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Washington, Saturday, August 16, 1947

## TITLE 6—AGRICULTURAL CREDIT

### Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Supp. 2, Corr.]

#### PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

##### 1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (KANSAS CITY AREA)

In F. R. Doc. No. 47-6747, appearing on page 4808 of the issue of Saturday, July 19, 1947, the station rate for "Ovid" in Sedgwick County, Colorado, should read "\$1.807."

[SEAL]                      RALPH S. TRIGG,  
   Acting President,  
   Commodity Credit Corporation.

AUGUST 14, 1947.

[F. R. Doc. 47-7753; Filed, Aug. 15, 1947; 11:47 a. m.]

### Chapter V—Production and Marketing Administration (Diversions Programs)

[Program 0/72a]

#### PART 501—COTTON INSULATION PROGRAM SUBPART—FISCAL YEAR 1948

- Sec.
- 501.101 Offer to make payments.
  - 501.102 Definitions of terms as used herein.
  - 501.103 Period of manufacture of insulation.
  - 501.104 Rate of payment.
  - 501.105 Changing specifications.
  - 501.106 Meeting specifications.
  - 501.107 Packaging and marking.
  - 501.108 Inspection.
  - 501.109 Reports and cost data.
  - 501.110 Applications.
  - 501.111 Payment as manufacture is completed.
  - 501.112 Claims for payment.
  - 501.113 Bond.
  - 501.114 Termination of offer.

AUTHORITY: §§ 501.101 to 501.114, inclusive, issued under sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c.

§ 501.101 Offer to make payments. The Secretary of Agriculture of the United States (hereinafter referred to as the Secretary), pursuant to clause (2)

of section 32, Public Law No. 320, 74th Congress, as amended, will make payments, subject to the conditions hereinafter set forth, to holders of approved applications (hereinafter referred to as processors) who will divert cotton from the normal channels of trade and commerce by manufacturing cotton insulation, or causing cotton insulation to be manufactured. If cotton insulation is to be manufactured by another for the processor's account under the "causing \_\_\_\_\_ to be manufactured" provision herein, approval in writing from the Secretary or from his authorized representative must first be secured.

§ 501.102 Definitions of terms as used herein. (Terms in the singular may be interpreted in the plural and terms in the plural may be interpreted in the singular.)

(a) "Processors" means individuals, firms, partnerships, corporations, associations, or other organizations.

(b) "Insulation" means insulating material which meets specifications approved by the Secretary or his authorized representative and referred to in the approved application (see § 501.110)

(c) "Cotton" means the following: (1) Lint cotton grown in the United States not less than 3/4 inches in staple and not lower in grade than the lowest grades in the universal standards for American upland cotton; (2) unreworkeed cotton card strips of qualities approved by the Secretary or his authorized representative; and (3) unreworkeed cotton comb nolls of qualities approved by the Secretary or his authorized representative.

(d) "Eligible recipients" mean individuals, firms, partnerships, corporations, associations, or other organizations who: (1) Are engaged in the distribution of insulation; (2) certify by affidavit that by reason of the receipt of insulation herein provided they will engage in the distribution of insulation; (3) use insulation for insulating or acoustical purposes either in real or personal property or in the manufacture of products for distribution; (4) if not covered by subparagraphs (1) (2), or (3) of this paragraph are approved by the Secretary or his authorized representative as eligible

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§ 501.105 *Changing specifications.* With the consent of the processor and the Secretary or his authorized representative, specifications referred to in a particular application may be changed. Such new specifications shall apply only to insulation manufactured after the change has become effective.

§ 501.106 *Meeting specifications.* Processors must certify that insulation manufactured under the approved application meets applicable minimum specification requirements. The insulation shall be subject to examination at the plant of manufacture or elsewhere as often as the Secretary or his authorized representative deems necessary. If on such examination it is found that minimum specifications for insulation are not being met, payments thereafter may be suspended until specification requirements are complied with. For purposes of examining and testing the material, samples shall be supplied without cost by the processor to the Secretary or his authorized representative.

§ 501.107 *Packing and marking.* At the time of manufacture all insulation shall be securely packaged and marked with a serial number or with a symbol by which the individual package can be identified.

§ 501.108 *Inspection.* During the period of participating in the program as herein provided, the establishment of the processor (and the establishment of others manufacturing insulation for the processor's account under the causing to be manufactured provision of this offer) shall be open to the Secretary or to his authorized representative or agent for observation of materials used, of insulation manufactured, and of compliance with other provisions of the program.

§ 501.109 *Reports and cost data—*  
(a) *Progress report.* From time to time the processor shall submit reports containing information in connection with materials used, insulation made, and other data by which the progress of the program may be appraised, the time of submission and the kind of data to be as required by the Secretary or his authorized representative.

(b) *Cost data.* During the period of participating in the program the processor, in cases where insulation is manufactured by his plant, or if the processor is a corporation, also in the plants of its subsidiaries, shall from time to time upon written request supply to the Secretary or his authorized representative data with respect to individual costs of items relating to the manufacture and distribution of each of the various types of cotton insulation manufactured during specified future period (week, month, or other periods of time) Such reports will be considered as confidential by the Department of Agriculture. During the period for which cost data are requested, the processor shall maintain such cost records relating to cotton insulation as will disclose accurate data with respect to the information requested. Failure of the processor to supply requested information will give the Secretary or his authorized repre-

sentative the right to suspend payments until such request is complied with.

§ 501.110 *Applications.* No processor shall be entitled to payments unless he has submitted an "Application" (Form CN-13-1) to use a specified quantity of cotton in the manufacture of insulation in connection with the "Cotton Insulation Program (Fiscal Year 1943)" and the Secretary or his authorized representative has, pursuant to the terms and conditions set forth in that application and in this offer, approved such application in whole or in part. No payment will be made on any quantity of cotton in excess of that for which an application is approved. More than one application may be approved for the same applicant. The right is reserved to reject any or all applications.

§ 501.111 *Payment as manufacture is completed.* Any part or parts of the quantity of cotton covered by an approved application may be separately manufactured into insulation and the Secretary will make payments in connection with such quantities in the same manner as if the total quantity of cotton covered by such application had been used in the manufacture of insulation.

§ 501.112 *Claims for payment.* No processor shall be entitled to payments in connection with the use of cotton in the manufacture of any particular insulation unless he shall submit in connection therewith on or before August 15, 1948, or during any extensions of such time made by the Secretary or his authorized representative, a claim in voucher form and shall furnish to the Secretary or to his authorized representative or agent such information as may be requested for the purpose of enabling him to determine that there has been compliance with the conditions of this offer and the approved application, and to determine the proper payment to be made. The processor shall make available to the Secretary or to his authorized representative or agent, for the purpose of verifying such information, any pertinent books, records, memoranda, documents, papers, and correspondence of the processor or of the processor's agents or representatives, which the Secretary or his authorized representative or agent may request. The determination of the Secretary as to pertinency shall be final.

§ 501.113 *Bond.* Within 30 days after approval of an application the processor will furnish a bond, in a form satisfactory to the Secretary or his authorized representative, guaranteeing repayment of any amounts which the Secretary may have paid to the processor and to which the processor was not entitled under the provisions of this offer. The amount of the bond shall be 10 percent of the total maximum payments which might become due under the application as approved. If such bond is not furnished within the prescribed period of time (or within such period as extended by the Secretary or his authorized representative) the approval of the application shall be deemed revoked, without further notice by the Secretary or his authorized representative.

recipients of insulation under the program.

(e) "Backing material" means material to which the batt part of the insulation is attached or in which it is encased, used to repel moisture or vapor, or to serve as a nailing flange, or other structural function.

(f) "Manufacture" means: (1) In the case of insulation with backing material, and in the case of insulation not more than 24 inches wide without backing material, the processing of raw material to the point that the insulation is in form, and is packaged for delivery to recipients; or (2) In the case of insulation more than 24 inches wide without backing material, the processing of raw material to the point that insulation is in form and is packaged for delivery to vendees: *Provided*, It is delivered, shipped, or delivered to carrier for shipment to eligible recipients.

§ 501.103 *Period of manufacture of insulation.* Insulation must have been manufactured in the United States on or after the date of approval of the application and during the period from July 1, 1947, to and including June 30, 1948.

§ 501.104 *Rate of payment.* Rate of payment by the Secretary will be five and three-quarter (5¾) cents per pound of cotton, gross weight (as defined herein), used in the manufacture of insulation.

§ 501.114 *Termination of offer* The Secretary reserves the right to terminate this offer at any time by giving public notice thereof. Such termination shall not affect any payments to be made pursuant to any application theretofore approved by the Secretary or his authorized representative.

Issued this 12th day of August 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-7686; Filed, Aug. 15, 1947;  
8:45 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IV—Production and Marketing Administration (Crop Insurance)

#### PART 418—WHEAT CROP INSURANCE

##### SUBPART REGULATIONS FOR ANNUAL CONTRACTS COVERING 1948 CROP YEAR

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, covering the 1948 crop year, until amended or superseded by regulations hereafter made.

##### MANNER OF OBTAINING INSURANCE

- Sec.  
418.2001 Availability of wheat crop insurance.  
418.2002 Application for insurance.  
418.2003 Acceptance of application by the Corporation.  
418.2004 Cancellation of prior contract.

##### INSURANCE COVERAGE

- 418.2005 Insurable and non-insurable acreage.  
418.2006 Kinds of wheat insured.  
418.2007 Determination of insured acreage and insured interest.  
418.2008 Wheat seeded for purposes other than grain.  
418.2009 Insurance period.  
418.2010 Amount of insurance.  
418.2011 Causes of loss insured against.  
418.2012 Causes of loss not insured against.

##### PREMIUM FOR CONTRACT

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##### LOSS

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##### PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

- 418.2025 Indemnity subject to all provisions of the contract.

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418.2026 Collateral assignment of right under the contract.  
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418.2029 Fiduciaries.  
418.2030 Determination of person to whom indemnity shall be paid.

##### REFUNDS OF EXCESS NOTE PAYMENTS

- 418.2031 Refunds of excess note payments.  
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##### ESTABLISHMENT OF COVERAGES PER ACRE AND PREMIUM RATES

- 418.2034 Establishment of coverage per acre.  
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##### GENERAL

- 418.2036 Records and access to farm.  
418.2037 Review of recommendations of crop insurance advisory committees.  
418.2038 Applicant's warranties; voidance for fraud.  
418.2039 Modification of contract.  
418.2040 Fractional units.  
418.2041 Closing dates.  
418.2042 Maturity dates for payment of premiums.  
418.2043 Meaning of terms.

AUTHORITY: §§ 418.2001 to 418.2043, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b) of the Federal Crop Insurance Act, as amended; 52 Stat. 73, 52 Stat. 835, 58 Stat. 918; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b); Pub. Law 320, 80th Cong.

##### MANNER OF OBTAINING INSURANCE

§ 418.2001 *Availability of wheat crop insurance.* (a) After the publication of this subpart in the FEDERAL REGISTER, wheat crop insurance under annual contracts covering the 1948 crop year will be provided in accordance with this subpart in the counties designated by the Corporation.

(b) Insurance will not be provided under this subpart in any county unless the written applications filed for wheat crop insurance, together with the wheat crop insurance contracts in force, cover at least 200 farms or one-third of the farms normally producing wheat.

§ 418.2002 *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 insurance units considered for crop insurance purposes to be located in the county in which the applicant has an interest at the time of 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 § 418.2041. In case of death of the insured after the seeding of either winter or spring wheat is begun for the 1948 crop year, any additional acre-

age of that type of wheat (winter or spring) which is seeded for the insured's estate for the 1948 crop year shall be covered by the application.

§ 418.2003 *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 subpart for the acceptance of applications have been met.

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

§ 418.2004 *Cancellation of prior contract.* 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 any subsequent crop year.

##### INSURANCE COVERAGE

§ 418.2005 *Insurable and non-insurable acreage.* Any regularly tilled acreage, as determined by the Corporation, is insurable unless it is designated as "non-insurable" on the 1948 crop insurance map before the applicable calendar closing date for filing of applications for insurance. This designation may be made on the crop insurance map by either identifying the acreage or by identifying a particular farming practice which, if followed, will make acreage non-insurable. Non-insurable acreage shall not be considered in any manner whatsoever under the contract except as provided in §§ 418.2019 (b) and 418.2036.

§ 418.2006 *Kinds of wheat insured.* The wheat to be insured under the contract will be winter and spring wheat seeded for harvest as grain, as determined by the Corporation: *Provided, however* That, if the application is filed on or before the applicable closing date for spring wheat but after the applicable closing date for winter wheat, the contract will not cover:

(a) Any acreage of the winter wheat crop, or

(b) 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.

§ 418.2007 *Determination of insured acreage and insured interest.* Promptly after seeding a wheat crop (winter or spring) 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 seed wheat, the acreage report shall nevertheless be submitted promptly after the seeding of wheat is generally completed in the county. This report submitted by the insured shall be considered final and not subject to change by the insured, except with the consent of the Corporation.

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.

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 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: *Provided, further* That the Corporation reserves the right to limit the acreage to be insured: *Provided, further* That insurance shall not attach with respect to (a) any acreage seeded to wheat which is destroyed or substantially destroyed (as defined in § 418.2016) 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 (b) any acreage seeded to wheat too late to expect to produce a normal crop, as determined by the Corporation.

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.

§ 418.2008 *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.

§ 418.2009 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the wheat is seeded. Insurance shall cease with re-

spect to any portion of the wheat crop covered by the contract upon threshing (unless combined and field-sacked and remaining in the field, in which event the insurance shall cease 120 hours thereafter) or removal from the field, but in no event shall the insurance remain in effect later than October 31, 1943, unless such time is extended in writing by the Corporation.

§ 418.2010 *Amount of insurance.* (a) The coverage per acre for insured acreage shall be:

(1) For acreage released by the Corporation and planted to a substitute crop: 50 percent of the applicable number of dollars shown on the 1948 actuarial table or on the 1943 table of area coverages and premium rates;

(2) For all other acreage which is not harvested: The applicable number of dollars shown on the 1948 actuarial table or on the 1948 table of area coverages and premium rates; or

(3) For acreage which is harvested: The applicable number of dollars shown on the 1948 actuarial table or on the 1948 table of area coverages and premium rates, plus \$1.60.

(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.

§ 418.2011 *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.

Where insurance is written on an irrigated basis, the contract shall also cover loss 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 wells 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 irri-

gated basis 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: *Provided, further*, That the contract shall not cover loss due to the 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 reasonably be expected.

§ 418.2012 *Causes of loss not insured against.* The contract shall not cover damage to quality, or loss caused by:

(a) 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;

(b) Theft;

(c) Domestic animals or poultry;

(d) Failure to follow recognized good farming practices;

(e) 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);

(f) Over-pasturage;

(g) Following different fertilizer or farming practices than those considered in establishing the coverage per acre, or seeding wheat on land where the average productivity or farming hazards differ materially from the average productivity or farming hazards for the acreage considered in establishing the coverage per acre and premium rate for such land;

(h) Seeding wheat under conditions of immediate hazard;

(i) Planting excessive acreage under abnormal conditions;

(j) Inability to obtain labor, seed, fertilizer, machinery, repairs, or insect poison;

(k) Breakdown of machinery, or failure of irrigation equipment due to mechanical defects;

(l) Seeding another crop with the wheat or in the growing wheat crop, or;

(m) 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.

#### PREMIUM FOR THE CONTRACT

§ 418.2013 *Amount of premium.* The premium for each insurance unit under the contract shall be based upon (i) the insured acreage, (ii) the premium rate, and (iii) 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 insurance 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. The minimum premium payable by the insured with respect to any insurance contract shall be \$5.00.

§ 418.2014 *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 § 418.2042, the premium for all insurance units covered by the contract. Each premium or unpaid portion thereof shall bear interest after maturity at the rate of one-half of one percent for each full calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(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) 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.

#### LOSS

§ 418.2015 *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 the Corporation, at the office of the county association, or other office specified by the Corporation, within 10 days after threshing is completed. This notice is in addition to any notice required by paragraph (a) of this section, and unless given within the time specified the Corporation reserves the right to reject any claims for indemnity.

§ 418.2016 *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 sub-

stantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm 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 the crop or portion thereof to the Corporation.

§ 418.2017 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 418.2009, 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.

§ 418.2018 *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 that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the contract during the term of the contract, 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.

§ 418.2019 *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 (i) the total production in bushels for such unit by (ii) \$1.60, and by (iii) 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 for which indemnity will be payable shall be determined by computing the loss for the seeded acreage and reducing such loss 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:

(1) All threshed wheat (not including wheat in a mixture with other small grains produced on acreage released as provided in subparagraph (3) of this paragraph)

(2) The appraised production for any acreage of wheat which was not threshed but which was harvested as grain;

(3) For any acreage of wheat released by the Corporation and seeded to a substitute crop, that portion of the appraised production which is in excess of the number of bushels determined by dividing (i) the amount of insurance for such acreage by (ii) \$1.60 (rounded in accordance with § 418.2040)

(4) The appraised production for any acreage of wheat released by the Corporation and not seeded to a substitute crop.

(5) The number of bushels determined by dividing (i) the salvage value of unmerchantable production, as determined by the Corporation, by (ii) \$1.60;

(6) The appraised production for any acreage of insured wheat that is not harvested and is planted to a substitute crop or put to another use without the consent of the Corporation, but not less than the product of (i) such acreage and (ii) the bushel equivalent of the coverage per acre determined on the basis of a value of \$1.60 per bushel (rounded in accordance with § 418.2040),

(7) The appraised number of bushels by which production on any acreage has been reduced solely because of any cause not insured against, but not less than the product of (i) such acreage and (ii) the bushel equivalent of the coverage per acre determined on the basis of a value of \$1.60 per bushel (rounded in accordance with § 418.2040) minus any quantity of wheat harvested from such acreage; and

(8) The appraised number of bushels by which production on any acreage has been reduced because of any cause not insured against, where damage on such acreage has resulted from a cause insured against and a cause not insured against.

The 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 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 com-

ponent parts are insured, the total of the 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 acreage or production for non-insurable acreage and for one or more insurance units or portions thereof, any production from the non-insurable 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

§ 418.2020 *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. However, 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.

§ 418.2021 *Indemnity payment.* (a) Any indemnity due under the contract will be paid by the issuance of a check payable to the order of the persons(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 the regulations in 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 thereon. 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 claims 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.

§ 418.2022 *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.

§ 418.2023 *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.

§ 418.2024 *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

§ 418.2025 *Indemnity subject to all provisions of the 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 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, the deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the acreage involved in the transfer, 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.

§ 418.2026 *Collateral assignment of right under the 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 § 418.2025 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.

§ 418.2027 *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 § 418.2026: *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.

§ 418.2028 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, 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 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 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 § 418.2027.

(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 calendar closing date for the filing of applications for insurance but before the beginning of seeding of the wheat crop intended to be covered by insurance, whoever succeeds him on this 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 upon filing at 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 or 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 terminate immediately.

(d) The insured shall be deemed to have disappeared within the meaning of the regulations in this subpart if he fails to file with the Corporation, at 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.

§ 418.2029 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity 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 shall be made to the persons beneficially entitled 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.

§ 418.2030 *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

§ 418.2031 *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.

§ 418.2032 *Assignment or transfer of claims for refunds not permitted.* No claims for a refund, or any part or share 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 § 418.2033.

§ 418.2033 *Refunds 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 § 418.2028 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 PER ACRE AND PREMIUM RATES

§ 418.2034 *Establishment of coverages per acre.* The Corporation shall establish coverages per acre in dollars, for use as set forth in § 418.2010 (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.

§ 418.2035 *Establishment of premium rates.* The Corporation shall establish premium rates in dollars for all insurance units or parts thereof (except acreage which is designated on the 1948 crop insurance map as non-insurable) 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.

#### GENERAL

§ 418.2036 *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 the non-insurable 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 reasonably be required, any person or persons designated by the Corporation shall have access to the farm(s).

§ 418.2037 *Review of recommendations of crop insurance advisory committees.* Any recommendation by a crop insurance advisory committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 418.2038 *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.

§ 418.2039 *Modification of the 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 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.

§ 418.2040 *Fractional units.* Fractions of amounts of insurance and premiums shall be rounded to the nearest cent. Fractions of acres shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 418.2041 *Closing dates.*—(a) For winter wheat. The closing dates for submission of applications to cover the winter wheat crop shall be the earlier of (1) the date of the beginning of seeding of the wheat crop on any insurance unit to be covered by the contract, or (2) the applicable calendar date below:

August 30, 1947, for Colorado, Kansas, Nebraska, Oklahoma, and Texas.

(b) For spring wheat. The closing dates for submission of applications to cover the spring wheat crop shall be the earlier of (1) the date of the beginning of seeding of the wheat crop on any insurance unit to be covered by the contract, or (2) the applicable calendar date below:

March 13, 1948, for all States.

§ 418.2042 *Maturity dates for payment of annual premiums.* The maturity dates by States for the payment of annual premiums shall be as follows:

June 30 for Kansas, Oklahoma, and Texas.  
July 31 for Colorado and Nebraska.

§ 418.2043 *Meaning of terms.* For the purpose of the wheat crop insurance program under this subpart the term:

(a) "Continuous cropping" means following any farming practice other than summer fallow on dry land wheat acreage.

(b) "Contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and the regulations in this subpart and any amendments thereto.

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

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

(e) "Crop insurance advisory committee" means the committee designated by the Corporation to make recommendations in an advisory capacity relative to the crop insurance program.

(f) "Crop insurance map" means the form (including the actuarial tables and related forms) prescribed by the Corporation for identifying land by areas for coverage and premium rate purposes and for identifying non-insurable land. The crop insurance map when approved by the Corporation is on file in the office of the county association, or other office specified by the Corporation, and may be inspected by any producer whose land is included thereon.

(g) "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.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops: *Provided, however,* That where the county line divides a farm, any part of the farm which is included on the crop insurance map for a county shall be considered as one farm and any remainder shall be considered as another farm.

In counties where a crop insurance map is used any land which is not included on the crop insurance map will be considered to be located in the adjoining county.

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

(j) "Insurance unit" means all farm land considered for crop insurance purposes to be located in the county, which is under the same ownership and which is operated by one person, in which the insured has an interest as a wheat producer at the time of seeding: *Provided, however,* That in the case of land rented for cash or a fixed commodity payment, the lessee shall be considered as the owner: *Provided, further,* That all or any part of such land which is designated on the county crop insurance map as "non-insurable" shall not constitute an insurance unit or any part thereof and shall not be considered in any manner whatsoever under the insurance contract, except as provided in §§ 418.2019 (b) and 418.2036.

(k) "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.

(l) "Premium rate" means the premium rate per acre established by the Corporation as shown on the 1948 table of area coverages and premium rates.

(m) "Regularly tilled acreage" means all cropland which is included in the regular crop rotation but does not include any portion of eroded wasteland, abandoned submarginal cropland, woodland, forest or virgin native pasture land which has been seeded to wheat without approval of the Corporation.

(n) "State director" means the representative of the Corporation in the operation of the crop insurance program in the state.

(o) "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.

(p) "Summer fallow" means the practice of seeding land to a crop in alternate years under 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.

(q) "Table of area coverages and premium rates" means the form prescribed by the Corporation for listing the coverage per acre and the premium rate per acre applicable for each area identified on the crop insurance map.

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

(s) "Unmerchantable production" means any wheat produced which cannot be sold for milling or feeding purposes, as determined by the Corporation.

NOTE: The record keeping requirements of the regulations in this subpart 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 August 1, 1947.

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

Approved: August 13, 1947.

N. E. Donn,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-7719; Filed, Aug. 15, 1947;  
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## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Fresh Pea Order 3]

### PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

#### LIMITATION OF SHIPMENTS

§ 910.305 *Fresh Pea Order 3—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peas, as hereinafter provided, will tend to effectuate the declared policy of the act.

RULES AND REGULATIONS

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 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.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 17, 1947, and ending at 12:01 a. m., m. s. t., October 16, 1947, no handler shall handle any lot of fresh peas unless such lot meets the requirements of U. S. No. 1 grade (as defined in the U. S. Standards for Fresh Peas, issued April 25, 1942, effective June 1, 1942, and re-issued by the United States Department of Agriculture on July 19, 1946), and has a minimum pod length of three (3) inches.

(2) As used in this section the terms "peas", "handlers" and "handle" shall have the same meaning as when used in the amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. et seq.)

Done at Washington, D. C., this 14th day of August 1947.

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

[F. R. Doc. 47-7749; Filed, Aug. 15, 1947; 10:04 a. m.]

[Lemon Reg. 235]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.342 *Lemon Regulation 235—(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 notice, public rule making procedure, and effective date requirements 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 the 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.

(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., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed at 400 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 hereto and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(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 14th day of August 1947.

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

PRORATE BASE SCHEDULE

Storage date: August 10, 1947.

[12:01 a. m. August 17, 1947, to 12:01 a. m. August 31, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co.	.000
American Fruit Growers, Fullerton	.543
American Fruit Growers, Lindsay	.000
American Fruit Growers, Upland	.310
Consolidated Citrus Growers	.000
Corona Plantation Co.	.245
Hazeltine Packing Co.	.277
Leppia-Pratt, Produce Distributors, Inc	.000
McKellips, C. H.-Phoenix Citrus Co.	.000
McKellips Mutual Citrus Growers Inc	.000
Phoenix Citrus Packing Co.	.000
Ventura Coastal Lemon Co.	1.583
Ventura Pacific Co.	1.433
Total A. F. G.	4.391
Arizona Citrus Growers	.000
Desert Citrus Growers Co., Inc.	.000
Mesa Citrus Growers	.000
Elderwood Citrus Association	.000
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.109
La Verne Lemon Association	.624
La Habra Citrus Association	1.228
Yorba Linda Citrus Association, The	.587
Alta Loma Heights Citrus Association	.576
Etiwanda Citrus Fruit Association	.171
Mountain View Fruit Association	.373
Old Baldy Citrus Association	.904

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Upland Lemon Growers Association	4.171
Central Lemon Association	1.037
Irvine Citrus Association, The	.999
Placentia Mutual Orange Association	.369
Corona Citrus Association	.090
Corona Foothill Lemon Co.	1.249
Jameson Co.	.645
Arlington Heights Fruit Co.	.140
College Heights Orange & Lemon Association	3.169
Chula Vista Citrus Association, The	1.762
El Cajon Valley Citrus Association	.048
Escondido Lemon Association	2.585
Fallbrook Citrus Association	1.364
Lemon Grove Citrus Association	.208
San Dimas Lemon Association	1.566
Carpinteria Lemon Association	3.727
Carpinteria Mutual Citrus Association	3.656
Goleta Lemon Association	4.283
Johnston Fruit Company	6.856
North Whittier Heights Citrus Association	.606
San Fernando Heights Lemon Association	.787
San Fernando Lemon Association	.258
Sierra Madre-Lamanda Citrus Association	1.363
Tulare County Lemon & Grapefruit Association	.000
Briggs Lemon Association	3.404
Culbertson Investment Co.	.927
Culbertson Lemon Association	1.887
Fillmore Lemon Association	.987
Oxnard Citrus Association:	
No. 1	3.888
No. 2	3.419
Rancho Sespe	.826
Santa Paula Citrus Fruit Association	3.574
Saticoy Lemon Association	5.405
Seaboard Lemon Association	5.177
Somls Lemon Association	3.473
Ventura Citrus Association	2.003
Limoneira Co.	3.373
Teague-McKevett Association	1.009
East Whittier Citrus Association	.600
Leffingwell Rancho Lemon Association	.647
Murphy Ranch Co.	1.297
Whittier Citrus Association	.634
Whittier Select Citrus Association	.413
Total C. F. G. E.	89.239
Arizona Citrus Products Co.	.000
Chula Vista Mutual Lemon Association	.864
Escondido Cooperative Citrus Association	.196
Glendora Cooperative Citrus Association	.058
Index Mutual Association	.140
La Verne Cooperative Citrus Association	1.323
Libbey Fruit Packing Co.	.000
Orange Cooperative Citrus Association	.123
Pioneer Fruit Co.	.000
Tempe Citrus Co.	.000
Ventura County Orange & Lemon Association	2.405
Whittier Mutual Orange & Lemon Association	.139
Total M. O. D.	5.245
Abbate, Chas. Co., The	.000
Atlas Citrus Packing Co.	.000
California Citrus Groves, Inc., Ltd.	.000
Evans Brothers Packing Co.	
Riverside	.000
Sentinel Butte Ranch	.000
Foothill Packing Co.	.016
Granada Packing House	.000
Harding & Leggett	.000
Morris Bros. Fruit Co.	.029

PRORATE BASE SCHEDULE—Continued

Handler	Prorate base (percent)
Orange Belt Fruit Distributors.....	0.995
Potato House, The.....	.000
Raymond Bros.....	.000
Rooke, B. G., Packing Co.....	.000
San Antonio Orchard Co.....	.023
Sun Valley Packing Co.....	.000
Sunny Hills Ranch, Inc.....	.000
Valley Citrus Packing Co.....	.000
Verity, R. H., Sons & Co.....	.063
Western States Fruit & Produce Co.....	.000

Total Independents..... 1.125

[F. R. Doc. 47-7751; Filed, Aug. 15, 1947; 10:05 a. m.]

[Orange Reg. 191]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.337 Orange Regulation 191—  
(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 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 notice, public rule making procedure, and effective date requirements 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.

(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., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed as follows:

(i) Valencia oranges. (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1800 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) Oranges other than Valencia oranges. (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(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. The Orange Administrative Committee, in accordance with the provisions of the

said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handler," "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 14th day of August 1947.

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

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 17, 1947 to 12:01 a. m. Aug. 24, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total.....	100.0000
A. F. G. Alta Loma.....	.0708
A. F. G. Fullerton.....	.8442
A. F. G. Orange.....	.7243
A. F. G. Redlands.....	.2259
A. F. G. Riverside.....	.1241
A. F. G. San Juan Capistrano.....	1.0259
A. F. G. Santa Paula.....	.3554
Corona Plantation Co.....	.2310
Hazeltine Packing Co.....	.2690
Placentia Pioneer Valley Growers Association.....	.7204
Signal Fruit Association.....	.0773
Azusa Citrus Association.....	.4249
Azusa Orange Co., Inc.....	.1319
Damerel-Allison Co.....	.8291
Glendora Mutual Orange Association.....	.3009
Irwindale Citrus Association.....	.8577
Puente Mutual Citrus Association.....	.2031
Valencia Heights Orchards Association.....	.4104
Glendora Citrus Association.....	.9384
Glendora Heights Orange & Lemon Growers Association.....	.0739
Gold Buckle Association.....	.6371
La Verne Orange Association.....	.6251
Anaheim Citrus Fruit Association.....	1.3283
Anaheim Valencia Orange Association.....	1.4594
Eadington Fruit Co., Incorporated.....	2.0791
Fullerton Mutual Orange Association.....	1.7057
La Habra Citrus Association.....	1.1148
Orange County Valencia Association.....	.6633
Orangethorpe Citrus Association.....	1.1781
Placentia Cooperative Orange Association.....	.7451
Yorba Linda Citrus Association, The.....	.6003
Alta Loma Heights Citrus Association.....	.0310
Citrus Fruit Growers.....	.1360
Cucamonga Citrus Association.....	.1457
Etiwanda Citrus Fruit Association.....	.0407
Old Baldy Citrus Association.....	.1283
Rialto Heights Orange Growers.....	.0325
Upland Citrus Association.....	.3038
Upland Heights Orange Association.....	.1465
Consolidated Orange Growers.....	2.0315
Frances Citrus Association.....	1.0283
Garden Grove Citrus Association.....	1.7593

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Goldenwest Citrus Association, The.....	1.5951
Irvine Valencia Growers.....	2.6249
Olive Heights Citrus Association.....	1.6251
Santa Ana-Turkin Mutual Citrus Association.....	1.1350
Santiago Orange Growers Association.....	3.6335
Tustin Hills Citrus Association.....	1.7253
Villa Park Orchards Association, The.....	2.0772
Andrews Brothers of Calif.....	.4311
Bradford Bros., Inc.....	.6211
Placentia Mutual Orange Association.....	1.6357
Placentia Orange Growers Association.....	2.6035
Call Ranch.....	.0547
Corona Citrus Association.....	.4225
Jamecon Co.....	.0360
Orange Heights Orange Association.....	.0548
Break & Son, Allen.....	.0548
Bryn Mawr Fruit Growers Association.....	.2532
Crafton Orange Growers Association.....	.4115
E. Highlands Citrus Association.....	.0529
Fontana Citrus Association.....	.0325
Highland Fruit Growers Association.....	.0493
Krinard Packing Co.....	.2639
Mission Citrus Association.....	.1210
Redlands Cooperative Fruit Association.....	.3321
Redlands Heights Groves.....	.4165
Redlands Orange Growers Association.....	.2519
Redlands Orangedale Association.....	.2733
Redlands Select Groves.....	.1555
Rialto Citrus Association.....	.1452
Rialto Orange Co.....	.1448
Southern Citrus Association.....	.1939
United Citrus Growers.....	.1453
Zilon Citrus Co.....	.6491
Andrews Bros. of California.....	.6239
Arlington Heights Fruit Co.....	.1118
Brown Estate, L. V. W.....	.1271
Gavilan Citrus Association.....	.1423
Hemet Mutual Groves.....	.1032
Highgrove Fruit Association.....	.0747
McDermott Fruit Co.....	.1835
Mentone Heights Association.....	.0347
Monte Vista Citrus Association.....	.2152
National Orange Co.....	.6033
Riverside Heights Orange Growers Association.....	.0543
Sierra Vista Packing Association.....	.0554
Victoria Avenue Citrus Association.....	.1624
Claremont Citrus Association.....	.1421
College Heights Orange & Lemon Association.....	.2123
El Camino Citrus Association.....	.0734
Indian Hill Citrus Association.....	.1974
Femosa Fruit Growers Exchange.....	.3421
Walnut Fruit Growers Association.....	.4156
West Ontario Citrus Association.....	.3481
El Cajon Valley Citrus Association.....	.3012
Escondido Orange Association.....	2.3235
San Dimas Orange Growers Association.....	.4342
Covina Citrus Association.....	1.1441
Covina Orange Growers Association.....	.3324
Duarte-Monrovia Fruit Exchange.....	.1535
Santa Barbara Orange Association.....	.0492
Ball & Tweedy Association.....	.8533
Canoga Citrus Association.....	.7934
N. Whittier Heights Citrus Association.....	.3195
San Fernando Fruit Growers Association.....	.4217
San Fernando Heights Orange Association.....	.9163

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	0.1876
Camarillo Citrus Association	1.4275
Fillmore Citrus Association	3.3992
Mupu Citrus Association	2.4067
Ojai Orange Association	.9368
Piru Citrus Association	1.9137
Santa Paula Orange Association	.7886
Tapo Citrus Association	.8577
Limoneira Co.	.3790
E. Whittier Citrus Association	.3850
El Rancho Citrus Association	1.0951
Murphy Ranch	.4121
Rivera Citrus Association	.5209
Whittier Citrus Association	.7700
Whittier Select Citrus Association	.4769
Anaheim Coop. Orange Association	1.5065
Bryn Mawr Mutual Orange Association	.0871
Chula Vista Mutual Lemon Association	.0876
Escondido Coop. Citrus Association	.3179
Eculid Avenue Orange Association	.4069
Foothill Citrus Union, Inc.	.0317
Fullerton Cooperative Orange Association	.5408
Garden Grove Orange Cooperative, Inc.	.7464
Glendora Cooperative Citrus Association	.0538
Golden Orange Groves, Inc.	.3606
Highland Mutual Groves	.0289
Index Mutual Association	.2063
La Verne Cooperative Citrus Association	1.8066
Olive Hillside Groves	.6126
Orange Cooperative Citrus Association	1.2373
Redlands Foothill Groves	.5781
Redlands Mutual Orange Association	.1580
Riverside Citrus Association	.0520
Ventura County Orange & Lemon Association	.8935
Whittier Mutual Orange & Lemon Association	.2231
Babijuce Corp. of California	.5250
Banks Fruit Co.	.2738
Banks, L. M.	.4983
Borden Fruit Co.	.9172
California Fruit Distributors	.1380
Cherokee Citrus Co., Inc.	.1533
Chess Company, Meyer W.	.2591
Escondido Avocado Growers	.0209
Evans Brothers Packing Co.	.1884
Gold Banner Association	.2816
Granada Hills Packing Co.	.0599
Granada Packing House	1.6879
Hill, Fred A.	.0730
Inland Fruit Dealers	.0482
Mills, Edward	.0217
Orange Belt Fruit Distributors	2.5902
Panno Fruit Co., Carlo	.0460
Paramount Citrus Association	.5461
Placentia Orchards Co.	.5553
San Antonio Orchards Co.	.4991
Santa Fe Groves Co.	.0484
Snyder & Sons Co., W. A.	.6900
Stephens, T. F.	.0834
Sunny Hills Ranch, Inc.	.1129
Ventura County Citrus Association	.0071
Verity & Sons Co., R. H.	.0344
Wall, E. T.	.1291
Webb Packing Co.	.3259
Western Fruit Growers, Inc., Ana.	.0177
Western Fruit Growers, Inc., Reds.	.5280
Yorba Orange Growers Association	.5245

[F. R. Doc. 47-7750; Filed, Aug. 15, 1947; 10:04 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—Administrative Organization

PART 1—GENERAL INFORMATION REGARDING IMMIGRATION AND NATURALIZATION SERVICE

ORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE

AUGUST 7, 1947.

Part 1, Chapter I, Title 8, Code of Federal Regulations is amended by amending §§ 1.14, 1.15, 1.16, 1.18, and 1.19 as follows and by revoking § 1.20.

§ 1.14 *Central office: The Deputy Commissioner* The Deputy Commissioner generally in the performance of the duties of his office and, under the latter's direction, is responsible for the administrative functions of the Service.

§ 1.15 *Central office: The Assistant Commissioner for Adjudications; Chief, Exclusion and Expulsion Section.* (a) Under the direction of the Commissioner, the Assistant Commissioner for Adjudications considers, and determines or recommends the determination in, numerous types of quasijudicial cases handled by the Service.

(1) The Chief of the Exclusion and Expulsion Section aids the Assistant Commissioner for Adjudications in his consideration of and action in, among others, those cases involving the admission, exclusion and deportation, or arrest and deportation of aliens.

§ 1.16 *Control office: The Assistant Commissioner for Alien Control.* Under the direction of the Commissioner, the Assistant Commissioner for Alien Control supervises and directs that part of the work of the service relating to the investigative and enforcement functions of field officers, the guarding of the boundaries of the United States, the detention of aliens, and the execution of warrants of deportation.

§ 1.18 *Control office: The Assistant Commissioner for Research and Education.* Under the direction of the Commissioner, the Assistant Commissioner for Research and Education supervises and directs that part of the work of the Service relating to the citizenship education program provided by section 327 (c) of the Nationality Act of 1940 (54 Stat.

1151, 8 U. S. C. 727 (c)) as implemented by Part 356 of this chapter.

§ 1.19 *Central office: The Assistant Commissioner for Administration.* Under the immediate direction of the Deputy Commissioner, the Assistant Commissioner for Administration supervises and directs that part of the work of the Service relating to budgetary and fiscal matters; procurement and supply; records; mail and other communications; information service; planning; recruitment, placement, and training of personnel; position classification; and employee relations.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) relative to notice of proposed rule making and delayed effective date are inapplicable for the reason that the rule prescribed by this order pertains to organization, particularly to delegation of authority, and for the further reason that notice of or hearing on this rule is not required by statute.

(Sec. 3 (a) (1) and (2), 60 Stat. 238; 5 U. S. C., Sup., 1002)

UGO CARUSI,  
Commissioner of  
Immigration and Naturalization.

Approved: August 11, 1947.

DOUGLAS W. MCGREGOR,  
Acting Attorney General.

[F. R. Doc. 47-7696; Filed, Aug. 15, 1947; 8:47 a. m.]

TITLE 10—ARMY WAR DEPARTMENT

Chapter VII—Personnel

PART 703—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, FLIGHT OFFICERS, AND CHAPLAINS

WARRANT OFFICERS

Part 703, Chapter VII, Title 10, Code of Federal Regulations is amended as follows:

1. Add the following subject matter to paragraph (a) of § 703.301 as indicated below:

§ 703.301 *Classification.* (a) Warrant officers will be examined and appointed in warrant-officer classifications indicated in the following table:

Warrant officer classification		Military occupational specialty	
No.	Title	SSN	Title
39	(Not used.)	.	.
40	(Not used—applicable to temporary warrant officers only.)	.	.
41	Technical specialist—submarine mine casemate engineering.	7605	Submarine mine casemate engineer.

2. Rescind § 703.303 and substitute the following therefor:

§ 703.303 *Appointments.* (a) Successful applicants will be reported by commanding generals of service commands to the War Department. From a

consolidated report, arranged by classifications and examination scores in both educational and technical tests, the War Department will prepare eligible lists. The scores of both tests will be converted into percentile scores (percentage of

cases up to and including a score) and the average of these two percentiles will be the composite score that will determine the order of eligibility within each classification. Appointment will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants necessary to cover possible vacancies will be carried on eligible lists for appointment until the next succeeding examination for appointment is held. All original permanent appointments as warrant officer, junior grade, will be probationary for a period of 3 years. See § 703.313.

(b) If a successful applicant is serving on active duty as a commissioned officer or chief warrant officer in the Army of the United States and is under age 45 at the time his name is reached on the eligible for appointment as a warrant officer, junior grade, to fill an existing vacancy, such applicant, if found physically qualified at that time, will be tendered a selection letter advising him of his selection for appointment upon honorable termination of active duty. The recipient of a selection letter whose active service as a commissioned officer or chief warrant officer terminates honorably and who applies for such appointment within 6 months after the termination of his active service will, irrespective of physical disqualification incurred or having its inception while on active duty in line of duty, be given such appointment if a vacancy within the authorized allotment of warrant officers, junior grade, Regular Army, exists at the time he applies for such appointment. To insure the existence of such vacancies, a vacancy will be reserved for the recipient of each selection letter until he applies for such appointment or notifies The Adjutant General of his intention not to enter such application, but not longer than 6 months after the termination of his active service. The date of rank upon appointment is the date of the selection letter, except that if an applicant reaches his 45th birthday after his name has been reached on the eligible list, to fill an existing vacancy, but before completion of the administrative procedures incident to issuance of a selection letter, he will, if physically qualified, be tendered a selection letter specifying the date of rank as the day preceding his 45th birthday.

3. Rescind § 703.304 and substitute the following therefor:

§ 703.304 *Age.* All applicants must have attained their 21st birthday and must not have passed their 45th birthday at the time of their appointment, except that applicants holding selection letters under the provisions of § 703.303 (b) and who pass their 45th birthday subsequent to the effective date of their selection letters, may be appointed. If in active military service, applicants may be permitted to apply for appointment provided they are not less than 20 years and 9 months nor more than 44 years and 9 months of age on the date of final examination.

[AR 610-10, 28 Sept. 1944 as amended by C2, 25 July 1947] (54 Stat. 1177, 55 Stat.

651, 652, 1177; 10 U. S. C. and Supp. 591-599)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-7683; Filed, Aug. 16, 1947; 8:45 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 60-0]

#### PART 60—AIR TRAFFIC RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of August 1947.

Experience with existing air traffic rules since the last revision on August 1, 1945, indicates that certain modifications and clarification are necessary in the interest of safety and, further, that air traffic rules should be promulgated to provide for increasing helicopter operations, for the operation of aircraft on the surface of the water, and for certain essential minimums for instrument flight.

On October 1, 1946, the Safety Bureau of the Board circulated to the aviation industry for comment Draft Release No. 46-5, Proposed Revision of Part 60, Air Traffic Rules. Comments received concerning that draft release were carefully considered and, on May 27, 1947, a revision of the proposed regulations was published in the FEDERAL REGISTER.

The purpose of this part is to provide certain modifications and clarification of air traffic rules in the interest of safety, to provide appropriate regulations to govern the operation of helicopters, to govern the operation of aircraft on the surface of the water, and to provide for certain essential minimums for instrument flight.

Effective October 3, 1947, Part 60, Air Traffic Rules, of the Civil Air Regulations is amended to read as follows:

Sec.	General.
60.0	Scope.
60.01	Authority of the pilot.
60.1	General flight rules (GFR).
60.100	Application.
60.101	Freight action.
60.102	Careless or reckless operation.
60.103	Airspace restricted areas.
60.104	Right-of-way.
60.105	Proximity of aircraft.
60.106	Acrobatic flight.
60.107	Minimum safe altitudes.
60.108	Operation on and in the vicinity of an airport.
60.109	Air traffic control instructions.
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Authority: §§ 60.0 to 60.329, inclusive, issued under 52 Stat. 934, 1667; 49 U. S. C. 425, 551.

Note: The statements contained in the notes are intended as explanation only and shall not be construed as official interpretations of the regulations.

#### § 60.0 *General.*

§ 60.00 *Scope.* The following air traffic rules shall apply to aircraft operated anywhere in the United States, including the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying airspace thereof, except:

(a) Military aircraft of the United States armed forces when appropriate military authority determines that non-compliance with this part is required and prior notice thereof is given to the Administrator, and

(b) Aircraft engaged in special flight operations, requiring deviation from this part, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the Administrator.

Note: Specific operations which cannot be conducted within the provisions of the regulations in this part, such as air races, air meets, acrobatic flights, or certain pest control or seeding operations require, prior to commencement of the operation, a certificate of waiver which may be obtained from the nearest office of CAA.

§ 60.01 *Authority of the pilot.* The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to operation of the aircraft. In emergency situations which require immediate decision and action the pilot may deviate from the rules prescribed in this part to the extent required by consideration of safety. When such emergency authority is exercised, the pilot, upon request of the Administrator, shall file a written report of

such deviation. In an emergency situation which results in no deviation from the rules prescribed in this part but which requires air traffic control to give priority to an aircraft, the pilot of such aircraft shall make a report within 48 hours of such emergency situation to the nearest regional office of the Administrator.

#### § 60.1 General flight rules (GFR)

§ 60.100 *Application.* Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable.

§ 60.101 *Preflight action.* Before beginning a flight, the pilot in command of the aircraft shall familiarize himself with all available information appropriate to the intended operation. Preflight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements, an alternate course of action if the flight cannot be completed as planned, and also any known traffic delays of which he has been advised by air traffic control.

§ 60.102 *Careless or reckless operation.* No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others.

NOTE: Examples of aircraft operation which may endanger the lives or property of others are:

- (a) Any person who "buzzes" dives on, or flies in close proximity to a farm, home, any structure, vehicle, vessel, or group of persons on the ground. In rural districts the flight of aircraft at low altitude often causes injury to livestock. A pilot who engages in careless or reckless flying and who does not own the aircraft which he is flying unduly endangers the aircraft, the property of another.
- (b) The operation of aircraft at an insufficient altitude endangers persons or property on the surface or passengers within the aircraft. Such a flight may also constitute a violation of § 60.107.
- (c) Lack of vigilance by the pilot to observe and avoid other air traffic. In this respect, the pilot must clear his position prior to starting any maneuver, either on the ground or in flight.
- (d) Passing other aircraft too closely.
- (e) An operation conducted above a cloud layer in accordance with VFR minimums which results in the pilot becoming involved in instrument flight, unless the pilot possesses a valid instrument rating, the aircraft is properly equipped for instrument flight, and all IFR requirements are observed.

§ 60.103 *Airspace restricted areas.* The Administrator may designate as a danger area an area within which he has determined that an invisible hazard to aircraft in flight exists. No person shall operate an aircraft within an airspace reservation or danger area unless permission for such operation has been issued by appropriate authority.

NOTE: Airspace restricted areas are established in order to conduct certain essential activities which might endanger air traffic passing over or near the location thereof. Airspace restricted areas are shown on aeronautical charts and in publications of aids to air navigation. Avoidance of such areas is imperative to the safety of flight unless

prior permission for flight through the area has been secured from the agency having jurisdiction over the airspace reservation or danger area.

§ 60.104 *Right-of-way.* An aircraft which is obliged by the following rules to keep out of the way of another shall avoid passing over or under the other, or crossing ahead of it, unless passing well clear;

NOTE: Right-of-way rules do not apply when, for reasons beyond the pilot's control, aircraft cannot be seen due to restrictions of visibility. The aircraft which has the right-of-way will normally maintain its course and speed, but nothing in this part relieves the pilot from the responsibility for taking such action as will best aid to avert collision.

(a) *Distress.* An aircraft in distress has the right-of-way over all other air traffic;

(b) *Converging.* Aircraft converging shall give way to other aircraft of a different category in the following order: airplanes and rotorcraft shall give way to airships, gliders, and balloons; airships shall give way to gliders and balloons; gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each aircraft shall give way to the other which is on its right. In any event, mechanically driven aircraft shall give way to aircraft which are seen to be towing other aircraft;

NOTE: In effect, an aircraft will give way to another of a different class which is less maneuverable and is unable to take as effective action to avoid collision. For this reason aircraft towing others are given the right-of-way.

(c) *Approaching head-on.* When two aircraft are approaching head-on, or approximately so, each shall alter its course to the right;

(d) *Overtaking.* An aircraft that is being overtaken has the right-of-way, and the overtaking aircraft, whether climbing, descending, or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear;

NOTE: Passing an overtaken aircraft on the right is required because the pilot in side-by-side, dual-control aircraft is seated on the left and has a better view on that side. Further, in narrow traffic lanes, passing on the left of an overtaken aircraft would place the overtaking aircraft in the path of the oncoming traffic.

(e) *Landing.* Aircraft, while on final approach to land, or while landing, have the right-of-way over other aircraft, in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right-of-way, but it shall not take advantage of this rule to cut in in front of another which is on final approach to land, or to overtake that aircraft.

NOTE: Pilots must recognize that once committed to a landing in certain aircraft the pilot has little chance to avoid other aircraft which may interfere with that landing and,

therefore, careful observance of this rule is important to the safety of all concerned.

§ 60.105 *Proximity of aircraft.* No person shall operate an aircraft in such proximity to other aircraft as to create a collision hazard. No person shall operate an aircraft in formation flight when passengers are carried for hire. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.

§ 60.106 *Acrobatic flight.* No person shall engage in acrobatic flight:

(a) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons, or

(b) Within any civil airway or control zone, or

(c) When the flight visibility is less than 3 miles, or

(d) Below an altitude of 1,500 feet above the surface.

NOTE: Acrobatic maneuvers performed over a congested area or an open assembly of persons, or in areas where considerable air traffic exists, creates an undue hazard to persons or property. Flight visibility of at least 3 miles is believed to be a prerequisite to acrobatic flight in order that the pilot, after scanning the entire vicinity, may be reasonably assured that no other aircraft is within dangerous proximity prior to performing such maneuvers.

§ 60.107 *Minimum safe altitudes.* Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes:

(a) *Anywhere.* An altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface;

(b) *Over congested areas.* Over the congested areas of cities, towns or settlements, or over an open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with paragraph (a) of this section; however, the Administrator, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event, helicopters shall conform thereto;

NOTE: The rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement, at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus selected from which such an emergency landing can be effected at any time.

(c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle, or structure. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the

surface and in accordance with paragraph (a) of this section.

**NOTE:** When flight is necessary at an altitude of less than 500 feet above the surface, the pilot must avoid creating any hazard to persons or property on the surface which may result from such flight. In no event should the pilot expose his passengers to unnecessary hazard while engaging in flight at low altitude. The maneuverability of the helicopter permits safe flight below the minimums required above, provided good judgment and caution are exercised by the pilot.

(d) *IFR operations.* The minimum IFR altitude established by the Administrator for that portion of the route over which the operation is conducted. Where the Administrator has not established such a minimum, operations shall be conducted at not less than 1,000 feet above the highest obstacle within a horizontal radius of 5 miles from the aircraft.

**NOTE:** When minimum altitudes are established by the Administrator for particular routes, such altitudes will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.108 *Operation on and in the vicinity of an airport.* Aircraft shall be operated on and in the vicinity of an airport in accordance with the following rules:

(a) When approaching for landing, all turns shall be made to the left unless the airport displays standard visual markings approved by the Administrator and which indicate that all turns are to be made to the right, or unless otherwise authorized by air traffic control;

**NOTE:** Where right-hand turns and clockwise flow of traffic are desirable in the interest of safety, airport markings visible from the air will inform the transient pilot of the necessity for making turns to the right.

(b) If air traffic control is in operation at the airport, contact shall be maintained with such control, either visually or by radio, to receive any air traffic control instructions which may be issued;

(c) Aircraft operating from an airport shall conform to the traffic patterns prescribed for that airport;

(d) The Administrator may, when necessary in the interest of safety, prescribe traffic patterns for an airport which shall supersede any other traffic patterns previously prescribed;

(e) When light signals are used for the control of air traffic, they shall be of the color and have the meaning prescribed by the Administrator.

**NOTE:** Light signals and their meanings are published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.109 *Air traffic control instructions.* No person shall operate an aircraft contrary to air traffic control instructions in areas where air traffic control is exercised.

§ 60.110 *Notification of arrival.* If a flight plan has been filed, the pilot in command of the aircraft, upon landing

or completion of the flight, shall file an arrival or completion notice with the nearest Civil Aeronautics Administration communications station or control tower.

§ 60.111 *Adherence to air traffic clearances.* When an air traffic clearance has been obtained under either the VFR or IFR rules, the pilot in command of the aircraft shall not deviate from the provisions thereof unless an amended clearance is obtained. In case emergency authority is used to deviate from the provision of an air traffic clearance, the pilot in command shall notify air traffic control as soon as possible and, if necessary, obtain an amended clearance. However, nothing in this section shall prevent a pilot, operating on an IFR traffic clearance, from notifying air traffic control that he is cancelling his IFR flight plan and proceeding under VFR: *Provided,* That he is operating in VFR weather conditions when he takes such action.

§ 60.112 *Water operations.* An aircraft operated on the water shall, in so far as possible, keep clear of all vessels and avoid impeding their navigation. The following rules shall be observed with respect to other aircraft or vessels operated on the water:

(a) *Crossing.* The aircraft or vessel which has the other on its right shall give way so as to keep well clear;

(b) *Approaching head-on.* When aircraft, or an aircraft and vessel, approach head-on, or approximately so, each shall alter its course to the right to keep well clear;

(c) *Overtaking.* The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter its course to keep well clear;

(d) *Special circumstances.* When two aircraft, or an aircraft and vessel, approach so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

**NOTE:** The rules for operating aircraft on the surface of the water conform to marine rules for the operation of vessels. The "Special circumstances" rule is provided for situations wherein it may be impracticable or hazardous for a vessel or another aircraft to bear to the right because of depth of a waterway, wind conditions, or other circumstances.

§ 60.113 *Aircraft lights.* Aircraft shall display lights in accordance with the following rules:

(a) During hours of darkness all aircraft in flight or operated on the ground shall display position lights;

(b) During the hours of darkness all aircraft parked or moved within or in dangerous proximity to that portion of any airport used for, or available to, night flight operations shall be clearly illuminated or lighted, unless the aircraft is parked or moved in an area marked with obstruction lights;

(c) Between the hours of sunset and sunrise all aircraft under way on the water shall display position lights;

(d) Between the hours of sunset and sunrise all aircraft at anchor shall display an anchor light, or anchor lights, unless in an area within which lights are not required for vessels at anchor.

**NOTE:** Aircraft must display appropriate lights on the surface of the water between the hours of sunset and sunrise in order to conform to marine rules.

### § 60.2 Visual flight rules (VFR)

§ 60.200 *Distance from clouds.* Aircraft shall be flown:

(a) *Within control zones.* Not less than 500 feet vertically and 2,000 feet horizontally from any cloud formation, unless air traffic control has authorized flight clear of clouds; and

(b) *Elsewhere.* At any altitude more than 700 feet above the surface, not less than 500 feet vertically and 2,000 feet horizontally from any cloud formation; at an altitude of 700 feet or less above the surface, clear of clouds.

**NOTE:** See Exhibit A.

§ 60.201 *Visibility—(a) Ground visibility within control zones.* When the ground visibility is less than 3 miles, no person shall take-off or land an aircraft at an airport within a control zone, or enter the traffic pattern of such an airport, unless an air traffic clearance is obtained from air traffic control;

(b) *Flight visibility within control zones.* When the flight visibility is less than 3 miles, no person shall operate an aircraft in flight within a control zone, unless an air traffic clearance is obtained from air traffic control;

(c) *Flight visibility within control areas.* When the flight visibility is less than 3 miles, no person shall operate an aircraft within a control area;

**NOTE:** When the flight visibility is less than 3 miles, operations within control areas are to be conducted in accordance with instrument flight rules. Flight below 700 feet above the surface is not within a control area. See definition of control area.

(d) *Flight visibility elsewhere.* When outside of control zones and control areas, no person shall operate an aircraft in flight when the flight visibility is less than one mile. However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile if operated at a reduced speed which will give the pilot of such helicopter adequate opportunity to see other air traffic or any obstruction in time to avoid hazard of collision.

**NOTE:** See Exhibit A. When traffic conditions permit, air traffic control will issue an air traffic clearance for flights within, entering, or departing control zones when ground visibility or the flight visibility is less than 3 miles. The operator of any airport within a control zone, other than the airport upon which the control zone is centered, may secure continuing permission from air traffic control to conduct operations when the visibility is less than 3 miles; *Provided,* That such operations, at all times, remain 2,000 feet horizontally and 500 feet vertically from clouds, and traffic patterns are established and observed which avoid conflict with other operations. When outside of control zones and at an altitude of less than 700 feet above the surface, helicopters are permitted to fly when the flight visibility is less than one mile because of their special flight characteristics which allow them to proceed at low speed with safety.

§ 60.202 *Cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, the following cruising altitudes shall be observed:

(a) *Within control zones and control areas.* At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator;

(b) *Elsewhere.* When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (3,000; 5,000; etc.)

(2) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).

(3) 180° to 269° inclusive, at even thousands (4,000; 6,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

**NOTE:** "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. See Exhibit B for "quadrantal altitudes" in relation to magnetic course. In view of increasing air traffic and the broad range of speed of aircraft, safety requires observance of the above cruising altitudes.

§ 60.203 *VFR flight plan.* If a VFR flight plan is filed, it shall contain such of the information listed in § 60.301 as air traffic control may require.

**NOTE:** Although flight plans are not required for VFR flight, air traffic control will accept such flight plans when desired by the pilot. Flights proceeding over sparsely populated areas or mountainous terrain may thus take advantage of any search and rescue facilities which may be available in emergencies. The information contained in such a flight plan is of importance to search and rescue operations.

### § 60.3 *Instrument flight rules (IFR)*

§ 60.300 *Application.* When aircraft are not flown in accordance with the distance-from-cloud and visibility rules prescribed in the visual flight rules, (§ 60.2) aircraft shall be flown in accordance with the following rules.

§ 60.301 *IFR flight plan.* Prior to take-off from a point within a control zone or prior to entering a control area or control zone, a flight plan shall be filed with air traffic control. Such flight plan shall contain the following information unless otherwise authorized by air traffic control:

(a) Aircraft identification, and if necessary, radio call sign;

(b) Type of aircraft; or, in the case of a formation flight, the types and number of aircraft involved;

(c) Full name, address, and number of pilot certificate of pilot in command of the aircraft, or of the flight commander if a formation flight is involved;

(d) Point of departure;

(e) Cruising altitude, or altitudes, and the route to be followed;

(f) Point of first intended landing;

(g) Proposed true air speed at cruising altitude in miles per hour;

(h) Radio transmitting and receiving frequencies to be used;

(i) Proposed time of departure;

(j) Estimated elapsed time until arrival over the point of first intended landing;

(k) Alternate airport or airports, in accordance with the requirements of § 60.302;

(l) Amount of fuel on board expressed in hours;

(m) Any other information which the pilot in command of the aircraft, or air traffic control, deems necessary for air traffic control purposes.

§ 60.302 *Alternate airport.* An airport shall not be listed in the flight plan as an alternate airport unless current weather reports and forecasts show a trend indicating that the ceiling and visibility at such airport will be at or above the following minimums at the time of arrival:

(a) *Airport served by radio directional facility.* Ceiling 1,000 feet, visibility one mile; or, ceiling 900 feet, visibility 1½ miles; or, ceiling 800 feet, visibility 2 miles;

(b) *Airport not served by radio directional facility.* Ceiling 1,000 feet with broken clouds or better, visibility 2 miles;

(c) *Minimums at individual airports.* The Administrator may, in the interest of safety, prescribe higher ceiling and visibility minimums at individual airports than required by paragraph (a) or (b) of this section; and for individual operations at particular airports, may specify lower minimums if he shall find that such reduced minimums will not decrease safety.

**NOTE:** The minimums set forth above are required for clearance prior to take-off and are not intended to limit use of any alternate airport if weather conditions change while en route, in which event the landing minimums published in the CAA Flight Information Manual shall apply. Minimums for particular airports which may be prescribed by the Administrator will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

§ 60.303 *Air traffic clearance.* Prior to take-off from a point within a control zone or prior to entering a control area or control zone, an air traffic clearance shall be obtained from air traffic control.

§ 60.304 *Cruising altitudes.* Aircraft shall be flown at the following cruising altitudes:

(a) *Within control areas and control zones.* At altitudes authorized by air traffic control;

(b) *Elsewhere.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc.).

(2) 90° to 179° inclusive, at odd thousands plus 500 (1,500; 3,500; etc.).

(3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

**NOTE:** For "quadrantal altitudes" in relation to magnetic course see Exhibit B. The above cruising altitudes are not in conflict with those required for flight under VFR rules.

§ 60.305 *Right-side traffic.* Aircraft operating along a civil airway shall be flown to the right of the center line of such airway, unless otherwise authorized by air traffic control.

§ 60.306 *Instrument approach procedure.* When instrument letdown to an airport is necessary, a standard instru-

ment approach procedure prescribed for that airport by the Administrator shall be used, unless:

(a) A different instrument approach procedure specifically authorized by the Administrator is used, or

(b) A different instrument approach procedure is authorized by air traffic control for the particular approach, provided such authorization is issued in accordance with procedures approved by the Administrator.

**NOTE:** Standard instrument approach procedures prescribed by the Administrator are published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Such procedures have been carefully investigated with respect to pattern and terrain clearance. Safety would not permit several aircraft to make simultaneous use of more than one instrument approach procedure unless such operations were controlled.

§ 60.307 *Radio communications.* Within control zones and control areas the pilot in command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point, or the reporting points specified by air traffic control, together with weather conditions which have not been forecast, and other information pertinent to the safety of flight.

**NOTE:** Designated reporting points are noted in publications of aids to air navigation. Control of air traffic is predicated on knowledge of the position of aircraft in flight. The reporting of unanticipated weather encountered en route such as icing or extreme turbulence may be of importance to the safety of other aircraft anticipating flight within the area.

§ 60.308 *Radio failure.* If unable to maintain two-way radio communications, the pilot in command of the aircraft shall:

(a) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(b) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is higher. Descent shall start at approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

**NOTE:** Detailed procedures to be followed by the pilot are contained in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

### § 60.9 *Definitions.*

§ 60.900 *Acrobatic flight.* Maneuvers intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal acceleration.

**NOTE:** The term "acrobatic flight" is not intended to include turns or maneuvers necessary to normal flight.

§ 60.901 *Aircraft.* Any contrivance used or designed for navigation of or flight in the air, except a parachute or

other contrivance designed for such navigation but used primarily as safety equipment.

§ 60.902 *Airplane.* A mechanically propelled aircraft the support of which in flight is derived dynamically from the reaction on surfaces in a fixed position relative to the aircraft but in motion relative to the air.

§ 60.903 *Airport.* A defined area on land or water, including any buildings and installations, normally used for the take-off and landing of aircraft.

§ 60.904 *Airship.* A mechanically propelled aircraft whose support is derived from lighter-than-air gas.

§ 60.905 *Airspace restricted areas.* Designated areas in which flight is restricted, which are established by appropriate authority, and are shown on aeronautical charts and published in notices to airmen and aids to air navigation.

(a) *Airspace reservation.* An area established by Executive Order of the President of the United States or by any State of the United States.

(b) *Danger area.* An area designated by the Administrator within which an invisible hazard to aircraft in flight exists.

§ 60.906 *Air traffic.* Aircraft in operation anywhere in the airspace and on that area of an airport normally used for the movement of aircraft.

§ 60.907 *Air traffic clearance.* Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

§ 60.908 *Air traffic control.* A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

§ 60.909 *Alternate airport.* An airport specified in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

§ 60.910 *Approach time.* The time at which an aircraft is expected to commence its approach procedure preparatory to landing.

§ 60.911 *Balloon.* An aircraft, excluding moored balloons, without mechanical means of propulsion, the support of which is derived from lighter-than-air gas.

§ 60.912 *Ceiling.* The distance from the surface of the ground or water to the lowest cloud layer reported as "broken clouds" or "overcast"

§ 60.913 *Control area.* An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

§ 60.914 *Control zone.* An airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

§ 60.915 *Cruising altitude.* A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

§ 60.916 *Flight plan.* Specified information filed either verbally or in writing with air traffic control relative to the intended flight of an aircraft.

§ 60.917 *Flight visibility.* The average horizontal distance that prominent objects may be seen from the cockpit.

§ 60.918 *Glider.* An aircraft without mechanical means of propulsion, the support of which in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

§ 60.919 *Ground visibility.* The average range of vision in the vicinity of an airport as reported by the U. S. Weather Bureau or, if unavailable, by an accredited observer.

§ 60.920 *Helicopter.* A type of rotorcraft the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

§ 60.921 *Hours of darkness.* The hours between sunset and sunrise during which any unlighted aircraft or other unlighted prominent objects cannot readily be seen beyond a distance of 3 miles. In any case, "hours of darkness"

shall extend from 30 minutes after sunset to 30 minutes before sunrise. Within the Territory of Alaska, "hours of darkness" shall constitute those hours specified and published by the Administrator.

§ 60.922 *IFR.* The symbol used to designate instrument flight rules.

§ 60.923 *IFR conditions.* Weather conditions below the minimum prescribed for flights under VFR.

§ 60.924 *Magnetic course.* The true course or track, corrected for magnetic variation, between two points on the surface of the earth.

§ 60.925 *Reporting point.* A geographical location in relation to which the position of an aircraft is reported.

§ 60.926 *Rotorcraft.* An aircraft whose support in the air is chiefly derived from the vertical component of the force produced by rotating airfoils.

§ 60.927 *Traffic pattern.* The flow of aircraft operating on and in the vicinity of an airport during specified wind conditions as established by appropriate authority.

§ 60.928 *VFR.* The symbol used to designate visual flight rules.

§ 60.929 *VFR conditions.* Weather conditions equal to or above the minimum prescribed for flights under VFR.

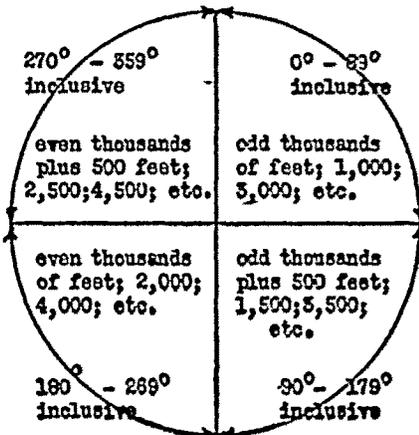
EXHIBIT A  
CHART OF VFR VISIBILITY AND DISTANCE-FROM-CLOUDS MINIMUMS

		In control zones	In control areas	Elsewhere
At altitudes of more than 700 feet above the surface.	Visibility	3 miles <sup>1</sup>	3 miles	1 mile
	Distance from clouds.	500 feet vertically <sup>2</sup> and 2,000 feet horizontally <sup>3</sup>	500 feet vertically and 2,000 feet horizontally.	500 feet vertically and 2,000 feet horizontally.
At 700 feet or less above the surface.	Visibility	3 miles <sup>1</sup>	3 miles	1 mile <sup>4</sup>
	Distance from clouds.	500 feet vertically <sup>2</sup> and 2,000 feet horizontally <sup>3</sup>	Control areas do not extend below 700 feet above the surface. Therefore, the "elsewhere" minimums apply.	Clear of clouds.

<sup>1</sup> If traffic conditions permit, air traffic control will issue an air traffic clearance when the minimums are less than those specified, but under this provision the flight must remain clear of clouds.  
<sup>2</sup> Visibility minimum does not apply to helicopters if operated at a reduced speed at or below 700 feet above the surface and outside of control zones.

EXHIBIT B

CHART OF CRUISING ALTITUDES OUTSIDE OF CONTROL AREAS AND CONTROL ZONES



Note: § 60.202 requires observance of the above cruising altitudes at or above 3,000 feet above the surface when the flight visibility is less than 3 miles, and § 60.304 requires observance of these altitudes at all times during IFR operations. These altitudes apply outside of control areas and control zones.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Acting Secretary.

[F. R. Doc. 47-7653; Filed, Aug. 15, 1947; 8:45 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 5]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

REVISION OF APPENDIX

Acting pursuant to the authority vested in me by the Federal Airport Act

(60 Stat. 170; Pub. Law No. 377, 79th Cong.) I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending and revising Appendix I thereto to read as follows:

## APPENDIX I

Form ACA-1632 (Rev. 8-47)

DEPARTMENT OF COMMERCE  
Civil Aeronautics Administration  
Washington, D. C.

## GRANT AGREEMENT

(Grant Offer by Administrator and Acceptance by Sponsor Pursuant to Federal Airport Act)

Date of Offer -----  
Airport -----  
Project No. -----

To: -----  
(Herein referred to as the Sponsor)  
From: The Administrator of Civil Aeronautics (herein referred to as the Administrator)

Whereas, The Sponsor has submitted to the Administrator a Project Application dated ----- 19-- for a grant of Federal funds for a project for the development of a class ----- airport (hereinafter referred to as the "Project") in accordance with the National Airport Plan formulated by the Administrator, which Project is described as follows:

Name of airport -----  
located at -----  
Project No. -----, Scope and description of development -----

and has also submitted to the Administrator a Sponsor's Assurance Agreement adopted by the Sponsor under date of ----- 19-- relating to the operation and maintenance of said airport; which Project Application and Sponsor's Assurance Agreement are hereby specifically incorporated herein and made a part hereof;

Now, therefore, pursuant to and for the purposes of carrying out the provisions of the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Congress); and in reliance upon the representations made in said Project Application and Sponsor's Assurance Agreement; and in consideration of (a) the Sponsor's acceptance of this offer, as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the airport,

The Administrator for and on behalf of the United States hereby offers and agrees to pay, as the United States' shares of costs incurred in accomplishing the project, 25 percentum of the allowable land acquisition costs and ----- percentum of all other allowable project costs, subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this offer shall be \$-----.

2. The Sponsor shall:

(a) Begin accomplishment of the Project within a reasonable time after acceptance of this offer, and

(b) Carry out and complete the Project in accordance with the terms of this offer and the Federal Airport Act and the Regulations promulgated thereunder by the Administrator on January 9, 1947, as amended, which Act and Regulations are incorporated herein and made a part hereof, and

(c) Carry out and complete the Project in accordance with plans and specifications (including revisions or modifications thereof),

as approved by the Administrator or his duly authorized representative.

3. Any misrepresentation or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this offer shall terminate the obligation of the United States, and it is understood and agreed by the Sponsor in accepting this offer that if a material fact has been misrepresented or omitted by the Sponsor, the Administrator on behalf of the United States may recover all grant payments made.

4. The Administrator reserves the right to revoke or amend this offer at any time prior to acceptance by the Sponsor as hereinafter provided.

5. This offer shall expire and the United States shall not be obligated to pay any of the allowable costs of the Project unless this offer has been accepted by the Sponsor, as hereinafter provided, within 60 days from the above date of offer, except that the Administrator may, in writing, prior to the expiration of said 60 days, extend such time for acceptance.

6. (Special terms and conditions.)

Acceptance of this offer shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and said offer when so accepted shall comprise a Grant Agreement constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the ----- airport.

UNITED STATES OF AMERICA  
The Administrator of Civil Aeronautics  
By -----  
Regional Administrator, Region -----

Acceptance by Sponsor. ----- does hereby accept the foregoing Grant Offer this ----- day of ----- 19-- and by such acceptance agrees to all of the terms and conditions thereof.

[SEAL]

Attest: -----

(Title)

By: -----

(Title)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Pub. Law 377, 79th Cong., 60 Stat. 170)

F. B. LEE,  
Acting Administrator of  
Civil Aeronautics.

[F R. Doc. 47-7692; Filed, Aug. 15, 1947;  
8:53 a. m.]

[Amdt. 6]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law No. 377, 79th Cong.) I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics, as follows:

By amending § 550.17 (b) (2) to read as follows:

§ 550.17 Grant agreement. \* \* \*

(b) Terms and conditions. \* \* \*

(2) The sponsor will accept or reject the offer within sixty days from the date thereof, except that in the event of

unusual and unforeseen circumstances, which in the judgment of the Administrator, will prejudice the successful accomplishment of the purposes of the act, the Administrator may, in his discretion, extend the time for acceptance.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Pub. Law 377, 79th Cong., 60 Stat. 170)

F. B. LEE,  
Acting Administrator of  
Civil Aeronautics.

[F R. Doc. 47-7693; Filed, Aug. 15, 1947;  
8:53 a. m.]

## TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,  
Department of the Treasury

[T. D. 51735]

## PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

## INVOICE EXCEPTIONS

Section 8.15 (a) (4) Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a) (4)) is hereby amended by changing the word "automobiles" where it first appears to "articles"

(Sec. 484, 498, 624, 46 Stat. 722, 728, 759, sec. 12, 52 Stat. 1083; 19 U. S. C. 1484, 1498, 1624)

[SEAL]

FRANK DOW,  
Acting Commissioner of Customs.

Approved: August 12, 1947.

A. L. M. WIGGINS,  
Acting Secretary of the Treasury.

[F R. Doc. 47-7694; Filed, Aug. 15, 1947;  
8:45 a. m.]

[T. D. 51736]

## PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

## INVOICE EXCEPTIONS

Section 8.15 (a) (20) Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a) (20)) as amended by T. D. 51222, is hereby further amended by inserting before the comma following the phrase "including parts of fish" the following: "(except fish and fish livers in air-tight containers)"

(Sec. 484, 498, 624, 46 Stat. 722, 728, 759, sec. 12, 52 Stat. 1083, 19 U. S. C. 1484, 1498, 1624)

[SEAL]

FRANK DOW,  
Acting Commissioner of Customs.

Approved: August 12, 1947.

A. L. M. WIGGINS,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-7695; Filed, Aug. 15, 1947;  
8:46 a. m.]

**TITLE 20—EMPLOYEES' BENEFITS**

**Chapter III—Social Security Administration (Old-Age and Survivors Insurance) Federal Security Agency**  
[Regs. 3, Further Amended]

**PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE**

**BENEFITS IN CASE OF DECEASED WORLD WAR II VETERANS**

Regulations No. 3, as amended (20 CFR, Cum. Supp., 403.1 et seq.) are further amended as follows:

Section 403.1004 (a) is amended to read as follows:

§ 403.1004 *Meaning of terms.* (a) An individual who has served in the active military or naval service of the United States includes any person, male or female, commissioned, enlisted, enrolled or drafted, who served in any of the armed forces of the United States, including the Army, Navy, Marine Corps, Coast Guard, or any of the components thereof. It does not include a member of units such as the Women's Army Auxiliary Corps (WAAC) Coast-Guard Auxiliary, Coast Guard Reserve (Temporary) (except those members who served on active full-time duty with military pay and allowances) or the Civil Air Patrol.

(Sec. 1102, 49 Stat. 647, sec. 205 (a), 53 Stat. 1368; 42 U. S. C. 1302, 405 (a) sec. 4, Reorg. Plan No. 2, 1946, 11 F. R. 7873)

Dated: August 8, 1947.

[SEAL] **W. L. MITCHELL,**  
*Acting Commissioner for Social Security.*

Approved: August 13, 1947.

**WATSON B. MILLER,**  
*Federal Security Administrator.*

[F. R. Doc. 47-7717; Filed, Aug. 15, 1947; 8:48 a. m.]

**TITLE 24—HOUSING CREDIT**

**Chapter VI—Public Housing Administration**

**REDESIGNATION OF CHAPTER**

**NOTE:** Chapter VI of Title 24, formerly designated as Federal Public Housing Authority, is redesignated as Chapter VI, Title 24, Public Housing Administration.

**PART 603—FINAL DELEGATIONS OF AUTHORITY**

**DELEGATIONS TO REGIONAL OFFICE OFFICIALS**

Section 603.2 (a) (1) (xxviii) (c) (11 F. R. 177A-901) is hereby amended to read as follows:

§ 603.2 *Delegations to regional office officials.* \* \* \*

(a) *Delegations of authority to regional directors.* (1) \* \* \*

(xxviii) In connection with the management of public conversion projects:

(c) To modify or extend leases for converted properties, and to sell leases where the combined net recovery through

operation and sale of the leasehold exceeds 60% of the full conversion costs; or to sell, cancel or dispose of other leases when approved by the Assistant Commissioner for Program Operation.

Any instrument executed by the Regional Director pursuant to this paragraph shall be conclusive evidence of the authority of the Regional Director to execute such instrument and of compliance with any conditions precedent to the exercise of his authority.

(Sec. 1, 54 Stat. 1125; 42 U. S. C. 1521)

Approved: August 5, 1947.

[SEAL] **D. S. MYER,**  
*Acting Commissioner*

[F. R. Doc. 47-7639; Filed, Aug. 15, 1947; 8:53 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**Chapter VII—Sugar Rationing Administration, Department of Agriculture**

**PART 712—TERRITORIES AND POSSESSIONS**  
[3d RMPR 183, Amdt. 11]

**PUERTO RICO**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Third Revised Maximum Price Regulation 183, issued by the Office of Price Administration and amended by the Office of Temporary Controls under § 1418.1 of Title 32, Chapter XI, insofar as such regulation is now in effect, is designated Third Revised Maximum Price Regulation 183, issued under

§ 712.1, Title 32, Chapter VII, pursuant to the authority vested in the Secretary of Agriculture by the Sugar Control Extension Act of 1947 and is amended in the following respects:

1. Section 4.23 is amended to read as follows:

§ 4.23 *Raw cane sugar*—(a) *Additions to applicable maximum prices for sales of raw cane sugar*—(1) *Sales by producers who own no raw cane sugars on September 17, 1946.* Any producer who owns no raw cane sugars at 11:59 p. m., September 17, 1946, may on and after September 18, 1946, add 1.825 cents per pound to the applicable maximum prices of raw cane sugar of 85 degrees polarization established for him by the General Maximum Price Regulation.

(2) *Sales by producers who own raw cane sugars on September 17 1946.* Any producer who owns raw cane sugars at 11:59 p. m., September 17, 1946, may on and after September 18, 1946, add 1.825 cents per pound to the applicable maximum prices of raw cane sugar of 96 degrees polarization established for him by the General Maximum Price Regulation, upon the condition that he complies with the pertinent requirements of paragraphs (c) and (d) of this section.

(3) *Sales of raw cane sugar on and after August 13, 1947.* On and after August 13, 1947, the maximum price for sale of raw cane sugar determined under subparagraphs (1) and (2) of this paragraph may be increased by 63½ cents per hundredweight.

(b) *Refined granulated cane sugar.* (1) Subject to the provisions of subparagraphs (2) and (3) of this paragraph, maximum prices for refined granulated cane sugar shall be as follows:

All brands packaged in	Sales at refiners level <sup>1</sup> (per 100 lbs.)	Sales at wholesalers (per 100 lbs.)	Sales at retail
Refined granulated sugar:			
100-lb. container.....	\$8.29	\$8.40	\$9.10 per lb.—2 lbs. for 19 cents (packed in 100 lb. container).
25-lb. container.....	8.25	8.25	\$2.24 per 25 lbs. (packed in 25 lb. container).
10-lb. container.....	8.20	8.20	\$2.03 per 10 lbs. (packed in 10 lb. container).
5-lb. container.....	8.25	8.25	\$1.50 per 5 lbs. (packed in 5 lb. container).
2-lb. container.....	8.25	8.25	\$2.09 per 2 lbs. (packed in 2 lb. container).
1-lb. container.....	9.09	9.09	\$9.10 per lb. (packed in 1 lb. container).

<sup>1</sup> Prices include transportation to buyer's place of business.  
<sup>2</sup> Deduct if in paper container at the following prices per 100 lbs.: 100 lb. container, \$9.15; 25 lb. container, \$9.20; 10 lb. container, \$9.25; 5 lb. container, \$9.45; 2 lb. container, \$9.45 and 1 lb. container, \$9.45.

**NOTE:** The maximum prices specified above shall be reduced by any discounts customarily allowed for cash or prompt payment.

(2) *Sales by refiners owning cane sugars on September 17 1946.* Any refiner who owns any cane sugars at 11:59 p. m., September 17, 1946, may sell refined granulated cane sugar at the maximum prices set forth in subparagraph (1) of this paragraph, upon the condition that he complies with the requirements of paragraphs (c) and (d) of this section.

(3) *Special rules affecting sales by wholesalers and retailers.* (1) At the close of business on September 17, 1946, you must determine the number of pounds of each item of sugar that you own for resale at that time. You must make and keep a record of that inventory at your place of business. After that date you must continue to sell each item of sugar at no more than the cell-

ing price you had in effect on September 17, 1946, until you have sold an amount equal to your September 17, 1946, inventory of the item. After you have sold that amount, you may charge the prices set forth in paragraph (b) (1)

(ii) On purchases of sugar made by you on and after September 18, 1946, your supplier will notify you whether he is charging you his ceiling price in effect on September 17, 1946. If you receive such notifications you must continue to sell such sugar at no more than the ceiling price you had in effect on September 17, 1946.

(c) *Filing of affidavit.* Each person (other than a wholesaler or retailer) owning cane sugars at 11:59 p. m., September 17, 1946, shall not later than November 10, 1946, send by registered mail addressed to Commodity Credit Corpora-

• 11 F. R. 11648.

tion, 150 Broadway, New York 7, New York, an affidavit setting out the following amounts of sugar owned by him at 11:59 p. m., September 17, 1946:

(1) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis.

(2) The total number of pounds of refined turbinado and washed sugar.

(3) The total number of pounds of raw sugar (converted to a refined basis) in process of refinement.

If any part of a refiner's inventory consists of sugars acquired from a mill other than a mill owned or controlled by him, the refiner must specify how much of the amounts of sugar described in subparagraphs (1) (2) and (3) of this paragraph consists of such outside sugar.

(d) *Payment to Commodity Credit Corporation.* Any person (other than a wholesaler or retailer) owning cane sugars at 11:59 p. m., September 17, 1946, who elects to sell at the increased maximum prices on September 18, 1946, shall make a statement to that effect in the affidavit described in paragraph (c) of this section and shall make payment by check or money order payable in New York funds to the Commodity Credit Corporation in an amount computed as follows:

(1) The total number of pounds of refined, turbinado and washed cane sugar, plus the total number of pounds of cane sugar (converted to a refined basis) in process of refinement, plus the total number of pounds of cane sugar (converted to a turbinado basis) in process of conversion to turbinado, multiplied by 1.47 cents per pound; plus

(2) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into raw cane sugar) adjusted to a 96 degree polarization basis, multiplied by 1.37 cents per pound.

Payment may be made at the time of filing the affidavit or monthly payments shall be made within 60 days following the close of the calendar month for the amount of such sugar sold during such month, until the full amount due has been paid. The maximum price in event of failure to make such payment or payments, shall be the maximum price in effect prior to September 18, 1946.

(e) *Election to sell inventory at lower price.* Any person owning cane sugars at 11:59 p. m., September 17, 1946, may, in lieu of making payment to Commodity Credit Corporation, described in paragraph (d) of this section, elect to sell or otherwise dispose of the entire amount of his inventory at or below his maximum prices in effect on September 17, 1946. Such person shall state in the affidavit described in paragraph (c) of this section that he elects to sell his inventory at the lower price. At such time as he has sold an amount equal to his September 17 inventory, he shall file by registered mail with the Commodity Credit Corporation a final affidavit stating that he has fully complied with the requirements of this paragraph (e).

After mailing the final affidavit in proper form such person may sell at the

maximum prices set out in paragraphs (a) and (b) of this section.

(f) *Notification to wholesalers and retailers when election is made to sell inventory at lower price.* (1) Any refiner or processor who elects to sell his inventory at or below his maximum prices in effect on September 17, 1946, shall, at the time of, or prior to the first delivery to each wholesaler or retailer, notify them in writing to the effect that the prices charged are the refiner's maximum prices in effect September 17, 1946.

(2) Any wholesaler who receives the notification described in subparagraph (1) of this paragraph shall, at the time of, or prior to the first delivery to each retailer, notify the retailer in writing to the effect that the prices charged are the wholesaler's maximum prices in effect on September 17, 1946.

This amendment shall become effective for producers of raw and refined sugar as of 12:01 a. m., August 13, 1947, and for wholesalers and retailers as of August 13, 1947.

(Pub. Law 30, 80th Cong.)

Issued this 13th day of August 1947.

[SEAL] N. E. DODD,  
*Acting Secretary of Agriculture.*

*Statement of the Considerations Involved in the Issuance of Amendment 11 to Third Revised Maximum Price Regulation 183*

The accompanying amendment increases the maximum price of raw cane and refined granulated sugars for local consumption in Puerto Rico. On August 6, 1947, maximum prices of raw cane sugar were increased on the mainland 13½ cents per hundredweight and of refined sugar 15 cents per hundredweight through Amendment 7 to MPR 16 and Amendment 12 to MPR 60, respectively. Reference to the statement of considerations accompanying these amendments is hereby made. The same increases are made effective in Puerto Rico under this amendment for the same reasons the previous increases granted on the mainland were made applicable to Puerto Rico, as explained in the earlier statements of considerations.

The new prices are calculated to return to distributors no less than the average percentage mark-ups as were in effect on March 31, 1946, and are in accord with and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and extended.

[F. R. Doc. 47-7718; Filed, Aug. 15, 1947; 8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders  
[Public Land Order 392]

#### NEW MEXICO

REVOKING EXECUTIVE ORDER 1032 OF FEBRUARY 25, 1909, SO FAR AS IT RELATES TO CARLSBAD NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive

Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 1032, dated February 25, 1909, is hereby revoked so far as it relates to the establishment of the Carlsbad Reservation, New Mexico, the designation of which was changed to the Carlsbad National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

The lands involved, including both public and non-public lands lying within and adjacent to Lake McMillan and the Avalon Reservoir, aggregate approximately 18,679.66 acres.

All public lands restored by this order are covered by first form reclamation withdrawal and are not subject to entry.

OSCAR L. CHAPMAN,  
*Acting Secretary of the Interior*

AUGUST 11, 1947.

[F. R. Doc. 47-7690; Filed, Aug. 16, 1947; 8:45 a. m.]

## TITLE 46—SHIPPING

### Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946  
[Gen. Order 60, Supp. 7, Amdt. 1]

#### PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

#### PREWAR DOMESTIC COSTS; STATUTORY SALES PRICES

Section 299.56 *Prewar domestic costs; statutory sales prices* is amended as follows:

That portion of paragraph (z) as revised by Supplement 7 insofar as is applicable to the C2-S1-AJ4 type vessel (published in the FEDERAL REGISTER of September 28, 1946, 11 F. R. 11076) is deleted and in lieu thereof the following revised figures are inserted for purposes of adjustment for prior sales to citizens in accordance with section 9 of the act. No vessel of this type is available for disposal.

Type	Prewar domestic cost	Domestic war cost
C2-S1-AJ4 combination cargo-passenger.....	\$3,191,606	\$3,693,238

Type	Unadjusted statutory sales price	Floor price
C2-S1-AJ4 combination cargo-passenger.....	\$1,697,303	\$1,397,641

(60 Stat. 41)

By order of the United States Maritime Commission.

A. J. WILLIAMS,  
*Secretary.*

JULY 29, 1947.

[F. R. Doc. 47-7716; Filed, Aug. 15, 1947; 8:47 a. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter I—Interstate Commerce Commission**

[S. O. 760, Amdt. 1]

**PART 97—ROUTING OF TRAFFIC**

**REROUTING OF TRAFFIC**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of August A. D. 1947.

Upon further consideration of Service Order No. 760 (12 F. R. 4439) and good cause appearing therefor: *It is ordered, That:*

Section 97.760 *Rerouting*, of Service Order No. 760, be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p. m., February 15, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*It is further ordered,* That this amendment shall become effective at 12:01 a. m., August 30, 1947; that a copy of

this order be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order 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.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
*Secretary.*

[F. R. Doc. 47-7085; Filed, Aug. 15, 1947; 8:45 a. m.]

**TITLE 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

**PART 5—EXPERIMENTAL RADIO SERVICES**

**EXTENSION OF LICENSE TERM**

CROSS REFERENCE: For order extending the license term of all General Mobile

Class 2 Experimental Licenses which normally would expire November 1, 1947, and relieving the licensees of taxicab radio dispatching systems and other general mobile experimental radiotelephone systems of the requirement that they apply for renewal of their experimental licenses this year as they would otherwise be required to do prior to September 1, 1947, in accordance with § 5.32 of this chapter, see F. R. Documents 47-7712 and 47-7713 under Federal Communications Commission in the Notices section, *infra*.

**TITLE 50—WILDLIFE**

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

**PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES**

**CARLSBAD NATIONAL WILDLIFE REFUGE**

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Public Land Order 392 under Title 43, *supra*, relating to the Carlsbad National Wildlife Refuge, New Mexico.

**NOTICES**

**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 8421, Amdt.]

**JUNNOSUKE TANJI**

In re: Bank accounts and stock owned by Junnosuke Tanji. D-39-11904-E-1, 2, A-1.

Vesting Order 8421, dated March 11, 1947, is hereby amended as follows and not otherwise:

A. By deleting from subparagraph 2 c. of said Vesting Order 8421 the words "with the exception of 26 shares of General Gas & Electric Corporation;" and by substituting therefor the words "with the exception of 26 shares of General Gas & Electric Corporation and 20 shares of The United Corporation."

B. By deleting from the description of the shares of stock of Columbia Gas & Electric Corporation, in Exhibit A of said vesting order, the following certificate numbers: "594370, 596143, 582204, 582509 and 59902," and by substituting therefor, in the same order, the following numbers: "CN/O 594370, CN/O 596143, CN/O 582204, CN/O 582509 and CN/O 599022"

C. By deleting from Exhibit A of said vesting order the words "Standard Gas & Electric Company" and by substituting therefor the words "Standard Gas and Electric Company"; and by deleting from

the description of the shares of said company, in said Exhibit A, the following certificate numbers: "71749 and 68718" and by substituting therefor, in the same order, the following numbers: "TNLO 71479 and TNLO 68718"

All other provisions of said Vesting Order 8421 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7710; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 8068, Amdt.]

**EMIL BUSSE**

In re: Stock owned by Emil Busse. F-28-24023-A-1.

Vesting Order 8068, dated January 22, 1947, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number "825469" where it appears in said Exhibit A, and the name "Lazard Freres & Co." where it appears in said Exhibit A, under the column entitled "Registered in Name of," and sub-

stituting therefor the number "45305" and the name "N. V. Hollandsche Koopmans Bank."

All other provisions of said Vesting Order 8068 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7703; Filed, Aug. 15, 1947; 8:47 a. m.]

[Vesting Order 9443]

**NICHIBEN SHUZO KABUSHIKI KAISHA, ET AL.**

In re: Claims and stock of Nichiben Shuzo Kabushiki Kaisha, Limited owned by Motoshige Boyeki Kaisha, also known as Motoshige Boyeki Kabushiki Kaisha, Limited, and others. D-39-377-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9733, and pursuant to law, after investigation, it is hereby found:

1. That Motoshige Boyeki Kaisha, also known as Motoshige Boyeki Kabushiki Kaisha, Limited, the last known address of which is Japan, is a corporation, or-

ganized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That Hiroshi Motoshige, Yutaka Kaneshige, and Toyomi Okaji, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

3. That the property described as follows:

a. 537 shares of \$10 par value common capital stock of Nichibei Shuzo Kabushiki Kaisha, Limited, 1154 Kamehameha Avenue, Hilo, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Motoshige Boyeki Kaisha.....	454	300
Hiroshi Motoshige.....	673	181
Yutaka Kaneshige.....	36	5
Toyomi Okaji.....	180	1
	493	50

together with all declared and unpaid dividends thereon,

b. All those debts or other obligations owing to Yutaka Kanoshige by Nichibei Shuzo Kabushiki Kaisha, Limited, 1154 Kamehameha Avenue, Hilo, T. H., including particularly but not limited to a portion of the sum of money on deposit in a checking account with the Bishop National Bank of Hawaii, Hilo Branch, Hilo, T. H., entitled Nichibei Shuzo Kabushiki Kaisha, Limited, Dividend Account, and any and all rights to demand, enforce and collect the same, and

c. All those debts or other obligations owing to Motoshige Boyeki Kaisha and Hiroshi Motoshige by Nichibei Shuzo Kabushiki Kaisha, Limited, 1154 Kamehameha Avenue, Hilo, T. H., including particularly but not limited to a portion of the sum of money on deposit in a blocked savings account, Account No. 12227, with the Bishop National Bank of Hawaii, Hilo Branch, Hilo, T. H., entitled Nichibei Shuzo Kabushiki Kaisha, Limited, Trustee, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

4. That to the extent that the persons listed in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

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

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 July 18, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7697; Filed, Aug. 15, 1947; 8:46 a. m.]

[Supp. Vesting Order 9504]

HERMAN VOLLRATH HILFRECHT

In re: Trust u/w of Herman Vollrath Hilfrecht, deceased. File D-28-2208; E. T. sec. 2766.

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 Annemarie Berta Natalie Bierstedt and Christa Charlotte Ida Bierstedt, 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 a trust created under the will of Herman Vollrath Hilfrecht, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by The Pennsylvania Company for Banking and Trusts, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the 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 July 25, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7698; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9525]

ORIENTAL DEVELOPMENT CO., LTD., ET AL.

In re: Bonds of Oriental Development Co., Ltd., also known as Toyo Takushoku Kabushiki Kaisha, owned by S. Kabashima and others: F-39-5897-A-1, F-39-3350-A-1, F-39-5887-A-1, F-39-5887-A-2.

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 S. Kabashima, Rev. Shinri Sarashina, also known as Rev. Shinori Sarashina, and Rev. S. Takumiyo, also known as S. Takumiyo, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows: Those certain bonds in bearer form described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of Trustees for Creditors and Stockholders, Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. 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 (Japan)

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 July 25, 1947.

For the Attorney General.

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

EXHIBIT A

External Loan Thirty Year, 6% Gold Debenture Bonds, of \$1000 face value, due March 15, 1953, with coupons March 15, 1942, ASOA, issued by the Oriental Development Co., Ltd., also known as Toyo Takushoku Kabushiki Kaisha.

Name of owner	Serial No.	Number owned
S. Kabashima	3163	1
Rev. Shunri Sarashian, also known as Rev. Shimori Sarashina.	8513, 9515, 10054, 10591, 14037.	5
Rev. S. Takumiyu, also known as S. Takumyo.	3228, 3739, 3833, 6918, 8709, 14136, 16597.	7

[F. R. Doc. 47-7699; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9526]  
MARGARETE SEMMLER

In re: Stock owned by Margarete Semmler, also known as Margaret Semmler. F-28-138-D-9.

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 Margarete Semmler, also known as Margaret Semmler, whose last known address is Bad Mergentheim, Germany, is a resident of Germany, and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Nine (9) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York (formerly known as Consolidated Oil Corporation) a corporation organized under the laws of the State of New York, evidenced by certificate number LA03970, registered in the name of Margaret Semmler, together with all declared and unpaid dividends thereon, and

b. Seven (7) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York (formerly known as Consolidated Oil Corporation) a corporation organized under the laws of the State of New York, evidenced by certificate number LA040,505, registered in the name of Margaret Semmler and presently in the custody of Petroleum Corporation of America, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7700; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9535]  
GEORGE PACURARI

In re: Estate of George Pacurari (Pacurare) deceased. File D-57-366; E. T. sec. 11433.

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 Elizabetha Rosu, Eugenia Bezuscu, Constantin Pacurari, George Mihaescu, Vasile Mihaescu, Leontina Lazarovici and Artemisia Pajar, whose last known addresses are Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania),

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 George Pacurari (Pacurare) deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania),

3. That such property is in the process of administration by Benjamin D. Burdick, as Administrator, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

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 (Rumania)

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 July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7701; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9541]

JAKOB RUPPENSTEIN

In re: Estate of Jakob Ruppenstein, also known as Jacob Ruppenstein, deceased. File No. D-28-10300; E. T. sec. 14674.

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 Andrew Ruppenstein and Albbelonea Lutz Ruppenstein, 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 identified in subparagraph 1 hereof, and each of them, in and to the estate of Jakob Ruppenstein, also known as Jacob Ruppenstein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Nassau County Treasurer, as Administrator, acting under the judicial supervision of the Surrogate's Court of Nassau 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 July 31, 1947.

For the Attorney General.

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

[F. D. Doc. 47-7702; Filed, Aug. 15, 1947; 8:46 a. m.]

[Vesting Order 9544]

ERNST G. SIEGELE

In re: Estate of Ernst G. Siegele a/k/a Ernest G. Sieberle, deceased. File D-28-10553; E. T. sec. 14943.

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 Jacob (Siebele) Siegele, William Siegele, Karoline S. (Kitzler) Kitzler, Friedricka Riedmaier and Martha (Christiana) Siegele, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Ernst G. Siegele a/k/a Ernest G. Sieberle, 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 Christian Essig, as Administrator, acting under the judicial supervision of the County Court of Sheridan County, McClusky, North Dakota;

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 July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7703; Filed, Aug. 15, 1947;  
8:46 a. m.]

[Vesting Order 9562]

KENZO HORIKIRI

In re: Stock owned by Kenzo Horikiri. F-39-434-D-1/2.

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 Kenzo Horikiri, whose last known address is 98 Higashi Kokubumura, Aragam, Kagoshimaken, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. Sixty-one (61) shares of \$25 par value common capital stock of Southern California Edison Company Ltd., 601 West Fifth Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered AO 99961, LDO 15083 and AO 87082 for five (5) six (6) and fifty (50) shares respectively, registered in the name of Kenzo Horikiri, together with all declared and unpaid dividends thereon, and

b. One hundred (100) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 99,833, registered in the name of Kenzo Horikiri, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

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 July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7704; Filed, Aug. 15, 1947;  
8:46 a. m.]

[Vesting Order 9566]

MRS. MARGARET KASTAN

In re: Bonds, stock and a bank account owned by Mrs. Margaret Kastan. F-28-3164-A-1.

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

1. That Mrs. Margaret Kastan, whose last known address is Berlin-Wilmersdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. One (1) 225 West 86th Street Corporation 3% Debenture Bond, of \$800.00 face value, bearing the number 328, registered in the name of Margaret Kastan, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

b. One (1) Mortgage Participation certificate, representing an interest in City Bank Farmers Trust Company bond and mortgage #9517 on the premises at 10/17 Livingston Place, New York, New York, said certificate bearing the number A 3431, registered in the name of Margaret Kastan, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with any and all rights thereunder and thereto,

c. Eight (8) shares of \$1.00 par value capital stock of 225 West 86th Street Corporation, evidenced by a certificate numbered 331, registered in the name of Margaret Kastan, and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Mrs. Margaret Kastan, by City Bank Farmers Trust Company, 22 William Streets, New York, New York, arising out of a custodian account, entitled Margaret Kastan, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7705; Filed, Aug. 15, 1947;  
8:47 a. m.]

[Vesting Order 9575]

ROBERT ROESSLE

In re: Stock owned by Robert Roessle. F-28-23307-D-1.

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

1. That Robert Roessle, whose last known address is Reichsportfeldstrasse 5, Berlin-Charlottenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Fifty (50) shares of \$5 par value class A capital stock of Botany Worsted Mills, Dayton Avenue, Passaic, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number AO-1860, registered in the name of Robert Roessle, together with all declared and unpaid dividends thereon, and

b. Fifty (50) shares of \$10 par value preferred capital stock of Botany Worsted Mills, Dayton Avenue, Passaic, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number PO-1065, registered in the name of Robert Roessle, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7706; Filed, Aug. 15, 1947;  
8:47 a. m.]

[Vesting Order 9577]

AUGUST SATTELMAIER

In re: Stock owned by August Sattelmaier. F-28-25845-D-1.

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

1. That August Sattelmaier, whose last known address is Hommern, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: One hundred fifteen (115) shares of \$2.00 par value common capital stock of Hayes Manufacturing Corporation, 7th Street and Muskegon Avenue, Grand Rapids 2, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificates numbered NY12700 for one hundred (100) shares, and NCO10629 for fifteen (15) shares, registered in the name of August Sattelmaier, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

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

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

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7707; Filed, Aug. 15, 1947;  
8:47 a. m.]

[Vesting Order 9692]

CAROLINE STAMM

In re: Estate of Caroline Stamm, deceased. File D-28-11587; E. T., sec. 15896.

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

1. That Anna Willms (Anna Williams) whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Caroline Stamm, 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 May R. Ingram of Savannah, Georgia, as administratrix d. b. n. c. t. a., acting under the judicial supervision of the Court of Ordinary, Chatham County, Georgia;

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 August 7, 1947.

For the Attorney General.

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

[F. R. Doc. 47-7703; Filed, Aug. 15, 1947;  
8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 12]

### DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of July, 1947:

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that R. H. Hyde Commissioner, be and he is hereby designated as Motions Commissioner, for the month of August 1947.

*It is further ordered,* That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7711; Filed, Aug. 15, 1947;  
8:47 a. m.]

#### BROADCAST LICENSEES

#### NOTICE REGARDING SURRENDER OF RESPONSIBILITIES UNDER ADVERTISING OR OTHER CONTRACTS

AUGUST 11, 1947.

The Commission recently received information concerning certain contracts that were entered into between several licensees and permittees of radio broadcast stations under which broadcast time was sold directly to an advertising agency the latter in turn sold this broadcast time to participating sponsors, arranged the programs for certain periods, selected the talent when used, and, in some instances, used its own studios for the production of programs which were carried by remote control to the transmitters of the broadcast stations in question; and in at least one case the contract in terms provided that the advertising agency should take over the commercial management of the station. Upon investigation, it appeared that none of the above-mentioned contracts had been filed with the Commission, nor had the stations involved in such contractual arrangements requested the Commission's consent therefor.

In connection with such contracts, or similar arrangements, whether of a formal or informal nature, the attention of all station licensees, permittees, and applicants is invited to section 310 (b) of the Communications Act of 1934, as amended, which prohibits the voluntary or involuntary transfer of a license or of "the frequencies authorized to be used by the licensee, and the rights therein granted," or the transfer of control of a licensee corporation, unless the Commission decides, on the basis of full information, that the transfer is in the public interest and so signifies in writing.

The Commission, in accordance with the foregoing provisions of the act, has repeatedly emphasized that the licensee is responsible for the management and operation of the station in the public interest, and has required that this responsibility shall not be improperly delegated, whether by contract or otherwise, to another. Thus, in Bellingham Broadcasting Company, 8 FCC, 159 (May 16, 1940) it was pointed out that "the licensee of a radio broadcast station must be necessarily held responsible for all program service and may not delegate his ultimate responsibility for such to others." In numerous subsequent cases, the Commission has re-emphasized this principle.

The requirement, therefore, that the station licensee shall exercise full and final responsibility for the operation of his broadcast station, and that he shall

not divest himself, directly or indirectly, of the substantial measure of control necessary to fulfill it, is a basic feature of the Communications Act, and, as a matter of administrative practice, the Commission has constantly adhered to such requirement. Arrangements of the nature described above will, therefore, be carefully scrutinized by the Commission to determine whether they involve surrender of the licensee's responsibilities.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7714; Filed, Aug. 15, 1947;  
8:47 a. m.]

#### GENERAL MOBILE CLASS 2 EXPERIMENTAL STATIONS

##### ORDER EXTENDING LICENSE TERM

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on August 7, 1947;

The Commission having before it a proposal to extend the license term of Class 2 Experimental Stations authorized for the purpose of conducting experimentation in connection with the development and testing of General Mobile Communications Systems which will end on November 1, 1947; and

It appearing that renewals of such licenses which have been issued prior to August 1, 1947, must be requested by September 1, 1947, in accordance with the requirements of § 5.32 of the rules; and

It further appearing that a hearing with respect to the establishment of the General Mobile Service on a regular basis will not be held until October 27, 1947, and that a decision authorizing some types of General Mobile operation on a regular basis may be reached at an early date thereafter; and

It further appearing that in view of the pendency of such proceeding, it would be desirable to extend the term of present licenses:

*It is ordered,* That the license term of every General Mobile Experimental Class 2 radio station which normally expires November 1, 1947, be extended to November 1, 1948; said licenses to be extended in exact accordance with the terms contained therein; and

*It is further ordered,* That this order shall become effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7712; Filed, Aug. 15, 1947;  
8:47 a. m.]

#### LICENSEES OF EXPERIMENTAL CLASS 2 (GENERAL MOBILE STATIONS)

##### NOTICE OF EXTENSION OF LICENSE TERM

The Commission today extended to November 1, 1948 the license term of all General Mobile Class 2 Experimental licenses which normally would expire November 1, 1947.

This order<sup>1</sup> relieves the licensees of taxicab radio dispatching systems and other General Mobile Experimental Radiotelephone Systems of the requirement that they apply for renewal of their experimental licenses this year as they would otherwise be required to do prior to September 1, 1947 in accordance with § 5.32 of the Commission's rules.

The Commission, however, requests that the experimental reports which normally accompany each application for renewal of experimental license be submitted prior to September 1, 1947, or, in lieu thereof, that F. C. C. Questionnaire 7560 be filled out and returned to the Commission by the same date. This questionnaire was sent to all General Mobile licensees in the latter part of May, 1947, and in most instances the questionnaire has been received from such licensees.

It is contemplated that the General Mobile hearing set for October 27, 1947 will result in the establishment of a regular service for which many licensees of Experimental General Mobile Systems will be eligible. In this event it will be necessary for eligible experimental licensees to apply for authority to operate in such a service, and the extension will serve to avoid a duplication of work involved in the submission and processing of applications for renewals as well as new licenses.

Those who only hold construction permits are cautioned that such permits do not authorize operation of their radio stations except for ten day equipment tests and thirty day service tests. The latter test may be commenced only after an application for a license to cover the construction permit has been filed. The order does not affect construction permits.

Licenses granted after August 1, 1947 will be issued for a term ending November 1, 1948. Consequently, such licenses will not be affected by the aforementioned order.

In the event a licensee does not intend to operate his system beyond November 1, 1947, the license should be submitted to the Commission for cancellation at the time operation is discontinued.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7713; Filed, Aug. 15, 1947;  
8:47 a. m.]

#### WWPN, MIDDLESBORO, KY.

##### NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF PERMIT<sup>2</sup>

The Commission hereby gives notice that on August 5, 1947, there was filed with it an application (BAP-61) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit of WWPN,<sup>3</sup> Middles-

<sup>1</sup> See F. R. Doc. 47-7712, *supra*.

<sup>2</sup> Section 1.321, Part I, Rules of Practice and Procedure.

<sup>3</sup> On July 18, 1947, there was filed with the Commission by the Cumberland Gap Broadcasting Company a petition for order to show cause as to why this permit should not be revoked.

boro, Kentucky, from E. P. Nicholson, Jr., and John Wallbrecht, a Partnership, doing business as Pinnacle Broadcasting Company, to Elmer Dennis Smith and Tom Crutchfield, doing business as Smithfield Broadcasting Company. The proposal to assign the permit arises out of a contract of August 1, 1947, pursuant to which the assignee would pay to the assignor actual expenses expended in prosecuting the application totaling \$3,206.38. Assignor would assign options which it has upon technical equipment and transmitter site. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 the Commission was advised with the filing of the application that notice thereof would be inserted in a local daily newspaper at Middlesboro, Kentucky, twice a week for 3 weeks commencing August 6, 1947, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 6, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7715; Filed, Aug. 15, 1947;  
8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 767]

### UNLOADING OF LOGS AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of August, A. D. 1947.

It appearing, that 3 cars containing logs at New Orleans, La., on the Illinois Central Railroad Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Logs at New Orleans, Louisiana, be unloaded.* The Illinois Central Railroad Company, its agents or employees, shall unload immediately PLE 45936, PMCKY 90377 and BS 966 containing logs, now on hand at New Orleans, Louisiana, consigned for export.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period

commencing at 7:00 a. m., August 14, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be 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 that notice of this order 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.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-7684; Filed, Aug. 15, 1947;  
8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-83, 59-9]

PHILADELPHIA CO. ET AL.

### MEMORANDUM OPINION AND ORDER REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 5th day of August A. D. 1947.

In the matter of Philadelphia Company and certain of its subsidiary companies, Standard Power and Light Corporation, and Standard Gas and Electric Company, respondents; File No. 59-88. Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof, respondents; File No. 59-9.

Simplification of holding company system; practice and procedure; filing of proposed findings and briefs. Upon motion with respect to time and manner of filing proposed findings and briefs made in section 11 proceedings, held, that all parties and interested persons shall exchange proposed findings and briefs simultaneously on or before date designated by the Commission.

Hearings in these consolidated proceedings pursuant to sections 11 (b) and (e) of the Public Utility Holding Com-

pany Act ("the act")<sup>1</sup> were conducted before a hearing officer and were concluded on July 23, 1947. At the conclusion of the final hearing, the hearing officer discussed with counsel for respondents Philadelphia Company and certain of its subsidiaries<sup>2</sup> and counsel for the Public Utilities Division the time and manner of filing of proposed findings and briefs. The parties were unable to arrive at a mutually satisfactory arrangement, and the hearing officer stated that the matter was one for the Commission to determine.<sup>3</sup> Thereafter, those respondents filed a motion requesting, as they had urged before the hearing officer, that they be granted at least ninety days, or sixty days after the service upon them of proposed findings and brief of the Public Utilities Division, whichever is longer, as the period within which to file their proposed findings and briefs. Standard Gas and Electric Company, also a respondent in this proceeding, filed a separate motion requesting similar relief.

Rule IX (f) of our rules of practice provides that proposed findings and briefs "shall be filed \* \* \* within 5 days after the receipt by the party of a copy of the transcript of the testimony \* \* \* or within such other time as the Commission may specify." We have considered the nature of the issues presented and the extent to which they have been clarified, and the size of the record, and have concluded that it is appropriate to extend until September 16, 1947 the time within which proposed findings and briefs may be filed and until September 30, 1947 the time for filing reply briefs. At this stage of the proceedings the participants should be well acquainted with the issues involved. The ultimate issues to be decided are indi-

<sup>1</sup> These proceedings were instituted pursuant to section 11 (b) (2) of the act by Commission order dated December 5, 1946. The order consolidated the proceedings with prior proceedings instituted pursuant to section 11 (b) (1) of the act. (Holding Company Act Release No. 7025.) Subsequently, a hearing was ordered on a purported plan under section 11 (e), which hearing was consolidated with the pending proceedings. (Holding Company Act Release No. 7381.)

<sup>2</sup> The subsidiary companies referred to are Duquesne Light Company, Equitable Gas Company, Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, Allegheny County Steam Heating Company, Chicwick and Hamar Railroad Company, The Consolidated Gas Company of the City of Pittsburgh, Equitable Auto Company, Equitable Real Estate Company, Equitable Sales Company, Finleyville Oil and Gas Company, and Philadelphia Oil Company.

<sup>3</sup> The record before the hearing officer has been closed except for the purpose of determining whether leave to be heard should be granted to a group of security holders in accordance with an opinion rendered by us on July 24, 1947. (Philadelphia Company, --- S. E. C. --- (1947), Holding Company Act Release No. 7590.) Filing of any intermediate decision was waived. The matter is now before us for final decision based upon the record of the proceedings, the proposed findings and briefs which may be filed, and the oral argument, if any be ordered.

cated in section 11 of the act. The detailed allegations contained in the order instituting these proceedings, insofar as they have been controverted by respondents' answers, have raised certain specific issues, and the evidence submitted at the hearings has given further indication of the precise nature of these issues. Furthermore, we find no special circumstances present in this case which justify a departure from the customary practice in section 11 proceedings before this Commission under which participants exchange their proposed findings and

briefs simultaneously. Since there has been a focusing of the issues and the various participants should already be cognizant of them, we conclude that it is appropriate that proposed findings and briefs should be exchanged simultaneously. In addition, in the reply briefs which may be submitted after the filing of the main briefs ample opportunity will be afforded to reply to any arguments not previously considered.

On the basis of the foregoing, *It is ordered*, That proposed findings and

supporting briefs shall be filed with the Commission on or before September 16, 1947, and reply briefs shall be filed on or before September 30, 1947; and, *It is further ordered*, That the motions filed herein, except to the extent hereinbefore provided, be and the same are hereby denied.

By the Commission,

[SEAL] NELYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7691; Filed, Aug. 15, 1947;  
8:45 a. m.]