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State and county	Type(s)	Plan(s) of insurance
Kentucky:		
Barren.....	31	Yield-quality.
Bourbon.....	31	Do.
Fleming.....	31	Do.
Graves.....	23, 31 and 35	Do.
LaRue.....	31	Do.
Pulaski.....	31	Do.
Simpson.....	31 and 35	Do.
Massachusetts:		
Hampshire.....	51 and 52	Investment.
North Carolina:		
Columbus.....	13	Do.
Pitt.....	12	Do.
Stokes.....	11	Do.
Surry.....	11	Yield-quality.
Vance.....	11	Yield-quality and investment.
Wako.....	11	Investment.
Wilson.....	12	Yield-quality.
Ohio:		
Brown.....	31	Investment.
Pennsylvania:		
Lancaster.....	41	Yield-quality and investment.
South Carolina:		
Horry.....	13	Investment.
Marion.....	13	Yield-quality.
Tennessee:		
Greene.....	31	Yield-quality and investment.
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Maury.....	31	Do.
Montgomery.....	22 and 31	Investment.
Virginia:		
Appomattox.....	11 and 21	Do.
Halifax.....	11	Do.
Lunenburg.....	11	Do.
Pittsylvania.....	11	Do.
Washington.....	31	Do.
Wisconsin:		
Dana.....	54	Do.
Vernon.....	55	Do.

(b) In all counties where insurance is provided on more than one type of tobacco a producer must insure all of the types specified in which he has an insurable interest, except that in Graves and Simpson Counties, Kentucky, Montgomery County, Tennessee, and Appomattox

County, Virginia, a producer may insure any one or more of the types specified. In any county where both the yield-quality and the investment plans of insurance are provided a producer may insure his interest under only one plan.

(c) Insurance will not be provided with respect to applications for tobacco insurance filed in a county in accordance with this subpart unless such written applications, together with tobacco crop insurance contracts in force for the ensuing crop year, cover at least 200 farms in the county or one-third of the farms normally producing tobacco. For this purpose an insurance unit shall be counted as one farm.

§ 417.2 *Coverages per acre.* The Corporation shall establish coverages per acre which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect.

§ 417.3 *Premium rates.* The Corporation shall establish premium rates in dollars per acre for all land for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for tobacco crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect.

§ 417.4 *Application for insurance.* Application for insurance, on a form entitled, "Application for Tobacco Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in a tobacco crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year.

State and county:	Date
Connecticut	May 31
Florida	Mar. 31
Georgia	Mar. 31
Kentucky	May 15
Massachusetts	May 31
North Carolina:	
Columbus	Apr. 15
Pitt	Apr. 25
Wilson	Apr. 25
Vance	Apr. 30
Wake	Apr. 30
Stokes	May 5
Surry	May 5
Ohio	May 15
Pennsylvania	May 31
South Carolina	Apr. 15
Tennessee	May 15
Virginia:	
Appomattox	May 5
Lunenburg	May 5
Halifax	May 5
Pittsylvania	May 5
Washington	May 15
Wisconsin	May 31

§ 417.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

The provisions of the policy are shown in § 417.14.

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

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive and payment of an indemnity to such person(s) 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.

§ 417.7 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

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

(b) If the insured dies, is judicially declared incompetent, or disappears after planting the tobacco crop in any year but before the time of loss or the time harvest is commenced, whichever occurs first, 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 section 19 of the policy.

(c) If an applicant for insurance or the insured, as the case may be, dies or is judicially declared incompetent less than fifteen days before the applicable calendar closing date for the filing of applications for insurance in any year and before the beginning of planting of the tobacco crop intended to be covered by insurance whoever succeeds him on the farm with the right to produce the tobacco crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the county office, within fifteen 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 planting, whichever is the earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however*, That, any substitution made pursuant to this paragraph shall be effective only with respect to the tobacco crop to be planted in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall terminate.

(d) In case of death of the insured after the planting of the tobacco crop is begun for any crop year, any additional acreage of tobacco which is planted for the insured's estate for that crop year shall be covered by the contract.

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

(f) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office 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.

§ 417.9 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satis-

RULES AND REGULATIONS

factory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interest, upon proper application and proof of the facts: *Provided, however* That the settlement may be made with any one or more of the 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.

§ 417.10 *Assignment or transfer of claim for refunds of excess note payments not permitted.* No claim for refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any tobacco 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 § 417.11.

§ 417.11 *Refund of excess note payments in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 417.8 with reference to the payment of indemnities in any such case shall be applicable.

§ 417.12 *Creditors.* An interest (including an involuntary transfer) in an insured tobacco crop 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.

§ 417.13 *Rounding of fractional units.* Amounts of insurance, premiums, and the value of production shall be rounded to the nearest cent. Fractions of acres shall be rounded to hundredths of acres. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward. If the last digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 417.14 *The policy.* The provisions of the policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

 (Name) (Policy No.)

 (Address) (County) (State)
 (hereinafter designated as the insured)
 against loss of his tobacco crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, freeze, lightning, 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. In witness whereof, the Federal

Crop Insurance Corporation has caused this policy to be issued this ----- day of -----, 19-----.

FEDERAL CROP INSURANCE CORPORATION
 By-----
 (State Crop Insurance Director)

TERMS AND CONDITIONS

1. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) for that crop year.

2. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting the tobacco crop each year, the insured shall submit to the Corporation, on a form entitled "Tobacco Crop Insurance Acreage Report" a report over his signature of all acreage in the county planted to each insured type of tobacco in which he has an interest at the time of planting. This report shall show the acreage of tobacco for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in tobacco planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of tobacco is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage for any insured type of tobacco is "zero" if the insured fails to file an acreage report within 30 days after planting of tobacco is generally completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

3. *Insured acreage.* In any year the insured acreage with respect to each insurance unit shall be the acreage of tobacco planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to tobacco which is destroyed or substantially destroyed (as defined in Section 13) and on which it is practical to replant to tobacco, as determined by the Corporation, and such acreage is not replanted to tobacco, (b) any acreage initially planted to tobacco too late to expect a normal crop to be produced, as determined by the Corporation, and (c) any acreage which is destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture. Also, if the acreage of any type of tobacco on a farm exceeds the applicable tobacco acreage allotment, if any, established for that type of tobacco on the farm under the Agricultural Adjustment Act of 1938, as amended, the Corporation may elect to determine that the maximum insured acreage for that type of tobacco for each insurance unit on the farm shall be the same proportion of the planted acreage on that unit that the allotment for the farm is of the total planted acreage on the farm.

4. *Insured interest.* The insured interest in the tobacco crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of 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.

5. *Coverage per acre.* (a) The coverage per acre for yield-quality insurance shall be the product of the market price (as determined by the Corporation in accordance with Section 28) and the applicable number of pounds of tobacco shown on the approved

county actuarial table for (1) the area in which the insured acreage is located or (2) the coverage group assigned to the person who owns the land at the time of planting the tobacco crop. (For this purpose, land rented for cash or a fixed commodity rent shall be considered as owned by the lessee.) The coverage per acre for investment insurance shall be the applicable number of dollars shown on the approved county actuarial table for the area in which the insured acreage is located.

(b) The coverage per acre for both yield-quality insurance and investment insurance is progressive depending upon (1) whether the acreage is harvested or unharvested in the case of types 41, 51, 52, 54, and 55, or (2) whether harvest has begun on the insurance unit or the acreage is destroyed or substantially destroyed before the beginning of harvest in the case of types 11, 12, 13, 14, 21, 22, 23, 51, and 35.

6. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the tobacco is planted. Insurance shall cease with respect to any portion of the tobacco crop covered by the contract upon removal from the field or upon being housed, but in no event shall the insurance remain in effect later than the following applicable date of each year, unless such time is extended in writing by the Corporation.

Date:	Type of tobacco
September 30-----	11
September 30-----	12
August 31-----	13
August 31-----	14
September 30-----	21
September 30-----	22
September 30-----	23
September 30-----	31
September 30-----	35
September 30-----	41
September 15-----	51
September 15-----	53
September 30-----	54
September 30-----	55

7. *Life of contract, cancellation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until either party gives to the other party, on or before the cancellation date of any year, written notice of cancellation effective beginning with the next succeeding crop year after the cancellation date. Any notice of cancellation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on tobacco planted in the next succeeding crop year in the county unless he subsequently files an application for insurance on or before the cancellation date preceding such year.

(c) If for two consecutive crop years no tobacco in which the insured has an insurable interest is planted in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding applicable closing date the contract shall continue to be in force.

8. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s), and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to the applicable cancellation date shown herein. Failure of the insured to cancel the contract as provided in Section 7, shall constitute his acceptance of any such changes.

If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

9. *Causes of loss not insured against.* The contract shall not cover loss caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of unadapted varieties, failure properly to prepare the land for planting, or properly to plant, care for or harvest (including unreasonable delay thereof) the insured crop; (c) following different fertilizer or farming practices than those considered in establishing the coverage; (d) planting tobacco on land which is generally considered incapable of producing a tobacco crop comparable to that produced on the acreage considered in establishing the coverage; (e) planting tobacco under conditions of immediate hazard; (f) inability to obtain labor, fertilizer, machinery, repairs or insect poison; (g) breakdown of machinery or failure of equipment due to mechanical defect; (h) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; (i) domestic animals; (j) action of any person, or state, county, or municipal government in the use of chemicals for the control of noxious weeds; or (k) theft.

10. *Amount of annual premium.* The premium rate per acre for any acreage will be the amount shown on the county actuarial table for the area in which the acreage is located. The annual premium for each insurance unit under the contract shall be based upon (a) the insured acreage of tobacco for the insurance unit, (b) the premium rate, and (c) the insured interest in the crop at the time of planting. The annual premium for the contract shall be the total of the premium computed for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the tobacco crop on such acreage is planted.

11. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for tobacco crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before the applicable maturity date shown in section 23, the premium for all insurance units covered by the contract.

(b) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before (1) December 31 following the maturity date for all counties for which the note maturity date is on or before September 30 of the year in which the premium is earned, or (2) June 30 following the maturity date for all other counties, and an additional three percent on the principal amount owing at the end of each six-month period thereafter.

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

(d) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) 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. There shall be no refund of any annual premium overpayment of less than \$1.00 unless written request for

such refund is received by the Corporation within one year after the payment thereof.

12. *Notice of loss or damage.* (a) Unless otherwise provided by the Corporation if a loss under the contract is probable, notice in writing shall be given the Corporation at the county office, immediately after any material damage to the insured crop.

(b) In counties where tobacco is not sold through auction warehouses, if after curing the tobacco it appears that a loss under the contract was sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office to allow the Corporation a reasonable time to make an appropriate inspection before the crop is either (1) sold or otherwise disposed of or (2) contracted to be sold or otherwise disposed of.

(c) In any case, if, at the completion of selling or otherwise disposing of the insured tobacco crop, a loss under the contract has been sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office.

(d) The notices required by paragraphs (b) and (c) are in addition to any notice required by paragraph (a) of this section. If notice is not given as required by this section, the Corporation reserves the right to reject any claim for indemnity.

13. *Released acreage.* Any insured acreage on which the tobacco crop has been destroyed or substantially destroyed may be released by the Corporation to be put to another use. The tobacco crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. No insured acreage may be put to another use until the Corporation releases such acreage. On any acreage where the tobacco has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

14. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period as set forth in Section 6, unless the Corporation determines that the entire tobacco 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.

15. *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 promptly after the amount of loss can be determined, but for any year not later than the applicable date specified below following the normal time of harvest of the crop unless the time for submitting the claim is extended in writing by the Corporation.

Date:	Type of tobacco
February 28.....	11
January 31.....	12
November 30.....	13
November 30.....	14
March 31.....	21
May 15.....	22
May 15.....	23
April 15.....	31
April 15.....	35
May 31.....	41
March 31.....	51
March 31.....	52
May 31.....	54
May 31.....	55

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

16. *Insurance unit.* The amount of loss shall be determined separately for each insurance unit except as provided in Section 17 (c). An insurance unit consists of all insurable acreage, considered for crop insurance purposes to be located in the county, of an insurable type of tobacco in which one person has the entire interest or in which two or more persons have the entire interest, excluding any other acreage of tobacco in the county in which such persons together do not have the entire interest.

17. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the value of the total production for the planted acreage and multiplying the remainder by the insured interest. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if the premium computed for the insured acreage is less than the premium computed for the planted acreage, the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the insured acreage to the premium computed for the planted acreage, if the Corporation so elects. The value of the total production for an insurance unit shall include: (1) the gross returns (less warehouse charges) from the tobacco harvested from the insurance unit and sold on the warehouse floor, (2) the fair market value, as determined by the Corporation, of the tobacco harvested from the insurance unit and not sold on the warehouse floor, (3) the appraised cash value, as determined by the Corporation, of the unharvested tobacco on the insurance unit, (4) the appraised cash value, as determined by the Corporation, of the tobacco on any portion of the insured tobacco acreage on the insurance unit that is put to another use without the consent of the Corporation, but the amount shall not be less than the total coverage applicable to such acreage on a harvested acreage basis, and (5) the appraised cash value, as determined by the Corporation, of any loss in production due to any cause(s) not insured against.

(b) In determining the fair market value of tobacco not sold through auction warehouses, the Corporation reserves the right to inspect such tobacco pursuant to section 12 (b) before it is sold or contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. If the best offer obtained for any tobacco is not satisfactory to the Corporation and the Corporation so elects, the insured shall (1) release all right, title, and interest in each tobacco to the Corporation, whereupon the value of such tobacco so released to the Corporation shall not be considered in determining any indemnity due under the contract, and (2) properly store and protect such tobacco from unreasonable damage (until not

later than the end of the marketing season) on the farm or elsewhere at no cost to the Corporation.

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

18. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. 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.

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

19. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a tobacco crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original

insured in accordance with section 23. However, 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.

(b) An involuntary transfer of an insured interest in a tobacco 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.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium, plus any interest due, on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity 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.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

20. *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 tobacco crop on any insurance unit, or has ceased to act as fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provision of the contract 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.

21. *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 tobacco crop, the Corporation reserves the right to determine its liability under the contract, taking into consideration the amount paid by such other agency.

22. *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.

23. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a form entitled "Statement in Proof of Loss"

if the insured refuses to submit or disappears without having submitted such statement.

24. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss 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, sale or other disposition of all tobacco produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest, and such records shall be made available for examination by the Corporation. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s) for purposes related to the contract.

25. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation 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 (a) 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 tobacco crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the tobacco crop covered thereby whether before or after damage has occurred, or (c) 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.

26. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provisions 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.

27. *General.* (a) In addition to the terms and provisions in the application and policy, the Tobacco Crop Insurance Regulations for Continuous Contracts Covering 1949 and Succeeding Crop Years (7 CFR, Part 417, § 417.1-417.14) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors and (6) minimum participation requirements.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

28. *Meaning of terms.* For the purpose of the tobacco crop insurance program the term:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form(s) and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county, and shall be on file in the county office.

(c) "County office" means the office of the county agricultural conservation association in the county or other office specified by the Corporation.

(d) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance for any year and within which the

tobacco crop is planted and normally harvested and shall be designated by reference to the calendar year in which the crop is harvested.

(e) "Harvest" means any severance of the tobacco plant from the land, except that with respect to types 11, 12, 13, and 14, "harvest" means the first priming.

(f) "Market price" in the case of tobacco of types 11, 12, 13, 14, 21, 22, 23, 31, and 35 means the average auction price of the applicable type (less warehouse charges), as determined by the Corporation, during the first twenty-five market days of auction sales for the belt or area, adjusted where applicable for normal trend, except that a shorter period may be used if the Corporation determines that approximately 80 percent of the tobacco crop is sold in such period. In the case of tobacco of types 41, 51, 52, 54, and 55, the "market price" shall be that price determined by the Corporation.

(g) "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.

(h) "Planting" means transplanting the tobacco plant from the plant bed to the field.

(i) "Sharecropper" means a person who works a farm in whole or in part under the supervision of the operator and is entitled to receive a share of the tobacco crop thereon or of the proceeds therefrom.

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

(k) "Tenant" means a person other than a sharecropper who rents land from another person for a share of the tobacco crop or proceeds therefrom produced on such land.

(l) "Tobacco" means the type(s) of tobacco insured under the contract.

29. *Date table.* For each year of the contract the maturity date of the note and the contract cancellation date are as follows:

State and county ¹	Maturity date ²	Cancellation date ³
Connecticut	Oct. 31	Apr. 30
Florida	July 31	Feb. 28
Georgia	do.	Do.
Kentucky	Oct. 31	Apr. 15
Massachusetts	Dec. 31	Apr. 30
North Carolina:		
Columbus	Aug. 15	Mar. 15
Fitt	Aug. 31	Mar. 23
Stokes	Sept. 30	Apr. 5
Surry	do.	Do.
Vance	Sept. 15	Mar. 31
Wake	do.	Do.
Wilson	Aug. 31	Mar. 25
Ohio	Dec. 31	Apr. 15
Pennsylvania	Nov. 30	Apr. 30
South Carolina	Aug. 15	Mar. 15
Tennessee	Dec. 31	Apr. 15
Virginia:		
Appomattox	do.	Apr. 5
Bellfax	Sept. 30	Do.
Lunenburg	do.	Do.
Pittsylvania	do.	Do.
Washington	Dec. 31	Apr. 15
Wisconsin	Feb. 28	Apr. 30

¹ If no county name(s) appears for a state, the dates shown for such state are applicable to all tobacco crop insurance counties in that state.

² The maturity date of the premium note for any year shall be the applicable date following the planting of the tobacco crop for such year.

³ The cancellation date is the applicable date preceding the beginning of the crop year for which cancellation is to become effective.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent 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 October 26, 1948.

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

Approved: November 2, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9723; Filed, Nov. 4, 1948; 8:55 a. m.]

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

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

EXEMPTION CERTIFICATES

The North Central Potato Committee established under Order No. 60 (7 F. R. 370), regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, is the agency authorized to administer the terms and provisions of said order. Among the provisions of said marketing order § 960.5 (d) requires said committee to adopt, prior to the institution of any limitation of shipments pursuant thereto, procedural rules pursuant to which certificates of exemption will be issued to producers, which procedural rules shall be subject to the approval of the Secretary. Said North Central Potato Committee, at a duly held meeting, adopted the following rules and regulations pursuant to said order, and recommended that they be approved.

§ 960.101 *Definitions.* Order means Order No. 60 (7 F. R. 370) regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota. Terms defined in the order shall, when used herein, have the same meaning as set forth in Order No. 60.

§ 960.102 *Exemption certificates—(a) Application.* Any producer applying hereunder for exemption from grade, size, or quality regulation issued pursuant to § 960.5 of Order No. 60 shall make application for such exemption to the North Central Potato Committee on forms to be furnished by the committee. Such application shall state:

- (1) The location of his farm;
- (2) The number of acres of Irish potatoes on said farm and location thereon of the applicant's potato field or fields or storage;
- (3) The total estimated production of potatoes by the applicant for the current season, stated in terms of varieties, hundredweights, grades, sizes, and quality, not including culls;
- (4) An estimate of the percentage of such producer's crop which cannot be shipped because of grade, size, and quality regulation then in effect, stated in terms of varieties, hundredweights, grades, sizes, and quality, not including culls;
- (5) A statement of the amount, if any, of potatoes, not including culls, which

have already been sold from said farm, or by said applicant, during the current marketing season;

(6) Certification that the statement is true and correct;

(7) Signature and address of the producer.

(b) *Federal-State Inspector's report.* (1) Each application for exemption filed by a producer with the North Central Potato Committee shall be accompanied by a report of a Federal-State Inspector, which shall contain the following:

(i) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him;

(ii) A statement of the percentage of such crop which meets the required grade, size, and quality regulation then in effect:

(iii) A statement of the defects or damage causing such crop to fail to meet such grade, size, and quality requirements.

(2) In determining percentages, the Federal-State Inspector shall not include culls. In the event that more than one variety of potatoes is involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption.

The North Central Potato Committee, or the manager thereof, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* (1) When the North Central Potato Committee, or its duly authorized representative, finds and determines from proof satisfactory to said committee that the applicant is entitled to an exemption certificate hereunder, said committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the restricted or prohibited grades, sizes, and qualities, or combinations thereof, of potatoes sufficient to permit such applicant to ship, or cause to be shipped, as large a proportion of his crop of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety in the area or portion thereof included in the aforesaid regulation issued pursuant to § 960.5 of Order No. 60.

(2) The North Central Potato Committee, or its duly authorized representative, may issue exemption certificates if the proof submitted by the applicant qualifies said applicant therefor: *Provided*, That determinations pursuant to § 960.5 (d) (2) have been made in accordance therewith.

(3) If the committee, or its duly authorized representative, determines that the applicant is not entitled to an exemption certificate he shall be so advised in writing and given the reasons therefor.

(4) Each certificate of exemption issued as provided herein shall contain the producer's name and address; the location of his farm; the location of the field or storage with respect to which the ex-

emption is granted; the particular grade, size, and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship Irish potatoes which do not meet the requirements of the particular grade, size, and quality regulations.

(5) Each certificate of exemption shall be transferable, in whole or in part, with the Irish potatoes in accordance with the amount of Irish potatoes transferred.

(d) *Reports and records.* (1) For the purpose of enabling the North Central Potato Committee to perform its functions pursuant to the provisions hereof, each handler shall report shipments under exemption certificates to said committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the committee and records thereof shall be maintained by the manager of said committee.

(2) A record of all applications received for exemptions, exemption certificates issued, applications denied, and shipments made under exemption shall be kept by the committee pursuant to the provisions of § 960.5 (d) (1) and a record of all such transactions, if any, shall be reported from time to time by the North Central Potato Committee to the Secretary.

(e) *Appeal procedure.* If any producer is dissatisfied with the determination regarding his application for an exemption certificate, or any duly issued exemption certificate, an appeal by said producer may be filed pursuant to the provisions of § 960.5 (d) (3).

Each and all of the foregoing rules and regulations set forth in §§ 960.101 and 960.102 under the aforesaid order have my approval.

It is found and determined that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date requirements of this order for 30 days after publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because:

(1) Issuance of the foregoing procedural rules and regulations is, by the provision of Order No. 60, a condition precedent to the issuance of regulations pursuant to § 960.5 of said order, but said rules and regulations will not, at this time create any rights, duties, or obligations;

(2) Harvesting and shipping of potatoes grown in the production area covered by Order No. 60, has already begun, and the committee established under said order has indicated that it desires immediate issuance of the aforesaid rules and regulations, so that said committee may recommend the issuance of regulations under § 960.5 of said order which, according to recommendations of the committee, are urgently needed.

It is essential that the aforesaid rules and regulations should be approved with-

out delay, because of the aforementioned findings, if the committee is to perform its duties and functions under said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 2d day of November 1948, to be effective on and after November 5, 1948.

[SEAL] CHARLES F BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9726; Filed, Nov. 4, 1948; 8:56 a. m.]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

MODIFICATION OF GENERAL CULL REGULATION

§ 960.305 *Modification of general cull regulation—(a) Findings.* It is hereby found that:

(1) The order modifying the general cull regulations, issued on October 1, 1947 (12 F. R. 6523) pursuant to the provisions of § 960.4 of Marketing Order No. 60 (7 CFR Cum. Supp. 960.2 et seq.) which was based upon conditions and factors relating to the 1947 crop, no longer tends to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(2) A modification of the aforesaid general cull regulation, hereinafter set forth, recommended by the North Central Potato Committee for the 1948 potato crop, pursuant to the aforesaid provisions of § 960.4, will tend to effectuate the declared policy of the act; and

(3) It is impracticable and contrary to public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1101 et seq.) in that (i) 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 act is insufficient, (ii) shipments of potatoes from this production area have already begun, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order* (1) During the period beginning on November 5, 1948, and ending June 30, 1949, both dates inclusive, potatoes of the Irish Cobbler variety grown in the area defined in Order No. 60, which do not meet the requirements of U. S. No. 2 or better grade, as such grades are defined in the U. S. Standards for Potatoes, only because of serious damage due to hollow heart, shall not be prohibited from shipment under the terms and provisions of § 960.301 (12 F. R. 6256)

(2) The order issued on October 1, 1947 (12 F. R. 6523), modifying the general cull regulation is hereby terminated.

(3) The terms used in this section shall have the same meanings as set forth in Marketing Order No. 60, and in the U. S. Standards for Potatoes (12 F. R. 3651) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of November 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 48-9708; Filed, Nov. 4, 1948; 8:50 a. m.]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

LIMITATION OF SHIPMENTS

§ 960.306 *Limitation of shipments—(a) Findings.* (1) Pursuant to Marketing Order No. 60 (7 CFR Cum. Supp. 960.2 et seq.) regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the North Central Potato Committee established under said marketing order, pursuant to § 960.5 of said order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) shipments of potatoes from the production area have already begun, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order* (1) During the period beginning on November 8, 1948, and ending June 30, 1949, both dates inclusive, no handler shall ship any potatoes grown in the area subject to Order No. 60, unless such potatoes are not less than 1 1/8 inches in diameter and meet the requirements of U. S. Commercial or better grade, as such grades are defined in the U. S. Standards for Potatoes, except that potatoes of the Irish Cobbler variety which do not meet the requirements of the

aforesaid U. S. Commercial or better grade only because of serious damage due to hollow heart shall not be prohibited from shipment under the terms and provisions hereof;

(2) The terms used in this section shall have the same meaning as when used in Marketing Order No. 60, and in the U. S. Standards for Potatoes (12 F. R. 3651) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of November 1948.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 48-9722; Filed, Nov. 4, 1948; 8:55 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Pursuant to the requirements in section 4 of the Administrative Procedure Act, approved June 11, 1946, (60 Stat. 237; 5 U. S. C. 1001 et seq.), notice of proposed salable, surplus, and withholding percentages of merchantable walnuts for the marketing year beginning August 1, 1948, was published in the FEDERAL REGISTER (13 F. R. 5532) issue of September 23, 1948. Such percentages are fixed by the Secretary of Agriculture pursuant to the authority vested in him by § 984.4 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, which program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 208, 707) hereinafter referred to as the "act." In said notice, opportunity was afforded interested parties to submit to the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington, D. C., written data, views, or arguments for consideration prior to the final issuance of such salable, surplus, and withholding percentages. The time for filing such written data, views, or arguments has now expired.

In the aforementioned notice, economic data and estimations were set forth which were believed to support the then proposed salable, surplus, and withholding percentages of 75, 25, and 33, respectively. However, information has since been received from the Walnut Control Board, the administrative agency for operations under this program, to the effect that adverse weather and other conditions not contemplated when such Board made its original recommendations on August 25, 1948, has resulted in a reduction of the estimated quantity of merchantable walnuts which will be produced in 1948. Also, the trade demand for merchantable walnuts has exceeded the estimations in that respect on that date. Accordingly, the Board submitted

on October 20, 1948, revised estimates as to the pertinent factors for the fixing of the indicated percentages as follows:

	100-pound bags
Merchantable production estimate.....	806,600
Carryover, subject to surplus.....	7,800
Subtotal	814,400
Less: Oregon intrastate estimate.....	6,000
Total subject to surplus.....	808,400
10 percent surplus (80,840 bags) 80 percent salable.....	671,560
Carryover not subject to surplus.....	10,168
Oregon intrastate not subject to surplus	6,000
Total available to trade.....	687,728
Less: Trade demand estimate.....	250,000
Computed handler carryover, Aug. 1, 1949	45,720

On the basis of these revised estimates, the Board has recommended that the salable and surplus percentages be fixed at 90 and 10, respectively. Consideration has been given to such revised estimates and recommendation and other pertinent data, and it is concluded that such revised estimates and recommendation should be adopted. On the aforementioned basis, the withholding percentage, which is the ratio of the surplus percentage to the salable percentage, adjusted to the nearest whole number, is 11 percent.

Wherefore, the salable, surplus, and withholding percentages for merchantable walnuts during the marketing year beginning August 1, 1948 are hereby fixed as follows:

§ 984.200 *Salable, surplus, and withholding percentages for merchantable walnuts during the marketing year beginning August 1, 1948.* For merchantable walnuts, during the marketing year beginning August 1, 1948, the salable percentage shall be 90 percent, the surplus percentage shall be 10 percent, and the withholding percentage shall be 11 percent.

It is necessary to make effective not later than five days after the publication of this document in the FEDERAL REGISTER these salable, surplus, and withholding percentages with respect to merchantable walnuts for the reason that shipment of the current crop of such walnuts has already begun, and it is necessary to have regulations of this nature in effect as near the beginning of the particular marketing season as is practicable in order to effectuate the declared policy of the act. No preparation for this regulation is required which cannot be completed prior to this effective date. Therefore, good cause exists for not delaying the effective date of these regulatory requirements beyond five days after the publication of this document in the FEDERAL REGISTER. (See section 4 (c) of the Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237):

These regulatory requirements shall become effective at 12:01 a. m., P. s. t., on the fifth day after the publication of this document in the FEDERAL REGISTER.

Issued this 2d day of November 1948.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, Pub. Laws 132, 305, 80th Cong., 61 Stat. 208, 707; 7 U. S. C. 601 et seq.)

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

[F. R. Doc. 48-9725; Filed, Nov. 4, 1948; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-323]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

COMPLIANCE WITH AIR CARRIER FIRE PREVENTION REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of October 1948.

On March 31, 1948, the Board adopted certain amendments to Parts 41, 42, and 61 that extend the date for compliance with the fire prevention requirements until November 1, 1948. The delay in obtaining the necessary engineering knowledge and the time required to purchase and install the equipment in the large number of aircraft involved were responsible for the inability of certain air carriers to comply with the requirements.

In a few instances these critical parts procurement and modification problems are still preventing full compliance with these regulations. To alleviate undue hardship on any carrier who has diligently sought to comply with these requirements, the Board hereby adopts a thirty-day extension of the effective date to allow those carriers to submit individually to the Administrator a request for a further extension of the compliance date. The request shall show proof of their attempted compliance prior to November 1, 1948, and shall be accompanied by a statement indicating a reasonable justification for not so complying. It will be further required that the air carriers fix a specific date on which completion of the required work will be accomplished. In the case of smoke or fire detectors, other than heat detectors, the compliance date is indefinitely extended pending completion of a joint testing program by government and industry.

In consideration of the above, notice and public procedures hereon are impracticable. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective November 1, 1948:

Notwithstanding the provisions of §§ 41.20, 42.10, and 61.30 of the Civil Air Regulations establishing certain fire prevention standards requiring compliance

RULES AND REGULATIONS

on or before November 1, 1948, no air carrier shall be held in violation of these requirements prior to December 1, 1948. Upon application by the air carrier prior to December 1, 1948, the Administrator may further authorize an air carrier to operate without full compliance with these requirements where the Administrator finds that the air carrier has made a diligent effort to meet these requirements by November 1, 1948, and that the air carrier has shown that it will comply with these requirements by a date certain: *Provided*, That no air carrier shall be required to install or maintain smoke or fire detectors, other than heat detectors, unless otherwise directed by the Administrator.

(Secs. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9711; Filed, Nov. 4, 1948;
8:53 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 30 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Subchapter A, Organization and Procedure (Parts 01, 02 and 03) is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. Former Subchapters B, C, D, E and F are redesignated Subchapters A, B, C, D and E respectively.

3. In Part 1, Production and Sale of Helium for Medical, Scientific, and Commercial Use, § 1.21 is revised to read as follows:

§ 1.21 *Forms*. Forms of applications and contracts for purchase of helium and for use of helium containers are listed in this section. The Bureau may make alterations in or additions to said forms, and may require the execution of a contract in a different form.

LIST OF FORMS

The following forms have been filed with the Division of the Federal Register; copies may be obtained from the Bureau of Mines, Department of the Interior, Washington 25, D. C.

1. Application to Purchase Helium from United States Department of the Interior, Bureau of Mines (Budget Bureau No. 42-R844, approval expires November 30, 1951).

2. Application to Use Helium Containers Supplied by United States Department of the Interior, Bureau of Mines (Budget Bu-

reau No. 42-R845, approval expires November 30, 1951).

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 21, 1948.

[F. R. Doc. 48-9702; Filed, Nov. 4, 1948;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines, Department of the Interior

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter III of Title 32 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. Part 303, General Licenses Pertaining to Explosives, is redesignated Part 302. As so redesignated, §§ 302.1 to 302.7 are deleted and § 302.8 (10 F. R. 12627) is redesignated § 302.1.

2. Part 304, Federal Mine Safety Code for Bituminous-Coal and Lignite Mines of the United States, is deleted.

WILLIAM E. WARNE,
Acting Secretary of the Interior

OCTOBER 21, 1948.

[F. R. Doc. 48-9701; Filed, Nov. 4, 1948;
8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Fort Gibson Reservoir, Grand (Neosho) River, Oklahoma, the Arkabutla Reservoir, Coldwater River, Mississippi, and the Fall River Reservoir, Fall River, Kansas, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of these reservoirs for their primary purposes, hereby prescribes rules and regulations pursuant to the provisions of section 4 of the Act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641) for the public use of these reservoirs, by amending Part 311 as follows:

Add new paragraphs (r) (s) and (t) to § 311.1, and add new subparagraph (6) to § 311.4 (a), as follows:

§ 311.1 *Areas covered*. * * *
(r) Fort Gibson Reservoir Area, Grand (Neosho) River, Oklahoma.
(s) Arkabutla Reservoir Area, Coldwater River, Mississippi.

(t) Fall River Reservoir Area, Fall River, Kansas.

* * * * *
§ 311.4 *Houseboats*. (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited:

* * * * *
(6) Fall River Reservoir Area, Fall River, Kansas.

* * * * *
[Regs. Oct. 21, 1948, ENGWF] (58 Stat. 889, 60 Stat. 641, 16 U. S. C. 460d)

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

[F. R. Doc. 48-9710; Filed, Nov. 4, 1948;
8:53 a. m.]

Chapter IV—National Forest Reservation Commission

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: Codification of this chapter is discontinued. Future amendments to the statement regarding the organization and functions of the National Forest Reservation Commission submitted under section 3 (a) (1) of the Administrative Procedure Act, will be published in the Notices section of the FEDERAL REGISTER. For the purpose of such amendments § 400.1 is designated section 1, and § 400.10 is designated section 2.

Chapter V—National Capital Park and Planning Commission

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: Codification of this chapter is discontinued. Future amendments to the statement regarding the organization and functions of the National Capital Park and Planning Commission submitted under section 3 (a) (1) of the Administrative Procedure Act will be published in the Notices section of the FEDERAL REGISTER. For the purpose of such amendments §§ 501.1 through 501.8 are redesignated sections 1 through 8.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter B—Regulations Affecting Maritime Carriers

[General Order 69]

PART 226—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER

PORT OF NEW YORK

At a session of the United States Maritime Commission held at its office in Washington, D. C., on the 19th day of October 1948.

By order dated May 29, 1947 and published in the FEDERAL REGISTER on June 7, 1947 (12 F. R. 3754) the Commission ordered that public hearings be held with respect to free time and demurrage charges on import property at the port of New York.

Hearings were held accordingly and the Commission on the above date made and filed a report incorporating its findings, which report is incorporated herein by reference.¹ The findings of the Commission, as therein set forth, are as follows:

§ 226.1 *Free time and demurrage charges at the Port of New York.* (a)

(1) Free time of five days (exclusive of Saturdays, Sundays, and legal holidays), computed from the start of business on the first day after complete discharge of the vessel, is adequate free time on import property at New York under present conditions.

(2) Free time on import property at New York shall not be less than five days, except as the Commission may hereafter direct.

(3) Where a carrier is for any reason unable, or refuses, to tender cargo for delivery, free time must be extended for a period equal to the duration of the carrier's disability or refusal.

(4) Where a consignee is prevented from removing his cargo by factors beyond his control (such as, but not limited to, trucking strikes or weather conditions) which affect an entire port area or a substantial portion thereof, carriers shall (after expiration of free time) assess demurrage against imports at the rate applicable to the first demurrage period, for such time as the inability to remove the cargo may continue. Every departure from the regular demurrage charges shall be reported to the Commission.

(5) The Commission makes no finding approving or disapproving demurrage rates presently effective as to import property at the port of New York.

(b) *It is hereby ordered*, That the foregoing findings be and hereby are adopted as rules of the Commission; and

(c) *It is further ordered*, That such rules shall be binding upon all common

carriers by water in foreign commerce with respect to regulations and practices affecting free time and demurrage on import property at the port of New York;

(d) *It is further ordered*, That on or before the effective date of this order, all tariffs of such carriers relative to free time and demurrage on import property at the port of New York be conformed to the findings and rules herein set forth;

(e) *It is further ordered*, That this order become effective December 15, 1948.

It is further ordered, That this order be published in the FEDERAL REGISTER.

(Secs. 17, 22-24, 39 Stat. 734, 736; 46 U. S. C. 816, 821-823)

By the Commission.

A. J. WILLIAMS,
Secretary.

OCTOBER 19, 1948.

[F. R. Doc. 48-9707; Filed, Nov. 4, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

PROPOSED CONTINUATION OF VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, November 15, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of the Armed Forces, approved by the Attorney General on August 24, 1948 and by the Secretary of Commerce on August 25, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 5665)

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

¹ Filed as part of original document. Copies may be obtained upon request to Secretary, United States Maritime Commission, Washington 25, D. C.

Under the first procedure (Exhibit A), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the second procedure (Exhibit B) it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

The proposed continuation has been formulated after consulting with representatives of the steel producing industry, the Armed Forces, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Wednesday, November 10, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL]

CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9319, after consultation with representatives of the steel producing industry and with of-

ficials of the Armed Forces, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948 has determined that in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the Armed Forces, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such requirements after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 162,505 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, for requirements of the Armed Forces in connection with contracts placed by them before July 1, 1949, and specifically designated as being entitled to the benefits of the voluntary plan or of this request; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That Armed Forces procurement agencies and steel consumers put identifying certifications on any purchase orders placed hereunder; and that steel consumers use all steel products obtained hereunder solely as production material for physical incorporation in the end products or in part of the end products to be delivered to the Armed Forces in connection with contracts as described in paragraph 1 above.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by the extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the Armed Forces, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the Armed Forces, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that steel producers make further deliveries of steel products for such requirements beyond February 28, 1949.

Therefore, paragraph 11 of the above-mentioned voluntary plan is amended by the addition of the following provision:

However, if the time limitation of March 1, 1949 now specified in subsection 2 (c) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this plan, the plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants. During the continuation period, steel products will be made available, at the rate of approximately 102,505 net tons per month for requirements of the Armed Forces in connection with contracts placed by them before July 1, 1949 in accordance with the provisions of this plan.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-9810; Filed, Nov. 4, 1948; 10:19 a. m.]

PROPOSED CONTINUATION OF VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, November 15, 1948, at 2:00 p. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for United States Atomic Energy Commission projects, approved by the Attorney

General on June 21, 1948 and by the Secretary of Commerce on June 22, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 3792).

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under the first procedure (Exhibit A) it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the second procedure (Exhibit B), it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949, through September 30, 1949, which would round out the full third calendar quarter.

The proposed continuation has been formulated after consulting with representatives of the steel producing industry, and of the interested government agencies, including the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Wednesday, November 10, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATIONS OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the United States Atomic Energy Commission, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948 has determined that in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for United States Atomic Energy Commission Projects, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such projects after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 16,244 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, for United States Atomic Energy Commission projects; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That prime contractors for the Commission, their subcontractors, and steel fabricators supplying such contractors and subcontractors put identifying certifications on any purchase orders placed hereunder; and that such contractors, subcontractors, and fabricators use all steel products obtained hereunder solely for filling contracts for United States Atomic Energy Commission projects.

In the event that an amendment to the above mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by the extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the United States Atomic Energy Commission, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for United States Atomic Energy Commission projects, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that steel producers make further deliveries of steel products for such requirements beyond February 28, 1949.

Therefore, paragraph 7 of the above mentioned voluntary plan is amended by the addition of the following provision:

However, if the time limitation of March 1, 1949 now specified in subsection 2 (c) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this plan, the Plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this Plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants. During the continuation period, steel products will be made available, at the rate of approximately 16,244 net tons per month.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-9809; Filed, Nov. 4, 1948; 10:19 a. m.]

PROPOSED CONTINUATION OF VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, November 15, 1948, at 4:00 p. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of the National Advisory Committee for Aeronautics, approved by the Attorney General and by the Secretary of Commerce on September 17, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 5870)

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under the first procedure (Exhibit A) it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the second procedure (Exhibit B) it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

The proposed continuation has been formulated after consulting with representatives of the steel producing industry, the National Advisory Committee for Aeronautics, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Corporation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Wednesday, November 10, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL]

CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9319, after consultation with representatives of the steel producing industry and with officials of the National Advisory Committee for Aeronautics (hereinafter called the NACA), and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the NACA, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such requirements after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 1,920 net tons of steel products available monthly, during the period March 1, 1949, through August 31, 1949, for requirements of the NACA in connection with contracts specifically designated by NACA as being placed under the voluntary plan or under this request; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That the NACA and NACA Contractors (as defined in the plan) put identifying certifications on any purchase orders placed hereunder; and that NACA Contractors use all steel products obtained hereunder solely for filling contracts with or for the NACA.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by the extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9319, after consultation with representatives of the steel producing industry and with officials of the National Advisory Committee for Aeronautics (hereinafter called NACA), and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the NACA, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that steel producers make further deliveries of steel products for such requirements beyond February 28, 1949.

Therefore, paragraph 11 of the above-mentioned voluntary plan is amended by the addition of the following provision:

However, if the time limitation of March 1, 1949, now specified in subsection 2 (c) of Public Law 395 is extended or otherwise

changed by legislative action in a form which permits the continuation of this Plan, the Plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this Plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants. During the continuation period, steel products will be made available, at the rate of approximately 1,920 net tons per month, distributed by types as specified in paragraph 2 of this Plan.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-9311; Filed, Nov. 4, 1948; 10:19 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6174]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 1, 1948.

Notice is hereby given that on October 29, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Louisiana and Texas with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of \$1,406,389.80 face amount of notes bearing interest at the rate of 2% per annum, on borrowings up to December 31, 1948 and on subsequent borrowings, if any, the existing prime rate for notes of similar tenor at the time of borrowing. The notes are to be issued in December 1948 or January 1949, and to mature not in excess of six months from the date of issuance. The notes for which authorization is requested are that portion of a proposed issuance of a total of \$6,000,000 which is not exempted by section 204 (e) of the Federal Power Act. The notes will be issued to evidence borrowings from the Irving Trust Company, New York, New York, with the Chase National Bank of the City of New York as a participant; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of November 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTHEID,
Acting Secretary.

[F. R. Doc. 48-9719; Filed, Nov. 4, 1948; 8:54 a. m.]

[Docket No. E-6175]

FLORIDA POWER CORP.
NOTICE OF APPLICATION

NOVEMBER 1, 1948.

Notice is hereby given that on October 29, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in said state with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of \$8,500,000 principal amount of a new series of First Mortgage Bonds --% series, due 1978. The coupon rate of the new series bonds and the price at which they are to be sold and the terms thereof are to be determined at a later date; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of November, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9720; Filed, Nov. 4, 1948;
8:54 a. m.]

INTERSTATE COMMERCE
COMMISSION

[S. O. 837]

UNLOADING OF COAL AT ANNANDALE, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of November A. D. 1948.

It appearing, that 15 cars of coal at Annandale, Pa., are on hand on Bessemer and Lake Erie Railroad Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Annandale, Pa., be unloaded.* The Bessemer and Lake Erie Railroad Company, its agents or employees, shall unload immediately B&LE 60712, and 14 other cars loaded with coal now on hand at Annandale, Pa., loaded by the M&L Coal Company without billing.

(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., November 3, 1948, 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 the 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; 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. 48-9709; Filed, Nov. 4, 1948;
8:50 a. m.]

SECURITIES AND EXCHANGE
COMMISSION

[File No. 70-1909]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of October 1948.

In the matter of New England Electric System, New England Power Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Malden and Melrose Gas Light Company, Salem Electric Lighting Company, Salem Gas Light Company, Suburban Gas and Electric Company.

New England Electric System, a registered holding company, and its subsidiary companies, New England Power Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Malden and Melrose Gas Light Company, Salem Electric Lighting Company, Salem Gas Light Company, and Suburban Gas and Electric Company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder with respect to the following transaction:

New England Power Company proposes to acquire, and the other nine Applicants-Declarants propose to sell all of the outstanding capital stock and notes of Salem Terminal Corporation for a cash consideration of \$1,700,000 plus accrued interest, being equivalent to the

par value of its common stock (\$500,000) and the face value of its notes (\$1,200,000) and accrued interest thereon. The cash required by New England Power Company to acquire the securities of Salem Terminal Corporation will be borrowed through the issuance of unsecured bank notes, for which authority has heretofore been granted. The cash received by the selling companies will be used to retire presently outstanding notes payable to banks or for construction or other corporate purposes.

Public hearings with respect to said application-declaration, as amended, having been held after appropriate notice and the Commission having considered the record of the proceedings and making no adverse findings under sections 10 and 12 (f) of the act or Rule U-43 promulgated thereunder, and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to issue its order granting said application and permitting said declaration to become effective in advance of the issuance and release of its definitive findings and opinion which are now in the process of completion:

It is ordered, That the aforesaid application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9706; Filed, Nov. 4, 1948;
8:49 a. m.]

[File No. 70-1976, 70-1981]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING

In the matter of The Middle West Corporation, Wisconsin Power and Light Corporation, File No. 70-1976; Public Service Company of Indiana, Inc., File No. 70-1981.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

Notice is hereby given that a joint application-declaration, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Middle West Corporation ("Middle West") a registered holding company, and its subsidiary, Wisconsin Power and Light Company ("Wisconsin"), a public utility company, and that in connection therewith a separate declaration has been filed by Public Service Company of Indiana, Inc. ("Indiana") also a public utility subsidiary of Middle West. Middle West and Wisconsin have designated sections 6 (a) 7, 9 (a) 10, 11, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44, U-46 and U-50 promulgated thereunder as applicable to their proposed transactions. Indiana has designated sections 6 (a) 7 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to its proposed transactions.

Notice is further given that any interested person may, not later than November 10, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues, if any, of law or fact raised by said application-declaration or declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 10, 1948 said application-declaration, as amended, and said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the Act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration and said declaration, which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Middle West owns 847,292½ shares of common stock, \$10 par value, of Wisconsin and 224,586 shares of common stock, no par value, of Indiana. It proposes to distribute on November 29, 1948 these securities, in partial liquidation, to its stockholders of record on October 29, 1948 on the basis of one share of Wisconsin's common stock for each four shares of Middle West common stock held, and one share of Indiana's common stock for each 15 shares of Middle West common stock held: *Provided, however* That if each of said shares of Indiana is split into two shares as proposed (see Holding Company Act Release No. 8541), such distribution would be two shares of Indiana's common stock for each 15 shares of Middle West common stock held.

No fractional shares of common stock of Wisconsin and Indiana will be issued. In lieu thereof, Middle West proposes to distribute to its stockholders non-dividend and non-voting scrip certificates, in bearer form, which are proposed to be issued by Wisconsin and Indiana. By their terms the scrip certificates will become void after December 31, 1953, but prior to said time, when combined in amounts equal to full shares of common stock, may be surrendered to the companies for full shares of common stock. Middle West further proposes to deliver to Wisconsin and Indiana a number of full shares of common stock of Wisconsin and Indiana equal to the number of shares represented in the aggregate by the scrip certificates to be issued by said companies and to acquire in exchange therefor the scrip certificates to be issued by Wisconsin and Indiana. It is stated that the exact number of full shares to be delivered to Wisconsin and Indiana and to be represented by scrip certificates to be issued by them cannot be determined until after October 29, 1948 (the record date for the proposed distribution) but is estimated to be about 7,100 shares of Wisconsin and

7,500 shares (9,000 if the shares are split) of Indiana.

Middle West further proposes to reserve 3,280 shares of Wisconsin's common stock and 875 shares of Indiana's common stock for distribution in respect of the 13,119.23 shares of Middle West stock reserved under the Plan of Reorganization of Middle West Utilities Company for issue upon conversion of scrip and/or certificates of deposit.

Subject to the approval of the Commission, Middle West further proposes that all rights of holders of scrip certificates distributed by it shall be void after December 31, 1953 and that all rights of Middle West stockholders with respect to such certificates who cannot be located in such period and on behalf of whom no valid claim is made during such period, shall cease and determine at such date, and the stock shall revert to the issuing companies.

Middle West further proposes, after the distribution of the common stocks of Wisconsin and Indiana, to sell in separate blocks, at competitive bidding pursuant to Rule U-50 if applicable, its then holdings of common stock and scrip of Indiana Gas & Water Company, Inc., ("Gas Water") estimated to be 43,853 shares, and its remaining holdings of shares of common stock and scrip of Wisconsin and Indiana not required or reserved for distribution, estimated to be 20,467 shares of Wisconsin and 4,099 shares (or 8,198 if the shares are split) of Indiana. Middle West requests that the ten-day notice period for inviting bids as provided in Rule U-50 be shortened to a period of not less than six days if the proposed sales are found not to be excepted transactions under paragraph (a) (4) of said Rule. It is stated that Middle West will use the proceeds from the sales of the common stocks of Gas Water, Wisconsin and Indiana to purchase 125,000 shares of common stock, \$10 par value, of its subsidiary, Kentucky Utilities Company, the acquisition of which has heretofore been approved by order of this Commission dated September 29, 1948 (Holding Company Act Release No. 8540).

Middle West's expenses in connection with the proposed distribution and/or sales of the common stocks of Gas Water, Wisconsin and Indiana are estimated at \$17,500.

Middle West represents that the Transactions proposed herein will effectuate a partial liquidation of the company as authorized by its stockholders and will tend to effectuate the provisions of section 11 (b) of the act.

Middle West requests that the Commission enter an appropriate order approving and permitting to become effective the application-declaration, as amended, and that said order conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended.

Applicants and declarants represent that no Federal Commission, other than this Commission, and no State commission has jurisdiction over the transactions proposed herein. However, in the opinion of counsel for Indiana, the question of the jurisdiction of the Public

Service Commission of Indiana over the issue and delivery of scrip certificates by Indiana, has not been directly passed upon by that Commission or the courts. Therefore, Indiana proposes to file a petition with the Indiana Commission requesting dismissal of its petition for want of jurisdiction or an order approving the issue and use of scrip certificates.

Middle West and Wisconsin request that the Commission's order granting and permitting to become effective their application-declaration, as amended, be issued as soon as practicable and become effective forthwith. Indiana requests that the Commission's order permitting its declaration to become effective be issued by November 15, 1948 and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-9704; Filed, Nov. 4, 1948; 8:43 a. m.]

[File No. 70-1978]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of October 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Northern Natural Gas Company ("Northern Natural") a registered holding company. The declarant designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 17, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, Washington 25, D. C. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

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

Northern Natural proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the Act, \$6,000,000 principal amount ____% Serial Debentures, dated November 1, 1948, due 1965-1969, to be issued under an Indenture, dated November 1, 1948, between North-

ern Natural and the Harris Trust and Savings Bank, as Trustee. The interest rate on said Debentures (to be a multiple of $\frac{1}{8}$ of 1%) and the price (exclusive of interest) to be received by Northern Natural (to be not less than 99% and not more than 102 $\frac{3}{4}$ % of the principal amount of said Debentures) are to be determined by competitive bidding.

The declarant states that the net proceeds from such sale will be used in part to replenish working capital and, in part, for the payment of 1949 construction costs, estimated in the amount of \$12,940,000. Declarant further states that it intends, at a later date, to finance the balance of its 1949 construction costs and to retire its outstanding 2% bank loans (\$2,500,000) with funds derived from the issue and sale of additional common stock and from general funds of the Company.

Declarant has filed applications with the State Corporation Commission of Kansas and the Nebraska State Railway Commission for authorization with respect to the issuance of said Debentures.

Declarant requests that the Commission issue its order herein on or before November 19, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9703; Filed, Nov. 4, 1948;
8:48 a. m.]

[File Nos. 70-1989, 70-1990]

CENTRAL AND SOUTH WEST CORP. ET AL.
NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 29th day of October A. D. 1948.

In the matters of Central and South West Corporation, File No. 70-1989; Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1990.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central and South West Corporation ("Central and South West") a registered holding company, and that in connection therewith a separate joint application-declaration has been filed by Central and South West and its subsidiaries, Central Power and Light Company ("Central Power") and Southwestern Gas and Electric Company ("Southwestern"). Applicants-declarants have designated section 6 (a) 7, 9 (a) 10, and 12 (f) of the act and Rules U-43 and U-50 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 10, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues, if any, of law or fact raised by said application-declaration proposed to be controverted, or may

request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 10, 1948 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration and application-declaration which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Central and South West proposes to issue and sell 659,606 shares of additional common stock, \$5 par value. The shares of common stock are to be offered first to the holders of the company's presently outstanding common stock of record at the close of business on November 18, 1948, in accordance with their preemptive rights, for subscription in the ratio of one share of additional common stock of each ten shares of common stock held. The subscription price will be the same price per share as specified in the bid of the successful bidder for the unsubscribed shares. The rights to subscribe will be evidenced by full share and fractional share subscription warrants in transferable form. As fractional shares will not be issued, fractional share subscription warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares. The subscription period will be approximately 15 days.

It is proposed that all shares of additional common stock not subscribed for by the common stockholders will be sold by the company to underwriters at competitive bidding pursuant to Rule U-50. It is stated that the bids shall specify the price per share to be paid to the company for such shares and the compensation to be paid by the company to the underwriters for their commitments and obligations in respect of the purchase of the unsubscribed shares.

Central and South West requests that the ten-day notice period for inviting bids as provided by Rule U-50 be shortened to a period of not less than six days.

The net proceeds to be received by Central and South West from the issue and sale of the additional shares of common stock will be invested in common stocks of Central Power and Southwestern as described below.

Central Power proposes to amend its Articles of Incorporation so as to increase its authorized stock from 1,072,100 shares of common stock, \$10 par value, to such number of authorized shares as will equal the sum of (a) 1,072,100 shares now authorized and outstanding, (b) 350,000 shares, and (c) such number of shares as may be purchased by South West, at par, with approximately 60% of the net proceeds, in excess of \$6,000,000 to be received by Central and South West from the proposed sale of its additional shares of common stock. After the adoption of the amendment, Central Power proposes to issue and sell to Cen-

tral and South West, owner of all of Central Power's outstanding common stock, 350,000 shares of common stock, \$10 par value, for cash, at par, and such additional number of shares of common stock as will be authorized by said amendment under clause (c) above.

Southwestern proposes to increase the stated value of the 500,000 outstanding shares, no par value, of its common stock from \$6,800,000 as shown on its books, to \$9,500,000 by transferring on its books the sum of \$2,700,000 from earned surplus to common stock capital account, and thereafter, to amend its Certificate of Incorporation, as amended, so as to increase its total authorized common stock from 500,000 shares, no par value, to 1,500,000 shares, \$10 par value, and to change the 500,000 shares, no par value, of its common stock now outstanding into 950,000 shares, \$10 par value. After the adoption of the proposed amendment, Southwestern proposes (a) to issue and deliver to Central and South West certificates for 950,000 shares of common stock, \$10 par value, of Southwestern upon the surrender for cancellation by Central and South West of certificates representing the outstanding 500,000 shares of common stock, no par value, of Southwestern, and (b) to issue and sell to Central and South West, for cash, at par, 250,000 shares of common stock, \$10 par value, of Southwestern and such additional number of shares of its common stock, \$10 par value, as may be purchased by Central and South West, at par, with approximately 40% of the net proceeds, in excess of \$6,000,000, to be received by Central and South West from the proposed sale of its common stock.

The net proceeds to be received by Central Power and Southwestern from the sales of their common stock will be used by them to finance their construction programs.

Central Power and Southwestern estimate that their expenses in connection with the issue and sale of common stock will aggregate \$12,000. It is stated that the expenses with respect to the acquisition of the common stocks of Central Power and Southwestern by Central and South West are estimated to be nominal.

Central and South West represents that no State commission has jurisdiction over its proposed transactions. Central Power and Southwestern represent that no State commission has jurisdiction over their proposed transactions except that Arkansas Public Service Commission has or claims to have jurisdiction with respect to the issue by Southwestern of its shares of common stock. It is stated that Southwestern will make application to said Commission for authority to issue the proposed shares of common stock.

It is requested that the Commission's order granting and permitting to become effective the declaration and the application-declaration be issued by November 12, 1948, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-9705; Filed, Nov. 4, 1948;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11013, Amdt.]

HANGO SUMII ET AL.

In re: Bank accounts, stock, bonds and lease owned by Hango Sumii and others. Vesting Order 11013, dated March 31, 1948, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2e of said Vesting Order 11013 the number "C 62893934 E" and substituting therefor the number "C 6283934 E"

All other provisions of said Vesting Order 11013 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 October 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9715; Filed, Nov. 4, 1948;
8:54 a. m.]

[Vesting Order 12196]

MARY HEIZMAN HACK ET AL.

In re: Mary Heizman Hack, plaintiff, vs. Mary Heizman, individually and as administratrix of the estate of Charles Heizman, deceased, et al., defendants. File No. D-28-9898; E. T. sec. 13986.

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 Frieda (Heizmann) Heizman, Ernst (Heizmann) Heizman, Erna (Heizmann) Heizman, Augustin (Heizmann) Heizman, and Bertha (Heizmann) Heizman, whose last known address was, on September 9, 1948, Germany, were on such date residents of Germany and Nationals of a designated enemy country (Germany)

2. That the sum of \$5,691.43 was paid to the Attorney General of the United States by Philip H. Mitchel, Master in Chancery, in the matter of Mary Heizman Hack, plaintiff, vs. Mary Heizman, individually and as administratrix of the estate of Charles Heizman, deceased, et al., defendants;

3. That the said sum of \$5,691.43 was accepted by the Attorney General of the United States on September 9, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$5,691.43 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on September 9, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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 October 15, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9697; Filed, Nov. 3, 1948;
8:57 a. m.]

[Vesting Order 12215]

CHARLOTTE SCHULZE

In re: Estate of Charlotte Schulze, deceased. File No. F-28-15167; E. T. sec. 16297.

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. Elsa Gerlicke, Mr. Hans Schulze, Miss Margarete Schulze, and Mrs. Hanni Steinmesse, whose last known address was, on August 26, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$382.64 was paid to the Attorney General of the United States by Fred C. Schulze, Administrator of the estate of Charlotte Schulze, deceased;

3. That the said sum of \$382.64 was accepted by the Attorney General of the United States on August 26, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$382.64 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the

aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on August 26, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

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

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

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

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 October 18, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9712; Filed, Nov. 4, 1948;
8:53 a. m.]

MARIA CLEMENTINA FENCALTEA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property and Location

Maria Clementina Fencaltea a/k/a Tina Fencaltea, Rome, Italy; 6535; \$9,000.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 1, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9717; Filed, Nov. 4, 1948;
8:54 a. m.]

[Vesting Order 12251]

DEUTSCHE UEBERSEEISCHE BANK A. G.

In re: Stock, bonds, coupons, scrip certificate and bank account owned by Deutsche Ueberseeische Bank A. G., also known as Banco Aleman Transatlantico

and Banco Alemão Transatlântico. F-28-1285-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 Deutsche Ueberseische Bank A. G., also known as Banco Aleman Transatlântico and Banco Alemão Transatlântico, the last known address of which is Fredreichstr. 103, Berlin N. W 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account numbered F86226 Account B, entitled Deutsche Ueberseische Bank, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit B, presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account numbered F86226 Account B, entitled Deutsche Ueberseische Bank, together with all declared and unpaid dividends thereon,

c. Those certain coupons described in Exhibit C, attached hereto and by reference made a part hereof, which coupons detached from the bonds listed and numbered as shown in the aforesaid Exhibit C are presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account numbered F-86226 Account B, entitled Deutsche Ueberseische Bank A. G., together with any and all rights thereunder and thereto,

d. One (1) 0.50 scrip certificate representing an interest in a voting trust for capital stock of Columbia Phonograph Co., said certificate numbered F10680, registered in the name of Squire & Co., and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, together with any and all rights in, to and under the aforesaid certificate including particularly the right to possession thereof,

e. That certain debt or other obligation owing to Deutsche Ueberseische Bank A. G., also known as Banco Aleman Transatlântico and Banco Alemão Transatlântico, by The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, arising out of a clean credit account, entitled Deutsche Ueberseische Bank A. G. Account B, numbered F86226, and any and all rights to demand, enforce and collect the same, and

f. One (1) certificate for forty-five (45) shares of no par value common stock of the Grigsby Grunow Co., said certificate numbered 71119, registered in the name of Lee and Co., and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, and any and all

rights in, to and under the aforesaid certificate.

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, Deutsche Ueberseische Bank A. G., also known as Banco Aleman Transatlântico and Banco Alemão Transatlântico, 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 October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A—BONDS

Description of Issue	Face value	Certificate Nos.	Description of Issue	Face value	Certificate Nos.
Republic of Chile external loan stamped 7%—20 year sinking fund.....	\$1,000.00	M200	Mortgage Bank of Chile guaranteed 6% S/F.....	\$1,000.00	M 2688
Conversion Office German foreign debts 3% dollar bonds.....	1,000.00	5734	Republic of Peru Secured 7% S/F gold bond.....	1,000.00	13097
	1,000.00	C 058564	Rhine Westphalia Elec. Power Corp., mtge. 6%.....	1,000.00	M 6648/49
	1,000.00	058567		1,000.00	12119/120
	1,000.00	049178/180		1,000.00	2781/85
	1,000.00	M 013446/47		1,000.00	D 830
	1,000.00	D 069250/92	Rhine Westphalia Elec. Power Corp. Cons. Mtge. 6%.....	1,000.00	17233
	100.00	C 058561	Serbs, Croates & Slovenes external 40 yr. 8% secured.....	1,000.00	M 2495
	100.00	058574		1,000.00	7370
	1,000.00	058569/571	Siemens & Halske debenture WW, 25 yr. 6½% S/F.....	1,000.00	M 2267/72
Frac. Conversion Office German foreign debt 3% dollar bonds series B.....	20.00	276976/978		1,000.00	1699/91
	20.00	276973		1,000.00	22673
	20.00	266796/798	Siemens & Halske Stock Corp. Deb. WW 25 yr. 6½% S/F.....	1,000.00	7140/47
	20.00	276974/975		1,000.00	M 6532
	10.00	119901/902		1,000.00	6994
	10.00	119907		1,000.00	9121
	10.00	117481		1,000.00	15222/223
	5.00	066257		1,000.00	16543
	5.00	064020		1,000.00	23614
	2.50	034314	United Steel Works Corp. Mtge. A 25 yr. 6½% S/F Mtge., gold bonds series A.....	1,000.00	23616/018
	1,000.00	034309/310		1,000.00	M 6670
General Electric Co., Germany, 20 yr. 6% G. Deb. S/F.....	500.00	D 1871/72		1,000.00	23365
	500.00	2642		1,000.00	23710
	1,000.00	M 11764		1,000.00	16642
German Government International loan stamped 5½%—1930 loan.....	500.00	B 0079	United Steel Works Corp. Mtge. A WW, 25 yr. 6½% S/F Mtge. GB series A.....	1,000.00	9432
Gesfurel debenture 6% S/F Gold Bonds.....	1,000.00	4218		1,000.00	M 14020
	1,000.00	4279		1,000.00	27639
	1,000.00	734		1,000.00	6109
Gesfurel Debenture WW 6% S/F gold bonds.....	1,000.00	2689/91	Kingdom Yugoslavia Funding, 5% funding bonds.....	100.00	C 4870/80
Hamburg Electric Co. external deb. 2% S/F gold bonds.....	1,000.00	D 233/4		100.00	18223
	1,000.00	230/240		100.00	18852
	500.00	260	Frac. Kingdom Yugoslavia Fund, 2d G. 5% funding bond.....	2.00	H 2007
Mortgage Bank of Chile stpd. 6% S/F gold bonds guaranteed.....	1,000.00	M 13246	Kingdom Yugoslavia Funding, 2d series 6% funding bonds.....	100.00	C 2742
	1,000.00	17458		100.00	2427
	1,000.00	15063			
	1,000.00	3176			

¹ Each.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock	Registered owner
Alaska Juneau Gold Mining Co., 1022 Crocker Bldg., San Francisco, Calif.	West Virginia.....	032207	29	\$10	Capital.....	Lee & Co.
The Atlantic Refining Co., 250 South Broad St., Philadelphia, Pa.	Pennsylvania.....	CO 278577	29	25	Common.....	Egger & Co.
Barnsdall Oil Co., 909 Market St., Wilmington, Del.	Delaware.....	008223	29	5	do.....	Lee & Co.
Consolidated Edison Co., 4 Irving Pl., New York, N. Y.	New York.....	194155	29	No par	do.....	Egger & Co.
Diamond Match Co., 30 Church St., New York, N. Y.	Delaware.....	CO 22251	29	No par	do.....	Do.
Electric & Musical Industries, Ltd., 1689 Blyth Rd., Hayes, Middlesex, England.	Delaware.....	H 14335 07871	100,71	10 shilling	American ordinary.....	Do.
Sinclair Oil Corp., 639 5th Ave., New York, N. Y.	New York.....	NYO 292235	29	No par	Common.....	Lee & Co.
Texas Gulf Sulphur Co., 75 East 45th St., New York, N. Y.	Texas.....	F 23119	29	No par	Capital.....	Do.
F. W. Woolworth Co., Woolworth Bldg., New York, N. Y.	New York.....	WT/F 31753	29	No par	do.....	Egger & Co.

EXHIBIT C—COUPONS

Description of bond issue	Bond Nos.	Face value of coupons	Number of coupons	Description of bond issue	Bond Nos.	Face value of coupons	Number of coupons
Conversion Office.....	M 013445	\$15.00	4	Siemens & Halske Stock Corp.—due 3/1/41.....	M 15322	\$15.25	1
German foreign debts.....	013447	15.00	1		15323	15.25	1
Do.....	D 009220	17.50	4		15324	15.25	1
	009222	17.50	2		15325	15.25	1
Do.....	009221	7.50	1		15326	15.25	1
	C 058554	11.50	4		23514	15.25	1
	058551	11.50	2		23515	15.25	1
	049179	11.50	2		23517	15.25	1
	049180	11.50	2		23518	15.25	1
	049178	11.50	2	Siemens & Halske Stock Corp.—due 9/1/41.....	M 6582	15.25	1
	058557	1.50	1		6594	15.25	1
	058574	1.50	1		9121	15.25	1
	058559	1.50	1		15322	15.25	1
	058570	1.50	1		15323	15.25	1
	058571	1.50	1		15324	15.25	1
Siemens & Halske Stock Corp.—due 9/1/40.....	M 23914	15.25	1		15325	15.25	1
	23910	15.25	1		15326	15.25	1
	23917	15.25	1		23514	15.25	1
	23918	15.25	1		23515	15.25	1
Siemens & Halske Stock Corp.—due 3/1/41.....	M 6582	15.25	1		23517	15.25	1
	6594	15.25	1		23518	15.25	1
	9121	15.25	1				

¹Each.

[F. R. Doc. 48-9713; Filed, Nov. 4, 1948; 8:53 a. m.]

HEDWIG FEIBUSCH MEYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property and Location

Hedwig Feibusch Meyer, Shanghai, China; 5384; \$3,706.57 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of the claimant in and to the estate of Moritz Feibusch, deceased.

Executed at Washington, D. C., on November 1, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9716; Filed, Nov. 4, 1948; 8:54 a. m.]

BEATRICE RAPPAPORT AND EMILIA CASTELBOLOGNESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

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

Claimant, Claim No. and Property and Location

Beatrice Rappaport, Modena, Italy; 6150; \$5,000 in the Treasury of the United States.
Emilia Castelbolognese, Milano, Italy; 7423; \$5,000 in the Treasury of the United States.

Executed at Washington, D. C., on November 1, 1948.

For the Attorney General.

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

[F. R. Doc. 48-9718; Filed, Nov. 4, 1948; 8:54 a. m.]

[Vesting Order 12274]

KURT KRAUSE ET AL.

In re: Kurt Krause et al v. State of California. File D-66-2049; E. T. sec. 12353.

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 Kurt Krause, Walther Krause, Alma Dorges, nee Hering, Ernst Hering and Frieda Lindermann, nee Hering, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the sum of \$8,927.81 paid to the State of California on or about January 17, 1947 by Patrick J. Freeman, as administrator of the Estate of Max Otto Bartel, also known as Max Otto Bartels, deceased, which was probated in the Superior Court of the State of California, in and for the County of Santa Cruz designated Probate No. 9471,

NOTICES

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 (Germany),

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 (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 October 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9714; Filed, Nov. 4, 1948;
8:54 a. m.]