Gas Company (East Tennessee) on January 14, 1949, and the application filed in Docket No. G-1070 by Tennessee Gas Transmission Company (TGT) on July 2, 1948, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipeline facilities, subject to the jurisdiction of the Commission, for the purpose of supplying 60,000 Mcf per day of natural gas to the plant of the United States Atomic Energy Commission at Oak Ridge, Tennessee.

Pursuant to due notice public hearings were held in Washington, D. C., on March 9, 10, 11, 16, 17, 18 and 21, 1949, and oral argument was had before the Commission on April 4, 1949, concerning the matters involved and the issues presented in the proceedings. Parties were afforded an opportunity for filing briefs, and proposed findings and conclusions, with supporting reasons.

In its original application filed in Docket No. G-1065 on June 30, 1948, East Tennessee sought a certificate authorizing construction and operation of a 22-inch pipeline extending approximately 164 miles from a point of connection near Mitchellville, Tennessee, with the existing main pipeline facilities of TGT, eastwardly to the Atomic Energy Commission's plant at Oak Ridge, Tennessee, and also, approximately 117 miles of 16-inch pipeline extending northeastwardly from Oak Ridge to a point near Kingsport, Tennessee, with laterals and extensions to Bristol and Johnson City, Tennessee. It was stated in the original application that these facilities would increase the delivery capacity of East Tennessee's previously authorized pipeline system [1] by 100,000 Mcf per day, of which amount 60,000 Mcf was proposed to be made available to the Atomic Energy Commission and the balance was proposed for natural gas service to the Kingsport, Bristol and Johnson City areas in northeastern Tennessee.

In its amended application filed in Docket No. G-1065 on January 14, 1949, East Tennessee seeks a certificate authorizing the construction and operation of approximately 172 miles of 22-inch pipe line extending from a point of connection near Greenbriar, Tennessee, with the existing main pipe-line facilities of TGT, eastwardly to Oak Ridge, Tennessee, for the purpose of delivering and selling 60,000 Mcf of natural gas per day to the Atomic Energy Commission, for use by that Commission as a fuel for providing power for operation of the Oak Ridge gaseous diffusion plant (sometimes called K-25) for the production of Uranium-235, one of the two fissionable materials utilized in atomic weapons. The service proposed by East Tennessee under the amended application is pursuant to a 20-year contract between that

[1] The Commission, by its Opinion No. 163 and accompanying order issued February 2, 1948, in Docket No. G-889, granted East Tennessee a certificate authorizing construction of certain natural gas pipeline facilities extending from a point of connection with TGT's main pipeline facilities near Lobelville, Tennessee, to Chattanooga, and thence to Knoxville, for the purpose of supplying natural gas service to certain cities and areas in middle and eastern Tennessee, including Chattanooga and Knoxville.

Company and the Atomic Energy Commission entered into June 19, 1948. At a later date, as soon as critical materials become available, the Company proposes to request authorization for facilities to serve natural gas to the Kingsport, Bristol and Johnson City areas in northeastern Tennessee.

Tennessee Gas Transmission Company (TGT), by its application on July 2, 1948, in Docket No. G–1070, seeks a certificate authorizing the construction and operation of approximately 156 miles of 30-inch main pipe-line loops, 6,800 additional compressor H. P. to be installed in existing compressor stations, and certain miscellaneous appurtenant facilities, designed to increase TGT's system daily delivery capacity by 60,000 Mcf for the purpose of delivering and selling that volume of gas to East Tennessee for resale to the Atomic Energy Commission at Oak Ridge. That service to East Tennessee is proposed pursuant to a gas requirements contract entered into by TGT on September 6, 1946.

The Atomic Energy Commission intervened in these proceedings and at the hearings presented evidence that the natural gas supply sought to be obtained through means of the facilities proposed by East Tennessee in Docket No. G–1065 is essential to assure continuity of operation of the Atomic Energy Commission's facilities at Oak Ridge, Tennessee, for use as a fuel for providing power for the operation of that Commission's Oak Ridge facilities, including the only facility in this country for the production of Uranium–235. The evidence shows the operations at the Oak Ridge production plant are of a continuous nature and require large quantities of power, a significant proportion of which, due to its character, must be generated on the site. The Oak Ridge steam generating plant which now supplies this vital power uses pulverized coal as a primary fuel. There was presented evidence that it is imperative that this generating plant operate without any interruption.

The evidence of record shows the Atomic Energy Commission, after giving careful consideration to what measures reasonably would be required in order to assure the continued operation of the Oak Ridge facilities under emergency conditions that might arise, determined that the securing of a firm and adequate source of natural gas is essential to that Commission, in the discharge of its responsibilities under the Atomic Energy Act of 1946, and in assuring the common defense and security of the people of the United States. Such conclusion was reached by the Atomic Energy Commission, the evidence shows, after giving consideration to a number of factors, among others, the vital character of the need for continuous operation of the Oak Ridge facility, including the steam generating plant, under emergency conditions; that Commission's experience in the past in attempting to build up and maintain a reserve stockpile of coal; and the assurance that would come from having two sources of fuel using two different transportation media. On the strength of a similar statement by Commissioner Pike of the AEC, the Department of Commerce, after hearings, allocated the necessary steel for construction of the line.

Certain coal, railroad and labor interests intervened in these proceedings in opposition to the use of natural gas for the generation of electric energy at Oak Ridge. At the hearings they presented evidence as to the need of natural gas by distributing companies in the Appalachian area, the availability of coal and other fuels and the economic effect of coal displacement as the primary fuel at Oak Ridge. At the present time the Atomic Energy Commission is using about 2,000 tons of coal per day in its operations at Oak Ridge. Should natural gas be made available, as proposed in the instant proceeding, the Atomic Energy Commission's requirements for coal would decline very substantially notwithstanding the fact that the Commission contemplates having facilities that would permit coal or natural gas to be used interchangeably, or both at the same time, and further, that it plans to maintain as a safeguard a reserve stockpile of coal, for a limited use in its everyday operations, but principally for use as a standby fuel.

From the evidence the Commission finds that the service of 60,000 Mcf per day of natural gas to the Atomic Energy Commission for use in its Oak Ridge facilities, as proposed in the amended G–1065 application, is necessary in the common defense and security of this nation, and, accordingly, that the authorization of such service is required by public convenience and necessity. The authorization of such service would be in the national public interest.

Though public need has been shown for the service proposed to the Atomic Energy Commission, the record discloses that in other respects the showing presented is insufficient to warrant the issuance at this time of a certificate to East Tennessee in Docket No. G–1065. In general the showing in support of that application is satisfactory except in respect of the matters of its gas supply and plan of financing.

On the opening day of the hearings in the consolidated proceedings herein, Tennessee Gas Transmission appeared and through counsel and through its president, stated it was unable to proceed with the showing in support of its G–1070 application, that it would be unable to proceed with such showing except in conjunction with and until it was prepared to proceed with further showings necessary in respect to the remaining facilities sought to be certificated by TGT's pending amended application in Docket No. G–962, the so-called "G–962-B facilities." This situation made it impossible for East Tennessee to show an adequate, firm supply of natural gas available to it.

During the proceedings TGT filed a motion requesting severance of its G–1070 application from Docket No. G–1065 and its consolidation with the remainder of Docket No. G–962 and requesting the date of hearing in G–962 and G–1070 to be fixed by the Commission upon 15 days notice by TGT of its readiness to go forward with its evidence. At the close of taking of evidence herein the Presiding Examiner recessed the hearing in Docket No. G–1070 to a date to be fixed later by the Commission.

On the opening day of these proceedings Tennessee Gas Transmission Company stated that it would be agreeable that the gas supply from TGT, allocated by this Commission by order in Docket No. G–808 for the furnishing of the service authorized by the certificate granted to East Tennessee in Docket No. G–889, involving the so-called Lobelville-Chattanooga-Knoxville pipeline project, be used by East Tennessee for supplying natural gas to the Atomic Energy Commission. If transferred, TGT's president represented his Company would replace such gas from the G–962-B or G–1070 facilities not yet certificated. East Tennessee later in the hearings filed a motion requesting transfer to the Oak Ridge line of the gas supply previously allocated by this Commission from the TGT system for supplying East Tennessee's G–889 Lobelville-Chattanooga-Knoxville pipeline project.

This proposed transfer was opposed during the hearings by representatives of the public to be served by the G–889 project, on the grounds that such transfer would prejudice the G–889 service. The position was taken by the State of Tennessee, its Railroad and Public Utilities Commission and other interveners that, if any allocation of gas should be required which might affect customers being served by TGT, such allocation should apply generally against TGT's system capacity, and be borne proportionately by all customers and areas served with natural gas supplied by TGT, inasmuch as the need for service to the Atomic Energy project is national in character.

On the evidence of record in these proceedings it is the view of the Commission that, in the circumstances presented, it would not be in the public interest to transfer the gas supply which has been provided for the service authorized by the certificate issued to East Tennessee in Docket No. G–889, to service for the Oak Ridge line.

The Commission considers it cannot on this record make the necessary findings required by section 7 of the Natural Gas Act, as amended, for issuing a certificate for East Tennessee's Atomic Energy pipeline project.

This record shows that the economic feasibility of the Oak Ridge line and the plan presented for financing that project are tied in with the operation and the financing of East Tennessee's project authorized by the Commission at Docket No. G–889. The record also shows that the plan of financing presented with respect to the Docket No. G–1065 project is in many respects unsatisfactory. Therefore, East Tennessee should present to the Commission a proper and feasible plan of financing satisfactory to the Commission covering both projects, or for the project here before us.

The Commission recognizes that little time remains for completing satisfactory arrangements for the Greenbriar-Oak Ridge pipeline if that project is to be completed during the 1949 construction season. As was stated in the Commis-

sion's order of March 21, 1949, omitting the intermediate decision procedure and fixing the date for filing briefs and for oral argument, part of the required 22 inch pipe for the Oak Ridge pipeline is now being fabricated by one of two steel producers participating under a Voluntary Plan approved January 28, 1949, by the Secretary of Commerce and the Attorney General of the United States under Public Law No. 395, 80th Congress. The record shows that the present temporary financing arrangements made for that pipe would require East Tennessee to obtain a certificate on or about May 1, 1949, and thereafter to complete its further financing of the G–1065 project on or before May 12, 1949, the date of maturity of the short-term bank loan covering the temporary pipe financing.

Upon the record before it the Commission is of the opinion that it should do everything in its power to explore the possiblity that a gas supply for the Oak Ridge pipeline can be made available through the facilities applied for in Docket No. G–1070 or, if need be, through an allocation applying generally against TGT's entire system capacity to be borne equitably by all customers and areas served by TGT. In view of the paramount need of the Atomic Engery Commission for the natural gas service proposed to be rendered to it by East Tennessee and the necessity for prompt action, the Commission finds that it is appropriate that it explore these possibilities at once.

The Commission further finds: (1) Natural gas service to the Atomic Energy Commission for use in its Oak Ridge facilities, as proposed in the amended application of East Tennessee Natural Gas Company in Docket No. G–1065, is necessary for the common defense and security of the nation, and authorization of such service is required by the public convenience and necessity.

(2) Applicant East Tennessee Natural Gas Company has not been able to show that the Tennessee Gas Transmission Company, from which it proposes to obtain its supply of natural gas with which to serve Oak Ridge, has an uncommitted capacity in its pipeline sufficient to provide a firm supply of natural gas to East Tennessee adequate to justify authorization of the pipeline project proposed.

(3) Any curtailment of service of natural gas to customers of Tennessee Gas Transmission Company, which the Commission may deem it appropriate to direct in order to make available natural gas service to Oak Ridge, should apply equitably to all customers of Tennessee Gas Transmission Company and all areas served by that company.

(4) East Tennessee and Tennessee Gas Transmission should be afforded a further opportunity to present evidence in support of their applications in Docket Nos. G–1065 and G–1070, respectively, and accordingly the Tennessee Gas Transmission Company's motion for severance of these Dockets should be denied.

(5) The public convenience and necessity and the common defense and security of the nation will require that Tennessee Gas Transmission Company and all of its customers be required to show cause why, should Tennessee Gas Transmission Company fail to make an adequate showing at the hearing ordered herein in support of its application at Docket No. G–1070, the Commission should not enter an order requiring Tennessee Gas Transmission Company to allocate equitably its present and future pipeline capacity and gas supply, if such allocation be necessary, so as to make available to East Tennessee Natural Gas Company 60,000 Mcf of natural gas per day for service to the Oak Ridge facilities of the Atomic Energy Commission.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 7, 15 and 16 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a further public hearing will be held in these consolidated proceedings commencing on the 18th day of April, 1949, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) At said hearing East Tennessee Natural Gas Company shall present such further evidence, in conformity with this order, as it shall deem appropriate in support of its application in Docket No. G–1065.

(C) Also at such hearing Tennessee Gas Transmission Company will be afforded a further opportunity to present evidence in support of its application in Docket No. G–1070. Also at said hearing Tennessee Gas Transmission Company and all of its customers shall show cause, if any there be, why, should Tennessee Gas Transmission Company fail to make adequate showing in support of its application in Docket No. G–1070, the Commission should not enter an order providing for allocation of Tennessee Gas Transmission Company's entire pipeline capacity among all persons to whom it is now committed and authorized to furnish natural gas service so as to make available to East Tennessee Natural Gas Company 60,000 Mcf of natural gas per day for service to the AEC at Oak Ridge, Tennessee.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of said rules of practice and procedure, as well as all interveners of record in these proceedings.

(E) Copies of this order shall be served on all persons to whom Tennessee Gas Transmission Company is now committed and authorized to furnish natural gas service who are hereby made parties to these proceedings and on all parties to these consolidated proceedings.

(F) The motion of Tennessee Gas Transmission Company to sever Docket No. G–1070 from G–1065 is hereby denied.

Date of issuance: April 7, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49–2873; Filed, Apr. 13, 1949; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1043]

BELDING HEMINWAY CO.

ORDER DETERMINING VALUE OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of April A. D. 1949.

The Philadelphia-Baltimore Stock Exchange has made application under Rule X-12F–2 (b) for a determination that the $1 Par Value Capital Stock of Belding Heminway Company, a Delaware corporation, is substantially equivalent to the No Par Value Common Stock of Belding Heminway Company, a Connecticut corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F–2 (b) thereunder, that the $1 Par Value Capital Stock of Belding Heminway Company, a Delaware corporation, is hereby determined to be substantially equivalent to the No Par Value Common Stock of Belding Heminway Company, a Connecticut corporation, which has heretofore been admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49–2864; Filed, Apr. 13, 1949; 8:48 a. m.]

[File No. 7–1056]

AMERICAN TOBACCO CO., INC.

ORDER DETERMINING VALUE OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of April A. D. 1949.

The Boston Stock Exchange has made application under Rule X-12F–2 (b) for a determination that the Common Stock, $25 Par Value, of The American Tobacco Company, Inc. is substantially equivalent to the $25 Par Value, Class B Common Stock of The American Tobacco Company, Inc., which heretofore has been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F–2 (b) thereunder, that the Common Stock, $25 Par Value, of The American Tobacco Company, Inc. is hereby determined to be substantially equivalent to the $25 Par Value, Class B Common Stock of The American Tobacco Company, Inc., here-

tofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2865; Filed, Apr. 13, 1949; 8:48 a. m.]

[File No. 7-1097]

SOCONY-VACUUM OIL CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of April A. D. 1949.

The Cleveland Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, $15 Par Value, of Socony-Vacuum Oil Company, Inc., a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 9, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2868; Filed, Apr. 13, 1949; 8:48 a. m.]

[File No. 7-1098]

STANDARD OIL CO. (N. J.)

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of April, A. D. 1949.

The Cleveland Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, $25 Par Value, of Standard Oil Company (New Jersey), a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 9, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2867; Filed Apr. 13, 1949; 8:48 a. m.]

[File No. 70-1633]

PHILADELPHIA CO. ET AL.

NOTICE OF AND ORDER FOR HEARING ON APPLICATIONS FOR FEES AND EXPENSES AND ON ALLOCATION OF CHARGES THEREFOR

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 8th day of April 1949.

In the matter of Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company, and Finleyville Oil and Gas Company, File No. 70-1633.

The Commission, by order dated June 30, 1948, having granted and permitted to become effective a joint application-declaration, as amended, filed by Philadelphia Company, a registered public utility holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and certain of the subsidiaries of Philadelphia Company, to wit, Pittsburgh and West Virginia Gas Company ("Pittsburgh and West Virginia"), Equitable Gas Company ("Equitable"), and Finleyville Oil and Gas Company ("Finleyville"), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act"), regarding the reorganization of the Pennsylvania gas properties in the Philadelphia Company holding company system, the recapitalization of and issuance of securities by Equitable, the dissolution of Finleyville, and the retirement of certain senior securities by Philadelphia Company and having in said order reserved jurisdiction over all fees and expenses in connection therewith; and

The Commission, by order dated December 28, 1948 having released jurisdiction with respect to fees and expenses of Haskins & Sells, accountants, for applicants-declarants and of Cahill, Gordon, Zachry & Reindel, counsel for the underwriters and having specifically continued jurisdiction with respect to the fees and expenses of Reed, Smith, Shaw & McClay, counsel for applicants-declarants; Flynn, Clerkin & Hansen, other counsel for applicants-declarants; Dillon, Read & Co., financial advisers; Public Utility Engineering & Service Company, a former service company subsidiary of Standard Gas and Electric Company, and its successor, Pioneer Service & Engineering Company, and having further continued jurisdiction with respect to the allocation of charges for all fees and expenses in connection with the transactions as among Philadelphia Company, Pittsburgh and West Virginia, Equitable, and Finleyville; and

The record indicating that fees and expenses have been requested as follows:

Fee claimant	Capacity	Fees	Expenses	Total
Reed, Smith, Shaw & McClay	Company counsel	$42,500.00	$4,131.76	$46,631.76
Flynn, Clerkin & Hansen	do	17,500.00	1,626.46	19,126.46
Dillon Read & Co	Financial advisers	20,000.00		20,000.00
Public Utility Engineering & Service Co. and its successor, Pioneer Service & Engineering Co.	Service company	6,885.98	940.54	7,826.52

and the record further indicating that charges for fees and expenses are proposed to be allocated $2,500 against Philadelphia Company and the balance against Equitable; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings in this matter should be reconvened and the record herein reopened and that a hearing be held with respect to the nature and extent of the services rendered, the reasonableness of the fees and expenses requested, and the allocation of charges for fees and expenses as among Philadelphia Company, Pittsburgh and West Virginia, Equitable, and Finleyville:

It is ordered, That the record herein be, and the same is, hereby reopened and hearings herein be and hereby are reconvened and that a hearing on such matters under the applicable provisions of the act and the rules and regulations promulgated thereunder be held before the hearing officer heretofore designated to preside in this proceeding or any other officer or officers of the Commission designated by it for that purpose on April 28, 1949, at 10:00 a. m., e. s. t., in the office of this Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated at such time by the hearing room clerk in room 101. Any person who is not already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate shall file with the Secretary of the Commission on or before April 27, 1949, a request relative thereto

as provided by Rule X-VII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said applications for fees and expenses and of the proposed allocation of charges for fees and expenses, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the transactions herein involved and whether such amounts are reasonable;

(2) Whether any of the services rendered herein for which compensation or reimbursement is being sought are services for which the applicants or any of them have been or should have been otherwise compensated or reimbursed, by reason of existing or previously existing retainer agreements, or otherwise;

(3) Whether any of the services claimed to have been rendered herein by any of the claimants constituted an unnecessary or unreasonable duplication of services rendered by others;

(4) Whether all of the said fees and expenses, with the exception of the $2,500 proposed to be allocated by applicants-declarants against Philadelphia Company, should properly be borne by Equitable;

(5) Whether there are any other factors, apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper;

It is ordered, That particular attention be directed at said hearing to the foregoing matters and questions;

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on the applicants-declarants herein, and the applicants for fees herein, and on the Pennsylvania Public Utility Commission, and the Public Service Commission of the State of West Virginia, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2866; Filed, Apr. 13, 1949; 8:48 a. m.]

[File No. 70-2087]

TOLEDO EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of April A. D. 1949.

Notice is hereby given that The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. 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 April 22, 1949 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 reason for such request, and the issues, if any, of fact or law raised by said application 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, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application, as filed or as 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 Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, on file in the office of the Commission for a statement of the proposed transaction, which may be summarized as follows:

Toledo proposes to issue and sell $2,500,000 principal amount of First Mortgage Bonds __%, due 1979, pursuant to the competitive bidding requirements of Rule U-50. The bonds are to be issued under and pursuant to the company's Indenture dated as of April 1, 1947, as supplemented, and a Second Supplemental Indenture to be dated as of April 1, 1949. Toledo states that it proposes to obtain the authentication and delivery of the bonds upon the basis of property additions as provided in the Indenture and that the net proceeds from the proposed sale will be added to the general funds of the company and used to provide part of the new capital required by Toledo for its construction program.

The proposed issue and sale of bonds will be submitted to the Public Utilities Commission of Ohio for its approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2870; Filed, Apr. 13, 1949; 8:49 a. m.]

[File No. 70-2083]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 8th day of April 1949.

Notice is hereby given that a declaration and amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company. The declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any person may not later than April 25, 1949, at 12:30 p. m., e. d. 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 declaration, 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 to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration, as 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 Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Wisconsin proposes to issue and sell notes in the total principal amount of $1,500,000 to the following banks: The Chase National Bank of the City of New York, New York, New York; Harris Trust and Savings Bank, Chicago, Illinois; Irving Trust Company, New York, New York; Marshall & Ilsley Bank, Milwaukee, Wisconsin; Marine National Exchange Bank, Milwaukee, Wisconsin; and The Security National Bank, Sheboygan, Wisconsin. The notes will be dated May 1, 1949, to be due November 1, 1949, will bear interest at the rate of 2⅛% per annum and may be prepaid by the company without penalty when permanent financing is completed.

The company states that it will need an estimated amount of $10,000,000 in 1949 for construction expenditures plus $850,000 for its commitment to purchase common stock of its subsidiary, Wisconsin River Power Company. Of these total requirements, it is estimated that approximately $2,850,000 will be secured from depreciation funds, other non-cash items and retained earnings. The company represents that when and as the 1949 permanent financing is authorized and completed the proceeds will be used to pay bank loans then outstanding.

It is stated in the declaration, as amended, that no commission other than this Commission has jurisdiction over the proposed transactions.

Wisconsin has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2871; Filed, Apr. 13, 1949; 8:49 a. m.]

[File No. 70-2100]

KANSAS POWER AND LIGHT CO. AND KANSAS ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of April 1949.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Kansas Power and Light Company ("Kansas Power") and its subsidiary The Kansas Electric Power Company ("Kansas Electric"), both being subsidiaries of North American Light & Power Company, a registered holding company. Declarants have designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 25th, 1949, at 5:30 p. m., e. d. 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, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said declaration as filed, or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided by 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:

Declarants propose to submit at meetings of their respective stockholders proposals to amend their respective Articles of Incorporation, as heretofore amended, with respect to the voting power and other rights of the holders of their presently outstanding Preferred and Common Stocks, which proposed amendments in their most important aspects are summarized below:

Each of the declarants proposes to change the provisions of its Preferred Stock so as to provide that the holders thereof, upon default in the payment of four or more full quarterly dividends on such stock, shall be entitled, as a class, to elect the smallest number of directors necessary to constitute a majority of the full Board of Directors, and the holders of its Common Stock, in such event, shall be entitled, as a class, to elect the remaining directors. In addition, each proposes to provide that the consent of the holders of at least two-thirds of the outstanding shares of its Preferred Stock shall be required before the corporation shall (1) increase the amount of authorized Preferred Stock, or authorize any shares ranking prior to or on a parity with the Preferred Stock as to dividends or upon liquidation, or authorize any obligation or security convertible into such other shares; (2) amend, alter, or change any of the terms or provisions, priorities or special rights of the outstanding Preferred Stock in a manner substantially prejudicial to the holders thereof; or (3) issue, sell or dispose of additional shares of its Preferred Stock or any other class of stock ranking prior to or on a parity with such stock as to dividends or upon liquidation, unless certain tests as to earnings and assets are met. Each declarant also proposes to provide that the consent of at least a majority of the holders of its Preferred Stock shall be required before the corporation may merge or consolidate; or sell, lease or exchange all or substantially all of its property and assets; or issue or assume any unsecured notes or other securities representing unsecured indebtedness in excess of 10% of the aggregate of (1) all secured indebtedness and (2) the capital and surplus as then stated on the books of the corporation.

With respect to the holders of its Common Stock, each declarant proposes to provide that after May 1, 1949, and so long as any preferred stock is outstanding, the payment of Common Stock dividends (other than dividends payable in common stock) shall be restricted to 50% of net income available for the Common Stock when the ratio of the common stock equity to total capitalization is or as a result of any proposed payment of dividends would become less than 20%; that if such equity ratio is 20% or more, but less than 25% the payment of common stock dividends shall be restricted to 75% of net income; and, except to the extent so permitted, no dividends shall be paid which will reduce such capitalization ratio to less than 25%. In addition, each declarant proposes to provide that the holders of its Common Stock shall have the right to subscribe, in proportion to their holdings, for other shares of Common Stock when issued, except, where the Board of Directors determines to sell the entire issue to underwriters for resale to the public.

Stockholders of each of the declarants are presently entitled to one vote per share of Preferred and Common stocks, with the right to cumulate such votes in the election of directors. These rights are not affected by the proposed amendments.

Declarants request that the Commission's order herein issue as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2872; Filed, Apr. 13, 1949; 8:49 a. m.]

[File No. 71-4]

TEXAS POWER & LIGHT CO.

ORDER APPROVING DISPOSITION OF ADJUSTMENTS RELATING TO ELECTRIC PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of April A. D. 1949.

Texas Power & Light Company ("Texas Power"), a public utility company and a subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed studies and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 15 and 20 (b) thereof and Rule U-27 thereunder, relative to the original cost and reclassification of its electric plant accounts as at December 31, 1941, including proposals for the disposition of adjustments relating to electric plant, which proposals are summarized as follows:

On November 16, 1945, Texas Power initially filed original cost and reclassification studies of the company's electric plant accounts as at December 31, 1941. The studies were filed in accordance with Plant Instruction 2-D of the Uniform System of Accounts prescribed by the Federal Power Commission for electric utilities. The Federal Power Commission's Uniform System of Accounts for electric utilities is applicable to Texas Power by virtue of this Commission's Rule U-27, promulgated under the Public Utilities Holding Company Act of 1935. In said studies Texas Power represented that $3,143,038.28 had been reclassified to Account 100.5—Electric Plant Acquisition Adjustments, and $20,482,306.88 to Account 107—Electric Plant Adjustments.

The staff of the Commission made a field examination and filed its report in connection therewith. Copies of the staff's report were submitted to the company. Texas Power has amended its studies to give effect to the recommendations contained in the staff's report and now proposes to classify an amount of $3,089,718.28 in Account 100.5—Electric Plant Acquisition Adjustments, and an amount of $20,535,626.88 in Account 107—Electric Plant Adjustments.

Between the effective date of its original cost study and the date of filing thereof, Texas Power disposed of a total of $19,925,961.10 of Account 107, either upon its own initiative or pursuant to proposals which were authorized by an order of this Commission. Also pursuant to proposals authorized by the above-mentioned order Texas Power established a "Reserve for Electric Plant Adjustment" in the total amount of $556,345.78 for the disposition of such capitalized intra-system profits as might properly be reclassified to Account 107.

Pursuant to the terms of the Commission's order of May 15, 1945, Texas Power was ordered for a period of fifteen years, beginning on June 1, 1945, to charge annually to Account 537—Miscellaneous Amortization, an amount of at least $209,643.34 and to credit such amount to Account 252—Reserve for Amortization of Electric Plant Acquisition Adjustments.

Texas Power proposes to charge annually to Account 537, Miscellaneous Amortization, an amount of at least $209,643.34 and to credit such amount to Account 252—Reserve for Amortization of Electric Plant Acquisition Adjustments, but in no event for a period exceeding that necessary to accumulate the adjusted amount of $3,-

089,718.28. However, Texas Power reserves all rights with respect to such items.

Texas Power proposes to charge Account 270—Capital Surplus with an amount of $53,320.00, and to credit Account 107—Electric Plant Adjustments with an equal amount. The result of such proposals will be to eliminate all except $556,345.78 from Account 107, against which a reserve account of like amount has, as hereinbefore described, been established.

Notice of filing of said studies, and amendments thereto, having been duly given and the Commission not having received a request for hearing with respect to said matter within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the proposals for the disposition of the amounts established in Account 100.5 and Account 107, in the manner described above, are consistent with the requirements of Rule U-27 of the general rules and regulations promulgated under the Act: *It is ordered*, That:

(A) Texas Power record on its books the proposed reclassification entries submitted with its studies and amendments thereto, relative to the original cost and reclassification of its electric plant accounts.

(B) Texas Power record the proposed entries on its books in order to establish an amount of $556,345.78 in Account 107 against which a reserve account of like amount has previously been established and accumulate a reserve in Account 252 for amortization of the amount of $3,089,718.28 established in Account 100.5, both in accordance with the proposals described above. The Commission's order of May 15, 1945 which provided for the creation of a reserve in Account 252 is hereby modified to the extent that the charges to Account 537 of not less than $209,643.34 per annum shall, in no event, be made for a period exceeding that necessary to accumulate the amount of $3,089,718.28 in Account 252, without prejudice, however, to reservation by Texas Power of all rights with respect to such items.

(C) Texas Power submit certified copies of the immediate entries required by paragraphs (A) and (B) hereof within sixty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2869; Filed, Apr. 13, 1949; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-62]

NORTHWEST NUT GROWERS

APPLICATION DENIED AND DISMISSED

APRIL 8, 1949.

Application as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930 has been denied and dismissed.

Name of article	Purpose of request	Date received	Name and address of applicant
Filberts, not shelled (par. 757, Tariff Act of 1930).	Increase in duty.....	Jan. 24, 1949	Northwest Nut Growers, Dundee, Oreg.

By direction of the Commission.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 49-2848; Filed, Apr. 13, 1949; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 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.

[Vesting Order 13075]

EDWARD JACOB

In re: Estate of Edward Jacob, deceased. File D-28-10019; E. T. sec. 14220.

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 Rosa Mattmueller, Anna Jacob Birmelli, Otto Jacob, Christina Jacob, Emilia Buhler Koebele, Paul Sitt and Alfred Buhler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Karl Jacob and of Maria Jacob Buhler, except Albert Buhler, a resident of the United States, 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 identified in subparagraphs 1 and 2 hereof, except Albert Buhler, a resident of the United States, in and to the estate of Edward Jacob, 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 Joseph Zaehringer, as Executor, acting under the judicial supervision of the Probate Court, West Haven, Connecticut;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown of Karl Jacob and of Maria Jacob Buhler, except Albert Buhler, a resident of the United States, 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.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 49-2876; Filed, Apr. 13, 1949; 8:51 a. m.]

[Vesting Order 13085]

JOHN RITZ

In re: Estate of John Ritz, deceased. File No. D-28-7659; E. T. sec. 8342.

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 Otto Hofstetter, Lioba Maier, nee Hofstetter, Bettina Fischer, nee Hofstetter, Karolina Wipfler, nee Hofstetter, Elisabeth Haberkorn, nee Hofstetter, Sofie Wipfler, nee Ritz, Anton Jakob Ritz, Agnes Stadter, nee Ritz, Emilie Ritz, nee Ritz, Adolf Jakob Ritz, Ernest Hofstetter, Oswald Hofstetter, Herman Reichensperger, Joseph Reichensperger, Adolf Reichensperger and Gertrude Krotz, nee Reichensperger, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of John Ritz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Erie County, as depositary, acting under the judicial supervision of the Surrogate's Court, Erie County, New York;

and it is hereby determined:

4. That to the extent that the persons identified 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 other-

wise 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.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2877; Filed, Apr. 13, 1949; 8:52 a. m.]

[Vesting Order 12999]

MARIE W. BERGMANN

In re: Stock owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Marie W. Bergmann, deceased. F-28-3765-D-1/G-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 the personal representatives, heirs, next of kin, legatees and distributees of Marie W. Bergmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) Four hundred seventy (470) shares of $20 par value capital stock of the Corn Exchange Bank Trust Company, 13 William Street, New York, New York, evidenced by certificates numbered and in the amounts set forth below, registered in the name of Marie W. Bergmann:

Certificate number:	*Number of shares*
8848	100
8849	100
8850	100
8851	100
025226	15
028101	5
018107	50

together with all declared and unpaid dividends thereon,

(b) All those debts or other obligations of the Corn Exchange Bank Trust Company, 13 William Street, New York, New York, evidenced by issued and outstanding checks payable to Marie W. Bergmann, numbered, dated and in the amounts as set forth in Exhibit A, attached hereto, and by reference made a part hereof, said checks representing dividends on shares of stock described in subparagraph 2a above, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, and any and all rights in, to and under the aforesaid checks, and

(c) All those debts or other obligations of the Corn Exchange Bank Trust Company, 13 William Street, New York, New York, evidenced by those checks payable to Marie W. Bergmann, numbered, dated and in the amounts as set forth in Exhibit B, attached hereto, and by reference made a part hereof, said checks presently in the custody of the aforesaid Corn Exchange Bank Trust Company and representing dividends on shares of stock described in subparagraph 2a above, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, and any and all rights in, to and under, including particularly the right to possession of the aforesaid checks,

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 personal representatives, heirs, next of kin, legatees and distributees of Marie W. Bergmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Marie W. Bergmann, 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.

Executed at Washington, D. C., on March 25, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

Check No.	Date	Amount
478	Aug. 1, 1935	$352.50
499	Nov. 1, 1935	352.50
510	Feb. 1, 1936	352.50
539	May 1, 1936	352.50
563	Aug. 1, 1936	317.25
562	Nov. 2, 1936	317.25
590	Feb. 1, 1937	317.25
590	May 1, 1937	317.25
601	Aug. 2, 1937	317.25
605	Nov. 1, 1937	317.25
606	Feb. 1, 1938	317.25
609	May 2, 1938	317.25
615	Aug. 1, 1938	317.25
625	Nov. 1, 1938	317.25
634	Feb. 1, 1939	317.25
630	May 1, 1939	317.25
622	Aug. 1, 1939	317.25
637	Nov. 1, 1939	317.25
635	Feb. 1, 1940	317.25
634	May 1, 1940	317.25
625	Aug. 1, 1940	294.34
634	Nov. 1, 1940	294.34
642	Feb. 1, 1941	294.34
650	May 1, 1941	294.34
654	Aug. 1, 1941	294.34
645	Nov. 1, 1941	294.45

EXHIBIT B

Check No.	Date	Amount
635	Feb. 2, 1942	$294.45
635	May 1, 1942	294.45
645	Aug. 1, 1942	138.28
649	Feb. 1, 1943	197.40
658	May 1, 1943	197.40
665	Aug. 2, 1943	197.40
672	Nov. 1, 1943	197.40
675	Feb. 1, 1944	197.40
685	May 1, 1944	197.40
701	Aug. 1, 1944	197.40
715	Nov. 1, 1944	197.40
730	Feb. 1, 1945	197.40
728	May 1, 1945	197.40
722	Aug. 1, 1945	197.40
707	Nov. 1, 1945	197.40
718	Feb. 1, 1946	197.40
722	May 1, 1946	197.40
715	Aug. 1, 1946	197.40
722	Nov. 1, 1946	197.40
726	Feb. 1, 1947	230.30
733	May 1, 1947	230.30
731	Aug. 1, 1947	230.30
731	Nov. 1, 1947	230.30
730	Feb. 2, 1948	230.30
735	May 1, 1948	230.30
732	Aug. 2, 1948	230.30
730	Nov. 1, 1948	230.30
722	Feb. 1, 1949	230.30

[F. R. Doc. 49-2875; Filed, Apr. 13, 1949; 8:51 a. m.]

[Vesting Order 13092]

HARRIETT REYNOLDS SPAETH

In re: Trust under the will of Harriett Reynolds Spaeth, deceased. File No. D-28-12602; E. T. sec. 16792.

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 Gertrude E. Shuster (Mrs. Alois Shuster), 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 trust created under the will of Harriett Reynolds Spaeth, 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 Fidelity-Philadelphia Trust Company, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

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 other-

wise 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.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2878; Filed, Apr. 13, 1949; 8:52 a. m.]

[Vesting Order 13098]

FRANCES E. WILKENS

In re: Estate of Frances E. Wilkens, deceased. File No. D-28-10536; E. T. sec. 14942.

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 Mary C. Beck, 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 Frances E. Wilkens, 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 Frances V. Bonner, as Executrix, acting under the judicial supervision of the Surrogate's Court, Westchester County, White Plains, 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.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2879; Filed, Apr. 13, 1949; 8:52 a. m.]