

THE NATIONAL ARCHIVES

FEDERAL REGISTER
 1934
 VOLUME 12 NUMBER 243

Washington, Saturday, December 13, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

[Farm Credit Administration, Order 469]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

DIRECTION TO FARM LOAN REGISTRARS TO HOLD AND ADMINISTER COLLATERAL SECURING LOANS BY ANY COMMERCIAL BANK TO ANY DISTRICT BANK FOR COOPERATIVES

Whereas, district banks for cooperatives have obtained loans and may desire to obtain other loans in the future from commercial banks and desire to have all existing and future loans secured by adequate collateral to be held by the Farm Loan Registrars of their respective districts,

Now, therefore, Title 6, Part 3 of the Code of Federal Regulations is hereby amended by adding thereto a new § 3.30, reading as follows:

§ 3.30 *Direction to Farm Loan Registrars to hold and administer collateral securing loans by commercial banks to district banks for cooperatives.* The twelve Farm Loan Registrars and their successors in office are directed to hold any and all collateral securing loans made to district banks for cooperatives by any commercial bank or banks which may be deposited with said Registrars by the banks for cooperatives of their respective districts for this purpose.

Such collateral shall be administered by said registrars as provided in the agreements entered into between the district banks for cooperatives and any commercial bank or banks. (Secs. 40, 41, 48 Stat. 51, 264, as amended; 12 U. S. C. 636, 1134c)

[SEAL] I. W. DUGGAN,
 Governor

DECEMBER 2, 1947.

[F. R. Doc. 47-10995; Filed, Dec. 12, 1947; 9:12 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Production and Marketing Administration (Crop Insurance)

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS COVERING 1948 AND SUCCEEDING CROP YEARS (YIELD INSURANCE)

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous wheat crop insurance contracts, resulting from applications filed after publication of these regulations in the FEDERAL REGISTER, for 1948 and succeeding crop years, until amended or superseded by regulations hereafter made.

MANNER OF OBTAINING INSURANCE

Sec.	
418.101	Availability of wheat crop insurance.
418.102	Application for insurance.
418.103	Acceptance of application by the Corporation.
418.104	Termination of contract.

INSURANCE COVERAGE

418.105	Insurable acreage.
418.106	Kinds of wheat insured.
418.107	Determination of insured acreage and insured interest.
418.108	Wheat seeded for purposes other than grain.
418.109	Insurance period.
418.110	Amount of insurance.
418.111	Partial insurance protection.
418.112	Causes of loss insured against.
418.113	Causes of loss not insured against.

PREMIUM FOR CONTRACT

418.114	Amount of annual premium.
418.115	Manner of payment of premium.

LOSS

418.116	Notice of loss or damage of wheat crop.
418.117	Released acreage.
418.118	Time of loss.
418.119	Proof of loss.
418.120	Amount of loss.

(Continued on next page)

CONTENTS

Agriculture Department	Page
<i>See also</i> Farm Credit Administration, Federal Crop Insurance Corporation.	
Rules and regulations:	
California and Arizona; limitation of shipments:	
Lemons _____	8376
Oranges (2 documents) _____	8376
Milk handling in Topeka, Kans., marketing area _____	8377
Alien Property, Office of	
Notices:	
Vesting orders, etc..	
Altschul, Gisela _____	8392
Benjamin, Morris _____	8391
Dacker, Herman _____	8391
Dannini, Adelmia _____	8392
Hermesen, Margarethe Anna _____	8391
Hoch, Max _____	8392
Koussévitsky, Serge _____	8392
Lican, Era McMurtrie _____	8393
Rasch, Ludvik _____	8393
Roggendorff, Elizabeth _____	8393
Schmid, Geo. _____	8391
Customs Bureau	
Notices:	
"No consul" list _____	8325
Proposed rule making:	
Airports of entry; redesignation of temporary as without time limit _____	8384
Farm Credit Administration	
Rules and regulations:	
Functions of administrative officers; farm loan registrars to hold and administer collateral securing loans by any commercial bank to any district bank for cooperatives _____	8363
Federal Crop Insurance Corporation	
Rules and regulations:	
Wheat crop insurance:	
Annual contracts for 1948 _____	8370
Continuous contracts covering 1948 and succeeding crop years (yield insurance) _____	8363
Federal Power Commission	
Notices:	
Hearings, etc..	
Columbus and Southern Ohio Electric Co. _____	8383



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

1946 SUPPLEMENT to the CODE OF FEDERAL REGULATIONS

The following books are now available:

Book 1: Titles 1 through 8, including, in Title 3, Presidential documents in full text with appropriate reference tables and index.

Book 2: Titles 9 through 20.

Book 3: Titles 21 through 31.

Book 4: Titles 32 through 37.

Book 5: Titles 38 through 48.

Book 6: Titles 49 and 50, including a general index and ancillary tables.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

CONTENTS—Continued

Federal Power Commission—	Page
Continued	
Notices—Continued	
Hearings, etc.—Continued	
Mountain Fuel Supply Co.-----	8387
Ohio Fuel Gas Co.-----	8387

CONTENTS—Continued

International Trade, Office of	Page
Rules and regulations:	
Licenses, individual; weight and volume tolerance (2 documents)-----	8384
Prohibited exportations (2 documents)-----	8383
Streptomycin, by mail to Germany-----	8383
Interstate Commerce Commission	
Notices:	
Coal supply, furnishing cars for Baltimore and Ohio Railroad Co. (2 documents)-----	8389
Monongahela Railway Co.-----	8389
Pennsylvania Railroad Co.-----	8389
Western Maryland Railway Co.-----	8389
Reconsignment:	
'Apples:	
Chicago, Ill.-----	8388
Kansas City, Mo.-----	8388
Lettuce at Kansas City, Mo.-----	8388
Onions at Philadelphia, Pa.-----	8388

Land Management, Bureau of

Notices:	
Filing of plats of survey:	
Alaska-----	8386
Arizona (Corr.)-----	8387
Opening of restored lands:	
Central Valley Project Calif.-----	8385
Colorado River Storage Project, Nev.-----	8386

Materials Distribution, Office of

Notices:	
Materials, specified; transportation in high pressure tank cars and storage-----	8387

Securities and Exchange Commission

Notices:	
Hearings, etc.	
Associated Gas and Electric Co. et al.-----	8390
United Light and Railways Co. et al.-----	8390

State Department

Rules and regulations:	
Surplus property in foreign areas, disposal; forms for reporting aircraft, aircraft engines and other aeronautical property scrapped-----	8384
Visas: crew list visas not required of alien seamen and airmen entering U. S.-----	8383

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 in parentheses.

Title 6—Agricultural Credit	Page
Chapter I—Farm Credit Administration, Department of Agriculture:	
Part 3—Functions of administrative officers-----	8363

CODIFICATION GUIDE—Con.

Title 7—Agriculture	Page
Chapter IV—Production and Marketing Administration (Crop Insurance)	
Part 418—Wheat crop insurance (2 documents)-----	8363, 8370
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)	
Part 953—Lemons grown in California and Arizona-----	8376
Part 966—Oranges grown in California and Arizona (2 documents)-----	8376
Part 980—Milk in Topeka, Kans., marketing area-----	8377
Title 19—Customs Duties	
Chapter I—Bureau of Customs, Department of the Treasury:	
Part 6—Air commerce regulations (proposed)-----	8384
Title 22—Foreign Relations	
Chapter I—Department of State:	
Part 65—Visas: documents required of alien seamen and airmen entering the United States-----	8383
Title 32—National Defense	
Chapter VIII—Office of International Trade, Department of Commerce:	
Part 800—Orders and delegations of authority-----	8383
Part 801—General regulations (2 documents)-----	8383
Part 804—Individual licenses (2 documents)-----	8384
Chapter XXIV—Department of State, Disposal of Surplus Property:	
Part 8508—Disposal of surplus property located in foreign areas-----	8384

PAYMENT OF INDEMNITY

Sec.	
418.121	When indemnity payable.
418.122	Indemnity payment.
418.123	Other insurance.
418.124	Subrogation.
418.125	Creditors.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

418.126	Indemnity subject to all provisions of contract.
418.127	Collateral assignment of right under contract.
418.128	Payment to transferee.
418.129	Death, incompetence, or disappearance of insured.
418.130	Fiduciaries.
418.131	Determination of person to whom indemnity shall be paid.

REFUNDS OF EXCESS NOTE PAYMENTS

418.132	Refunds of excess note payments.
418.133	Assignment or transfer of claims for refunds not permitted.
418.134	Refund in case of death, incompetence, or disappearance.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

418.135	Establishment of coverages per acre.
418.136	Establishment of premium rates.

GENERAL

Sec.	
418.137	Records and access to farm.
418.138	Applicant's warranties; voidance for fraud.
418.139	Modification of contract.
418.140	Rounding of fractional units.
418.141	Closing date.
418.142	Maturity dates for annual premiums.
418.143	Meaning of terms.

AUTHORITY: §§ 418.101 to 418.143, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b); 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong.; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

MANNER OF OBTAINING INSURANCE

§ 418.101 *Availability of wheat crop insurance.* (a) Wheat crop insurance under continuous contracts for the 1948 and succeeding crop years will be provided only in accordance with this subpart in the following counties:

Minnesota: Kittson, Norman, Polk, Stevens, Montana: Daniels, Roosevelt, Sheridan, Valley.

North Dakota: Benson, Bottineau, Burleigh, Cass, Griggs, La Moure, McIntosh, McKenzie, McLean, Morton, Ramsey, Sheridan, Stutsman, Traill, Walsh, Williams.

South Dakota: Brown, Day, Edmonds, Faulk, Marshall, McPherson, Perkins, Potter, Spink.

(b) Insurance will not be provided in any county unless written applications for insurance on wheat are filed which, together with wheat crop insurance contracts in force, cover at least 200 farms in the county or one-third of the farms normally producing wheat. For this purpose an insurance unit shall be deemed to be a farm.

§ 418.102 *Application for insurance.* Application for insurance on a form entitled "Application for Wheat Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a wheat crop. An application shall cover the applicant's interest in the wheat crop on all insurable acreage, considered for crop insurance purposes to be located in the county, in which the applicant has an interest at the time of the seeding of the wheat crop to be harvested in the 1948 and each succeeding crop year while the contract remains in force: *Provided, however* That an application executed by any person as an individual shall not cover his interest as a partner in a crop produced by a partnership. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date set forth in § 418.144. In case of death of the insured after the seeding of either winter or spring wheat is begun for any crop year, any additional acreage of that type of wheat (winter or spring) which is seeded for the insured's estate for that crop year shall be covered by the contract.

§ 418.103 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect commencing with the first crop year beginning after submission of the application, provided all the requirements in this sub-

part for acceptance of applications have been met. The acceptance by the Corporation of an application submitted pursuant to the regulations in this subpart will automatically cancel any other wheat crop insurance contract previously entered into by the insured and the Corporation in the county, for the 1948 and subsequent crop years.

(b) The Corporation reserves the right to reject any application for insurance in its entirety or with respect to any definitely identified acreage.

§ 418.104 *Termination of contract.*

(a) Subject to the provisions of paragraph (c) of this section, the contract shall be in effect for the first full crop year following submission of the application and shall continue for each succeeding crop year until either party gives to the other party, on or before December 31 of any year, written notice of termination (effective at the beginning of the succeeding crop year).

Failure to terminate the contract, as herein provided, shall constitute acceptance of changes, if any, in the premium rate(s) amounts of insurance and insurance coverages, and any other changes in the contract. Any notice given by the insured to the Corporation pursuant to this paragraph shall be submitted in writing to the office of the county association or other office specified by the Corporation.

(b) If the insured terminates the contract under the provisions of paragraph (a) of this section, he shall not be eligible for wheat crop insurance for the next succeeding crop year unless he subsequently files an application for insurance on or before December 31 preceding such crop year.

(c) If the minimum participation requirement set forth in § 418.101 (b) is not met for any year, contracts then in force shall continue in force only to the end of the crop year for which such requirement is not met: *Provided, however* That if such contracts, together with any new applications for wheat crop insurance filed on or before the next succeeding applicable calendar closing date, are sufficient to meet the minimum participation requirement, such contracts shall continue to be in force.

(d) If for two consecutive years no wheat in which the insured has an insurable interest is seeded in the county, the contract shall terminate.

INSURANCE COVERAGE

§ 418.105 *Insurable acreage.* For each crop year of the contract any acreage is insurable, if a coverage is established therefor for that crop year on the County Actuarial Table and related material before the applicable calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above, shall not be considered in any manner whatsoever under the contract except as provided in §§ 418.120 (b) and 418.133.

§ 418.106 *Kinds of wheat insured.* The wheat to be insured under the contract will be spring and winter wheat seeded for harvest as grain, as determined by the Corporation: *Provided,*

however That in no event will winter wheat for harvest in 1948 be covered: *Provided, further,* That, if the application is filed on or before the applicable closing date for spring wheat but after the seeding of the winter wheat, the contract will not cover:

(a) Any acreage of the winter wheat crop seeded for harvest in the first crop year of the contract, or

(b) Any acreage of the spring wheat crop in the first crop year of the contract which is seeded on winter wheat acreage, except whole fields of such acreage, or parts of such acreage with definite boundaries, which are reworked and seeded to spring wheat in areas where it is adapted and a full seeding of spring wheat is made.

The contract will not provide insurance for volunteer wheat, wheat seeded with a mixture of flax or other small grains, vetch, Austrian winter peas, dry edible peas, or a type of wheat which is not adapted to the area, as determined by the Corporation.

§ 418.107 *Determination of insured acreage and insured interest.* (a)

Promptly after seeding a wheat crop (winter or spring) each year, the insured shall submit to the Corporation, on a form entitled "Wheat Crop Insurance Acreage Report" a report over his signature of the acreage seeded to wheat on each insurance unit in which he has an interest at the time of seeding, and his interest at the time of seeding in the wheat seeded for harvest as grain. If the insured does not have an insurable interest in wheat seeded in any year, the acreage report shall nevertheless be submitted promptly after the seeding of wheat is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation reserves the right to charge the insured \$2.00 if the insured fails to submit a seeded acreage report within 30 days after seeding of the applicable type of wheat (winter or spring) is generally completed in the county, as determined by the Corporation.

(c) The insured acreage with respect to each insurance unit shall be the acreage of wheat seeded for harvest as grain as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however* That the Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after seeding of the applicable type of wheat (winter or spring) is generally completed in the county, as determined by the Corporation: *Provided, further* That insurance shall not attach with respect to (1) any acreage seeded to wheat which is destroyed or substantially destroyed (as defined in § 418.117) and which can be reseeded before it is too late to reseed to wheat, as determined by the Corporation, and such acreage is not reseeded to wheat, or (2) any acreage initially seeded to wheat too late to expect to produce a normal crop, as determined by the Corporation.

(d) The insured interest with respect to each insurance unit shall be the insured's interest in the crop at the time

of seeding as reported by the insured or the interest which the Corporation determines as the insured's actual interest at the time of seeding, whichever the Corporation shall elect: *Provided, however* That for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss, or the beginning of harvest, whichever occurs first.

§ 418.108 *Wheat seeded for purposes other than grain.* If the insured seeds only a part of his wheat for harvest as grain in any year of the contract he shall submit with his acreage report of wheat seeded, a designation of any acreage seeded for purposes other than harvest as grain. Upon receipt of this designation and with the approval of the Corporation, the acreage used in computing the premium and amount of insurance will not include such acreage. However, any wheat threshed from such acreage shall be considered as wheat produced on the insured acreage in determining a loss under the contract.

§ 418.109 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the wheat is seeded. Insurance shall cease with respect to any portion of the wheat crop covered by the contract upon threshing, or removal from the field, but in no event shall the insurance remain in effect later than October 31 of each year, unless such time is extended in writing by the Corporation.

§ 418.110 *Amount of insurance.* The amount of insurance for each insurance unit for each year under the contract shall be the number of bushels of wheat determined by multiplying (a) the insured acreage by (b) the coverage per acre, and by (c) the insured interest in the crop at the time of seeding. If different coverages per acre are applicable to parts of the insurance unit, the amount of insurance shall be computed separately using the applicable acreage for each coverage per acre, and the total of such computed amounts shall be the amount of insurance for the insurance unit.

§ 418.111 *Partial insurance protection.* An applicant may elect to take 65 percentum of the maximum protection available under the contract. This election may be made only on an application for insurance filed on or before the closing date for filing applications. An insured may elect to change from maximum protection to 65 percentum of the maximum protection available under the contract, or to change from 65 percentum protection to maximum protection by filing written notice thereof with the Corporation on or before December 31 of any year. Such change in amount of protection under the contract shall be subject to approval by the Corporation, and upon approval becomes effective for the next succeeding crop year after the election.

If the contract provides for partial insurance protection, the premium and indemnity, if any, shall be 65 percentum of the amount otherwise computed in accordance with this subpart.

§ 418.112 *Causes of loss insured against.* The contract shall cover loss in yield of wheat while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however* That the Board of Directors may determine that for any county or area the contract shall provide that loss in yield of wheat due to any of the foregoing causes is not insured.

Where insurance is written on an irrigated basis, the contract shall also cover loss in yield due to failure of the water supply from natural causes that could not be prevented by the insured, including (a) lowering of the water level in pump walls adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (b) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, and (c) the collapse of casing in wells where such collapse could not have been foreseen and prevented by the insured: *Provided, however* That the acreage of wheat which shall be insured on an irrigated basis in any year shall not exceed that acreage which can be irrigated properly with facilities available and with a supply of irrigation water which could reasonably be expected, taking into consideration the amount of water required to properly irrigate the acreage of all irrigated crops on the farm.

§ 418.113 *Causes of loss not insured against.* The contract shall not cover damage to quality in any case, or loss in yield caused by:

- (a) Failure to follow recognized good farming practices;
- (b) Poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof)
- (c) Over-pasturage;
- (d) Following different fertilizer or farming practices than those considered in establishing the coverage;
- (e) Seeding wheat on land which is generally not considered capable of producing a wheat crop comparable to that produced on the land considered in establishing the coverage;
- (f) Seeding excessive acreage under abnormal conditions;
- (g) Seeding another crop with the wheat or in the growing wheat crop;
- (h) Seeding wheat under conditions of immediate hazard;
- (i) Inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison;
- (j) Breakdown of machinery, or failure of equipment due to mechanical defects;
- (k) Neglect or malfeasance of the insured or of any person in his household

or employment or connected with the farm as tenant or wage hand;

- (l) Domestic animals or poultry;
- (m) Theft;
- (n) Failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustment can be made without deepening the well;
- (o) Failure properly to apply irrigation water to wheat in proportion to the need of the crop and the amount of water available for all irrigated crops; or
- (p) Shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

PREMIUM FOR CONTRACT

§ 418.114 *Amount of annual premium.* (a) The annual premium for each insurance unit under the contract shall be based upon (1) the insured acreage of wheat for the insurance unit, (2) the premium rate, (3) the insured interest in the crop at the time of seeding, and (4) the fixed price. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The annual premium for the contract shall be the total of the premium computed for the insured for all insurance units covered by the contract. If the contract provides for partial insurance protection in accordance with the provisions of § 418.111 hereof, the premium shall be 65 percentum of that computed as set forth above. The annual premium with respect to any insured acreage shall be regarded as earned when the wheat crop on such acreage is seeded.

(b) The insured's annual premium may be reduced in any year not to exceed 50 percentum, if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured crops exceeds his amount of insurance. As used in this paragraph, "consecutively insured crops," means consecutively insured crops for the years during which insurance was available (beginning with the 1939 crop, but excluding the 1945 crop if no application for insurance was submitted) Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of this paragraph if insurance is offered in the county in which such person's farm is located, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to submit an application for insurance for any year will not render a person ineligible for the benefits of this paragraph, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured established to the satisfaction of the Corporation, prior to the applicable 1946 note

maturity date, that failure to submit an application for any crop year prior to 1946 was due to the fact that wheat was not seeded in that year. Nothing in this provision shall create in the insured any right to a reduced premium.

§ 418.115 *Manner of payment of premium.* (a) By executing the application for Wheat Crop Insurance the applicant executes a premium note. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before the applicable maturity date specified in § 418.142 the premium for all insurance units covered by the contract. A penalty of three percentum shall attach on the principal amount of any premium not paid on or before December 31, following the maturity date, and an additional three percentum shall attach on the principal amount of any premium unpaid at the end of each six month period thereafter.

(b) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. Any payment made before the fixed price is established will be on an estimated basis and will be treated as a deposit until the fixed price is established. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

(c) Any unpaid amount of any annual premium (either before or after the date of maturity) plus any penalty due, may be deducted from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. Where any such deduction is made before the fixed price is established, the amount of the deduction will be based on an estimate of the amount of the premium.

LOSS

§ 418.116 *Notice of loss or damage of wheat crop.* (a) Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association, or other office specified by the Corporation, immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

(b) Unless otherwise provided by the Corporation, if, at the completion of threshing of the insured wheat crop, a loss has been sustained, notice in writing shall be given immediately to the Corporation at the office of the county association, or other office specified by the Corporation. If such notice is not given within 15 days after threshing is completed, the Corporation reserves the right to reject any claim for indemnity.

This notice is in addition to any notice required by paragraph (a) of this section.

§ 418.117 *Released acreage.* Any insured acreage on which the wheat crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The wheat crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof.

Before any acreage is released it shall be inspected by a representative of the Corporation and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest. Any such appraisal shall be subject to the minimum set forth in § 418.120 (a)

On any acreage where the wheat has been partially destroyed but not released by the Corporation, proper measure shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 418.118 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 418.109, unless the Corporation determines that the entire wheat crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

§ 418.119 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later

than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract. If a loss is claimed, any wheat acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

§ 418.120 *Amount of loss.* (a) The amount of loss for which an indemnity will be payable with respect to any insurance unit will be the amount of insurance under the contract for such insurance unit, less the product of the insured interest and the total production for such unit; *Provided, however* That if the seeded acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be determined by computing the loss for the seeded acreage (as though the total seeded acreage were insured) and reducing such loss on the basis of the ratio of the insured acreage to the seeded acreage; *Provided, further*, That if the premium computed for the reported acreage is less than the premium computed for the seeded acreage, the amount of loss determined for the seeded acreage may be reduced on the basis of the ratio of the premium computed for the reported acreage to the premium computed for the seeded acreage, if the Corporation so elects.

The total production for an insurance unit shall include all production determined in accordance with the following schedule:

SCHEDULE

Acreage classification	Total production in bushels
1. Acreage on which threshed wheat has a value, as determined by the Corporation, of 75 percentum or more of the local market value.	Actual production not including wheat in a mixture with other small grains which were seeded in the growing wheat crop on the seeded acreage.
2. Acreage on which threshed wheat has a value, as determined by the Corporation, of less than 75 percentum of the local market value.	A number of bushels of wheat which the Corporation determines will result in indemnifying the insured for the amount that the production threshed from any wheat acreage having a value of 75 percentum of the fixed price multiplied by a number of bushels of wheat equal to the smaller of (a) the number of bushels of such production threshed, or (b) the insured production for the insurance unit minus all production of wheat counted for other reasons.
3. Acreage not threshed.	Appraised production for acreage of wheat not threshed but harvested as grain.
4. Acreage released by the Corporation and seeded to substitute crop.	Appraised production but not less than the product of (a) such acreage and (b) fifty percentum of the coverage per acre.
5. Acreage released by the Corporation and summer fallowed.	Appraised production but not less than the product of (a) the released acreage and (b) twenty percentum of the coverage per acre.
6. Acreage released by the Corporation and not seeded to substitute crop or summer fallowed.	Appraised production but not less than the product of (a) such acreage and (b) ten percentum of the coverage per acre.
7. Acreage put to another use without the consent of the Corporation.	Appraised production but not less than the product of (a) such acreage and (b) the coverage per acre.
8. Acreage with reduced yield due solely to any cause(s) not insured against.	Appraised number of bushels by which production has been reduced but not less than the product of (a) such acreage and (b) the coverage per acre, minus any quantity of wheat harvested.
9. Acreage with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

In determining production, volunteer small grains, volunteer vetch, volunteer Austrian winter peas, and volunteer dry edible peas growing with the seeded wheat crop, and small grains seeded with the growing wheat crop on acreage not released by the Corporation, shall be counted as wheat.

(b) Where the insured commingles production from two or more insurance units or portions thereof and fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each of the component parts, the insurance with respect to such units may be voided by the Corporation for the year in question and the premium forfeited by the insured: *Provided, however* That if all the component parts are insured, the total amount of insurance for the component parts shall be considered as the amount of insurance for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year in question and the premium forfeited by the insured.

(c) If the contract provides for partial insurance protection in accordance with the provisions of § 418.111 the amount of loss for which an indemnity will be payable shall be 65 per centum of the amount computed as set forth in paragraphs (a) and (b) of this section.

PAYMENT OF INDEMNITY

§ 418.121 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation: *Provided, however* That no indemnity will be paid until after the fixed price is established: *Provided, further,* That if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 418.122 *Indemnity payment.* (a) Any indemnity due under the contract will be paid by issuance of a check payable to the order of the person(s) entitled to such payment under this sub-part. The amount thereof shall be determined by multiplying the number of bushels of wheat approved as the amount of loss for the insured by the fixed price.

(b) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this sub-part, notwithstanding any attachment, garnishment, receivership, trustee process, judgment,

levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(c) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

(d) The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 418.123 *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the wheat crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

§ 418.124 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 418.125 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of this sub-part.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 418.126 *Indemnity subject to all provisions of contract.* Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the

unpaid amount of any earned annual premium, plus any penalty due, or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any penalty due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured shall be subject to any collateral assignment of the contract by the original insured.

§ 418.127 *Collateral assignment of right under contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 418.126 and, (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however,* That the assignee may submit a "Statement in Proof of Loss," if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 418.128 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a wheat crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association, or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 418.127: *Provided, however,* That the Corporation shall not be liable for a greater amount of indemnity in con-

nection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further*, That an involuntary transfer of an insured interest in a wheat crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract: *Provided, further*, That the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 418.129 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after seeding the wheat crop in any year but before the time of loss, and his insured interest in the wheat crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however*, That if the indemnity exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of the wheat crop in any year but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 418.128.

(c) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears less than 15 days before the applicable calendar closing date for the filing of applications for insurance in any year, and before the beginning of seeding of the wheat crop in such year, whoever succeeds him on the farm with the right to seed the wheat crop as his heir or heirs, administrator, executor, guardian, committee or conservator, shall be substituted for the original applicant or the insured upon filing with the office of the county association or other office specified by the Corporation, within 15 days (unless such period is extended by the Corporation) after the date of such death, judicial declaration, or termina-

tion of the period which establishes disappearance within the meaning of this sub-part, or before the date of the beginning of seeding, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however*, That any substitution made pursuant to this paragraph shall be effective only with respect to the wheat crop to be seeded in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) Subject to the provisions of paragraph (c) of this section, the contract shall terminate upon death, judicial declaration of incompetence, or disappearance of the insured, except that if such death, judicial declaration of incompetence, or disappearance occurs after the seeding of the wheat crop in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of such insurance period.

(e) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the office of the county association or other office specified by the Corporation, written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 418.130 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however*, That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 418.131 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the wheat crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of

the person(s) to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 418.132 *Refunds of excess note payments.* Before termination of the contract, the Corporation shall not be required to make a refund of any excess payment made on any annual premium, and any such excess payment may be credited on future annual premiums. However, the Corporation may elect to make such refund at any time before the termination of the contract.

There shall be no refund of an amount less than \$1.00 with respect to overpayment of any annual premium unless written request for such refund is received by the Corporation within one year after the termination of the contract.

§ 418.133 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any wheat crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 418.134.

§ 418.134 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 418.129 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

§ 418.135 *Establishment of coverages per acre.* The Corporation shall establish coverages of wheat per acre by areas which shall not be in excess of the maximum percentum, prescribed in the Federal Crop Insurance Act, of the recorded or appraised average yield for the farm. Coverages so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation and may be revised from year to year as the Corporation may elect. The coverage per acre for any specific acreage shall be the coverage per acre (for the applicable practice, if any) approved by the Corporation for the area in which the acreage is located.

§ 418.136 *Establishment of premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for wheat crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the County Actuarial Table

and be on file in the office of the county association or other office specified by the Corporation and may be revised from year to year as the Corporation may elect. The premium rate per acre for any specific acreage shall be the premium rate per acre (for the applicable practice, if any) approved by the Corporation for the area in which the acreage is located.

GENERAL

§ 418.137 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all wheat produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person or persons designated by the Corporation shall have access to the farm(s).

§ 418.138 *Applicant's warranties; avoidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the wheat crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the wheat crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 418.139 *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 418.140 *Rounding of fractional units.* Premiums shall be rounded to the nearest tenth of a bushel. Amount of insurance, and total production shall be rounded to the nearest bushel. Fractions of acres shall be rounded to the nearest tenth of an acre. Computations shall be carried through the digit that is to be rounded. If the digit to be rounded is 1, 2, 3, or 4, the rounding shall be downward. If the digit to be rounded is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 418.141 *Closing date.* The closing date for any year for the submission of applications to cover the spring wheat crop shall be the earlier of (a) the date of the beginning of seeding of the wheat crop on any insurance unit to be covered by the contract, or (b) March 15.

§ 418.142 *Maturity dates for annual premiums.* The maturity dates by states for payment of annual premiums shall be as follows:

July 31 for Minnesota, Montana, North Dakota, and South Dakota.

§ 418.143 *Meaning of terms.* For the purpose of the Wheat Crop Insurance Program, the term:

(a) "Contract" means the accepted application for insurance and the regulations in this subpart and any amendments thereto.

(b) "Corporation" means the Federal Crop Insurance Corporation.

(c) "County Actuarial Table" means the form and related material approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county.

(d) "County association" means the county agricultural conservation association in the county.

(e) "Crop year" means the period within which the wheat crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Fixed price" for any crop year means 90 percent of the parity price of wheat as determined by the Secretary of Agriculture for April 15 of that crop year, with differentials, where applicable, for the location of the insurance unit.

(g) "Harvest" means any mechanical severance from the land of matured wheat for threshing, where the wheat crop has not been destroyed or substantially destroyed.

(h) "Insurance unit" means (1) all the insurable acreage of wheat in the county in which the insured has 100 percentum interest in the crop, or (2) all the insurable acreage in the county owned by one person which is operated by the insured as a share tenant, or (3) all the insurable acreage in the county which is owned by the insured and is rented to one share tenant. Land rented for cash or for a fixed commodity payment shall be considered to be owned by the lessee. For any crop year of the contract acreage shall be considered to be located in the county if, on or before the closing date for filing applications in the county, a coverage is established for such acreage on the County Actuarial Table.

(i) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(j) "State Director" means the representative of the Corporation responsible for the executive direction of the Federal crop insurance program in the state.

(k) "Substitute crop" means any crop, except lespedeza, biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of wheat becomes general in the county as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the wheat or in the growing wheat crop shall not be considered a substitute crop. If other small grains are seeded in a growing wheat crop on released acreage, the crop of mixed wheat and other grains shall be considered a substitute crop.

(l) "Summer fallow" as used in § 418.120 means a practice which requires that the seedbed be worked periodically during the growing season of the idle year with such implements as will sufficiently control weeds, create a good seedbed and conserve moisture.

(m) "Tenant" means a person who rents land from another person for a share of the wheat crop or proceeds therefrom produced on such land.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on November 26, 1947.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: December 9, 1947.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-10963; Filed, Dec. 12, 1947;
8:50 a. m.]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING 1948 CROP YEAR (DOLLAR COVERAGE INSURANCE—SPRING WHEAT COUNTIES)

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to annual wheat crop insurance contracts, resulting from applications filed after publication of these regulations in the FEDERAL REGISTER, for the 1948 crop year, until amended or superseded by regulations hereafter made.

MANNER OF OBTAINING INSURANCE

- Sec.
418.2051 Availability of wheat crop insurance.
418.2052 Application for insurance.
418.2053 Acceptance of application by the Corporation.

INSURANCE COVERAGE

- 418.2054 Insurable acreage.
418.2055 Kinds of wheat insured.
418.2056 Determination of insured acreage and insured interest.
418.2057 Wheat seeded for purposes other than grain.
418.2058 Insurance period.
418.2059 Amount of insurance.
418.2060 Causes of loss insured against.
418.2061 Causes of loss not insured against.

PREMIUM FOR CONTRACT

- 418.2062 Amount of premium.
418.2063 Manner of payment of premium.

LOSS

- 418.2064 Notice of loss or damage of wheat crop.
418.2065 Released acreage.
418.2066 Time of loss.
418.2067 Proof of loss.
418.2068 Amount of loss.

PAYMENT OF INDEMNITY

- 418.2069 When indemnity payable.
418.2070 Indemnity payment.
418.2071 Other insurance.
418.2072 Subrogation.
418.2073 Creditors.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

- 418.2074 Indemnity subject to all provisions of contract.
418.2075 Collateral assignment of right under contract.
418.2076 Payment to transferee.
418.2077 Death, incompetence, or disappearance of insured.
418.2078 Fiduciaries.
418.2079 Determination of person to whom indemnity shall be paid.

REFUNDS OF EXCESS NOTE PAYMENT

- 418.2080 Refunds of excess note payments.
418.2081 Assignment or transfer of claims for refunds not permitted.
418.2082 Refund in case of death, incompetence, or disappearance.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

- 418.2083 Establishment of coverages per acre.
418.2084 Establishment of premium rates.

GENERAL

- 418.2085 Records and access to farm.
418.2086 Applicant's warranties; voidance for fraud.
418.2087 Modification of contract.
418.2088 Rounding of fractional units.
418.2089 Closing date.
418.2090 Maturity dates for premiums.
418.2091 Meaning of terms.

AUTHORITY: §§ 418.2051 to 418.2091, inclusive, issued under sec. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong., 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

MANNER OF OBTAINING INSURANCE

§ 418.2051 *Availability of wheat crop insurance.* (a) After the publication of this subpart in the FEDERAL REGISTER, Wheat crop insurance under annual contracts for the 1948 crop year will be provided only in accordance with this subpart in the following counties:

No. 243—2

Minnesota: Clay.
Montana: McCone.
North Dakota: Grand Forks, Mercer, Fergus, Sargent.
South Dakota: Coddington.

(b) Insurance will not be provided in any county unless written applications for insurance on wheat are filed, which, together with wheat crop insurance contracts in force, cover at least 200 farms in the county or one-third of the farms normally producing wheat. For this purpose an insurance unit shall be deemed to be a farm.

§ 418.2052 *Application for insurance.* Application for insurance, on a form entitled "Application for Wheat Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a wheat crop. An application shall cover the applicant's interest in the wheat crop on all insurable acreage considered for crop insurance purposes to be located in the county in which the applicant has an interest at the time of the seeding of the wheat crop to be harvested in 1948: *Provided, however* That an application executed by any person as an individual shall not cover his interest as a partner in a crop produced by a partnership. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date shown in § 418.2089. In case of death of the insured after the seeding of spring wheat is begun for the 1948 crop year, any additional acreage of that type of wheat which is seeded for the insured's estate for the 1948 crop year shall be covered by the contract.

§ 418.2053 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect, provided all the requirements in this sub-part for the acceptance of applications have been met. The acceptance by the Corporation of an application submitted pursuant to the regulations in this sub-part will automatically cancel any other wheat crop insurance contract previously entered into by the insured and the Corporation in the county for the 1948 and subsequent crop years.

(b) The Corporation reserves the right to reject any application for insurance in its entirety or with respect to any definitely identified acreage.

INSURANCE COVERAGE

§ 418.2054 *Insurable acreage.* For the 1948 crop year, any acreage is insurable if a coverage is established therefor on the county actuarial table and related material before the applicable calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above shall not be considered in any manner whatsoever under the contract except as provided in §§ 418.2060 (b) and 418.2085.

§ 418.2055 *Kinds of wheat insured.* The wheat to be insured under the contract will be spring wheat seeded for harvest as grain, as determined by the Corporation: *Provided, however*, That the

contract will not cover any acreage of the spring wheat crop which is seeded on winter wheat acreage, except whole fields of such acreage, or parts of such acreage with definite boundaries, which are reworked and seeded to spring wheat in areas where it is adapted and a full seeding of spring wheat is made.

The contract will not provide insurance for volunteer wheat, wheat seeded with a mixture of flax or other small grains, vetch, Austrian winter peas, dry edible peas, or a type of wheat which is not adapted to the area, as determined by the Corporation.

§ 418.2056 *Determination of insured acreage and insured interest.* (a) Promptly after seeding the wheat crop, the insured shall submit to the Corporation, on a form entitled "Wheat Crop Insurance Acreage Report" a report over his signature of the acreage seeded to wheat on each insurance unit in which he has an interest at the time of seeding and his interest at the time of seeding in the wheat seeded for harvest as grain. If the insured does not have an insured interest in wheat seeded, the acreage report shall nevertheless be submitted promptly after the seeding of wheat is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation reserves the right to charge the insured \$2.00 if the insured fails to submit a seeded acreage report within 30 days after seeding of the wheat is generally completed in the county, as determined by the Corporation.

(c) The insured acreage with respect to each insurance unit shall be the acreage of wheat seeded for harvest as grain as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however*, That the Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after seeding of the wheat is generally completed in the county, as determined by the Corporation: *Provided, further*, That insurance shall not attach with respect to (1) any acreage seeded to wheat which is destroyed or substantially destroyed (as defined in § 418.2065) and which can be reseeded before it is too late to reseed to wheat, as determined by the Corporation, and such acreage is not reseeded to wheat, or (2) any acreage seeded to wheat too late to expect to produce a normal crop, as determined by the Corporation.

(d) The insured interest with respect to each insurance unit shall be the insured's interest in the crop at the time of seeding as reported by the insured or the interest which the Corporation determines as the insured's actual interest at the time of seeding, whichever the Corporation shall elect; *Provided, however*, That, for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss, or the beginning of harvest, whichever occurs first.

§ 418.2057 *Wheat seeded for purposes other than grain.* If the insured seeds

only a part of his wheat for harvest as grain he shall submit with his acreage report of wheat seeded, a designation of any acreage seeded for purposes other than harvest as grain. Upon receipt of this designation and with the approval of the Corporation, the acreage used in computing the premium and amount of insurance will not include such acreage. However, any wheat threshed from such acreage shall be considered as wheat produced on the insured acreage in determining a loss under the contract.

§ 418.2058 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the wheat is seeded. Insurance shall cease with respect to any portion of the wheat crop covered by the contract upon threshing or removal from the field, but in no event shall the insurance remain in effect later than October 31, 1948, unless such time is extended in writing by the Corporation.

§ 418.2059 *Amount of insurance.* (a) The coverage per acre shall be the applicable number of dollars, approved by the Corporation for the area in which the insured acreage is located, shown on the county actuarial table on file in the office of the county association or other office specified by the Corporation. The coverage per acre is progressive depending upon whether the acreage is (1) released by the Corporation and seeded to a substitute crop, (2) not harvested and not seeded to a substitute crop, or (3) harvested.

(b) The amount of insurance for each insurance unit under the contract shall be the number of dollars determined by multiplying

- (1) The insured acreage, by
- (2) The coverage per acre, and by
- (3) The insured interest in the crop at the time of seeding. If different coverages per acre are applicable to parts of the insurance unit, the amount of insurance shall be computed separately, using the applicable acreage for each coverage per acre, and the total of such computed amounts shall be the amount of insurance for the insurance unit.

§ 418.2060 *Causes of loss insured against.* The contract shall cover loss of wheat while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however* That the Board of Directors may determine that for any county or area the contract shall provide that loss of wheat due to any of the foregoing causes is not insured.

§ 418.2061 *Causes of loss not insured against.* The contract shall not cover damage to quality in any case, or loss caused by

- (a) Failure to follow recognized good farming practices;
- (b) Poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly

to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof),

- (c) Over-pasturage;
- (d) Following different fertilizer or farming practices than those considered in establishing the coverage;
- (e) Seeding wheat on land which is generally not considered capable of producing a wheat crop comparable to that produced on the land considered in establishing the coverage;
- (f) Seeding excessive acreage under abnormal conditions;
- (g) Seeding another crop with the wheat or in the growing wheat crop;
- (h) Seeding wheat under conditions of immediate hazard;
- (i) Inability to obtain labor, seed, fertilizer, machinery, repairs, or insect poison;
- (j) Breakdown of machinery, or failure of equipment due to mechanical defects;
- (k) Neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand;
- (l) Domestic animals or poultry; or
- (m) Theft.

PREMIUM FOR CONTRACT

§ 418.2062 *Amount of premium.* The premium for each insurance unit under the contract shall be based upon (a) the insured acreage, (b) the premium rate, and (c) the insured interest in the crop at the time of seeding. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the wheat crop on such acreage is seeded.

§ 418.2063 *Manner of payment of premium.* (a) By executing the application for wheat crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the applicable maturity date specified in § 418.2090, the premium for all insurable units covered by the contract. A penalty of three per centum shall attach on the principal amount of any premium not paid on or before December 31, following the maturity date, and an additional three per centum shall attach on the principal amount of any premium unpaid at the end of each six-month period thereafter.

(b) Payment on any premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

(c) Any unpaid amount of any premium (either before or after the date of maturity), plus any penalty due, may be deducted from any indemnity pay-

able by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture.

Loss

§ 418.2064 *Notice of loss or damage of wheat crop.* (a) Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation, at the office of the county association, or other office specified by the Corporation, immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

(b) Unless otherwise provided by the Corporation, if, at the completion of threshing of the insured wheat crop, a loss has been sustained, notice in writing shall be given immediately to the Corporation at the office of the county association or other office specified by the Corporation. If such notice is not given within 15 days after threshing is completed, the Corporation reserves the right to reject any claim of indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

§ 418.2065 *Released acreage.* Any insured acreage on which the wheat crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The wheat crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof.

Before any acreage is released it shall be inspected by a representative of the Corporation and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest.

On any acreage where the wheat has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 418.2066 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 418.2058, unless the Corporation determines that the entire wheat crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

§ 418.2067 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and ex-

tent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract. If a loss is claimed, any wheat acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

§ 418.2068 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of insurance under the contract for such unit, less

the number of dollars determined by multiplying (1) the total production in bushels for such unit by (2) \$1.00, and by (3) the insured interest in such unit: *Provided, however* That, if the seeded acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be determined by computing the loss for the seeded acreage (as though the total seeded acreage were insured) and reducing such loss on the basis of the ratio of the insured acreage to the seeded acreage: *Provided, further*, That, if the premium computed for the reported acreage is less than the premium computed for the seeded acreage, the amount of loss determined for the seeded acreage may be reduced on the basis of the ratio of the premium computed for the reported acreage to the premium computed for the seeded acreage, if the Corporation so elects.

The total production for an insurance unit shall include all production determined in accordance with the following schedule:

SCHEDULE

Acreage classification	Total production in bushels
1. Acreage on which wheat is threshed which can be sold for milling or feeding purposes.	Actual production not including wheat in a mixture with other small grains which were seeded in the growing wheat crop on released acreage.
2. Acreage on which wheat is threshed which cannot be sold for milling or feeding purposes, as determined by the Corporation.	Appraised production determined by dividing (1) the calvege value, as determined by the Corporation, of the threshed wheat by (2) \$1.00.
3. Acreage not threshed.	Appraised production for acreage of wheat not threshed but harvested as grain.
4. Acreage released by the Corporation and seeded to a substitute crop.	That portion of appraised production which is in excess of the number of bushels determined by dividing (1) the amount of insurance for such acreage by (2) \$1.00.
5. Acreage released by the Corporation and not seeded to a substitute crop.	Appraised production that would be realized if the crop remained for harvest.
6. Acreage put to another use without the consent of the Corporation.	Appraised production but not less than the product of (1) such acreage and (2) the bushel equivalent of the average per acre determined on the basis of a value of \$1.00 per bushel.
7. Acreage with reduced yield due solely to any cause(s) not insured against.	Appraised number of bushels by which production has been reduced but not less than the product of (1) such acreage and (2) the bushel equivalent of the average per acre determined on the basis of a value of \$1.00 per bushel, minus any harvested wheat.
8. Acreage with reduced yield due partially to any cause(s) not insured against and partially to any cause(s) insured against.	Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

In determining production, volunteer small grains, volunteer vetch, volunteer Austrian winter peas, and volunteer dry edible peas growing with the seeded wheat crop, and small grains seeded with the growing wheat crop on acreage not released by the Corporation, shall be counted as wheat.

(b) Where the insured commingles production from two or more insurance units or portions thereof and fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each of the component parts, the insurance with respect to such units may be voided by the Corporation and the premium forfeited by the insured: *Provided, however*, That, if all the component parts are insured, the total amount of insurance for the component parts shall be considered as the amount of insurance for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom, and for one or more insurance

units or portions thereof, any production from such acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation and the premium forfeited by the insured.

PAYMENT OF INDEMNITY

§ 418.2069 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation: *Provided, however* That, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of, such delay.

§ 418.2070 *Indemnity payment.* (a) Any indemnity due under the contract will be paid by issuance of a check payable to the order of the person(s) entitled to such payment under this subpart.

(b) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable, in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(c) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

(d) The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 418.2071 *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the wheat crop, the Corporation reserves the right to determine its liability under the contract, taking into consideration the amount paid by such other agency.

§ 418.2072 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 418.2073 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of this subpart.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 418.2074 *Indemnity subject to all provisions of contract.* Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium, plus any penalty due, or any other obligation of the insured to the Corporation: *Provided, however* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium, plus any penalty due on the land involved in the transfer, plus the unpaid amount of any other obligation of the transferee of the Corporation. Any indemnity payable to any person other than the original insured shall be subject to any collateral assignment of the contract by the original insured.

§ 418.2075 *Collateral assignment of right under contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 418.2074 and, (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however* That the assignee may submit a "Statement in Proof of Loss" if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 418.2076 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a wheat crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association, or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract

with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 418.2075: *Provided, however* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further* That an involuntary transfer of an insured interest in a wheat crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process, shall not entitle any holder of any such interest to any benefits under the contract. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 418.2077 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after seeding the wheat crop but before the time of loss, and his insured interest in the wheat crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all persons: *Provided, however*, That if the indemnity exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of the wheat crop but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded in his interest in the crop in the manner provided for in § 418.2076.

(c) If an applicant for insurance or the insured, as the case may be, dies, or is judicially declared incompetent less than 15 days before the applicable closing date for the filing of applications for insurance and before the beginning of seeding of the wheat crop intended to be covered by insurance, whoever succeeds him on the farm with the right to seed the wheat crop as his heir or heirs, administrator, executor, guardian, committee or conservator, shall be substituted for the original applicant or the insured upon filing with the office of the county association, or other office specified by the Corporation, within 15 days (unless such period is extended by the Corporation) after the date of such

death, judicial declaration, or before the date of the beginning of seeding, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the office of the county association, or other office specified by the Corporation, written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 418.2078 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 418.2079 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the wheat crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 418.2080 *Refunds of excess note payments.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the insured acreage of wheat has been determined for all insurance units covered by the contract.

There shall be no refund of an amount less than \$1.00 unless written request for such refund is received by the Corporation within one year after the expiration of the contract.

§ 418.2081 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any wheat crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 418.2082.

§ 418.2082 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 418.2077 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

§ 418.2083 *Establishment of coverages per acre.* The Corporation shall establish coverages in dollars per acre by areas, for use as set forth in § 418.2059 (a) Such coverages shall not exceed the average investment per acre in the crop in the area, as determined by the Corporation, taking into consideration recognized farming practices. Coverages so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation.

§ 418.2084 *Establishment of premium rates.* The Corporation shall establish premium rates in dollars per acre by areas for all land for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for 1948 wheat crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation.

GENERAL

§ 418.2085 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all wheat produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person or persons designated by the Corporation shall have access to the farm(s)

§ 418.2086 *Applicant's warranties; avoidance for fraud.* In applying for insurance the applicant warrants that the information, data and representations submitted by him in connection with the

contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the wheat crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the wheat crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 418.2087 *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 418.2088 *Rounding of fractional units.* Amount of insurance and premiums shall be rounded to the nearest cent. Fractions of acres shall be rounded to the nearest tenth of an acre. Total production shall be rounded to the nearest bushel. Computations shall be carried through the digit that is to be rounded. If the digit to be rounded is 1, 2, 3, or 4, the rounding shall be downward. If the digit to be rounded is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 418.2089 *Closing date.* The closing date for submission of applications to cover the spring wheat crop shall be the earlier of (a) the date of the beginning of seeding of the wheat crop on any insurance unit to be covered by the contract, or (b) March 15, 1948.

§ 418.2090 *Maturity date for annual premiums.* The maturity date for the payment of premiums shall be July 31, 1948.

§ 418.2091 *Meaning of terms.* For the purpose of the Wheat Crop Insurance Program, the term:

(a) "Contract" means the accepted application for insurance and the regulations in this subpart and any amendments thereto.

(b) "Corporation" means the Federal Crop Insurance Corporation.

(c) "County Actuarial Table" means the form and related material approved by the Corporation for listing the cover-

ages per acre and the premium rates per acre applicable in the county.

(d) "County Association" means the County Agricultural Conservation Association in the county.

(e) "Crop year" means the period within which the wheat crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Harvest" means any mechanical severance from the land of matured wheat for threshing, where the wheat crop has not been destroyed or substantially destroyed.

(g) "Insurance unit" means (1) all the insurable acreage of wheat in the county in which the insured has 100 percentum interest in the crop, or (2) all the insurable acreage in the county owned by one person which is operated by the insured as a share tenant, or (3) all the insurable acreage in the county which is owned by the insured and is rented to one share tenant. Land rented for cash or for a fixed commodity payment shall be considered to be owned by the lessee.

(h) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(i) "State director" means the representative of the Corporation responsible for the executive direction of the Federal Crop Insurance Program in the State.

(j) "Substitute crop" means any crop, except lespedeza, biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of wheat becomes general in the county, as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the wheat or in the growing wheat crop shall not be considered a substitute crop. If other small grains are seeded in the growing wheat crop on released acreage, the crop of mixed wheat and other grains shall be considered a substitute crop.

(k) "Summer fallow" for the purpose of this subpart means a practice which requires that the seedbed be worked periodically during the growing season of the idle year with such implements as will sufficiently control weeds, create a good seedbed and conserve moisture.

(l) "Tenant" means a person who rents land from another person for a share of the wheat crop or proceeds therefrom produced on such land.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on November 26, 1947.

[SEAL] E. D. BERRAW,
Secretary,
Federal Crop Insurance Corporation,

Approved: December 9, 1947.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-16361; Filed, Dec. 12, 1947; 8:50 a.m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 252]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.359 *Lemon Regulation 252*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 14, 1947, and ending at 12:01 a. m., P. s. t., December 21, 1947, is hereby fixed at 215 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 251 (12 F. R. 8203) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 11th day of December 1947.

[SEAL] C. F. KUNKEL,
Acting Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-11039; Filed, Dec. 12, 1947; 8:45 a. m.]

[Orange Reg. 207, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order as amended.* The provisions in paragraph (b) (1) (ii) of § 966.353 (Orange Regulation 207 12 F. R. 8204) are hereby amended to read as follows:

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 1,050 carloads; (b) Prorate District No. 2, unlimited movement; and (c) Prorate District No. 3, 75 carloads.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 11th day of December 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-11040; Filed, Dec. 12, 1947; 8:45 a. m.]

[Orange Reg. 208]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.354 *Orange Regulation 208*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and in-

formation submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 14, 1947, and ending at 12:01 a. m., P. s. t., December 21, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, no movement; (b) Prorate District No. 2, unlimited movement; and (c) Prorate District No. 3, no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1, 350 carloads; (b) Prorate District No. 2, no movement; and (c) Prorate District No. 3, 35 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 11th day of December 1947.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. December 14, 1947 to 12:01 a. m. December 21, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1		Prorate base (percent)
Handler		
Total	-----	100.0000
A. F. G. Lindsay	-----	2.7037
A. F. G. Porterville	-----	2.1521

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
A. F. G. Sides	0.7958
Ivanhoe Cooperative	.5081
Doffmeyer, W. Todd & Son	.4981
Elderwood Citrus Association	.8627
Exeter Citrus Association	2.8568
Exeter Orange Growers Association	1.2834
Exeter Orchards Association	1.3281
Hillsdale Packing Association, The	1.6807
Ivanhoe Mutual Orange Association	1.0086
Klink Citrus Association	3.9193
Lemon Cove Association	1.5075
Lindsay Citrus Growers Association	2.5608
Lindsay Cooperative Citrus Association	1.3512
Lindsay District Orange Co.	1.5220
Lindsay Fruit Association	1.9745
Lindsay Orange Growers Association	1.1497
Naranja Packing House Co.	.8415
Orange Cove Citrus Association	.1145
Orange Cove Orange Growers Association	2.4324
Orange Packing Co.	1.2986
Orosi Foothill Citrus Association	1.3441
Paloma Citrus Fruit Association	.9870
Pogue Packing House, J. E.	.6223
Rocky Hill Citrus Association	1.6419
Sanger Citrus Association	2.8588
Sequoia Citrus Association	.9050
Stark Packing Corp.	2.3074
Visalia Citrus Association	.9125
Waddell & Son	2.1415
Butte County Citrus Association, Inc.	.5624
Mills Orchard Co., James	.5122
Orland Orange Growers Association, Inc.	.6264
Andrews Edison Groves	.4615
Baird-Neece Corp.	1.7719
Beattie Association, Agnes M.	.4945
Grand View Heights Citrus Association	2.2841
Mangolia Citrus Association, The	2.1801
Porterville Citrus Association, The	1.3216
Richgrove-Jasmine Citrus Association	1.4713
Sandlands Fruit Co.	1.4634
Strathmore Cooperative Association	1.8275
Strathmore District Orange Association	1.7702
Strathmore Fruit Growers Association	1.1450
Strathmore Packing House Co.	1.8884
Sunflower Packing Association	2.2456
Sunland Packing House Co.	2.1801
Terra Bella Citrus Association	1.4700
Tule River Citrus Association	1.1153
Vandalia Packing Association	.5739
Kroells Brothers, Ltd.	1.4252
Lindsay Mutual Groves	1.9415
Martin Ranch	1.0293
Woodlake Packing House	1.7577
Abbate Co., The Charles	.2389
Anderson, R. M., Packing Co.	.8783
Baker Bros.	.1271
Calif. Citrus Groves, Inc., Ltd.	1.9343
Chess Company, Meyer W.	.1548
Edison Groves Co.	.6869
Evans Brothers Packing Co.	.9175
Exeter Groves Packing Co.	.7480
Ghanda Ranch Association	.0178
Harding & Leggett	1.5677
Justman Frankenthal Co.	.1333
Lo Bue Bros.	.8352
Marks, W. & M.	.4250
Paramount Citrus Association	.0632
R. M. C. Porterville	2.1474
Raymond Bros.	.1175
Reimers, Don H.	.2075

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Rooke Packing Co., B. G.	1.5922
Toy, Chin	.6271
Webb Packing Co., Inc.	.6523
Wollenman Packing Co.	.8225
Woodlake Heights Packing Corp.	.3083
Zaninovich Bros.	.4513
Prorate District No. 3	
Total	100.0000
Allen-Young Citrus Packing Co.	2.1444
Consolidated Citrus Growers	7.2572
McKellips Mutual Citrus Growers, Inc.	7.2167
McKellips Phoenix Citrus Co., Inc., O. H.	0.3325
Phoenix Citrus Packing Co.	3.6323
Arizona Citrus Growers	10.8651
Bumstead, Dale	.0200
Chandler Heights Citrus Growers	2.2115
Desert Citrus Growers Co., Inc.	4.6672
Mesa Citrus Growers	15.7111
Yuma Mesa Fruit Growers Association	.0020
Arizona Citrus Products Co.	3.0250
Libbey Fruit Packing Co.	3.9574
Pioneer Fruit Co.	4.0014
Tempe Citrus Co.	2.2160
Commercial Citrus Packing Co.	1.2323
Dhuyvetter Bros.	.8093
Ishikawa, Paul	.2544
Leppia-Pratt Produce Distributors, Inc.	7.0962
Macchiaroli Fruit Co., James	.6349
Morris Bros. Fruit Co.	.2769
Orange Belt Fruit Distributors	.1025
Potato House, The	.0223
Valley Citrus Packing Co.	1.3933

[F. R. Doc. 47-11638; Filed, Dec. 12, 1947; 8:45 a. m.]

PART 980—MILK IN THE TOPEKA, KANS., MARKETING AREA

Sec.	Findings and determinations.
980.0	Definitions.
980.1	Market Administrator.
980.2	Reports of handlers.
980.3	Classification of milk.
980.4	Minimum prices.
980.5	Application of provisions.
980.6	Determination of uniform price to producers.
980.7	Payments for milk.
980.8	Marketing services.
980.9	Expense of administration.
980.10	Effective time suspension or termination.
980.11	Separability of provisions.
980.12	Agents.
980.13	

AUTHORITY: §§ 980.0 to 980.13, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 7 U. S. C., 601 et seq., etc., 102 Reorg. Plan No. 1 of 1947, 12 F. R. 4534.

§ 930.0 Findings and determinations—
 (a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supp. 900.1 et seq., 12 F. R. 1159, 4904), a public

hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) This order and all of its terms and conditions will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) This order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce, or directly burden, obstruct, or affect interstate commerce in milk or its products.

(b) Additional findings. (1) It is hereby found and proclaimed in connection with the issuance of this order regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the prewar period August 1903-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but the purchasing power of such milk for the period August 1919-July 1929, can be satisfactorily determined from available statistics of the Department of Agriculture, and the period August 1919-July 1929 is the base period to be used in connection with this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately \$4,000 per year; and the prorata share of such expense to be paid by each handler is hereby approved in the maximum amount of 2 cents per hundred-weight on all milk received by such handler from producers during each delivery period.

(3) It is necessary, in the public interest, to make this order effective promptly so as to reflect current marketing conditions and to insure all producers an adequate return for their milk. Any delay in the effective date of this order beyond January 1, 1948, will seriously impair its effectiveness. The provisions of this order are well known to handlers—the public hearing having been conducted May 12-16, 1947, the recommended decision having been filed (12 F. R. 6464) on September 25, 1947, and the final decision (12 F. R. 7020)

having been executed by the Secretary on November 19, 1947. Therefore reasonable time is given handlers under the circumstances for preparation for the effective date specified below and it would be impracticable and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 239.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order which is marketed within the Topeka, Kansas, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1947) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, that such handling of milk and milk products by handlers operating in the Topeka, Kansas, marketing area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce in milk or its products, shall from the effective date hereof be in compliance with the following terms and conditions:

§ 980.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U. S. C. 601 et seq.) as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Topeka, Kansas, marketing area" hereinafter called "marketing area," means the City of Topeka and all the territory in Shawnee County, Kansas.

(d) "Person" means any individual, partnership, corporation, association or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is (1) produced under a dairy farm permit or rating issued by the health authorities of any municipal or State government for the production

of milk to be disposed of as Grade A milk, or (2) acceptable to agencies of the United States Government for fluid consumption in its institutions or bases. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from the farm to an unapproved plant.

(f) "Handler" means (1) any person in his capacity as the operator of an approved plant (i) from which Class I milk or Class II milk is disposed of in the marketing area on wholesale and retail routes (including plant stores) or (ii) which is used only as a receiving station for the assembling or cooling of milk which is shipped to a plant described in subdivision (i) of this subparagraph, or (2) any cooperative association, with respect to the milk of any producer which it causes to be diverted to either an approved or unapproved plant for the account of such cooperative association.

(g) "Approved plant" means any milk plant or portion thereof (1) which is approved by the health authorities of any municipal or State government for the handling of milk for consumption as Grade A milk and from which Class I milk or Class II milk is disposed of within the marketing area, or (2) which is supplying milk or cream to any agency of the United States Government located within the marketing area.

(h) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler. A producer who processes and packages milk of his own production shall not be considered a producer-handler if his entire output is disposed of to other handlers who purchase or receive milk in bulk from producers.

(i) "Producer milk" means all milk produced by a producer, other than a producer-handler, which is purchased or received by a handler either directly from such producers or from other handlers.

(j) "Other source milk" means all milk and milk products other than producer milk.

(k) "Milk product" means any product manufactured from milk or milk ingredients except those which are disposed of in the form in which received without further processing or packaging by the handler.

(l) "Market administrator" means the person designated pursuant to § 980.2 as the agency for the administration hereof.

(m) "Delivery period" means calendar month or the portion thereof during which this order is in effect.

(n) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members and (2) to have and

to be exercising full authority in the sale of milk of its members.

§ 980.2 *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations of the provisions hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay out of the funds provided by § 980.10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 980.9.

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 980.3, or (ii) made payments pursuant to § 980.8; and

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 980.3 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production or other handlers shall, with respect to all producer milk and other source milk which was purchased, received, or produced by such handler during the delivery period, report to the market administrator in the detail and form prescribed by the market administrator as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from any producer who did not deliver milk during the entire delivery period;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipts of other source milk;
 (5) The respective quantities of milk and milk products and the butterfat content thereof which were sold, distributed, or used including sales to other handlers for the purpose of classification pursuant to § 980.4.

(6) The sales of Class I and Class II products outside the marketing area; and

(7) Such other information with respect to the use of milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer: (1) The total pounds of milk delivered and the average butterfat content thereof and (2) the net amount of such handler's payments to such producer with the prices, deductions and charges involved.

(c) *Reports of producer-handlers and handlers whose sole source of supply is from other handlers.* Producer-handlers and handlers whose sole source of supply is from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products and in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 980.8.

§ 980.4 *Classification of milk.*—(a) *Milk to be classified.* All milk and milk products purchased or received by each handler shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of for consumption as milk, skim milk, buttermilk, flavored milk, and milk drinks, and unaccounted for butterfat in excess of 3 percent of the total receipts of butterfat (except receipts from other handlers) converted to a 3.8 percent milk equivalent, and all milk not classified as Class II milk or Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream other than for use in products specified in subparagraph (3) of this paragraph, cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese (other than cottage cheese) evaporated milk, condensed milk, ice cream, ice cream mix and powdered milk; disposed of as livestock feed; used for starter churning, wholesale baking and candy making purposes; the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible; and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

(c) *Transfers of milk.* (1) Milk, skim milk or cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant where such milk was received from producers shall be Class I if moved in the form of milk or skim milk, and Class II if moved in the form of cream.

(2) Milk, skim milk, or cream which is moved from an approved plant to an unapproved plant from which any milk, skim milk, or cream is disposed of as Class I or Class II milk within the marketing area shall be classified as Class I or Class II to the extent of such disposition.

(3) Milk, skim milk or cream which is moved from an approved plant to an unapproved plant from which any milk, skim milk, or cream is disposed of as a Class I or Class II product under a Grade A label shall be classified as Class I or Class II to the extent of such disposition.

(4) Except as provided in subparagraphs (2) and (3) of this paragraph, milk moved as milk or skim milk from an approved plant to an unapproved plant which is located less than 100 miles from the approved plant, and from which fluid milk is distributed shall be Class I unless all the following conditions are met: (i) The market administrator is permitted to verify the records of such unapproved plant; (ii) the receipts of producer milk at the approved plant are greater than the total sales of Class I and Class II milk by the handler in the marketing area; and (iii) milk is received at the unapproved plant from dairy farmers.

If all the above conditions are met the market administrator shall classify such milk as reported by the handler subject to reclassification upon verification as follows: (a) Determine the use of all milk and milk products at such unapproved plant, and (b) allocate the milk moved from the approved plant to the highest use remaining after subtracting in series beginning with the highest use classification the receipts of milk at the unapproved plant direct from dairy farmers.

(5) Except as provided in subparagraphs (2) and (3) of this paragraph, milk moved as cream from an approved plant to an unapproved plant which is located less than 100 miles from the approved plant, and from which fluid cream

is distributed shall be Class II unless all of the following conditions are met: (i) the market administrator is permitted to verify the records of such unapproved plant; (ii) the receipts of producer milk at the approved plant are greater than the total sales of Class I and Class II milk by the handler in the marketing area; and (iii) milk is received at the unapproved plant from dairy farmers.

If all of the above conditions are met, the market administrator shall classify such milk as reported by the handler subject to reclassification upon verification as follows: (a) Determine the use of all milk and milk products at such unapproved plant; and (b) allocate the milk moved from the approved plant to the highest use remaining after subtracting in series beginning with the highest use classification the receipts of milk at the unapproved plant direct from dairy farmers.

(6) Except as provided in subparagraphs (1) and (2) of this paragraph, milk, skim milk and cream moved from an approved plant to an unapproved plant which does not distribute fluid milk or cream shall be Class III milk.

(7) Any milk moved from an approved plant to an approved plant of another handler who purchases or receives milk from producers, shall be Class I if moved in the form of milk or skim milk, and Class II if moved in the form of cream, unless utilization in another class is indicated in writing by both the seller and the buyer on or before the 5th day after the end of the delivery period, but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler: *Provided*, That if either or both handlers have purchased other source milk such milk so sold or disposed of shall be classified at both plants so as to return the highest class utilization to producer milk.

(8) Milk sold or disposed of by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class I if disposed of in the form of milk or skim milk, and Class II if disposed of in the form of cream.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in paragraph (b) of this section of any milk received by a handler from producers, the burden rests upon the handler who received the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(e) *The allocation of other source milk.* Other source milk purchased or received by a handler who purchases or receives milk from producers shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of the Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(f) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator the amount of milk in each class as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: Add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) Multiply by its average butterfat test the weight of the milk received from (a) producers, (b) own farm production, (c) other handlers, and (d) other sources, and (ii) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) subtract the weight of any flavoring materials included, (iii) multiply the result by the average butterfat test of such milk, and (iv) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subdivision (ii) of subparagraph (4) and subdivision (iii) of subparagraph (5) of this paragraph, is less than the total pounds of butterfat received computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 0.038 and added to the quantity of milk determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 0.038.

(5) Determine the total pounds of milk in Class III as follows: (i) Multiply the actual weight of each of the several products of Class III by its average butterfat content; (ii) add together the resulting amounts; (iii) add the amount of butterfat allowed as plant shrinkage pursuant to subparagraph (6) of this paragraph; and (iv) divide the resulting sum by 0.038.

(6) The amount of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (i) 3 percent of the total receipts of butterfat by the handler, exclusive of receipts from other handlers, or (ii) the amount, if any, by which the sum of the pounds of butterfat computed pursuant to subdivision (iii) of subparagraph (3) subdivision (ii) of subparagraph (4) and subdivision (ii) of subparagraph (5) of this paragraph, is less than the total receipts of butterfat by the handler.

(7) Determine the classification of milk received from producers as follows: (i) Subtract from the total pounds of milk in each class the pounds of other source milk allocated to such class pursuant to paragraph (e) of this section, and (ii) subtract from the remaining pounds of milk in each class the pounds

of producer milk which were received from other handlers and used in such class.

(g) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes as computed pursuant to subparagraph (7) of paragraph (f) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to paragraph (c) of § 980.6 such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for a handler, as computed pursuant to subparagraph (7) of paragraph (f) of this section is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to subparagraph (7) of paragraph (f) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by subtracting in series beginning with the lowest class use of such handler an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

§ 980.5 *Minimum prices*—(a) *Class prices.* Subject to the differential set forth in paragraph (c) of this section, each handler shall pay producers at the time and in the manner set forth in § 980.8, not less than the following prices for milk purchased or received from them:

(1) *Class I milk.* The price per hundredweight for Class I milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 60 cents: *Provided,* That during any delivery period prior to April 1, 1948, the price shall be the price pursuant to paragraph (b) of this section plus 60 cents or \$4.90, whichever is higher.

(2) *Class II milk.* The price per hundredweight for Class II milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section plus 35 cents: *Provided,* That during any delivery period prior to April 1, 1948, the price shall be the price pursuant to paragraph (b) of this section plus 35 cents or \$4.65, whichever is higher.

(3) *Class III milk.* The price per hundredweight for Class III milk during each delivery period shall be the average price ascertained by the market administrator to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants: The Jensen Creamery Company at its plant at Topeka, Kansas, the Beatrice Foods Company at its plant at Topeka, Kansas, and the Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices shall be the higher of the prices calculated pursuant to subparagraphs (1) or (2) of this paragraph.

(1) The arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content, received during the immediately preceding delivery period at the following plants and places, divided by 3.5 and multiplied by 3.8:

Company and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bond, Wis.

(2) The price calculated by the market administrator as follows: (i) Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the immediately preceding delivery period, and add 20 percent, and (ii) add 3½ cents for each full one-half cent that the price of nonfat dry milk solids suitable for human consumption is above 5½ cents per pound, or subtract 3½ cents for each full one-half cent that the price of such nonfat dry milk solids is below 5½ cents per pound. The price per pound of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, suitable for human consumption, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture for the immediately preceding delivery period, including in such average, the quotations for any part of the second preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for nonfat dry milk solids suitable for human consumption, f. o. b. manufacturing plants, the average of the carlot prices for nonfat dry milk solids suitable for human consumption delivered at Chicago shall be used, and 3½ cents shall be added or subtracted for each full one-half cent that the latter price is above or below 7½ cents per pound.

(c) *Butterfat differential.* If the average butterfat content of milk purchased or received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth

of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

§ 980.6 *Application of provisions.* (a) The provisions of §§ 980.4, 980.5, 980.7, 980.8, 980.9, 980.10, 980.11, 980.12, and 980.13 shall not apply to a producer-handler or to a handler whose sole source of supply is from other handlers.

(b) If a handler has purchased or received other source milk the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of § 980.7 shall consider such milk as Class III milk. If the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler, and (2) the value at the Class III price. This additional payment shall not apply if the market administrator determines that such other source milk was used in Class I and Class II only to the extent that producer milk was not available to the handler at the class prices provided pursuant to subparagraphs (1) and (2) of paragraph (a) of § 980.5.

(c) If a handler, after subtracting receipts from other handlers and receipts of other source milk has disposed of milk or butterfat in excess of the milk or butterfat which on the basis of his reports, has been credited to his producers as having been delivered by them the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of § 980.7 shall add an amount equal to the value of such milk or butterfat according to its utilization by the handler.

(d) Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 15 days during any delivery period shall be considered an interhandler transfer of milk, and shall be considered as having been received by the handler who caused the milk to be diverted.

(e) In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of paragraph (d) of § 980.3.

(2) If the prices which such handler is required to pay under the other order to which he is subject for milk which would be classified as Class I or Class II milk under this order, are less than the respective prices provided pursuant to subparagraphs (1) and (2) of paragraph (a) of § 980.5, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I

milk or Class II milk: within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to subparagraphs (1) and (2) of paragraph (a) of § 980.5, and its value as determined pursuant to the other order to which he is subject.

§ 980.7 *Determination of uniform price to producers.*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of milk in each class computed pursuant to § 980.4 by the class prices set forth in § 980.5 and add together the resulting values;

(2) Add, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent and deduct if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to paragraph (c) of § 980.5; and

(3) Add an amount equal to the total values pursuant to paragraphs (b) and (c) of § 980.6.

(b) *Computation and announcement of the uniform price.* The market administrator shall compute and announce the uniform price per hundredweight for milk purchased or received from producers during each delivery period in the following manner:

(1) Combine into one total the net pool obligations computed pursuant to paragraph (a) of this section of all handlers who made the reports prescribed in § 980.3 and who made the payments prescribed in § 980.8 for the previous delivery period;

(2) For each of the delivery periods of May, June, and July subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations to be retained in the producer-settlement fund for the purposes specified in subparagraph (2) of paragraph (f) of § 980.8;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Deduct if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and add, if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to paragraph (c) of § 980.8.

(5) Divide by a figure equal to the total hundredweight of milk received by handlers from producers and included in these computations;

(6) Subtract from the figure computed pursuant to subparagraph (5) of this paragraph not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(7) On or before the 8th day after the end of such delivery period, mail to all handlers (i) such of these computations as do not disclose information confidential pursuant to the act; (ii) the uniform price per hundredweight computed pursuant to subparagraph (6) of this paragraph; (iii) the prices for Class I milk, Class II milk and Class III milk; and (iv) the butterfat differentials computed pursuant to paragraph (c) of § 980.5 and paragraph (c) of § 980.8.

§ 980.8 *Payments for milk.*—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to paragraph (b) of this section, and subject to the differential set forth in paragraph (c) of this section, shall make payment to producers at the uniform price per hundredweight computed pursuant to paragraph (b) of § 980.7 for the total quantity of milk received from producers: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) *Half-delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for milk received from him during the first 15 days of the delivery period at not less than the Class III price for the previous delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(c) *Butterfat differential.* If during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent not more than an amount computed by the market administrator as follows: add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by

handlers pursuant to paragraphs (e) and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum required to be paid producers by such handler pursuant to this section and shall enter such amount on such handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(e) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered pursuant to paragraph (d) of this section for such delivery period.

(f) *Payments out of the producer-settlement fund.* (1) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (d) of this section for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make payment pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who, on the 12th day after the end of each delivery period has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payments from the producer-settlement fund. Such handler shall complete such payments not later than the time of making payments to producers next following after receipt of the balance from the market administrator. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(2) On or before the 15th day after the end of each of the delivery periods of October, November and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide one-third of the total amount held pursuant to subparagraph (2) of paragraph (b) of § 980.7 by the hundredweight of producer milk received during the delivery period involved (October, November or December as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this subsection due any producer who has given

authority to a cooperative association which is qualified pursuant to paragraph (b) of § 980.9 to receive payments for his milk shall be made to such cooperative association if such cooperative association requests receipt of such payment.

(g) *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

(h) *Statements to producers.* In making payments to producers as prescribed in paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show—

- (1) The delivery period and the identity of the handler and of the producer;
- (2) The total pounds of milk delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;
- (3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (c) of this section;
- (4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;
- (5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 980.9 together with a description of the respective deductions; and
- (6) The net amount of payment to the producer.

§ 980.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer other than himself pursuant to paragraph (a) of § 980.8 with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the

market administrator for market information to, and for the verification of weights, sampling and testing of milk received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to paragraph (a) of § 980.8 which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay such deductions to the market administrator for the account of the association of which such producers are members.

§ 980.10 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of administration hereof, each handler who purchased or received milk from producers, with respect to all milk purchased or received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe.

§ 980.11 *Effective time, suspension or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which require further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand-together with the books and records of the market administrator, or such person, to such person as

the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 980.12 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

§ 980.13 *Agents.* The Secretary may, by designation in writing name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 9th day of December 1947, to be effective on and after the 1st day of January 1948.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-10962; Filed, Dec. 12, 1947; 8:59 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 103.61]

PART 65—VISAS: DOCUMENTARY REQUIREMENTS FOR ALIEN SEAMEN AND AIRMEN ENTERING THE UNITED STATES

CREW LIST VISAS NOT REQUIRED

Pursuant to the authority contained in Reorganization Plan V (3 CFR, Cum. Supp. 1304) E. O. 4049, July 14, 1924; E. O. 8766, June 3, 1941, E. O. 9352, June 15, 1943; Proc. 2523, Nov. 14, 1941, 39 Stat. 874-879, 892-897; 40 Stat. 559, 1012-1013; 41 Stat. 981, 1008-9, 1217; 43 Stat. 153-169, 976; 45 Stat. 1551, 46 Stat. 41; 47 Stat. 67; 48 Stat. 456, 462-3; 50 Stat. 164; 53 Stat. 561; 54 Stat. 673-6, 1137, 1151-1152; 5 U. S. C. 133; 8 U. S. C. 101-2, 136-173, 180, 201-226, 451, 452, 458, 459, 501, 22 U. S. C. 223-226, 227; 48 U. S. C. 1232, 1238; the following new paragraph (h) is hereby added to § 65.56, Chapter I,

Title 22, of the Code of Federal Regulations (Departmental Regulation 103.20; 11 F. R. 10108)

§ 65.56 *Crew-list visas not required.* * * *

(h) Members of the crew of vessels or aircraft who desire to land temporarily in the Virgin Islands while the vessels or aircraft on which they are employed are in a Virgin Islands port.

This regulation will become effective immediately upon publication in the FEDERAL REGISTER. The publication of notice and the public procedure referred to in section 4 of the Administrative Procedure Act (60 Stat. 238) with respect to the substantive provisions of this regulation are not required because this regulation involves foreign-affairs functions.

Approved: November 20, 1947.

[SEAL] ROBERT A. LOVETT,
Acting Secretary of State.

Recommended: November 17, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-10373; Filed, Dec. 12, 1947; 9:12 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

CERTAIN EXPORTATIONS OF STREPTOMYCIN

It is hereby ordered, That, effective immediately, and notwithstanding the provisions of any type of license contained in this chapter, no streptomycin shall be exported by means of mail to Germany from the United States.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: December 5, 1947.

FRANCIS McINTYRE,
Director,
Export Supply Branch.

[F. R. Doc. 47-10977; Filed, Dec. 12, 1947; 8:49 a. m.]

Subchapter B—Export Control

[Amdt. 373]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

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

The dollar value limits in the column headed "GLV Dollar Value Limits" set forth opposite the commodity listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	GLV dollar value limits country group	
		E	E
81373	Medicinal and pharmaceutical preparations: Streptomycin	100	100

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: December 2, 1947.

FRANCIS McINTYRE,
Director,
Export Supply Branch.

[F. R. Doc. 47-10330; Filed, Dec. 12, 1947; 8:59 a. m.]

[Amdt. 373]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended as follows:

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

Dept. of Comm. Sched. B No.	Commodity	Unit	GLV dollar value limits country group	
			E	E
77030	Mechanical (Dry) Vacuum Pumps With a theoretical displacement at normal operating speeds of 29 cubic feet per minute or more and capable of producing a vacuum of 1 millimeter of mercury pressure absolute.	Unit	None	None
77030	Diffusion Vacuum Pumps 5 inches in diameter and 1 layer (diameter measured 1 in. in the barrel at the inlet flange).	Unit	None	None
77033	Parts for mechanical (dry) vacuum pumps with a theoretical displacement at normal operating speeds of 29 cubic feet per minute or more and capable of producing a vacuum of 1 millimeter of mercury pressure absolute.	None	None	None
77033	Parts for diffusion vacuum pumps, 5 inches in diameter and 1 layer (diameter measured 1 in. in the barrel at the inlet flange).	None	None	None
82000	Chemical Specialties: Diffusion pump oils (oils enabling the attainment of vacuum of 10 ⁻⁴ millimeters of mercury pressure absolute in a single stage diffusion pump) (stable Solignum diffusion pump fluid).	Lb.	\$25	\$25

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App.

and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: December 8, 1947.

FRANCIS McINTYRE,
Director
Export Supply Branch.

[F. R. Doc. 47-10981; Filed, Dec. 12, 1947; 8:50 a. m.]

[Amdt. 374]

PART 804—INDIVIDUAL LICENSES
WEIGHT AND VOLUME TOLERANCE

Section 804.4 *Weight and volume tolerance* is amended to read as follows:

§ 804.4 *Weight and volume tolerance.* (a) For all commodities requiring an export license, unless otherwise specified in such license, a ten percent (10%) tolerance by weight or volume over the amount specified in the license is allowed, except as listed below:

Commodity and Tolerance

Pharmaceuticals and finished drugs: 1 percent.

Radium and radium salts: Nearest 100 milligrams.

Uranium and uranium salts: Nearest 100 milligrams.

(b) This tolerance is allowed only when the unit of quantity called for on the license application is in terms of weight or volume and shall not be allowed where the quantity called for is in terms of other units, except as provided in paragraph (f) of this section.

(c) In all cases, the tolerance shall be allowed on the basis of the actual quantity stated in the license; and in no case shall the tolerance exceed ten percent (10%) of such quantity.

(d) Where commodities are licensed in terms of both standard size container units and weight or volume units, the tolerance is allowed on the total weight or volume licensed: *Provided*, That the number of standard size container units shall not be increased over the number thereof stated in the license.

(e) Whenever one or more partial shipments of the licensed commodity have been made, the license remains valid only for the unshipped balance of the licensed commodity plus ten percent (10%) of such balance.

(f) Where the amount or quantity on a license is required to be shown in number of units other than weight or volume a tolerance is allowed only as follows:

	Percent
Jute bags, Schedule B No. 322401.....	2

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: November 28, 1947.

FRANCIS McINTYRE,
Director
Export Supply Branch.

[F. R. Doc. 47-10979; Filed, Dec. 12, 1947; 8:50 a. m.]

[Interpretation 1]

PART 804—INDIVIDUAL LICENSES
WEIGHT AND VOLUME TOLERANCE

The following interpretation is hereby issued concerning certain provisions of § 804.4 *Weight and volume tolerance*:

(a) Paragraph (c) of § 804.4 provides that the tolerance shall be allowed on the basis of the actual quantity stated in the license. This provision means, for example that:

(1) If the quantity shown on the license is "100,000 lbs." not more than 110,000 lbs. may be exported.

(2) If the quantity shown on the license is "100,000 lbs. 10 percent more or less" not more than 110,000 lbs. may be exported.

(3) If the quantity shown on the license is "approximately 100,000 lbs.", not more than 110,000 lbs. may be exported.

(b) Section 804.4 (d) provides for a tolerance, subject to certain limitations, in cases where commodities are licensed in terms of both standard size container units and weight or volume units. This provision means, for example, that if the license authorizes the shipment of 10,000 pounds of a commodity in twenty 500-pound drums, that license may be used to clear an exportation of not more than 11,000 pounds in not more than twenty such drums.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Issued: December 4, 1947.

FRANCIS McINTYRE,
Director
Export Supply Branch.

[F. R. Doc. 47-10978; Filed, Dec. 12, 1947; 8:49 a. m.]

Chapter XXIV—Department of State,
Disposal of Surplus Property

[Dept. Reg. 108.60; FLO Reg. 8, Order 5, Revocation]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

FORMS FOR REPORTING AIRCRAFT, AIRCRAFT ENGINES AND OTHER AERONAUTICAL PROPERTY SCRAPPED

FLC Regulation 8, Order 5, entitled *Forms For Reporting Aircraft, Aircraft Engines and Other Aeronautical Property Scrapped* (11 F. R. 560, 13423) is hereby revoked.

This revocation shall be effective when published in the FEDERAL REGISTER.

Approved: December 8, 1947.

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-10974; Filed, Dec. 12, 1947; 8:48 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 61]

[192.31]

AIRPORTS OF ENTRY

NOTICE OF PROPOSED REDESIGNATION OF CERTAIN TEMPORARY AIRPORTS OF ENTRY AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)) it is proposed to redesignate effective January 1, 1948, the following-named airports as airports of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (49 U. S. C. 179 (b)), without time limit:

Municipal Airport, Akron, Ohio.
Baudette Municipal Airport, Baudette, Minn.
Bellingham Airport, Bellingham, Wash.
Calexico Municipal Airport, Calexico, Calif.
Cut Bank Airport, Cut Bank, Mont.
Fort Yukon Airfield, Fort Yukon, Alaska.
Grand Forks Municipal Airport, Grand Forks, N. Dak.
Gore Field, Great Falls, Mont.
International Falls Municipal Airport, International Falls, Minn.
Laredo Municipal Airport, Laredo, Tex.
Malone-Dufort Airport, Malone, N. Y.
Chalks Flying Service Seaplane Base, Miami, Fla.
Sault Ste. Marie Airport, Sault Ste. Marie, Mich.
Felts Field, Spokane, Wash.

It is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) to include the locations and names of these airports, and to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943

(19 CFR, Cum. Supp., 6.13), as amended, by deleting the locations, names, and dates and periods of designations of the airports involved.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) Data, views, or arguments with respect to the proposed redesignations of the above-listed airports as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

DECEMBER 9, 1947.

[F. R. Doc. 47-10982; Filed, Dec. 12, 1947; 8:49 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51797]

"NO CONSUL" LIST

DECEMBER 8, 1947.

Revised "No consul" list superseding T. D. 51400, as amended.

The appended list of places which the Bureau of Customs, on recommendation to the Treasury Department from the Department of State, holds to be so remote from an American consulate as to render impracticable certification by an American consular officer of invoices covering merchandise from those places is published for the information and guidance of collectors of customs and others concerned. Under the provisions of section 492 (f) Tariff Act of 1930 (U. S. C. Title 19, sec. 1492 (f)) such invoices may be certified by a consular officer of a nation at the time in amity with the United States or, if there be no such consular officer available such invoices shall be executed before a notary public or other officer having authority to administer oaths and having an official seal. T. D. 51400, as amended, is hereby superseded.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

"NO CONSUL" LIST

(Corrected to October 1, 1947)

Abidjan, Ivory Coast, French West Africa.
Abonena, Nigeria, British West Africa.
Acklin Island, British West Indies.
Akassa, Nigeria, British West Africa.
Amboina, Molucca Islands, Netherlands East Indies.
Anabas Islands, Netherlands East Indies.
Apia, Western Samoa.
Assinie, Ivory Coast, French West Africa.
Atlin, British Columbia, Canada.
Axim, Gold Coast, British West Africa.
Bakana, Nigeria, British West Africa.
Banda, Molucca Islands, Netherlands East Indies.
Bandar Abbas, Iran.
Baracoa, Cuba.
Bata, Rio Muni.
Bathhurst, Gambia, British West Africa.
Benguela, Angola.
Benin City, Nigeria, British West Africa.
Bingerville, Ivory Coast, French West Africa.
Bonthe, Sherbro Island, Sierra Leone, British West Africa.
Brass, Nigeria, British West Africa.
British North Borneo, British Malaysia.
Bugama, Nigeria, British West Africa.
Burutu, Nigeria, British West Africa.
Butaritari, Gilbert Islands.
Carcos Island, Jamaica.
Calabar, Nigeria, British West Africa.
Cananova, Cuba.
Cape Palmas, Liberia.
Cape Verde Islands, West Africa.
Carcross, Yukon Territory, Canada.
Cayenne, French Guiana.
Cayman Islands, Jamaica.
Champerico, Guatemala.
Chimbote, Peru.
Cobija, Bolivia.
Cockburn Harbour, Bahamas.
Conakry, French Guinea, French West Africa.
Cotonou, Dahomey, French West Africa.
Dawson, Yukon Territory, Canada.
Degama, Nigeria, British West Africa.

Dobo, Molucca Islands, Netherlands East Indies.
Dominica, British West Indies.
Eket, Nigeria, British West Africa.
Elminia, Gold Coast, British West Africa.
Falkland Islands.
Fanning Island, Pacific Ocean.
Faeroe Islands, Denmark.
Fernando Po, Gulf of Guinea.
Forcados, Nigeria, British West Africa.
Freetown, Sierra Leone, British West Africa.
French Cameroons, West Africa.
French Equatorial Africa, West Africa.
Funafuti, Ellice Islands.
Gibara, Cuba.
Gorontalo, Celebes, Netherlands East Indies.
Grand Bassam, Ivory Coast, French West Africa.
Grand Connetable, French Guiana.
Grand Lahu, Ivory Coast, French West Africa.
Greenland, All except Godthaab.
Guadaloupe, French West Indies.
Guanaco, Venezuela.
Guayaramerin, Bolivia.
Half Assinie, Gold Coast, British West Africa.
Harrar, Ethiopia.
Hedley, British Columbia, Canada.
Hodeidah, Yemen.
Honlara, Solomon Islands.
Iceland (except Reykjavik).
Islan Mujeres, Quintana Roo, Mexico.
Keta, Gold Coast, British West Africa.
Kismayu, Italian Somaliland.
Koko, Nigeria, British West Africa.
Leticia, Colombia.
Lindi, Tanganyika Territory, Africa.
Lobito, Angola.
Lome, Togoland, French West Africa.
Manizales, Colombia.
Mano Sallja, Sierra Leone, British West Africa.
Manopla, Cuba.
Massaua, Eritrea.
Matthew Town, Inagua, Bahamas.
Mauritius, Island of, Indian Ocean.
Mikindani, Tanganyika Territory.
Mogadiscio, Italian Somaliland.
Mossamedes, Angola.
Munda, Solomon Islands.
Murmansk, USSR.
Muscat, Oman, Arabia.
Natuna Island, Sumatra, Netherlands East Indies.
Nauru Island, Pacific Ocean.
Niue (Savage) Island, Pacific Ocean.
Nsawam, Gold Coast, British West Africa.
Nukufetau, Ellice Islands.
Onitsha, Nigeria, British West Africa.
Opobo, Nigeria, British West Africa.
Ormuz, Iran.
Orocue, Colombia.
Oron, Nigeria, British West Africa.
Petropavlovsk, USSR.
Port Darwin, Australia.
Port Loko, Sierra Leone, British West Africa.
Port Pirie, South Australia, Australia.
Port Vila, New Hebrides.
Port Novo, Dahomey, French West Africa.
Portuguese Guinea, West Africa.
Principe, Island of, Gulf of Guinea.
Providencia, Isla de, Colombia.
Providencial Island, Bahamas.
Puerto Carreno, Colombia.
Puerto Lopez, Colombia.
Puerto Padre, Cuba.
Puerto Vita, Cuba.
Punta Arenas, Chile.
Raratonga, Cook Island.
Reunion Island, Indian Ocean.
Riberalta, Bolivia.
Robertson, Liberia.
Rum Cay, Bahamas.
Rurrenabaque, Bolivia.
St. Bartholomew, French West Indies.
St. Eustatius, Netherlands West Indies.
St. Laurent, French Guiana.

St. Martin, French West Indies.
St. Martin, Netherlands West Indies.
Sama, Cuba.
San Andrea, Island of, Colombia.
Santa Marta, Colombia.
Sao Tome, Island of, Gulf of Guinea.
Sapele, Nigeria, British West Africa.
Sarawak, British Malaysia.
Savage Island, Pacific Ocean, see Niue Island.
Sekondi, Gold Coast, British West Africa.
Seso, Gold Coast, British West Africa.
Seychelles Islands, Indian Ocean.
South Georgia Island, South Atlantic Ocean.
Sullima, Sierra Leone, British West Africa.
Tacna, Peru.
Tahoradi, Gold Coast, British West Africa.
Tarawa, Gilbert Islands.
Ternate, Molucca Islands, Netherlands East Indies.
Thursday Island, Australia.
Tiko, British Cameroons.
Tonga (Friendly) Islands.
Tripoli, Libya.
Tulsequah, British Columbia, Canada.
Turks Island, Jamaica.
Union of Soviet Socialist Republics, Zone of Occupation in Germany.
Victoria, British Cameroons.
Villa Bella, Bolivia.
Warri, Nigeria, British West Africa.
Washington Island, Pacific Ocean.
Whitehorse, Yukon Territory, Canada.
Zihautenejo, Mexico.

[P. R. Doc. 47-10376; Filed, Dec. 12, 1947;
8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1578415]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF LANDS
RESTORED FROM CENTRAL VALLEY PROJECT,
CALIFORNIA

DECEMBER 2, 1947.

An order of the Bureau of Reclamation dated May 22, 1947, concurred in by the Director, Bureau of Land Management June 20, 1947, revoked Departmental order of March 11, 1936, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 386) the lands hereinafter described in connection with the Central Valley Project, California, and provided that such revocation shall not affect the withdrawal of any other lands by said order of any other order withdrawing or reserving the lands described.

At 10:00 a. m. on February 3, 1948, 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 February 4, 1948, to May 4, 1948, 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. 603, 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. Sup., 279-283), as amended, subject to

NOTICES

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 January 15, 1948, to February 3, 1948, 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 February 4, 1948, 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 May 5, 1948, 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 April 15, 1948, to May 4, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 5, 1948, 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, Sacramento, 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, Sacramento, California.

The lands affected by this order are described as follows:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
 Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The above areas aggregate 102.5 acres.

Available information indicates that this land is generally hilly and mountainous, supporting a scattered stand of pine and oak timber with a dense brush undergrowth.

FRED W. JOHNSON,
 Director

[F. R. Doc. 47-10953; Filed, Dec. 12, 1947;
 8:46 a. m.]

[Misc. 2113972]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY
 ACCEPTED MARCH, 10, 1947

DECEMBER 5, 1947.

Notice is given that the plat of survey of a portion of the township hereinafter described will be officially filed, in the District Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on February 6, 1948. 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 February 6, 1948 to May 6, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead 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. Sup. 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. Application 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 January 17, 1948, to February 6, 1948, 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 February 6, 1948, 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 May 7, 1948, 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 April 16, 1948, to May 7, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 7, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their cer-

tificates 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, Fairbanks, Alaska, 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), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Fairbanks, Alaska.

The lands affected by this notice are described as follows:

FAIRBANKS MERIDIAN

T. 1 N., R. 2 E.,
 Secs. 19, 20, 27, 28, 29, 30, 31, 32, 33 and 34.

The areas described aggregate 6,390.50 acres.

The lands in this township are mostly wet tundra with patches of scrub timber and undergrowth. There is a ridge in the western portion.

FRED W. JOHNSON,
 Director

[F. R. Doc. 47-10955; Filed, Dec. 12, 1947;
 8:46 a. m.]

[Misc. 2143562]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC
 LANDS RESTORED FROM COLORADO RIVER
 STORAGE PROJECT

DECEMBER 3, 1947.

An order of the Bureau of Reclamation dated August 12, 1947, concurred in by the Director, Bureau of Land Management August 25, 1947, revoked Departmental order of January 3, 1929, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described in connection with the Colorado River Storage Project, Nevada, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on February 4, 1948, 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 February 5, 1948, to May 5, 1948, inclusive, the public lands af-

ected 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. 632a) 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. Sup., 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 January 16, 1948, to February 4, 1948, 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 February 5, 1948, 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 May 6, 1948, 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 April 16, 1948, to May 5, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 6, 1948, 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 at Carson City, Nevada, 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 at Carson City, Nevada.

The lands affected by this order are described as follows:

No. 243—4

MOUNT DIABLO MEXICAN, NEVADA

T. 23 S., R. 63 E.,
Sec. 29, NW¼.

The above area aggregates 100 acres.

Available information indicates that this land is rough and rocky, and is cut by a steep narrow canyon and deep draws.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-10354; Filed, Dec. 12, 1947;
8:46 a. m.]

[Misc. 1769378]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY
ACCEPTED JANUARY 4, 1943, AND FEBRUARY
10, 1944.

Correction

In Federal Register Document 47-10723, appearing on page 8212 of the issue for Saturday, December 6, 1947, the first sentence of the third paragraph of paragraph (d) should read: "Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona, 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."

DEPARTMENT OF COMMERCE

Office of Materials Distribution

[Haulage Request TR-3, as amended June
18, 1947, Amdt. 1]

TRANSPORTATION IN HIGH PRESSURE TANK
CARS AND STORAGE OF SPECIFIED MATE-
RIALS

Haulage Request TR-3, as amended
June 18, 1947 (12 F. R. 4429), is hereby
further amended as follows:

In section 5, by deleting the dates
"December 15, 1947" and inserting in lieu
thereof the dates "January 25, 1948"

Issued this 12th day of December 1947.

RAYMOND S. HOOVER,
Issuance Officer.

[F. R. Doc. 47-11032; Filed, Dec. 12, 1947;
10:03 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-937]

MOUNTAIN FUEL SUPPLY Co.

NOTICE OF AMENDMENT TO APPLICATION

DECEMBER 9, 1947.

Notice is hereby given that on Decem-
ber 2, 1947 an amendment was filed with
the Federal Power Commission by Moun-
tain Fuel Supply Company (Applicant),
a Utah corporation with its principal
place of business at Salt Lake City,
Utah, to its application filed herein on
October 6, 1947 for a certificate of public
convenience and necessity pursuant to
section 7 of the Natural Gas Act, as
amended, to include authorization for

the operation of the presently existing
coke-oven gas main for the transporta-
tion of natural gas to the towns of Provo,
Springville and Spanish Fork and con-
tiguous areas in Utah County, in the
State of Utah, subject to the jurisdiction
of the Commission, which are described
as follows:

2.5 miles of 6-inch belt loop and 0.6 mile
of 12-inch belt loop pipelines in the town
of Provo; 2.4 miles of 16-inch main pipeline
from the town of Provo to the town of Iron-
ton; 2.7 miles of 8-inch main pipeline from
the town of Ironton to the town of Spring-
ville; and 4.7 miles of 6-inch main pipeline
from the town of Springville to the town
of Spanish Fork, all within Utah County,
State of Utah.

Any interested State Commission is
requested to notify the Federal Power
Commission whether the application as
amended should be considered under the
cooperative provisions of Rule 37 of the
Commission's rules of practice and pro-
cedure (18 CFR 1.37) and, if so, to ad-
vice the Federal Power Commission as
to the nature of its interest in the matter
and whether it desires a conference, the
creation of a board, or a joint or con-
current hearing, together with reasons
for such request.

The application, as amended, of
Mountain Fuel Supply Company is on
file with the Commission and is open to
public inspection. Any person desiring
to be heard or to make any protest with
reference to the application as amended
shall file with the Federal Power Com-
mission, Washington 25, D. C., not later
than 15 days from the date of publica-
tion of this notice in the FEDERAL REG-
ISTER, a petition to intervene or protest.
Such petition or protest shall conform to
the requirements of Rule 8 or 10, which-
ever is applicable, of the rules of practice
and procedure (as amended on June 16,
1947) (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10369; Filed, Dec. 12, 1947;
8:45 a. m.]

[Docket No. G-934]

OHIO FUEL GAS Co.

ORDER FIXING DATE OF HEARING

DECEMBER 9, 1947.

Upon consideration of the application
filed on October 23, 1947, by The Ohio
Fuel Gas Company (Applicant) an Ohio
corporation having its principal office in
Columbus, Ohio, for a certificate of pub-
lic convenience and necessity authorizing
the construction and operation of certain
additional natural gas facilities and for
approval of abandonment and retire-
ment of a certain portion of Applicant's
facilities, pursuant to section 7 of the
Natural Gas Act, as amended, as fully
described in said application on file with
the Commission and open to public in-
spection;

It appearing to the Commission that:
This proceeding is a proper one for dis-
position under the provisions of Rule
32 (b) (18 CFR 1.32 (b)) of the Com-
mission's rules of practice and procedure
(as amended June 16, 1947), Applicant

having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 6, 1947 (12 F. R. 7270)

The Commission, therefore orders that: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (as amended June 16, 1947) a hearing be held on December 19, 1947, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (as amended June 16, 1947)

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: December 9, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10956; Filed, Dec. 12, 1947;
8:46 a. m.]

[Docket No. IT-5984]

**COLUMBUS AND SOUTHERN OHIO ELECTRIC
Co.**

**NOTICE OF ORDER SUPPLEMENTING ORDER
APPROVING MAINTENANCE OF PERMANENT
CONNECTION FOR EMERGENCY USE ONLY
DECEMBER 10, 1947.**

Notice is hereby given that, on December 9, 1947, the Federal Power Commission issued its order entered December 9, 1947, amending order of June 11, 1946, and approving for emergency use the maintenance and operation of permanent connection until December 31, 1948, in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10975; Filed, Dec. 12, 1947;
8:48 a. m.]

**INTERSTATE COMMERCE
COMMISSION**

[S. O. 396, Special Permit 376]

**RECONSIGNMENT OF APPLES AT KANSAS
CITY, MO.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for

any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Missouri, December 6, 1947, by Yankee Brokerage, of cars FGE 37610 and BREX 74905, apples, now on the Wabash to V. B. Hall, Wholesale Grocery, Monett, Mo. (Frisco)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10964; Filed, Dec. 12, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 377]

**RECONSIGNMENT OF ONIONS AT
PHILADELPHIA, PA.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., December 8, 1947, by I. Meltzer & Sons, of car NP 92896, onions, now on the PRR to Campbell Soup Co., to Camden, N. J.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10965; Filed, Dec. 12, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 378]

**RECONSIGNMENT OF LETTUCE AT
KANSAS CITY, MO.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, Mo., December 8, 1947, by Ritter Produce Company, of car PFE 92655, lettuce, now on the Rock Island Railroad to Ritter Produce Co., Des Moines, Iowa.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10966; Filed, Dec. 12, 1947;
8:47 a. m.]

[S. O. 396, Special Permit 379]

**RECONSIGNMENT OF APPLES AT CHICAGO,
ILL.**

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., Chicago Produce Terminal, December 8, 1947, by Troen & Wagner, of car FGE 50840, apples, now on the Chicago Produce Terminal to Tri-State Sales Agency, Pittsburgh, Pa. (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10967; Filed, Dec. 12, 1947;
8:47 a. m.]

[S. O. 790, Amdt. 3 to corr. Special Directive 1]

PENNSYLVANIA RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 1 (12 F. R. 7950) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 1, be, and it is hereby amended by changing Appendix A of Amendment No. 1 as follows:

	Cars per day	Cars per week
Add:		
Langeloth.....	2	
R&J.....	3	
Eliminate:		
Harvey.....	3	
Loyal Hanna No. 6.....		3
Reduce to:		
Bostonia Nos. 9 and 10.....	2	
Shasta.....	7	

A copy of this amendment shall be served upon The Pennsylvania Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10968; Filed, Dec. 12, 1947; 8:47 a. m.]

[S. O. 780, Special Directive 27]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD CAR SUPPLY

By letter dated December 4, 1947, The Ironton Railroad (Lehigh Valley Railroad Company and Reading Company, Lessees) have certified that they have on that date in storage and in cars a total supply of less than 16 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 780, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish to the Norton mine 2 cars weekly for the loading of Ironton Railroad (Lehigh Valley Railroad Company and Reading Company, Lessees) fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Ironton Railroad (Lehigh Valley Railroad Company and Reading Company, Lessees) fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10970; Filed, Dec. 12, 1947; 8:48 a. m.]

[S. O. 780, Special Directive 23]

MONONGAHELA RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On December 8, 1947, The Central Railroad Company (Walter P. Gardner, Trustee) of New Jersey certified that they have on that date in storage and in cars a total supply of 5 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 780, The Monongahela Railway Company is directed:

(1) To furnish daily to the Federal #3 mine two cars for the loading of The Central Railroad Company of New Jersey fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Central Railroad Company of New Jersey fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10371; Filed, Dec. 12, 1947; 8:43 a. m.]

[S. O. 730, Special Directive 23]

WESTERN MARYLAND RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

By letter dated December 8, 1947, The Central Railroad Company of New Jersey (Walter P. Gardner, Trustee) certified that they have on that date in storage and in cars a total supply of 5 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 780, the Western Maryland Railway Company is directed:

(1) To furnish daily to the Swamp Run mine three cars for the loading of Central Railroad Company of New Jersey fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Central Railroad Company of New Jersey fuel coal supply.

[S. O. 790, Amdt. 1 to Special Directive 25]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 25 (12 F. R. 8080) under Service Order No. 790 (12 F. R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 25, be, and it is hereby amended by eliminating from Paragraph 1 the following:

Mine	Cars per day
Swamp Run.....	3
Federal No. 3.....	2

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10969; Filed, Dec. 12, 1947; 8:47 a. m.]

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon the Western Maryland Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 8th day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10972; Filed, Dec. 12, 1947;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-133]

ASSOCIATED GAS AND ELECTRIC CO. ET AL.
ORDER GRANTING EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of December 1947.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation, Associated General Utilities Company, Metropolitan Edison Company, Gas & Electric Associates; File No. 54-133.

An application for approval of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 having been filed by Stanley Clarke, Trustee of Associated Gas and Electric Company, a registered holding company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and the following direct or indirect subsidiaries of the said two registered holding companies: NY PA NJ Utilities Company, General Gas & Electric Corporation, General Public Utilities Corporation (formerly Associated Utilities Corporation) and Gas & Electric Associates, each of which is a registered holding company, and Metropolitan Edison Company and Associated General Utilities Company and the said plan proposing that various securities registered in the name of Day & Co., Dean & Co., Drake & Co. and Holland & Co., be transferred and delivered to the respective applicants above named, as beneficial owners of such securities, and that Day & Co., Dean & Co., Drake & Co., and Holland & Co., be dissolved; and

The Commission having on November 1, 1945, made and filed its findings and

opinion and order (Holding Company Act Release No. 6180) and approved the plan subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated pursuant to said act; and

The Commission having, from time to time, upon the request of applicants extended the time for consummating the transactions proposed by said plan; and

Applicants having advised the Commission that Dean & Co., Drake & Co., and Holland & Co. have been dissolved and that all the transactions referred to in said plan have been consummated except those relating to Day & Co., and having requested that time for such consummation be extended to and including May 15, 1948; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that such extension of time be granted:

It is ordered, That the time for consummating such transactions be, and hereby is, extended to and including May 15, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10959; Filed, Dec. 12, 1947;
8:46 a. m.]

[File Nos. 59-11, 59-17 and 54-25]

UNITED LIGHT AND RAILWAYS CO. ET AL.
ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 8th day of December A. D. 1947.

The United Light and Railways Company ("Railways") a registered holding company, having filed a declaration, designated "Second Supplement to Application No. 25," and an amendment thereto, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") particularly sections 6 (a) and 7, relating to the renewal by Railways of \$25,000,000 principal amount of outstanding 2% unsecured promissory notes maturing December 10, 1947, pursuant to the terms of an amended bank loan agreement under which such notes shall be renewable, upon the same terms and conditions, at the option of the company, for an additional period expiring December 31, 1948, thereafter for a second additional period expiring December 31, 1949 and thereafter for a third additional period expiring December 10, 1950, each such renewal to be subject to the further approval of this Commission;

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, the declaration is permitted to

become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10958; Filed, Dec. 12, 1947;
8:46 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 10109]

ELIZABETH ROGGENDORFF

In re: Estate of Elizabeth Roggendorff, deceased. File D-28-11608; E. T. sec. 15820.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Muesch (called Mrs. Balduin Muesch in Will), Karl Muesch, Heinrich Roggendorff (brother of deceased) Johann Roggendorff (brother of deceased) Anna Segsneider, Hans Roggendorff, Franz Roggendorff (son of brother, Heinrich Roggendorff), Heinrich Roggendorff (son of brother, Johann Roggendorff), Anna Narr, Franz Roggendorff (son of brother, Franz Roggendorff) Christina Steinbart, Herman Herriger, whose last known address is 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 Elizabeth Roggendorff, deceased, is properly 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 Florence Wexler, as Executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the 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 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 November 13, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10983; Filed, Dec. 12, 1947;
8:45 a. m.]

[Vesting Order 10112]

GEO. SCHMID

In re: Estate of Geo. Schmid D-28-12064 E. T. sec. 16246.

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 Joseph Lang, whose last known address is Germany, is a resident of Germany and 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 Geo. Schmid, 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 Mary Schmid and Leonard H. Torline, co-executors, acting under the judicial supervision of the Court of Probate of Stafford County, State of Kansas,

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 November 13, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10984; Filed, Dec. 12, 1947;
8:45 a. m.]

[Vesting Order 10149]

MORRIS BENJAMIN

In re: Estate of Morris Benjamin, deceased. File No. D-23-11969; E. T. sec. 16150.

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 Krombach and Hanna Schild, nee Zadel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the issue, names unknown of Rosa Krombach, and the issue, names unknown, of Hanna Schild, nee Zadel, 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, and each of them, in and to the estate of Morris Benjamin, 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 Nathan Lowitz, as Executor, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof, and the issue, names unknown of Rosa Krombach, and the issue, names unknown of Hanna Schild, nee Zadel, 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 November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10985; Filed, Dec. 12, 1947;
8:45 a. m.]

[Vesting Order 10147]

HERMAN DECKER

In re: Estate of Herman Decker, deceased. File D-28-11231, E. T. sec. 15611.

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 Katharina Robers and Angela Ostendorf, whose last known address is 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 in and to the Estate of Herman Decker, 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 Howard W. East, as administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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 November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10986; Filed, Dec. 12, 1947;
8:45 a. m.]

[Vesting Order 10201]

MARGARETHE ANNA HERMSEN ET AL.

In re: Debt owing to and stock owned by Margarethe Anna Hermesen, also known as Margarethe Hermansen, and debt owing to Margarethe Anna Hermesen, also known as Margarethe Hermansen, and others. F-28-934-A-1, F-23-934-D-1, F-23-423-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That Margarethe Anna Hermesen, also known as Margarethe Hermansen, whose last known address is 13 Humboldtstrasse, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the personal representatives, heirs, next of kin, legatees and distributees of Th. Monnich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the property described as follows:

a. That certain debt or other obligation of A. DeWitt Alexander, 1550 Russ Building, San Francisco, California, in the amount of \$99.13, as of December 31, 1945, arising out of certain funds received by said A. DeWitt Alexander as agent of Heinrich Ploghoef and Wilhelm Bormann, Bremen, Germany, executors of the Estate of Margarethe Anna Schilling nee Hinternhoff, also known as Mrs. Gretchen Schilling, deceased, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. Five hundred three (503) shares of no par value common capital stock of Pacific Lighting Corporation, 433 California Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number B 1255, registered in the name of Margarethe Anna Hermansen and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in account number F86233 entitled Exportkreditbank A. G., Berlin, Germany—Customers Account for Custody, together with all declared and unpaid dividends thereon, and

c. Sixty-seven (67) shares of no par value common capital stock of Pacific Lighting Corporation, 433 California Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number SFO 52120, registered in the name of Th. Monnich, as life tenant, with remainder interest to Margarethe Hermansen and presently in the custody of A. DeWitt Alexander, 1550 Russ Building, San Francisco, California,

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 Margarethe Anna Hermansen, also known as Margarethe Hermansen, the aforesaid national of a designated enemy country (Germany)

4. That the property described as follows: That certain debt or other obligation of Pacific Lighting Corporation, 433 California Street, San Francisco, California, arising out of declared and unpaid dividends on the sixty-seven (67) shares of its no par value common capital stock described in subparagraph 2c above, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Margarethe Anna Hermansen, also known as Margarethe Hermansen, and the personal representatives, heirs, next of kin, legatees and distributees of Th. Monnich, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that Margarethe Anna Hermansen, also known as Margarethe Hermansen, and the personal representatives, heirs, next of kin, legatees and distributees of Th. Monnich, 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.

Claimant and claim No.	Notice of intention to return published	Property
Serge Koussevitzky, 191 Buckminster Rd., Brookline, Mass. Claim No. 6024.	Oct. 25, 1947 (12 F. R. 6357).	Royalties in the amount of \$4,268.10. Property described in Vesting Order Nos. 2543 (9 F. R. 1460, Feb. 4, 1944) and 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, Nov. 17, 1944) relating to the production "Tableaux D'Uno Exposition" ("Pictures at an Exhibition") (listed in Exhibit A of said vesting orders) to the extent owned by Russischer Musikverlag, G. m. b. H., immediately prior to vesting.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 9, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10988; Filed, Dec. 12, 1947;
8:46 a. m.]

GISELA ALTSCHUL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Gisela Altschul, New York, N. Y., 5775; \$1,628.21 in the Treasury of the United States.

Executed at Washington, D. C., on December 8, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10989; Filed, Dec. 12, 1947;
8:46 a. m.]

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10987; Filed, Dec. 12, 1947;
8:46 a. m.]

[Return Order 61]

SERGE KOUSSEVITSKY

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,¹

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

MAX HOCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Max Hoch, New York, New York; 1997; 9 shares of common capital stock of the Central American Plantations Corporation, registered in the name of the Attorney General of the United States, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York.

\$657.00 in the Treasury of the United States representing liquidating dividends from the said shares.

Executed at Washington, D. C., on December 8, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10991; Filed, Dec. 12, 1947;
8:47 a. m.]

ADELMA DONNINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended,

¹ Filed as part of the original document.

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Adelma Donnini, Richmond, Va., 5969; Real property known as No. 3008 Parkwood Avenue, formerly 3008 Taylor Street, in the City of Richmond, Virginia and being the same premises conveyed by Emma E. Haun and M. M. Haun to A. Donnini by deed dated January 16, 1920 and recorded in the Clerk's Office of the Richmond Chancery Court in Deed Book 262 A, page 58.

Real property known as that land lying and being in the County of Henrico, Virginia designated as lot five (5) in Block nine (9) of the Plan of Colonial Place, Section "A" of record in the Clerk's Office of Henrico County in Plat Book 9, page 73 and being the same premises conveyed by Thomas J. Puryear and Eugenia E. Puryear, his wife, to A. Donnini by Deed dated January 4, 1927 and recorded in the Clerk's Office of Henrico County in Deed Book 238-C, page 385.

Real property known and designated as lot numbered twenty-one (21) in Block "C" on the plat of "Rudee Heights" of record in the Clerk's Office of Princess Anne County, Virginia, in Map Book 7, page 169 and being the same premises conveyed by Leo Judson to A. Donnini by deed dated February 24, 1928 and recorded in the Clerk's Office of Princess Anne Circuit Court on March 13, 1928.

The sum of \$13,817.14 in the Treasury of the United States.

Executed at Washington, D. C., on December 8, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10390; Filed, Dec. 12, 1947; 8:46 a. m.]

ERA MCMURTRIE LICARI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Era McMurtrie Licari, Denver, Colo.; 6933; All right, title, interest, and claim of any kind or character whatsoever of Era McMurtrie Licari in and to a trust created under the will of Era E. McMurtrie, deceased; Trustee, International Trust Co., 635 17th Street, Denver, Colo.

\$1,490.14 in the Treasury of the United States.

Executed at Washington, D. C., on December 8, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10392; Filed, Dec. 12, 1947; 8:47 a. m.]

LUDVIG RASCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Ludvik Rasch, Oslo, Norway; 5931; Property described in Vesting Order No. 672 (8 F. R. 5023, April 17, 1943) relating to United States Letters Patent Nos. 1,920,763 and 2,059,293.

Executed at Washington, D. C., on December 8, 1947.

For the Attorney General.

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

[F. R. Doc. 47-10393; Filed Dec. 12, 1947; 8:47 a. m.]

