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TITLE 3—THE PRESIDENT

PROCLAMATION 2762

GRANTING PARDON TO CERTAIN PERSONS CONVICTED OF VIOLATING THE SELECTIVE TRAINING AND SERVICE ACT OF 1940 AS AMENDED

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS by Executive Order No. 9814 of December 23, 1946, there was established the President's Amnesty Board, the functions and duties of which were set out in paragraph 2 of the said Executive order as follows:

"The Board, under such regulations as it may prescribe, shall examine and consider the cases of all persons convicted of violation of the Selective Training and Service Act of 1940, as amended (50 U. S. C. App. 301 ff.), or of any rule or regulation prescribed under or pursuant to that Act, or convicted of a conspiracy to violate that Act or any rule or regulation prescribed under or pursuant thereto. In any case in which it deems it desirable to do so, the Board shall make a report to the Attorney General which shall include its findings and its recommendations as to whether Executive clemency should be granted or denied, and, in any case in which it recommends that Executive clemency be granted, its recommendations with respect to the form that such clemency should take. The Attorney General shall report the findings and recommendations of the Board to the President, with such further recommendations as he may desire to make."

and

WHEREAS the Board, after considering all cases coming within the scope of paragraph 2 of the said Executive order, has made a report to the Attorney General, which includes the findings of the Board and its recommendation that Executive clemency be granted in certain of such cases; and

WHEREAS the Attorney General has submitted such report to me with his approval of the recommendation made by the Board with respect to Executive clemency; and

WHEREAS upon consideration of the report and recommendation of the Board and the recommendation of the Attorney General, it appears that certain persons convicted of violating the Selective Training and Service Act of 1940 as amended ought to have restored to them the political, civil, and other rights of

which they were deprived by reason of such conviction and which may not be restored to them unless they are pardoned: NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by Article II of the Constitution of the United States, do hereby grant a full pardon to those persons convicted of violating the Selective Training and Service Act of 1940 as amended whose names are included in the list of names attached hereto and hereby made a part of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of December in the year of our Lord nineteen hundred and [SEAL] forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

LIST OF NAMES

Name, Date Convicted and U. S. District Court

1. Aaron, Herbert Huston, October 20, 1942, Eastern Arkansas.
2. Abernathy, Wilburn, September 22, 1944, Northern Alabama.
3. Abram, Joel, Jr., April 14, 1943, Southern West Virginia.
4. Ackerman, Paul Roland, December 27, 1940, Oregon.
5. Adamy, Edward N., April 30, 1943, New Jersey.
6. Addington, Norman Wallace, October 9, 1945, Eastern Kentucky.
7. Adolph, James Willard, October 18, 1943, Colorado.
8. Agliam, Paustino Acosta, June 26, 1944, Northern California.
9. Aguirre, Joseph, November 28, 1944, Northern California.
10. Akim, Alfred, May 29, 1942, Hawaii.
11. Akutsu, Hitoshi Gene, October 2, 1944, Idaho.
12. Akutsu, Jim Hajime, October 2, 1944, Idaho.
13. Albrecht, Irving G., August 30, 1943, New Jersey.
14. Alexander, Charles E., July 14, 1944, Northern Illinois.
15. Alexander, Daniel, October 29, 1943, Southern New York.

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261. Cuthbertson, Kenneth Earl, December 6, 1943, Eastern Pennsylvania.
262. Cyr, Eidon Leo, April 11, 1944, Kansas.
263. Dalawasant, Beleno, May 5, 1942, Hawaii.
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266. Daniels, C. W., May 28, 1946, Middle Georgia.
267. Daniels, Lorenzo James, December 13, 1944, Minnesota.
268. Darling, Henry E., June 2, 1943, Oregon.
269. Davies, John William, Jr., October 27, 1943, Middle Pennsylvania.
270. Davis, Arthur Alvin, Jr., November 13, 1945, Northern Georgia.
271. Davis, Clyde Aifred, October 5, 1943, Eastern Virginia.
272. Davis, James, May 26, 1945, Southern Florida.
273. Davis, Joseph Henry, June 27, 1946, Northern Illinois.
274. Davis, Louis Henry, February 3, 1944, Northern Ohio.
275. Davis, Paul Lester, December 6, 1943, Eastern Tennessee.
276. Davis, Walter Riddle, March 8, 1943, Western Pennsylvania.
277. Davis, William Russell, May 29, 1944, Northern Oklahoma.
278. Dawkins, Maurice C., November 16, 1944, Nebraska.
279. Deal, Rhonda, June 12, 1944, Eastern Pennsylvania.
280. Dean, Bernal, Jr., November 3, 1944, Northern Indiana.
281. Deane, Loren Ray, October 4, 1944, Western Missouri.
282. Debalooos, Valentine Biglun, August 18, 1942, Hawaii.
283. DeBeausset, Michael, December 7, 1942, Eastern Pennsylvania.
284. DeBlanc, Edward Marshall, August 9, 1943, Eastern Louisiana.
285. Decker, Howard E., March 19, 1943, New Jersey.
286. DeFranco, Adrian, September 19, 1944, Northern Ohio.
287. DeHart, William Robert, October 2, 1944, Western New York.
288. DeJernett, Walter, March 2, 1945, Eastern Michigan.
289. DeLucke, Daniel Louis, October 15, 1942, Delaware.
290. DeLuke, Anthony Paul, October 15, 1942, Delaware.
291. Dempsey, Lewis, October 3, 1942, Southern Georgia.
292. Denny, William Bernard, June 28, 1945, Maryland.
293. Derby, Glenn, July 1, 1942, Northern Ohio.
294. Desatoff, George Jack, May 22, 1944, Southern California.
295. Detwiler, Stanley Warren, January 22, 1945, Arizona.
296. DeVoe, Frank, March 22, 1945, Southern Georgia.
297. Dewey, Alexander Harlow, February 18, 1941, Kansas.
298. Dexter, Charles, July 1, 1942, Northern Indiana.
299. Dickinson, Joseph Romlus, February 27, 1943, Northern Alabama.
300. Dimuccio, Edward Arthur, April 5, 1943, Rhode Island.
301. Dixie, John Thomas, October 7, 1942, Northern Ohio.
302. Dixon, C. P., May 22, 1944, Western Kentucky.
303. Dobbins, Arvil Wiley, November 6, 1946, Middle North Carolina.
304. Dolbear, Walter Bernard, July 30, 1943, Southern Texas.
305. Domanski, Frank Adolph, June 4, 1943, Eastern Michigan.
306. Dorsey, Willie F., April 1, 1941, Arizona.
307. Dortch, Nelson, April 2, 1943, Eastern Missouri.
308. Doudna, Joseph Sylvester, July 27, 1944, Southern Ohio.
309. Dougherty, Michael R., May 1, 1946, Northern California.
310. Douglas, Sherman Lee, December 17, 1942, Eastern Illinois.
311. Douglass, Walter Robert, November 16, 1944, Northern Ohio.
312. Dowdell, Garfield Duke, February 8, 1945, Northern Alabama.
313. Duarte, Rafael Roberto, February 1, 1943, Arizona.
314. Duncan, Albert Lee, March 13, 1945, Western Kentucky.
315. Dunkel, Ralph Edward, January 27, 1942, Southern Ohio.
316. Dunmyer, Ray Strayer, October 24, 1945, Delaware.
317. Dunn, Charles Arvin, September 11, 1944, Middle North Carolina.
318. Dunning, Willie Albert, July 26, 1943, Middle Georgia.
319. Durand, John, March 11, 1943, Eastern New York.
320. Durant, Ulysses, August 26, 1943, Eastern Pennsylvania.
321. Dvorak, Leo Frank, October 31, 1942, Minnesota.
322. Dyer, Andrew M., December 14, 1943, Kansas.
323. Easter, Andrew L., May 25, 1945, Arkansas.
324. Ebbert, George Stanley, May 24, 1946, Northern California.
325. Eby, Isaac Shirk, January 6, 1942, September 18, 1944, Eastern Pennsylvania.
326. Eder, Erwin Julius, October 26, 1943, Eastern Missouri.
327. Edwards, Bruce Eugene, July 26, 1944, Northern Illinois.
328. Edwards, George Washington, June 19, 1942, Middle Georgia.
329. Edwards, William Pearson, September 7, 1943, Middle North Carolina.
330. Ehrman, Raymond John, December 8, 1942, Northern Indiana.
331. Eikenberry, Donald Thane, May 22, 1944, Northern California.
332. Eisle, William John, October 13, 1943, Eastern New York.
333. Eith, Edward Anthony, March 18, 1942, Eastern Missouri.
334. Eldridge, Frank Thomas, July 13, 1944, Eastern New York.
335. Ellenberger, Lester Elias, July 2, 1945, Southern California.
336. Ellis, David, July 7, 1942, Northern Texas.
337. Ellis, Robert, March 13, 1946, Eastern Pennsylvania.
338. Elsas, Floyd Ortie, May 15, 1944, Southern California.
339. English, Ralph Harry, July 2, 1945, Eastern Virginia.
340. Ensley, Barton Arthur, December 6, 1943, Western Pennsylvania.
341. Erland, Edwin Milton, July 12, 1945, Southern Florida.
342. Errichetti, Edward Anthony, March 4, 1943, Connecticut.
343. Estes, George Clyde, January 10, 1944, Northern Ohio.
344. Eto, Yukio, July 9, 1945, Wyoming.
345. Everett, Napoleon, May 17, 1946, Southern Florida.
346. Everingham, Benjamin C., February 3, 1941, December 2, 1942, Maryland.
347. Fain, Ira Dover, January 22, 1943, Southern West Virginia.
348. Fair, Albert, January 17, 1945, Southern Georgia.
349. Farmer, Creeversie, May 17, 1943, Southern Mississippi.
350. Fedorka, Theodore, January 14, 1944, Southern New York.
351. Fedorka, Walter, January 26, 1944, Southern New York.
352. Fehrenback, Conrad Darwin, November 3, 1941, Nevada.
353. Fenske, Wallace William, April 11, 1946, Nebraska.
354. Ferris, Rudolph Walter, January 21, 1944, Eastern Michigan.
355. Ferruccio, John, March 7, 1945, Southern New York.
356. Fields, Norris, Jr., December 3, 1945, Southern Alabama.
357. Fink, Belfie Elmer, January 12, 1942, Eastern Oklahoma.
358. Fischer, Robert Allen, November 3, 1943, Southern Ohio.
359. Fiscina, Michael John, June 18, 1945, Southern New York.
360. Fisher, Dale Martin, September 5, 1945, Southern Ohio.
361. Fisher, Dugald, Jr., October 20, 1941, Hawaii.
362. Fisher, George Calvin, September 18, 1942, Western Pennsylvania.
363. Fitzpatrick, Edward Clayton, May 12, 1944, Northern California.
364. Fletcher, Norman Collings, October 1, 1943, Connecticut.
365. Flora, Eugene Edward, November 22, 1943, Southern Ohio.
366. Flora, Glenn William, January 3, 1945, Southern Ohio.
367. Flores-Rey, Ernesto, July 5, 1945, Western Texas.
368. Floomar, Lloyd Frederick, November 7, 1946, Arizona.
369. Foltanek, Frank Ferdinand, May 18, 1944, Northern Illinois.
370. Foote, Caleb, June 26, 1945, Northern California.
371. Forrest, General Harrison, May 15, 1944, Southern Mississippi.
372. Forrester, James Rubin, May 8, 1945, Southern Ohio.
373. Forrester, Lawrence Franklin, October 19, 1944, Middle North Carolina.
374. Fort, Ivan E., March 31, 1941, Eastern Michigan.
375. Foss, Frederick Vance, January 18, 1944, Maine.
376. Foster, Floyd Raymond, June 30, 1942, Eastern New York.
377. Fountain, Richard, November 5, 1942, Northern Alabama.
378. Fox, Floyd Elam, February 16, 1945, Eastern Pennsylvania.
379. Frazier, Dossie, May 28, 1946, Northern Georgia.
380. Frazier, James Lonnel, November 9, 1945, Northern Alabama.
381. Frazier, William Chester, July 14, 1943, Eastern Missouri.
382. Freeman, Earl Dale, December 3, 1945, Southern Iowa.
383. Freeman, Merle Lee, October 16, 1945, Western Texas.
384. Friedt, Mervin Ray, February 4, 1944, Northern Ohio.
385. Fujihara, Shiro, October 2, 1944, Idaho.
386. Fujii, John Jiro, July 9, 1945, Wyoming.
387. Fujii, Shigeru, May 26, 1944, Wyoming.
388. Fujimoto, Albert Kenji, October 7, 1946, Arizona.

389. Fujinaka, Tatsuo George, February 21, 1945, Southern Idaho.
390. Fujioka, Tom Tamotsu, October 7, 1946, Arizona.
391. Fujioka, Yasuto, November 8, 1946, Arizona.
392. Fujita, Hideo Frank, October 7, 1946, Arizona.
393. Fujiwara, Hideyuki Henry, October 2, 1944, Idaho.
394. Fujizawa, Teruo, October 7, 1946, Arizona.
395. Fullenwider, Everett Verne, March 28, 1944, Northern California.
396. Furusaki, Joseph, October 7, 1946, Arizona.
397. Gable, Chester Wayne, January 5, 1945, Northern Ohio.
398. Gabrio, Louis Charles, March 23, 1945, New Jersey.
399. Galt, Ralph Martin, January 14, 1943, Southern Indiana.
400. Gamble, Willie Kirk, December 27, 1943, Rhode Island.
401. Ganialongo, Felipe, February 15, 1943, Hawaii.
402. Garcia, Adan Guerra, October 17, 1945, Southern Texas.
403. Garcia, Alberto Saucedo, August 9, 1946, Western Texas.
404. Garcia, Anastacio Herrera, August 11, 1942, Arizona.
405. Garfield, K. C., May 11, 1945, Northern Mississippi.
406. Garrett, James Robinson, May 9, 1944, Southern New York.
407. Garst, Merritt Eugene, Jr., June 26, 1941, Eastern Pennsylvania.
408. Gast, Fred Car, Jr., December 17, 1943, Northern Ohio.
409. Gast, Robert Theodore, April 11, 1944, Northern Ohio.
410. Gates, Alfred, July 19, 1941, Arizona.
411. Gates, Irvin Edward, November 6, 1944, Northern California.
412. Gellrich, William Walter, September 14, 1944, Northern California.
413. Get, Lim Sing, December 11, 1943, Northern California.
414. Gianopoulos, James, October 10, 1945, Massachusetts.
415. Gibson, Irving Louis, May 13, 1942, Eastern Pennsylvania.
416. Giese, Willie Erie, February 7, 1944, District of Columbia.
417. Gilmer, Cooper Hyde, May 29, 1946, Eastern Tennessee.
418. Gilyard, John Henry, August 27, 1946, Southern New York.
419. Gingerich, George, March 26, 1942, Southern Indiana.
420. Glaab, Stephen Joseph, November 12, 1942, Eastern New York.
421. Glaser, Alan Thomas, May 24, 1946, New Jersey.
422. Glixon, David, December 10, 1943, Southern New York.
423. Glixon, Neil Henry, December 9, 1943, Eastern New York.
424. Glover, George H., September 20, 1945, New Jersey.
425. Godfrey, Norman, May 12, 1941, Eastern Pennsylvania.
426. Godwin, Alphonso, October 26, 1942, Eastern North Carolina.
427. Goehring, Gordon Saunders, June 16, 1943, Northern Ohio.
428. Goff, Harland Emerson, June 18, 1945, Northern Ohio.
429. Goishi, Kazuto Jimmy, October 7, 1946, Arizona.
430. Gomez, Jesus, October 9, 1946, Western Texas.
431. Gonzalez, Dionicio, February 2, 1946, Southern Texas.
432. Goodall, Thomas J., February 21, 1944, Middle Tennessee.
433. Goodman, William Louis, June 21, 1945, Northern Ohio.
434. Goods, Jim S., January 21, 1944, District of Columbia.
435. Goodwin, Luther A., June 13, 1945, New Mexico.
436. Gorecki, Raymond, April 10, 1944, Eastern Wisconsin.
437. Gott, James Livingston, May 25, 1945, New Jersey.
438. Grady, Martin, April 2, 1943, Middle Tennessee.
439. Gray, Harry Rean, December 9, 1942, Western Pennsylvania.
440. Gray, Leon, May 15, 1944, Southern Mississippi.
441. Grayson, Frank, May 25, 1942, Eastern Kentucky.
442. Green, Jim, October 9, 1942, Western Louisiana.
443. Green, Robert, June 13, 1942, Arizona.
444. Green, Thomas James, March 12, 1942, Eastern Pennsylvania.
445. Greenberger, Murray J., July 6, 1942, Southern New York.
446. Greer, James Othello, May 17, 1943, Northern Texas.
447. Greever, Glenn Kenneth, July 2, 1945, Southern California.
448. Gregorieff, William William, August 28, 1944, Southern California.
449. Gregory, Joseph, June 15, 1942, Eastern Pennsylvania.
450. Griffin, Bernard Stratton, October 21, 1943, Middle Alabama.
451. Griffin, Emmett J., October 11, 1943, Eastern Pennsylvania.
452. Grisson, Robert Allen, October 9, 1944, Eastern Missouri.
453. Gritton, Alpha Herndon, May 18, 1943, Oregon.
454. Grivnow, John, December 10, 1943, Western Pennsylvania.
455. Groff, Weidler Solomon, Jr., September 26, 1944, Eastern Pennsylvania.
456. Guerrero, Felipe Figuerra, October 18, 1943, Southern New York.
457. Guillen, Jose Cepeda, August 2, 1946, Western Texas.
458. Gutierrez, Jose Gutierrez, September 25, 1946, Southern California.
459. Guy, William, Sr., February 26, 1943, New Jersey.
460. Guyder, John Scribner, July 12, 1945, Northern New York.
461. Guzman, Bruno Vilorio, February 17, 1943, Hawaii.
462. Haley, Samuel Ernest, February 14, 1944, Western Missouri.
463. Hall, Early Junior, February 1, 1943, Middle North Carolina.
464. Hall, Richard Albert, February 3, 1942, Southern Ohio.
465. Hall, Samuel Raymond, May 11, 1942, Southern Texas.
466. Hall, Thomas, April 29, 1942, Southern New York.
467. Hall, Wilbur Z., December 6, 1943, Northern West Virginia.
468. Hall, William Rogers, August 29, 1946, Southern New York.
469. Haller, John, September 28, 1942, Northern California.
470. Hamilton, Milton Robert, March 21, 1944, Western Pennsylvania.
471. Hamm, Frederick W., May 12, 1943, Eastern Louisiana.
472. Hampson, William James, June 29, 1942, Northern Ohio.
473. Hampton, Roosevelt, July 1, 1943, Western Louisiana.
474. Han, Paul Ba Wool Han, January 26, 1945, Hawaii.
475. Hanaran, John Joseph, August 27, 1942, Eastern New York.
476. Hanawalt, Albert Edgar, October 29, 1942, Middle Pennsylvania.
477. Hanlon, James J., June 11, 1942, Eastern Pennsylvania.
478. Hannibal, Richard Charles, October 19, 1943, Eastern New York.
479. Harbin, Jakie, June 11, 1943, Eastern Tennessee.
480. Harden, Jessie Lee, August 29, 1945, Middle Georgia.
481. Hargraves, Harry H., June 22, 1942, Western New York.
482. Harryman, Isaac James, April 3, 1944, Northern Oklahoma.
483. Harryman, Joel Franklin, September 13, 1943, Western Arkansas.
484. Harsnett, Royal Joseph, July 24, 1942, Eastern New York.
485. Hartl, Frank, April 27, 1943, Nebraska.
486. Hartl, Louis, September 21, 1942, Nebraska.
487. Hashimoto, Masaru, March 27, 1944, Arizona.
488. Hastings, Countfrederick Carl, September 29, 1942, Eastern Illinois.
489. Hatakeda, Jimmie Junichi, October 7, 1946, Arizona.
490. Hatfield, Fred Woodrow, October 15, 1945, Eastern Arkansas.
491. Hatfield, John Dale, March 18, 1943, Eastern Illinois.
492. Hatfield, Thomas Harold, October 15, 1945, Eastern Arkansas.
493. Hatton, Allen, February 23, 1944, Delaware.
494. Hawes, Francis Carter, March 11, 1942, Eastern Pennsylvania; October 14, 1943, Eastern Pennsylvania.
495. Hawkins, James Ralph, March 10, 1943, Eastern New York.
496. Hawkins, Robert James Francis, September 10, 1942, Western Washington.
497. Hayami, Yoshito Smith, October 2, 1944, Idaho.
498. Hayes, Clyde Morton, March 27, 1943, Western Kentucky.
499. Hayward, Norman, December 16, 1946, Eastern Missouri.
500. Heatwole, James, September 29, 1943, Eastern Pennsylvania.
501. Hedges, Henry Cassaway, December 10, 1942, Northern West Virginia.
502. Heiden, George Richard, February 7, 1944, Northern Illinois.
503. Held, Guy, Jr., December 2, 1946, Northern California.
504. Helms, George Irving, November 14, 1942, Hawaii.
505. Helms, William, January 2, 1947, Western Arkansas.
506. Helmuth, Jerry, June 1, 1943, Northern Indiana.
507. Hendershot, Harvey J., February 25, 1943, Eastern Michigan.
508. Henderson, Bob, November 13, 1943, Southern Florida.
509. Henderson, John Henry, October 8, 1946, Middle Georgia.
510. Henley, Robert Newton, December 5, 1946, Middle North Carolina.
511. Henry, Rene Albert, March 13, 1944, Nebraska.
512. Hensley, Bea Ellis, November 12, 1942, Western North Carolina.
513. Hensley, Jeter E., November 12, 1943, Western North Carolina.
514. Henson, Abbott Carlton, May 15, 1944, Northern Alabama.
515. Herling, Albert, February 11, 1941, Southern New York.
516. Herman, George, March 25, 1941, Eastern Illinois.
517. Hernandez, Francisco Gonzalez, July 25, 1946, Western Texas.
518. Hershey, Walter Daniel, September 30, 1943, Minnesota.
519. Hesson, Harold Oakland, June 8, 1941, Southern California.
520. Heya, James Kenji, June 30, 1944, Colorado.
521. Hibbs, Forrest Melvin, September 6, 1945, Nebraska.
522. Hickman, Isaac, November 8, 1944, Eastern South Carolina.
523. Hicks, Louis, July 30, 1942, Eastern New York.
524. High, William Coys, July 24, 1941, Western Tennessee.
525. Higuchi, Mutsuo, July 9, 1945, Wyoming.
526. Hill, Charley, February 6, 1943, Middle Georgia.

527. Hill, Labor, March 2, 1943, Eastern Illinois.
528. Hill, Richard Carl, May 18, 1945, Eastern Michigan.
529. Hillborn, Howard M., February 1943, Southern California.
530. Hines, John, February 23, 1944, Middle Alabama.
531. Hinkey, Wendell Allen, September 24, 1942, Northern New York.
532. Hinkle, Dwight David, December 31, 1943, Northern California.
533. Hino, Bob Riyusho, October 2, 1944, Idaho.
534. Hino, Frank Shinichi, February 22, 1945, Southern Idaho.
535. Hirabayashi, Gordon Kiyoshi, November 30, 1944, Eastern Washington.
536. Hirabayashi, Henry Nobuo, October 2, 1944, Idaho.
537. Hirabayashi, Irvin Masanobu, November 4, 1944, Utah.
538. Hirai, Toru, October 7, 1946, Arizona.
539. Hiramoto, Shizuto, October 7, 1946, Arizona.
540. Hirata, Tomoharu Henry, May 20, 1944, Eastern Arkansas.
541. Hirayama, Susumu Harold, June 26, 1944, Wyoming.
542. Hirose, Kazuki, July 9, 1945, Wyoming.
543. Hirose, Kazuto, July 26, 1944, Wyoming.
544. Hiroshige, Akira, June 26, 1944, Wyoming.
545. Hockenberry, Robert M., November 26, 1945, District of Columbia.
546. Hodgson, Walter Louis, February 25, 1943, Southern Ohio.
547. Holder, W. F., November 27, 1946, Western Arkansas.
548. Holderman, Ralph Jay, July 6, 1943, Colorado.
549. Hollar, Carl, November 20, 1944, Middle North Carolina.
550. Holmes, Louis, January 24, 1944, Eastern Illinois.
551. Holsinger, Robert Reinhart, February 17, 1944, Northern California.
552. Honda, Seichi, October 7, 1946, Arizona.
553. Hoopa, William Kahalewai, November 9, 1942, Hawaii.
554. Hoover, Daniel Weaver, December 4, 1941, Eastern Pennsylvania, September 8, 1944, Eastern Pennsylvania.
555. Hoover, John Weaver, December 12, 1944, Eastern Pennsylvania.
556. Hopison, L. H., November 14, 1942, Middle Georgia.
557. Hora, Sadao, October 7, 1946, Arizona.
558. Hori, Takeshi, June 26, 1944, Wyoming.
559. Horino, George Minoru, July 9, 1945, Wyoming.
560. Hoshizaki, Takashi, June 26, 1944, Wyoming.
561. Houllhan, Daniel James, September 15, 1941, Southern New York.
562. Houser, Donald Max, February 5, 1944, Southern Indiana.
563. Howard, Sylvester, September 29, 1944, Eastern Pennsylvania.
564. Howe, Marvin Elmer, January 11, 1944, Northern Indiana.
565. Huber, Albert A., August 20, 1942, New Jersey.
566. Hudson, Henry Laveille, November 5, 1942, Southern Ohio.
567. Hudson, Lee Edward, Western Missouri.
568. Hughes, Wesley Willie Lee, September 8, 1943, Middle North Carolina.
569. Hull, Floyd Eugene, August 25, 1944, Southern Ohio.
570. Hunter, Charles Robert, July 26, 1944, Northern California.
571. Hunter, Dwight Dale, November 15, 1941, Northern California.
572. Hutson, Arthur T., October 31, 1943, Eastern South Carolina.
573. Ide, Takao Grant, June 26, 1944, Wyoming.
574. Ikemiya, Joe Yoshikazi, March 27, 1944, Arizona.
575. Ikemiya, Masaru Jim, March 27, 1944, Arizona.
576. Ikemoto, Harry Yoshiaki, June 26, 1944, Wyoming.
577. Imai, Masefumi, June 26, 1944, Wyoming.
578. Inaba, Hitoshi, October 31, 1944, Colorado.
579. Ingram, William, Jr., October 18, 1943, Middle North Carolina.
580. Ino, Toru, June 26, 1944, Wyoming.
581. Inoue, Chozo, January 2, 1943, Hawaii.
582. Inouye, George Washington, October 7, 1946, Arizona.
583. Ioka, Harry Schuichi, October 31, 1944, Colorado.
584. Isaacs, William, June 26, 1944, Western Louisiana.
585. Ishikawa, George, June 26, 1944, Wyoming.
586. Ishikawa, Kiyoshi, June 26, 1944, Wyoming.
587. Ishikawa, Suetsugu, June 26, 1944, Wyoming.
588. Ishikawa, Takeo, June 26, 1944, Wyoming.
589. Ishikawa, Yoshimitsu, October 31, 1944, Colorado.
590. Ishimaru, Junichi, June 26, 1944, Wyoming.
591. Ishimaru, Yutaka, June 26, 1944, Wyoming.
592. Ishimoto, George Kenichi, October 8, 1945, Colorado.
593. Ishimoto, Harry Kenji, October 8, 1945, Colorado.
594. Ishimoto, Takao, October 8, 1945, Colorado.
595. Ishizaki, Sam Isamu, June 26, 1944, Wyoming.
596. Isomura, Iwaharu, October 28, 1944, Colorado.
597. Ito, Hideo, June 30, 1944, Colorado.
598. Ives, Kenneth H., April 3, 1941, Eastern Michigan.
599. Izuno, Masaichi, June 30, 1944, Colorado.
600. Jackson, John Carroll, January 6, 1944, Southern Iowa.
601. Jackson, Marvin Law, April 20, 1943, Utah.
602. Jackson, McKinley Cleve, July 14, 1943, Western Tennessee.
603. Jackson, Melvin Lewis, November 10, 1943, Kansas.
604. James, Jimmy Dean, November 2, 1943, Alabama.
605. James, Kenneth Dale, June 20, 1945, Western Oklahoma.
606. James, Milton M., November 23, 1942, Western Louisiana.
607. James, Norman Alfred, April 4, 1944, Eastern New York.
608. James, William Lee, October 12, 1945, Eastern Virginia.
609. Jamnik, Albert Benedict, July 9, 1945, Colorado.
610. Jaramillo, Apolinar Lara, May 12, 1945, Southern California.
611. Jasin, Raymond, October 6, 1943, Northern Illinois.
612. Jasin, Robert Zavier, October 6, 1943, Northern Illinois.
613. Jaworoski, Alfred, December 21, 1943, Eastern Pennsylvania.
614. Jaynes, Gale Aster, February 17, 1945, Southern Indiana.
615. Jenkins, Willie Lee, November 13, 1945, Southern Georgia.
616. Jennings, Lewis Carl, August 1, 1945, Northern Alabama.
617. Jennings, Silas Kelsey, August 1, 1945, Northern Alabama.
618. Jensen, Otto Anfin, March 27, 1944, Eastern New York.
619. Jensen, Svend Aage, November 14, 1944, Minnesota.
620. Johnson, Alonzie, February 2, 1945, Southern Florida.
621. Johnson, Alphonso, November 1, 1946, Northern Georgia.
622. Johnson, Clifford Martin, October 9, 1944, Western Washington.
623. Johnson, Evans, February 10, 1943, Southern Georgia.
624. Johnson, Gabriel, January 7, 1944, Southern New York.
625. Johnson, Glen Lester, June 15, 1942, Northern Illinois.
626. Johnson, Harold Bauran, May 8, 1945, Middle Pennsylvania.
627. Johnson, Johnnie Lee, October 27, 1942, Middle Georgia.
628. Johnson, Ollie, March 8, 1945, Northern Illinois.
629. Johnson, Oscar, July 31, 1943, Eastern Washington.
630. Johnson, Paul Browning, Jr., September 27, 1943, Western Tennessee.
631. Johnson, Peter Arlton, Jr., March 6, 1942, Southern Texas.
632. Johnson, Prince, April 6, 1943, Middle Georgia.
633. Johnson, Thorger William, October 9, 1943, Western Washington.
634. Johnson, Willie, December 10, 1943, Northern Mississippi.
635. Jolly, Coy Cecil, October 11, 1943, Eastern South Carolina.
636. Jones, Henry, June 7, 1943, Western Louisiana.
637. Jones, Henry Edward, September 8, 1944, Middle Georgia.
638. Jones, Johnnie, November 20, 1942, Southern West Virginia.
639. Jones, McKinley, November 30, 1944, Eastern North Carolina.
640. Jones, Neal, February 7, 1944, Eastern Pennsylvania.
641. Jones, Paul Edward, November 30, 1945, Maryland.
642. Jones, Robert Anthony, January 10, 1944, Southern California.
643. Jones, Walter Royal, Jr., October 29, 1942, Eastern New York.
644. Jones, Willie, May 5, 1944, Southern Mississippi.
645. Jones, Willie, April 6, 1944, Middle Georgia.
646. Jordan, Malcomb Leon, May 25, 1942, Tennessee.
647. Joseph, Ernest, May 12, 1943, Eastern Louisiana.
648. Kado, James Yoshio, June 26, 1944, Wyoming.
649. Kajimura, Hareo, September 25, 1944, Idaho.
650. Kajimura, Tsutomu, October 2, 1944, Idaho.
651. Kaminaka, Joe, October 7, 1946, Arizona.
652. Kaminaka, Tamotsu, October 7, 1946, Arizona.
653. Kanaga, Keith C., December 2, 1940, Massachusetts.
654. Kariya, Masashi, October 7, 1946, Arizona.
655. Kariya, Yoneo, October 7, 1946, Arizona.
656. Karlovich, John, November 5, 1945, Connecticut.
657. Karn, Walter Dale, July 13, 1942, Southern Ohio.
658. Kasahara, George Shigaki, December 29, 1944, Idaho.
659. Kashiwagi, Joe, October 31, 1944, Colorado.
660. Kasimoff, Mickey Peter, March 27, 1944, Southern California.
661. Kaslov, Steve, June 1, 1942, Southern New York.
662. Kast, Clarence Joseph, April 9, 1945, Western Virginia.
663. Kast, Gaylord Page, September 29, 1943, Eastern Michigan.
664. Katayama, Shigeru, October 7, 1946, Arizona.
665. Katrowski, John, January 15, 1945, New Jersey.
666. Kauffeld, Harold Walter, November 8, 1943, Southern California.

667. Kauwe, John Pohuwe, May 12, 1942, Hawaii.
668. Kawahara, Katsuyoshi, July 9, 1945, Wyoming.
669. Kawakami, Frank Masao, July 9, 1945, Wyoming.
670. Kawaki, Mosayuki, October 2, 1944, Idaho.
671. Kawamoto, David Tetsutaro, June 26, 1944, Wyoming.
672. Kawamoto, James Takao, April 1, 1946, Arizona.
673. Kawamoto, Kiyoshi, October 7, 1946, Arizona.
674. Kawasaki, Jimmie, October 28, 1944, Colorado.
675. Kawasaki, Kiyoto, June 26, 1944, Wyoming.
676. Kawasaki, Thomas Tomeji, October 28, 1944, Colorado.
677. Kawato, Yukio, September 29, 1944, Idaho.
678. Kaya, Larry Yoshio, October 7, 1946, Arizona.
679. Keane, Harold Daniel, April 9, 1943, Maryland.
680. Keawe, Daniel, August 18, 1942, Hawaii.
681. Kelley, John Jefferson, November 16, 1942, Southern Ohio.
682. Kelley, Neil Webster, March 21, 1944, Connecticut.
683. Kelly, Francis J., March 14, 1947, Southern New York.
684. Kelly, Frank, March 1, 1946, Northern Indiana.
685. Kelly, Henry Douglas, November 8, 1943, Southern California.
686. Kelly, James Edward, June 30, 1943, Northern Illinois.
687. Kelly, James Joseph, June 1, 1942, Eastern New York.
688. Kelwima, George, August 12, 1943, Arizona.
689. Kenmotsu, Shigeo, June 26, 1944, Wyoming.
690. Kent, Sidney, June 2, 1943, Eastern Louisiana.
691. Kerley, Ralph, October 17, 1944, Utah.
692. Kern, Allan Lloyd, March 19, 1943, Colorado.
693. Kern, Willard Raymond, June 12, 1944, Colorado.
694. Kestner, Ellis Edgar, April 10, 1945, Eastern Washington.
695. Kilmer, Harvey Zimmerman, January 14, 1942, Eastern Pennsylvania.
696. Kimbrough, Richard, May 17, 1945, Southern Mississippi.
697. Kimes, Chester Leon, January 17, 1945, Eastern Pennsylvania.
698. Kimura, Frank Yoshimatsu, October 2, 1944, Iowa.
699. Kimura, Hideo, July 21, 1942, Hawaii.
700. Kimura, Jim Tatsuya, June 26, 1944, Wyoming.
701. King, William Henry, April 18, 1946, Southern Georgia.
702. Kinker, Harold William, October 30, 1944, Eastern Missouri.
703. Kinoshita, Teruo, March 27, 1944, Arizona.
704. Kirk, Jessie James, July 6, 1944, Western Louisiana.
705. Kishi, Masakiyo Michael, October 7, 1946, Arizona.
706. Kitasaki, Kiyoshi, October 7, 1946, Arizona.
707. Kitauchi, Masaichi, October 7, 1946, Arizona.
708. Kitayama, Kaoru, February 22, 1945, Idaho.
709. Kittle, William Henry, March 23, 1945, Northern West Virginia.
710. Kiyomizu, Shozo, September 29, 1944, Idaho.
711. Kleine, Glen Allen, February 5, 1944, Southern Indiana.
712. Kilma, Otto, September 21, 1942, Nebraska.
713. Knappe, Edward James, September 28, 1945, Nebraska.
714. Knapka, Andrew F., May 4, 1943, Middle Pennsylvania.
715. Knowles, Oscar Larson, April 25, 1944, Maine.
716. Knowles, Tom James, December 8, 1944, Southern Florida.
717. Kodama, George Katsumi, February 21, 1945, Idaho.
718. Kodama, Lul Ikuo, October 7, 1946, Arizona.
719. Kofuksado, Mitsugi, October 17, 1942, Hawaii.
720. Koga, Dix K., February 6, 1942, Northern California.
721. Kojima, Masao, October 7, 1946, Arizona.
722. Koop, Edward, April 24, 1944, Southern California.
723. Koop, Frank, May 10, 1943, Southern California.
724. Kope, David Glenn, May 25, 1942, Western Pennsylvania.
725. Kornoff, Pete, January 8, 1945, Southern California.
726. Koshiyama, Mitsuru, June 26, 1944, Wyoming.
727. Koziatsek, Steve Anthony, August 1, 1946, Southern New York.
728. Kraushaar, Lawrence Frederick, July 26, 1944, Eastern Michigan.
729. Krigbaum, Claude Forrest, October 10, 1942, Oregon.
730. Krisfalusi, Charles, Jr., September 28, 1943, Western Pennsylvania.
731. Krouse, Ewald Theodore, February 12, 1943, Western Wisconsin.
732. Kruse, Clarence Willard, April 23, 1943, Montana.
733. Kubo, Tomeo, June 26, 1944, Wyoming.
734. Kubo, Yoshi, October 30, 1944, Colorado.
735. Kuhns, Henry Welty, November 12, 1941, Southern California.
736. Kujawa, Anthony, July 20, 1944, Eastern New York.
737. Kullick, John Myron, May 7, 1945, Southern New York.
738. Kumada, Kazuo, June 26, 1944, Wyoming.
739. Kuramoto, Yutaka Ted, October 2, 1944, Idaho.
740. Kuranaga, Heruyuki, October 7, 1946, Arizona.
741. Kurasaki, George Noboru, June 26, 1944, Wyoming.
742. Kuromiya, Yoshita, June 26, 1944, Wyoming.
743. Kuroye, Kenneth, October 7, 1946, Arizona.
744. Kuwada, Makoto Jim, June 26, 1944, Wyoming.
745. Kuwahara, John Takashi, October 7, 1946, Arizona.
746. Labistre, Francisco Kaliskisan, May 11, 1942, Hawaii.
747. Labus, Joseph, December 9, 1942, Southern Texas.
748. Lackey, Cecil Howard, February 16, 1943, Western Arkansas.
749. Lackey, Ewell Wendell, July 5, 1943, Western Arkansas.
750. Lackey, Vernon Cay, September 14, 1944, Western Arkansas.
751. Laier, John Gilbert, June 2, 1944, Northern California.
752. Lambert, Allan Clay, May 27, 1941, Western Pennsylvania.
753. Lambert, Elwood Albert, June 2, 1942, Middle Pennsylvania.
754. Lambert, George Patrick, July 12, 1944, Eastern Illinois.
755. Lamborn, Robert Earl, October 23, 1942, Southern Ohio.
756. Lampert, Arthur John, December 22, 1943, Montana.
757. Lampman, Duncan Logan, January 16, 1943, Northern Iowa.
758. Landis, Luke Graybill, June 15, 1942, Eastern Pennsylvania.
759. Lane, Robert Westphal, September 3, 1942, Southern New York.
760. Larson, Leonard Merlin, December 21, 1942, Southern California.
761. Lausa, Philip, January 12, 1943, Hawaii.
762. Lavery, Joseph William, July 1, 1942, Eastern Pennsylvania.
763. Lawrence, Fred John, March 2, 1943, Southern New York.
764. Learned, John Raymond, July 5, 1944, Eastern Missouri.
765. Leckwatch, Michael, October 7, 1941, Western Pennsylvania.
766. Le Compte, Olin Harper, July 13, 1942, Maryland.
767. Lee, Ralph Benjamin, July, 1942, Western Washington, February 18, 1944, Western Washington.
768. Lee, Robert Earnest, November 6, 1944, Southern Ohio.
769. Leid, Aaron Weaver, June 15, 1942, Eastern Pennsylvania.
770. Leiss, Edward A., October 8, 1943, New Jersey.
771. Lew, Arktoy, September 18, 1944, Southern New York.
772. Lewis, Buster, September 22, 1944, Southern Florida.
773. Lewis, Evins, November 8, 1944, Eastern South Carolina.
774. Lewis, Herbert William Matterson, August 1, 1944, Northern Georgia.
775. Lewis, Jesse, May 21, 1942, Eastern Missouri.
776. Lewis, Neil Bernard, March 12, 1943, Western Kentucky. July 5, 1944, Western Kentucky.
777. Lindquist, William Rudolph, October 5, 1943, Minnesota.
778. Lindsey, Willie, November 4, 1943, Northern Mississippi.
779. Linhoss, Richard Lee, April 28, 1944, Western Virginia.
780. Little, Henry Hersey, November 10, 1941, Vermont, May 15, 1944, Vermont.
781. Logan, Willie James, January 17, 1944, Southern Florida.
782. Louder, Garold Paul, April 28, 1943, Eastern Illinois.
783. Lovett, Britt, Jr., March 19, 1947, Southern New York.
784. Lovett, Claudie, April 5, 1943, Western Tennessee.
785. Lovett, James S., September 28, 1943, Eastern Pennsylvania.
786. Lovett, William J., December 16, 1942, Eastern Pennsylvania.
787. Lowes, George J., January 29, 1943, Eastern Michigan.
788. Luce, Roland H., May 28, 1942, Northern Illinois.
789. Luedtke, William, December 30, 1942, Southern New York.
790. Lunkenheimer, Gordon Leo, July 22, 1946, Southern Florida.
791. Lunsford, Jack, September 28, 1945, Eastern Tennessee.
792. Lyle, Karl Leroy, March 23, 1944, Southern Mississippi.
793. Mabe, Joffery William, May 4, 1944, Middle North Carolina.
794. Mack, George, December 14, 1944, Southern New York.
795. MacKnight, Douglas Haig, September 3, 1943, Northern California.
796. MacLean, Walter B., June 24, 1946, Western New York.
797. Magee, John Louis, October 14, 1944, Oregon.
798. Maggard, Earl Lewis, October 7, 1946, Western Missouri.
799. Maker, Lynn Erwin, June 13, 1944, Maine.
800. Malone, John Erwin, February 6, 1943, Middle Georgia.
801. Mangum, Jack, March 10, 1941, Southern California.
802. Manns, Buford, February 6, 1945, Western Tennessee.
803. Manoukian, Armeniag, December 29, 1943, Colorado.

804. Maple, Frank G., September 10, 1943, Southern West Virginia.
805. Maracle, George Andrew, August 21, 1944, Western New York.
806. Marcantonio, Nicholas, November 27, 1942, Southern New York.
807. Marconett, Ralph David, July 6, 1943, Northern California.
808. Markley, Benjamin Russell, Jr., January 25, 1944, Western Missouri.
809. Marshall, Namon, January 6, 1944, Western Tennessee.
810. Martin, Arthur Alvin, December 20, 1943, Eastern Virginia.
811. Martin, Edward Harry, August 14, 1943, Northern California.
812. Martin, Harry Hoover, March 14, 1944, Eastern Pennsylvania.
813. Martin, Ivan Martin, March 14, 1944, Eastern Pennsylvania.
814. Martin, Joseph Hursh, September 17, 1945, Eastern Pennsylvania.
815. Martin, Russell Joseph, November 18, 1943, Eastern Michigan.
816. Martinez, John Flores, June 6, 1945, Kansas.
817. Maruhashi, Hutaka Frank, September 29, 1944, Idaho.
818. Maruyama, Kenichi, October 7, 1946, Arizona.
819. Maruyama, Shigeo, October 7, 1946, Arizona.
820. Maruyama, Yukio, October 7, 1946, Arizona.
821. Mason, J. T., October 22, 1945, Southern Alabama.
822. Masukawa, Kitashi John, October 7, 1946, Arizona.
823. Masukawa, Tsutomu Tom, October 7, 1946, Arizona.
824. Mathews, Pete Chester, May 11, 1945, Northern Mississippi.
825. Matsuba, George Kazuo, June 26, 1944, Wyoming.
826. Matsubara, Sadao, October 7, 1946, Arizona.
827. Matsumoto, Akira, June 26, 1944, Wyoming.
828. Matsumoto, Minoru Corky, October 7, 1946, Arizona.
829. Matsumoto, Teruo, July 9, 1945, Wyoming.
830. Matsumoto, Toshimitsu, October 7, 1946, Arizona.
831. Matsushita, Kikuji, October 9, 1945, Wyoming.
832. Matsuura, Frank Morikazu, June 26, 1944, Wyoming.
833. Matsuzaki, Frank T., October 2, 1944, Idaho.
834. Matthews, James Richard, October 12, 1942, Southern West Virginia.
835. Maurer, Dale Calvin, January 11, 1944, Northern Ohio.
836. Maurier, Clarence Steven, March 14, 1944, Eastern Michigan.
837. Mayekawa, Masao, June 26, 1944, Wyoming.
838. Maykut, Frank John, January 25, 1945, New Jersey.
839. Mays, James Raymond, July 12, 1943, Eastern Missouri.
840. McAlpine, S. L., May 17, 1943, Southern Mississippi.
841. McBride, Joe Oliver, January 6, 1944, Western Tennessee.
842. McClain, Farris, April 5, 1944, Western Louisiana.
843. McCleoud, Lorenzo Theodore, May 9, 1945, Southern New York.
844. McCone, Henry Edgar, November 15, 1943, Eastern Pennsylvania.
845. McConnell, Ben Harrison, May 4, 1942, Eastern Oklahoma.
846. McConnon, James Joseph, March 2, 1944, Eastern New York.
847. McCurdy, Lowell Edward, April 6, 1944, Northern Texas.
848. McDaniel, Fred, May 29, 1945, Northern Ohio.
849. McDuffy, Richard, March 6, 1944, Eastern Arkansas.
850. McGee, Eddie, March 16, 1943, Eastern Illinois.
851. McKay, John Cornelius, February 2, 1945, Southern Florida.
852. McKinney, Matthew, February 28, 1944, Eastern New York.
853. McKinnon, Joseph Leland, April 30, 1945, Southern Ohio.
854. McLeod, William Ira, March 25, 1943, Northern Illinois.
855. McOmie, Robert Arthur, April 3, 1945, Utah.
856. McPherson, Roy Turner, December 6, 1945, Oregon.
857. Meader, Glenn Edward, May 7, 1945, Northern Iowa.
858. Meadows, Maynard Moody, February 9, 1944, Eastern New York.
859. Medill, Derl Willard, September 22, 1943, Eastern Washington.
860. Mellon, Joe, July 14, 1943, Western Tennessee.
861. Mellor, Joseph Victor, September 20, 1943, Eastern New York.
862. Menchron, Elbert, April 7, 1945, Eastern Virginia.
863. Mendrin, John Michael, April 10, 1944, Southern California.
864. Meng, Charles Joseph, June 2, 1943, Western Pennsylvania.
865. Meredith, Richard Jean, May 11, 1943, Northern Indiana.
866. Merrihew, Noel Harding, March 1, 1943, Southern California.
867. Michon, Mieczyslaw, August 4, 1941, Massachusetts.
868. Mickens, Roscoe, April 2, 1945, Southern Florida.
869. Middleton, Willie, March 12, 1943, Eastern Pennsylvania.
870. Miller, Bruce Winsterd, May 4, 1944, Southern California.
871. Milliken, Arthur Phillips, November 10, 1942, Maine.
872. Mills, James Alden, November 26, 1943, Rhode Island.
873. Minatani, James Masaichi, June 26, 1944, Wyoming.
874. Minato, Kiyoshi, October 7, 1946, Arizona.
875. Minoura, Halley, June 26, 1944, Wyoming.
876. Mitchell, Barton Albert, October 29, 1945, Southern Alabama.
877. Mitchell, David Willie, April 9, 1945, Western Virginia.
878. Mitchell, Willie, June 3, 1946, Northern Mississippi.
879. Mitsuoka, Mitsuru, October 7, 1946, Arizona.
880. Miyahara, Tamio Tom, June 26, 1944, Wyoming.
881. Miyamura, Koyochi, October 7, 1946, Arizona.
882. Miyasaki, James Goro, October 7, 1946, Arizona.
883. Miyasaki, Masanobo, October 7, 1946, Arizona.
884. Miyasaki, Thomas Shiro, October 7, 1946, Arizona.
885. Molinari, Raymond Harold, January 9, 1943, Northern California.
886. Moody, Douglas Alderman, January 13, 1942, Eastern Tennessee, December 8, 1943, Eastern Tennessee.
887. Moody, Doye, October 16, 1943, Southern Georgia.
888. Moody, Wilma, November 26, 1945, Southern Georgia.
889. Moore, Albert Lee, May 3, 1944, Northern Oklahoma.
890. Moore, J. C., March 18, 1943, Southern Mississippi.
891. Moore, Luther Henry, November 15, 1945, Northern Alabama.
892. Mooring, Rufus, Jr., October 4, 1943, Eastern North Carolina.
893. Morante, Paul, November 12, 1942, New Jersey.
894. Moree, Voley Eston, March 11, 1943, Southern Florida.
895. Moreno, Herman Peter, June 11, 1945, Southern California.
896. Mori, Hiroyoshi, October 7, 1946, Arizona.
897. Mori, Shigeo, October 7, 1946, Arizona.
898. Mori, Sutio Bill, October 7, 1946, Arizona.
899. Morikawa, Hiroshi, October 7, 1946, Arizona.
900. Morin, Denne Leonard, March 29, 1946, Vermont.
901. Morine, Robert Harold, February 17, 1943, Hawaii.
902. Morita, Ichiro, June 26, 1944, Wyoming.
903. Morris, Elgin, October 9, 1944, Eastern Missouri.
904. Morris, Elliston P., March 11, 1942, Eastern Pennsylvania.
905. Moss, Paul E., June 22, 1943, Eastern Illinois.
906. Motonaga, Ray Yoshio, June 26, 1944, Wyoming.
907. Mounts, Orban Spivey, November 11, 1946, Western Virginia.
908. Muglich, Steve Michael, May 13, 1942, Northern Ohio.
909. Mulrolland, Robert Gerard, November 6, 1943, Southern California.
910. Murata, George Matsuji, October 7, 1946, Arizona.
911. Murata, Paul Seichi, October 7, 1946, Arizona.
912. Murphy, James, September 17, 1945, Middle Georgia.
913. Murphy, Thomas Joseph, November 6, 1944, Northern California.
914. Murphy, Tony, May 7, 1943, Northern Mississippi, June 26, 1944, Northern Mississippi.
915. Murray, Cornelius, December 21, 1943, Eastern Pennsylvania.
916. Muscardello, Aldo Future, June 21, 1943, Eastern Pennsylvania.
917. Muse, Clarence, April 10, 1945, Northern Mississippi.
918. Myers, Timothy, Jr., March 6, 1946, Northern Ohio.
919. Myers, Willie, May 18, 1947, Southern Mississippi.
920. Mylton, John Edward, December 10, 1943, Western Pennsylvania.
921. Naffziger, Victor John, January 29, 1943, Northern Iowa.
922. Nagahara, Masao, June 26, 1944, Wyoming.
923. Nagakura, Hiroshi Nakamura, January 18, 1943, Hawaii.
924. Nagasugi, Hiroto, October 2, 1944, Idaho.
925. Nagata, Kunio, October 7, 1946, Arizona.
926. Naha, Lewis Kooyouhema, August 12, 1943, Arizona.
927. Naito, Takashi, October 7, 1946, Arizona.
928. Nakada, Carl Koaru, June 26, 1944, Wyoming.
929. Nakagawa, George, September 29, 1944, Idaho.
930. Nakagawa, George, April 28, 1945, Northern California.
931. Nakaguma, Yoshitatusu, June 30, 1944, Colorado.
932. Nakahira, Satoru Joseph, November 18, 1944, Utah.
933. Nakamura, Jerry Masao, January 19, 1943, Hawaii.
934. Nakamura, Migaki, October 7, 1946, Arizona.
935. Nakamuri, Kazumi, October 7, 1946, Arizona.
936. Nakasaki, William Harumi, May 22, 1944, Arizona.
937. Nakashiki, Kalso Fred, October 7, 1946, Arizona.
938. Nakashima, Yoneo, October 7, 1946, Arizona.

939. Nakashina, Isao, September 29, 1944, Idaho.
940. Nakatsu, George, October 7, 1946, Arizona.
941. Nakayama, Iwao James, October 7, 1946, Arizona.
942. Nakayama, Masakaz, October 7, 1946, Arizona.
943. Nantz, James Frederick, October 15, 1945, Southern Indiana.
944. Naruto, Tochiharu Frank, January 19, 1945, Colorado.
945. Nash, Jessie, May 15, 1944, Southern Mississippi.
946. Nazarov, George, October 26, 1942, Southern California.
947. Negria, Nick, December 10, 1943, Western Pennsylvania.
948. Nelson, Alexander Edward J., March 25, 1943, Eastern New York.
949. Nelson, Joe Dotheus, November 4, 1943, Northern Mississippi.
950. Nelson, Paul Floyd, October 27, 1943, Middle Pennsylvania.
951. Newton, Charles Stanton, May 22, 1944, Southern Florida.
952. Nichol, Fred, November 18, 1941, Montana.
953. Nicholas, Alvin, April 17, 1942, Western Texas.
954. Niedo, D. Ted Perez, September 30, 1943, Western Washington.
955. Nielson, Arild Marndorff, October 29, 1942, Eastern New York.
956. Nii, Harry, October 7, 1946, Arizona.
957. Niino, George Schigehi, October 7, 1946, Arizona.
958. Niles, Dwain Franklin, November 9, 1943, Oregon.
959. Nimura, Takanori, October 7, 1946, Arizona.
960. Nishi, Itaro, October 7, 1946, Arizona.
961. Nishimura, Robert Nubuo, October 7, 1946, Arizona.
962. Noble, George, January 4, 1944, Western Louisiana.
963. Nobuhiro, Ben Tsutomu, October 7, 1946, Arizona.
964. Nocke, Carl Frederick, December 30, 1943, Eastern New York.
965. Noel, Bernard Woodrow, August 3, 1942, Arizona.
966. Noguchi, Tsutomu Ben, October 7, 1946, Arizona.
967. Noland, Bennie Franklin, October 16, 1944, Western Louisiana.
968. Norikane, Joe Hajime, October 31, 1944, Colorado.
969. Norman, Luther W., September 27, 1943, Eastern North Carolina.
970. Norment, Lorinza, June 25, 1943, Western Tennessee.
971. Norris, Edwin E., Jr., November 18, 1943, Western Texas.
972. Nosaka, Kanichi, March 27, 1944, Arizona.
973. Nosek, Joseph William, August 4, 1941, Northern Illinois.
974. Nozawa, George Goro, July 9, 1945, Wyoming.
975. Nullorok, Edward, April 23, 1943, Alaska.
976. Numoto, Saburo, October 2, 1944, Idaho.
977. Nunley, Nelson Edward, April 9, 1943, Western Virginia.
978. O'Bleness, Gordon Eugene, November 27, 1944, Idaho.
979. O'Dell, Carl Franklin, February 9, 1944, Eastern Missouri.
980. Ogata, Ben Tsutomu, March 27, 1944, Arizona.
981. Ogata, Hisashi, October 7, 1946, Arizona.
982. Okada, Masao Ted, October 2, 1944, Idaho.
983. Okawa, Ichiro, June 26, 1944, Wyoming.
984. Okazaki, Kiyoshi, July 6, 1942, Hawaii.
985. Okazaki, Satoru Fred, October 7, 1946, Arizona.
986. Oki, Tadashi, June 26, 1944, Wyoming.
987. Okl, Yoshio Tom, July 9, 1945, Wyoming.
988. Okuma, Toru Fred, July 9, 1945, Wyoming.
989. Okumura, Hideo, March 27, 1944, Arizona.
990. Olah, Arnold John, September 27, 1943, Eastern Michigan.
991. Olah, Victor George, September 17, 1943, Eastern Michigan.
992. Oleson, Herbert Frederick, July 28, 1942, Northern California.
993. Oleszko, John Joseph, August 21, 1942, Eastern New York.
994. Olin, Bertel John, December 13, 1945, Oregon.
995. Olsen, Eugene Walter, April 21, 1942, Western Michigan, July 31, 1943, Western Michigan.
996. Olson, Alf Manly, May 25, 1943, Western Wisconsin.
997. Olson, Oscar Julius, Jr., July 6, 1944, Southern Texas.
998. Olson, Vernon Glenn, November 15, 1943, Northern California.
999. Omori, John Takashi, October 7, 1946, Arizona.
1000. Omoto, Nubuo, September 29, 1944, Idaho.
1001. Omoto, Roy Yasuo, October 2, 1944, Idaho.
1002. Ordway, Hazen Lewis, July 7, 1943, Eastern Pennsylvania.
1003. Oshinsky, Abraham, March 26, 1943, Eastern New York.
1004. Otsu, Ninoru, March 27, 1944, Arizona.
1005. Ottinger, Ralph Leroy, January 24, 1946, Northern Ohio.
1006. Owens, Marvin Dennis, December 6, 1946, Oregon.
1007. Oye, Hiromu, October 7, 1946, Arizona.
1008. Ozawa, Yoshikazu, October 7, 1946, Arizona.
1009. Pace, Edwin Elmer, May 16, 1946, Western North Carolina.
1010. Pankowski, Anthony Francis, October 25, 1944, Western Pennsylvania.
1011. Parker, Theodore, February 13, 1945, Northern Alabama.
1012. Parks, Leo, August 14, 1942, Southern Florida, January 21, 1943, Southern Florida.
1013. Partin, Henry Junior, January 8, 1945, Eastern Kentucky.
1014. Passmore, Richard Erskine, December 8, 1942, Delaware.
1015. Patille, Harry B., July 14, 1944, Delaware.
1016. Patterson, Horace, October 23, 1942, Western Texas.
1017. Patton, Harry Joseph, April 9, 1943, Maryland.
1018. Paul, Vincent John, October 29, 1942, Eastern New York.
1019. Pauls, Alvin N., April 20, 1944, Southern California.
1020. Paulson, Carl Edmund, October 8, 1942, Rhode Island.
1021. Paxton, Tom Hill, November 13, 1945, Western North Carolina.
1022. Payne, Tom, November 13, 1941, Southern Mississippi.
1023. Pearce, Sam, February 26, 1942, New Mexico.
1024. Pender, Howard Bennett, October 5, 1942, Western Missouri.
1025. Pennington, Coleman Ray, June 25, 1943, Eastern Oklahoma.
1026. Pennington, Donald Allen, March 22, 1945, Eastern Pennsylvania.
1027. Perkins, Abraham Lincoln, July 2, 1945, Western Virginia.
1028. Perkins, Rufe Ernest, March 12, 1945, New Mexico.
1029. Perreault, Joseph Raymond Julien, December 23, 1942, Maine.
1030. Perry, Leonard, June 14, 1944, Middle Georgia.
1031. Perry, Raymond, July 20, 1944, Eastern New York.
1032. Pete, Emille, January 8, 1943, Western Louisiana.
1033. Peters, Arlander, March 4, 1946, Western Louisiana.
1034. Peterson, John Lloyd, April 13, 1944, Eastern New York.
1035. Petropoulos, George James, May 14, 1946, Northern Illinois.
1036. Pfau, Friedrich Theodore, February 21, 1944, Southern New York.
1037. Phillips, Albertus, August 5, 1946, Eastern South Carolina.
1038. Phillips, Ivan Lee, October 3, 1944, Eastern Washington.
1039. Phillips, Leah Louie, April 10, 1944, Northern Texas.
1040. Plaser, Armondo Victor, April 11, 1944, Northern Ohio.
1041. Pierson, Raymond, October 16, 1944, Eastern North Carolina.
1042. Piho, Paul, January 26, 1942, Connecticut.
1043. Ping, James William, January 31, 1944, Southern California.
1044. Pinney, Phillip Egbert, February 14, 1944, Minnesota.
1045. Pittman, Willis Allen, September 25, 1944, Eastern Illinois.
1046. Plowman, Kermit, January 16, 1943, Northern California.
1047. Pollard, George Douglas, July 28, 1944, Eastern Virginia.
1048. Pollard, Hill Byrd, July 28, 1944, Eastern Virginia.
1049. Polley, James Elihu, February 22, 1943, Colorado.
1050. Pollock, Thomas Harvey, October 21, 1944, Southern California.
1051. Pontarelli, George Ferdinand, June 22, 1943, Northern Illinois.
1052. Pontello, Antonio, May 15, 1942, Hawaii.
1053. Potter, Douglas Blakely, March 3, 1943, Northern New York.
1054. Pouliot, Alphonse Joseph, May 22, 1944, Maine.
1055. Pounds, Lester Emmitt, September 26, 1944, Eastern South Carolina.
1056. Powell, Roland Peter, December 31, 1941, Southern California.
1057. Powell, Rudolph Matt, April 19, 1942, Northern California.
1058. Powers, James Earl, September 20, 1943, Northern Illinois.
1059. Powers, William Nathaniel, April 29, 1946, Eastern Michigan.
1060. Price, Albert Russell, September 18, 1942, Eastern Illinois.
1061. Price, Harvey Harding, April 30, 1945, Nebraska.
1062. Price, Lonnie Babe, September 10, 1943, Southern Texas.
1063. Pride, Lucius Lonnie, December 17, 1942, Eastern Illinois.
1064. Puckett, Joseph Oscar, February 3, 1943, Eastern Missouri.
1065. Pugh, Carl Thomas, April 6, 1943, Northern Ohio.
1066. Purvis, Vernon, September 17, 1943, Western Tennessee.
1067. Pysch, Walter Thomas, December 28, 1944, Northern Indiana.
1068. Pytlak, Joseph Martin, January 5, 1944, Connecticut.
1069. Quevedo, Raul John, April 4, 1946, Western Texas.
1070. Quigley, Robert Earl, October 13, 1942, Minnesota.
1071. Rall, Paul Burton, January 18, 1944, Southern Iowa.
1072. Raines, Reuben L., January 25, 1943, Eastern Pennsylvania.
1073. Rains, Hurbie Jessie, April 7, 1942, Eastern Arkansas.
1074. Randall, Wilson, February 3, 1943, Eastern Louisiana.
1075. Rapesura, Maxario Rayray, June 30, 1943, Northern California.
1076. Ray, Andrew Grant, June 26, 1943, Southern Texas.
1077. Ray, Aron Edward, June 16, 1945, Western Texas.
1078. Ray, Edward, May 26, 1942, Eastern South Carolina.

1079. Real, Clarence, October 12, 1942, Eastern Arkansas.
1080. Reaves, Henry Lee, January 6, 1944, Western Tennessee.
1081. Reaves, Milton Oliver, January 6, 1944, Western Tennessee.
1082. Redding, Joseph Jasper, September 15, 1943, Eastern Pennsylvania.
1083. Redwine, Lloyd, January 15, 1944, Eastern Missouri.
1084. Reed, Herbert Edward, January 13, 1945, Northern West Virginia.
1085. Reed, Lloyd Brown, May 1, 1945, Oregon.
1086. Reed, Samuel, January 7, 1944, Eastern Pennsylvania.
1087. Reed, Troy, April 3, 1945, Western Arkansas.
1088. Reid, Albert, February 3, 1942, Eastern South Carolina.
1089. Reid, Maurice Hersman, March 22, 1943, Northern California.
1090. Revere, Paul, December 22, 1942, Southern New York.
1091. Reynolds, Wade, September 20, 1945, Southern Florida.
1092. Rhodes, Edwin Rohrer, October 24, 1944, Western Virginia.
1093. Rhodes, Roy Franklin, October 24, 1944, Western Virginia.
1094. Rice, Earl Arthur, August 12, 1941, Western New York.
1095. Rice, John Eugene, October 2, 1945, Eastern Virginia.
1096. Rice, Samuel William, July 21, 1943, Eastern Pennsylvania.
1097. Richards, Frederick Howard, November 26, 1941, Eastern Pennsylvania.
1098. Richards, William Lippincott, July 13, 1942, Southern Ohio.
1099. Richardson, Jesse James, December 12, 1944, Western Kentucky.
1100. Richter, William Michael, September 25, 1944, Western New York.
1101. Ricketts, Ernest, February 21, 1942, Northern Oklahoma.
1102. Rideout, Earl Carfield, September 18, 1944, Western Pennsylvania.
1103. Riggs, Calvin Carl, April 3, 1945, Utah.
1104. Rinko, Alexander, October 17, 1944, Northern Illinois.
1105. Rios, Ernesto Galvan, December 17, 1945, Southern Texas.
1106. Rissler, Isaac Martin, January 6, 1942, Eastern Pennsylvania, September 18, 1944, Eastern Pennsylvania.
1107. Roach, Miles Claude, Arizona.
1108. Roberts, Bruce Fulton, December 16, 1943, Eastern Tennessee.
1109. Roberts, Eddie, October 17, 1946, Southern West Virginia.
1110. Roberts, Joseph James, April 24, 1946, Eastern New York.
1111. Robertson, Raymond Kalama, May 22, 1942, Hawaii.
1112. Robinson, Dale, March 4, 1946, Eastern Arkansas.
1113. Robinson, James, September 28, 1942, Eastern Washington.
1114. Robinson, James Milton, May 31, 1943, Western Kentucky.
1115. Robinson, John Wesley, January 28, 1944, Northern Alabama.
1116. Robinson, Kendall, October 23, 1943, Southern California.
1117. Robinson, Richard Grant, March 27, 1945, Eastern Pennsylvania.
1118. Robinson, Rubin, November 18, 1946, Eastern South Carolina.
1119. Robles-Marquez, Juan, April 9, 1946, Western Texas.
1120. Rock, Harry, April 1, 1941, Arizona.
1121. Rodell, Harry Dean, March 16, 1943, Eastern Arkansas.
1122. Rodgers, Donald, October 23, 1942, Colorado.
1123. Roehrick, Edwin Fred, July 10, 1944, Southern California.
1124. Roehrick, Harry Vernon, October 22, 1945, Southern California.
1125. Roehrick, Otto Adolph, May 20, 1944, Southern California.
1126. Rogg, Edward, November 27, 1942, Southern New York.
1127. Roguski, Zygmunt Stanley, October 8, 1943, Eastern Michigan.
1128. Rosenfeld, Joseph, November 19, 1943, Southern New York.
1129. Ross, Hilbert Shirley, May 13, 1943, Southern West Virginia.
1130. Rossberg, Arno William, June 15, 1944, Eastern Wisconsin.
1131. Rothe, Edwin Herman, May 3, 1943, Eastern Wisconsin.
1132. Rouse, William Howard, February 10, 1943, Northern West Virginia.
1133. Rousseau, Leo, February 26, 1943, Oregon.
1134. Rowan, Moses, March 18, 1942, Eastern Missouri.
1135. Rowin, William Talmadge, April 9, 1943, Northern Mississippi.
1136. Rowley, Oscar Wesley, March 11, 1943, Western Wisconsin.
1137. Royer, Donald Mark, January 13, 1944, Southern New York.
1138. Rubio-Garcia, Roberto, February 28, 1945, Southern California.
1139. Ruff, Erwin Joseph, October 23, 1942, Northern California.
1140. Ruff, Roy Thomas, September 8, 1944, Middle Georgia.
1141. Rumley, Clifton Eugene, May 25, 1943, Northern West Virginia.
1142. Russell, Wallace E., November 14, 1942, Minnesota.
1143. Ryder, Paul Fleming, March 24, 1945, Southern California.
1144. Rytting, James Robert, April 3, 1945, Utah.
1145. Sakaguchi, Kumichika, October 2, 1944, Idaho.
1146. Sakaguchi, Sumio, October 2, 1944, Idaho.
1147. Sakalouski, Albert Charles, February 10, 1943, Connecticut.
1148. Sakamoto, Hisanari, October 7, 1946, Arizona.
1149. Sakamoto, Hisatoshi Harry, October 7, 1946, Arizona.
1150. Sakaniwa, Michio, October 7, 1946, Arizona.
1151. Sakata, Tom Minoru, October 7, 1946, Arizona.
1152. Sako, James Satoru, June 16, 1944, Wyoming.
1153. Sako, Tamotsu Tom, July 9, 1945, Wyoming.
1154. Salmon, Carmon Green, April 7, 1944, Northern Mississippi.
1155. Salyers, George Lester, June 11, 1942, Colorado.
1156. Samson, Carl Theodore, May 28, 1943, Minnesota.
1157. Sanchez, Santiago, July 20, 1944, Eastern New York.
1158. Sanders, Edwin Alan, November 18, 1940, Oregon.
1159. Sanderson, Robert Daniel, May 18, 1943, Northern Alabama.
1160. Sandlin, Irven, April 3, 1945, Western Arkansas.
1161. Santiago, Angello Relles, May 11, 1942, Hawaii.
1162. Sappington, John William, October 28, 1942, Northern Oklahoma.
1163. Satterthwait, Arnold C., November 26, 1941, Eastern Pennsylvania, September 8, 1943, Eastern Pennsylvania.
1164. Saul, Samuel, August 30, 1943, Western New York.
1165. Saunders, Aldice Revella, October 30, 1942, Northern California.
1166. Saunders, James Earl, October 30, 1942, Northern California.
1167. Saunders, Orville Francis, October 30, 1942, Northern California.
1168. Sauseda, Jose, March 8, 1943, Southern Texas.
1169. Schear, Lloyd Benner, October 30, 1941, Middle Pennsylvania.
1170. Schiavino, Albert, June 2, 1942, Rhode Island.
1171. Schindelar, Joseph F., February 26, 1945, New Jersey.
1172. Schirmer, John Maurice, July 9, 1945, Southern California.
1173. Schmardebeck, Thomas M., September 10, 1943, Eastern Michigan.
1174. Schmidt, Stanley Eugene, June 4, 1945, Southern California.
1175. Schwartz, Richard Walter, March 14, 1946, North Dakota.
1176. Schwartzman, Victor, September 8, 1942, New Jersey.
1177. Scish, Robert, June 3, 1941, Eastern Virginia.
1178. Scolari, Peter Roosevelt, March 8, 1943, Northern California.
1179. Scott, Alex, April 26, 1943, Eastern North Carolina.
1180. Sea, Harvey Jackson, September 27, 1943, Eastern Kentucky.
1181. Seaberry, Peter, February 3, 1943, Eastern Louisiana.
1182. Sebastian, Allen Alstyne, November 1, 1943, Southern New York.
1183. Sedberry, Oscar Lee, April 19, 1943, Southern Florida.
1184. Segura, John Frank, June 2, 1942, Colorado.
1185. Sehn, John Joseph, June 24, 1942, Eastern New York.
1186. Selby, Ivan Henry, May 31, 1941, Eastern Illinois.
1187. Self, Glenn Richard, April 6, 1943, Western North Carolina, October 1, 1945, Western North Carolina.
1188. Sellers, Warren Claud, January 14, 1943, Northern Texas.
1189. Sequin, William, March 21, 1944, Eastern Michigan.
1190. Sexton, Dempsey Ray, January 18, 1943, Utah.
1191. Sharp, James Louis, November 13, 1942, Western Arkansas.
1192. Sharp, Milton Clifford, May 20, 1946, Southern California.
1193. Shaunessy, Edward, April 13, 1942, Southern Indiana.
1194. Shelton, Virgil, November 27, 1943, Eastern Missouri.
1195. Shepard, Duane D., April 11, 1945, Southern Illinois.
1196. Sherman, Edgar P., July 3, 1944, Western New York.
1197. Sherman, James Oddsey, August 3, 1943, Southern Florida.
1198. Sherwood, Paul Robert, November 16, 1943, Northern New York.
1199. Shibata, Takeo, June 20, 1944, Eastern Arkansas.
1200. Shicemasa, George Takeshi, October 7, 1946, Arizona.
1201. Shimada, Harry Masao, January 9, 1943, Hawaii.
1202. Shimane, Chester Toru, June 26, 1944, Wyoming.
1203. Shimane, Fred Katsumi, June 26, 1944, Wyoming.
1204. Shimane, George Fujio, June 26, 1944, Wyoming.
1205. Shimane, Isamu, June 26, 1944, Wyoming.
1206. Shimane, June, July 9, 1945, Wyoming.
1207. Shimizu, Mineto, October 7, 1946, Arizona.
1208. Shimizu, Sunao Mike, October 7, 1946, Arizona.
1209. Shimp, Toshio Tom, October 7, 1946, Arizona.
1210. Shindlebower, Charles Frederick, October 23, 1944, Southern California.
1211. Shinta, Kengi, June 26, 1941, Wyoming.
1212. Shinzu, Osamu Sam, June 20, 1944, Eastern Arkansas.
1213. Shirk, Abraham Wenger, June 21, 1943, Eastern Pennsylvania.
1214. Shirk, Amos Souder, January 12, 1944, Eastern Pennsylvania.

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1215. Shirk, David, September 18, 1944, Eastern Pennsylvania.
1216. Shirk, Elam Sauder, September 18, 1944, Eastern Pennsylvania.
1217. Shirk, John, December 16, 1942, Eastern Pennsylvania.
1218. Shirk, Weaver Weber, January 12, 1944, Eastern Pennsylvania.
1219. Showalter, Harry Edward, September 28, 1942, Northern West Virginia.
1220. Shubin, John Andrew, April 29, 1946, Southern California.
1221. Sideris, Nicholas Charles, January 19, 1944, Massachusetts.
1222. Silva, John Jr., June 15, 1943, Hawaii.
1223. Silverstein, Manfred, July 13, 1945, Northern Illinois.
1224. Simalton, Willie Lee, August 12, 1946, Northern Georgia.
1225. Simmons, Johnnie, June 27, 1946, Southern Georgia.
1226. Simms, Arthur Eugene, May 15, 1944, Southern New York.
1227. Simms, William, March 18, 1942, Eastern Missouri.
1228. Simon, Albert, December 18, 1942, Maryland.
1229. Simon, Edward David, August 31, 1942, Southern California.
1230. Simpson, Kenneth F., May 18, 1942, Western Pennsylvania, January 12, 1945, Western Pennsylvania.
1231. Simpson, Kirkland Roland, November 22, 1943, Southern Iowa.
1232. Siteman, Stephen Francis, April 28, 1942, Massachusetts.
1233. Skees, Walter Vernon, October 27, 1943, Southern New York.
1234. Sleeva, Albert, Jr., January 18, 1944, Middle Pennsylvania.
1235. Smiley, Michael, July 13, 1944, Southern California.
1236. Smilnak, Michael, March 19, 1946, Northern Ohio.
1237. Smith, Adolph, October 5, 1941, Western New York.
1238. Smith, Alton Dewdrop, July 23, 1943, Northern West Virginia.
1239. Smith, Calvin C., December 4, 1945, Eastern Pennsylvania.
1240. Smith, Clarence, November 17, 1941, Southern Mississippi.
1241. Smith, Clyde Leon, November 14, 1942, Eastern Illinois.
1242. Smith, Donald Tait, December 9, 1943, Eastern New York.
1243. Smith, Ernest, June 7, 1946, New Jersey.
1244. Smith, George, May 20, 1942, Southern Mississippi.
1245. Smith, Henry Alex, September 23, 1946, Eastern South Carolina.
1246. Smith, James Edward, May 7, 1942, Eastern North Carolina.
1247. Smith, James Russell, January 25, 1946, Western Oklahoma.
1248. Smith, John Paul, January 12, 1944, Eastern Pennsylvania.
1249. Smith, John Wesley, March 18, 1941, Eastern North Carolina.
1250. Smith, Roosevelt Snue, March 19, 1945, Middle Georgia.
1251. Smith, Wesley Graham, December 28, 1943, Connecticut.
1252. Smith, William, March 27, 1947, Southern Alabama.
1253. Smith, Willie James, November 30, 1945, Southern Georgia.
1254. Sohriakoff, Fred Steve, March 27, 1944, Southern California.
1255. Solis, Miguel Ramirez, January 27, 1945, Southern California.
1256. Spadavecchia, Nicholas, February 28, 1945, Southern New York.
1257. Spaulding, John Floyd, December 7, 1943, Northern Iowa.
1258. Spore, William Charles, April 26, 1943, Eastern Wisconsin.
1259. Staffiero, Frank, March 10, 1942, Arizona.
1260. Stafford, Willie Jack, December 17, 1943, Middle Georgia.
1261. Staggers, Eugenia Ford, March 14, 1946, Middle Alabama.
1262. Stalnaker, Stanley Eugene, July 13, 1942, Eastern Missouri.
1263. Stanke, John Peter, April 18, 1944, Southern New York.
1264. Stanley, Lew Victor, January 18, 1945, Eastern Wisconsin.
1265. Stanton, Richard Manny, July 30, 1942, Eastern Pennsylvania.
1266. Stark, Walter William, December 22, 1943, Eastern Michigan.
1267. Stasko, Melvin Edward, April 10, 1945, Western Wisconsin.
1268. Stauffer, Aaron Brubaker, October 25, 1945, Middle Pennsylvania.
1269. Stauffer, Titus Gebman, October 25, 1945, Middle Pennsylvania.
1270. Steele, Charles Arthur, January 22, 1943, Northern Illinois.
1271. Steele, Merle Everett, November 28, 1942, Eastern Illinois.
1272. Stefula, John, May 17, 1943, Northern Illinois.
1273. Stein, Beryl, July 16, 1943, Northern Illinois.
1274. Steinert, Sturge, January 21, 1941, Eastern Pennsylvania.
1275. Stephens, Carroll Palmer, October 19, 1944, South Dakota.
1276. Stephens, Robert Winston, June 6, 1944, South Dakota.
1277. Stern, Lee Donald, December 7, 1942, Northern Ohio.
1278. Stevens, Eval Stanley, April 20, 1944, Southern New York.
1279. Stevens, Teddy Roosevelt, May 8, 1945, Western Louisiana.
1280. Stevenson, Jerome Edward, February 27, 1945, Northern Illinois.
1281. Steveson, Willie P., April 3, 1944, Western Tennessee.
1282. Stone, Heber Pearse, July 3, 1942, District of Columbia.
1283. Strait, Cedric W., March 25, 1946, Western New York.
1284. Strate, Ruben Arnold, April 24, 1943, Nebraska.
1285. Strege, Daniel Julius, November 30, 1943, Northern Illinois.
1286. Strege, Galveston Carl, December 21, 1943, North Dakota.
1287. Stricklen, Tonsil, April 21, 1944, Western Arkansas.
1288. Stricklin, Gordon A., February 15, 1943, Nebraska.
1289. Strobol, Charles Quentin, March 26, 1942, Southern Indiana.
1290. Stucky, Carl J., September 11, 1945, Kansas.
1291. Stull, Donald Edmond, November 17, 1943, Montana.
1292. Sturdivant, Horace, February 13, 1945, Southern Alabama.
1293. Sugihara, George Jiro, January 25, 1946, Utah.
1294. Sugita, George, October 7, 1946, Arizona.
1295. Sugita, Toyoji, July 9, 1945, Wyoming.
1296. Suko, Shoji, October 23, 1944, Idaho.
1297. Sullivan, Herman, March 22, 1943, Eastern Virginia.
1298. Sullivan, John Edward, June 5, 1944, Western New York.
1299. Sumi, Noboru, June 26, 1944, Wyoming.
1300. Sumi, Sachio Bill, June 26, 1944, Wyoming.
1301. Sumida, Ken Kenroku, June 26, 1944, Wyoming.
1302. Sumida, Robert Masashi, June 22, 1945, Montana.
1303. Suzuki, Attushi, June 26, 1944, Wyoming.
1304. Suzuki, Masayo, July 9, 1945, Wyoming.
1305. Suzuki, Shizumi, July 9, 1945, Wyoming.
1306. Swiatkowski, Chester Benny, October 8, 1942, Rhode Island.
1307. Swiatkowski, John William, March 6, 1942, Rhode Island.
1308. Swierk, Walter, October 13, 1943, Southern New York.
1309. Sydlak, Daniel, July 17, 1944, Southern California.
1310. Sylvester, Warren Benedict, July 29, 1943, Western Pennsylvania.
1311. Szymanski, Thaddeus Alexander, January 15, 1941, Eastern Michigan, August 5, 1943, Eastern Michigan.
1312. Taege, Everett Clarence, September 21, 1942, Nebraska.
1313. Taguma, Norboru, June 30, 1944, Colorado.
1314. Taynaka, Kenichi Ken, June 26, 1944, Wyoming.
1315. Tajil, Gengo, October 7, 1946, Arizona.
1316. Tajil, Kingo, June 11, 1945, Arizona.
1317. Takahashi, George Toshiharu, June 30, 1944, Colorado.
1318. Takahashi, Teruo Slim, October 7, 1946, Arizona.
1319. Takamoto, George Shirhio, June 30, 1944, Colorado.
1320. Takamoto, Yoshio, June 30, 1944, Colorado.
1321. Takasaki, Noboru, October 7, 1946, Arizona.
1322. Takashima, Mamoru, February 20, 1945, Idaho.
1323. Takeguma, Hideichi, June 11, 1945, Arizona.
1324. Takeuchi, Hideo, October 30, 1944, Colorado.
1325. Tamashiro, Masnobu, December 21, 1942, Hawaii.
1326. Tamashiro, Shunsho, October 24, 1942, Hawaii.
1327. Tamesa, Minola, June 26, 1944, Wyoming.
1328. Tanabe, George Naichi, June 26, 1944, Wyoming.
1329. Tanabe, Shigeharu, October 7, 1946, Arizona.
1330. Tanahara, Leo, October 7, 1946, Arizona.
1331. Tanaka, Leo Riniche, October 7, 1946, Arizona.
1332. Tannenbaum, Jerome, November 23, 1942, Eastern New York.
1333. Tashiro, Frank Kiyoshi, September 29, 1944, Idaho.
1334. Tatum, Arlo, November 10, 1942, Northern Iowa.
1335. Tatum, Elmer Lyle, May 13, 1944, Southern Iowa.
1336. Taylor, Alex, October 7, 1942, Western Louisiana.
1337. Taylor, Percy, November 3, 1941, Southern Mississippi.
1338. Taylor, Russell Arden, March 22, 1945, Southern California.
1339. Taylor, Willy T., May 20, 1942, Southern Mississippi.
1340. Tekunoff, John Michael, October 13, 1943, Southern California.
1341. Thomas, Benjamin Alvin, July 7, 1944, Western Pennsylvania.
1342. Thomas, Clarence Alfred, November 23, 1943, Southern New York.
1343. Thomas, Fred, December 14, 1945, Northern Alabama.
1344. Thomas, Nathaniel, February 15, 1943, Hawaii.
1345. Thompson, Cecil M., January 6, 1944, Western Tennessee.
1346. Thompson, Edgar Houston Darr, January 6, 1944, Western Tennessee.
1347. Thompson, Edwin Edgar, February 26, 1943, Southern New York.
1348. Thompson, James William, July 10, 1943, Eastern Illinois.
1349. Thompson, Marshall Neal, January 6, 1944, Western Tennessee.
1350. Thompson, Leon, January 24, 1941, Nevada.
1351. Tibbs, Clarence, September 19, 1941, Southern Mississippi.
1352. Tilegan, Mike, January 2, 1945, Southern California.

1353. Tiller, Perry Lee, December 31, 1945, Northern Georgia.
1354. Tillquist, Edward Brooks, December 30, 1943, Western Missouri.
1355. Timmons, Harold Lee, October 18, 1944, Eastern Illinois.
1356. Tono, Jack Kiyoto, June 26, 1944, Wyoming.
1357. Tootle, James Douglas, February 25, 1944, Southern Georgia.
1358. Towns, John Derry, March 24, 1945, Southern Alabama.
1359. Towns, Samuel B., March 24, 1945, Southern Alabama.
1360. Towns, Samuel C., March 24, 1945, Southern Alabama.
1361. Townsend, Earl, March 16, 1943, Nebraska.
1362. Trimble, James Milton, March 15, 1946, Western Missouri.
1363. Trombino, Salvatore A., October 8, 1941, Eastern Louisiana.
1364. Truschel, Fred Albert, November 25, 1942, Western Arkansas.
1365. Tsunoda, Ken, October 7, 1946, Arizona.
1366. Tsuyuki, Sumio, June 26, 1944, Wyoming.
1367. Tucker, George, November 28, 1944, Southern New York.
1368. Turner, Alfronzo, June 26, 1944, Southern West Virginia.
1369. Turner, Hayes, April 19, 1946, Middle Georgia.
1370. Turner, John Edward, March 21, 1941, Southern Alabama.
1371. Turner, Rollie, June 17, 1942, Eastern Kentucky.
1372. Turner, William, January 12, 1942, Southern Mississippi.
1373. Twitchell, William Thompson, Jr., July 16, 1943, Southern Florida.
1374. Tymkiw, Harry J., November 3, 1943, Eastern Michigan.
1375. Uyechi, Joe Kejo, October 7, 1946, Arizona.
1376. Uyeda, George Susumu, June 26, 1944, Wyoming.
1377. Uyeda, James Tsutomu, July 9, 1945, Wyoming.
1378. Uyeda, Riyou, June 30, 1944, Colorado.
1379. Uyeda, Roy Masao, July 9, 1945, Wyoming.
1380. Uyemoto, Terry Teruo, October 28, 1944, Colorado.
1381. Uyenura, Torao, June 26, 1944, Wyoming.
1382. Uyeno, Shigero, June 26, 1944, Wyoming.
1383. Valksnoras, Alger Thomas, February 4, 1944, Northern Ohio.
1384. Valenzuela, Julio, March 4, 1946, Western Texas.
1385. Valov, James Timothy Peter, January 14, 1946, Southern California.
1386. Van Huizen, Albert, December 27, 1940, South Dakota.
1387. Van Huizen, Henry, December 27, 1940, South Dakota.
1388. Vaughn, Clinton Grey, June 3, 1946, Western North Carolina.
1389. Venable, Jesse Junior, July 27, 1944, Southern New York.
1390. Venhuizen, Robert, September 22, 1942, South Dakota.
1391. Venhuizen, Tonnis, September 22, 1942, South Dakota.
1392. Venhuizen, Warmolt Klass, March 21, 1944, Western Texas.
1393. Vid, Bernard Ignatius, May 22, 1944, Western Pennsylvania.
1394. Viel, Fabienna, May 29, 1942, Maine.
1395. Vigliotti, Angelo Joseph, April 30, 1943, Eastern Pennsylvania.
1396. Villa, Jose Gonzalez, June 18, 1946, Western Texas.
1397. Visaya, Sibiro, May 7, 1942, Hawaii.
1398. Volker, Thomas Elwood, January 19, 1944, June 13, 1945, New Jersey.
1399. Volkoff, Alexis, May 9, 1945, Southern New York.
1400. Volmer, Carl Albert, January 5, 1943, South Dakota.
1401. Volmer, Elmer Herman, January 5, 1943, South Dakota.
1402. Volz, Albert Richard, August 8, 1945, Northern Illinois.
1403. Von Korff, Richard Walter, October 31, 1945, Southern Iowa.
1404. Waddis, George, September 12, 1944, Eastern Illinois.
1405. Wadley, Thomas Lee, April 2, 1945, Eastern Arkansas.
1406. Wagenschein, Norman Oscar, November 25, 1941, Southern Texas.
1407. Walshman, John Thomas, March 21, 1944, Delaware.
1408. Walden, David Carroll, September 2, 1942, Southern California.
1409. Wall, Carl L., January 7, 1947, Western Virginia.
1410. Wallace, Jack Estle, March 8, 1944, Eastern Tennessee.
1411. Wallace, James, November 4, 1943, Northern Mississippi.
1412. Ward, Clifton Clyde, March 8, 1945, New Mexico.
1413. Ward, Louis Frederick, May 1, 1944, Kansas.
1414. Warren, Solomon, October 7, 1946, Middle Georgia.
1415. Washington, George, April 12, 1944, Eastern Louisiana.
1416. Washington, Lee Woodrow, May 10, 1943, Northern Mississippi.
1417. Washington, West, March 10, 1945, Southern Florida.
1418. Watanabe, Hirom, July 9, 1945, Wyoming.
1419. Watkins, William, October 9, 1944, Eastern Missouri.
1420. Watson, Alfred Anthony, November 18, 1943, District of Columbia.
1421. Wattler, Walter Frank, June 28, 1943, Eastern Missouri.
1422. Watts, Carl, May 28, 1946, Northern Florida.
1423. Watts, Harold Thornton, March 17, 1943, Middle Pennsylvania.
1424. Wayne, Edward, August 10, 1945, Southern Indiana.
1425. Wayne, Thomas John, March 1, 1944, Idaho.
1426. Webb, Calvin, October 16, 1944, Western Louisiana.
1427. Weber, Raymond Louis, March 6, 1942, Southern Illinois.
1428. Weigl, Frank, May 31, 1944, Northern Ohio.
1429. Weis, Frank William, February 3, 1943, Southern Texas.
1430. Weiss, Emil Marion, June 14, 1943, Western Missouri.
1431. Welch, James Franklin, January 28, 1946, Western New York.
1432. Welch, Raymond Bernard, January 18, 1944, Eastern Wisconsin.
1433. Wensley, Buck, Arizona.
1434. White, David Benjamin, February 3, 1943, Eastern Oklahoma.
1435. White, Frank Arthur, November 3, 1943, Southern Ohio.
1436. White, Paul Raymond, September 25, 1944, Southern California.
1437. Whitson, Charles A., March 2, 1943, Western Washington.
1438. Wickey, Rudolph C., October 2, 1945, Northern Illinois.
1439. Wideman, James Henry Spencer, January 18, 1946, Northern Alabama.
1440. Wiertzema, George, January 16, 1945, Minnesota.
1441. Wiest, Donald Glen, February 28, 1944, Eastern Pennsylvania.
1442. Wiggins, Wallace William, October 10, 1942, Northern California.
1443. Wilbank, Elmer B., November 17, 1943, Eastern Missouri.
1444. Wilderman, Russell J., January 29, 1942, Eastern Missouri.
1445. Wiley, Floyd Joseph, June 10, 1943, Northern Illinois.
1446. Wilkes, Beverly Harth, November 15, 1944, Eastern Virginia.
1447. Willey, Floyd Issac, March 12, 1946, Kansas.
1448. Williams, Curtis, April 5, 1944, Western Louisiana.
1449. Williams, Harry Rodney, April 6, 1944, Eastern Arkansas.
1450. Williams, Jack Luther, October 26, 1943, Eastern North Carolina.
1451. Williams, James Earl, January 9, 1945, Southern New York.
1452. Williams, John, November 6, 1944, Southern Florida.
1453. Williams, Johnnie, April 6, 1943, Southern Florida.
1454. Williams, Melvin Robert, December 18, 1944, Maryland.
1455. Williams, Nathaniel, November 15, 1943, Southern Mississippi.
1456. Willis, William Althee, June 29, 1943, Eastern Illinois.
1457. Wilson, David Collier, December 18, 1942, District of Columbia.
1458. Wilson, Harry Leon, Jr., October 20, 1943, Northern California.
1459. Wilson, Howard Henry, June 3, 1941, Eastern Virginia.
1460. Wilson, James Carl, October 29, 1945, Southern California.
1461. Wilson, John Albert, November 22, 1943, Southern New York.
1462. Wilson, Lajole Bodager, May 29, 1946, Northern Ohio.
1463. Wilson, Winslow, January 28, 1941, Minnesota.
1464. Winchester, Harvey Patrick, August 21, 1944, Northern California.
1465. Winsett, Thomas Travis, November 9, 1942, Northern Texas.
1466. Wispe, Lauren, May 12, 1942, Northern Illinois.
1467. Wolfe, Jim, April 8, 1941, Eastern Oklahoma.
1468. Wood, Paul Hanson, August 8, 1942, Southern California.
1469. Wood, Walter Eugene, May 24, 1943, Eastern South Carolina.
1470. Woods, Alfred, February 11, 1943, New Jersey.
1471. Woody, Otis, January 6, 1943, Eastern Michigan.
1472. Worth, Vaughn Ora, November 8, 1943, Western Wisconsin.
1473. Wright, Frank, November 4, 1943, Eastern North Carolina.
1474. Wright, Millard Leslie, September 21, 1945, Colorado.
1475. Wright, Mose, Jr., September 23, 1943, Southern Florida.
1476. Wyatt, Cecil Arden, May 31, 1945, Eastern New York.
1477. Wynes, William Paul, October 27, 1943, Eastern Michigan.
1478. Yaccarine, Vincent John, January 19, 1945, New Jersey, March 31, 1945, New Jersey.
1479. Yamada, Fumio Bill, October 7, 1946, Arizona.
1480. Yamada, Samuel, October 7, 1946, Arizona.
1481. Yamakawa, Toyoji, October 7, 1946, Arizona.
1482. Yamakido, Joe Atsumi, October 24, 1944, Eastern Arkansas.
1483. Yamamoto, Yukio, October 7, 1946, Arizona.
1484. Yamamoto, Yutaka, October 7, 1946, Arizona.
1485. Yamamura, Masakazu, September 25, 1944, Idaho.
1486. Yamasaki, Hedio Frank, September 29, 1944, Idaho.
1487. Yamasaki, Junichi, October 7, 1946, Arizona.
1488. Yamauchi, Hiroshi, October 28, 1944, Colorado.
1489. Yamauchi, Sosuki, December 27, 1944, Hawaii.
1490. Yamazumi, George Katamori, July 18, 1944, Colorado.
1491. Yanagisako, Edward Hiromu, June 26, 1944, Wyoming.

1492. Yano, Ben, March 27, 1944, Arizona.
 1493. Yasuda, Kentaro, October 2, 1944, Idaho.
 1494. Yasuda, Minoru, October 7, 1946, Arizona.
 1495. Yenokida, Susumu, June 30, 1944, Colorado.
 1496. Yenokida, Tsutumo Ben, October 28, 1944, Colorado.
 1497. Yoder, Dan, June 9, 1943, Southern Mississippi.
 1498. Yokoyama, Harry Shoji, October 20, 1941, Hawaii.
 1499. Yoneo, Doman, October 7, 1946, Arizona.
 1500. Yoshida, George Maseo, June 26, 1944, Wyoming.
 1501. Yoshida, Kel, July 9, 1945, Wyoming.
 1502. Yoshida, Kenichiro Mike, November 4, 1944, Utah.
 1503. Yoshida, Sakaye, November 4, 1944, Utah.
 1504. Yoshida, Shingo, October 7, 1946, Arizona.
 1505. Yoshimura, Fumio, October 7, 1946, Arizona.
 1506. Yoshimura, John Yoshikiko, October 7, 1946, Arizona.
 1507. Yoshimura, Niro Dick, September 30, 1944, Idaho.
 1508. Younce, James Fuson, May 12, 1941, Eastern Kentucky.
 1509. Young, Johnnie B., October 25, 1943, Southern Mississippi.
 1510. Young, Lee Daniel, August 15, 1944, Southern California.
 1511. Young, Thomas, January 13, 1947, Eastern Pennsylvania.
 1512. Young, Wallace Elmore, March 13, 1944, Eastern Pennsylvania.
 1513. Yumen, Ben Tsutomi, October 7, 1946, Arizona.
 1514. Yuninger, Warren Jacob, December 19, 1946, Western Washington.
 1515. Zambora, Jose Santello, May 15, 1946, Montana.
 1516. Zandpergen, Howard K., September 23, 1943, Western Michigan.
 1517. Zbik, Louis Walter, March 16, 1944, Eastern Michigan.
 1518. Zernit, Sidney, March 2, 1943, Southern New York.
 1519. Zilton, Edward, November 12, 1942, Hawaii.
 1520. Zimmerman, Elmer T., February 3, 1943, Middle North Carolina.
 1521. Zimmerman, George Martin, January 6, 1942, Eastern Pennsylvania, September 18, 1944, Eastern Pennsylvania.
 1522. Zolner, George Thomas, July 2, 1943, Southern Ohio.
 1523. Zussman, Albert, September 14, 1942, Eastern New York.

[F. R. Doc. 47-11367; Filed, Dec. 23, 1947; 12:01 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Correction

In the republication of the regulations of the Civil Service Commission, published in the issue of November 5, 1947, as Federal Register Document No. 47-9917, paragraph (c) of § 30.201 was inadvertently omitted. This paragraph reads as follows:

(c) Temporary employees shall be credited with leave of 2½ days for each month of service.

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 299—POULTRY AND POULTRY PRODUCTS

CHICKENS

Public announcement relating to chickens (excluding chickens weighing less than 3½ pounds live weight and all broilers) has heretofore been made (6 F. R. 4644; 7 F. R. 422, 9986; 9 F. R. 4837; 11 F. R. 2651; 12 F. R. 1187; 5689), pursuant to the provisions of section 4 (a) of the act approved July 1, 1941 (55 Stat. 498), as amended October 2, 1942 (56 Stat. 768), and February 28, 1944 (58 Stat. 105).

Statement of policy. The United States Department of Agriculture, through the Commodity Credit Corporation, will offer to purchase fowl of the 1947 crop during the period December 3, 1947, through March 31, 1948. No deliveries will be accepted after April 15, 1948. These purchases will help producers speed up the culling of hens and thus aid the poultry industry in carrying out its pledge to the Citizens Food Committee to conserve grain. Purchases will be limited to frozen, New York dressed fowl processed from live fowl purchased and dressed on or after December 3, 1947.

Certification must be made by each vendor other than a producer or producer agent that, during the period December 3, 1947, to the date of purchase by Commodity Credit Corporation from such vendor, he purchased and processed the chickens sold, and he paid producers an average by classes of not less than the announced producer live prices for all chickens of these classes purchased by him from producers. He must further certify that for chickens delivered to the processing plant by producers during such period, he paid not less than the announced processing plant prices by classes and that in the event he has procured live chickens from a country procurer, such procurer has provided him with a certification that producers have been paid an average by classes of not less than the announced live prices for all chickens of these classes purchased by the procurer during the period December 3, 1947, to the date of sale to the processor. In the case of purchases from a vendor who buys from producers on a dressed weight basis, certification must be made that, during the period December 3, 1947, to the date of purchase by Commodity Credit Corporation from such vendor, he paid an average of dressed prices to the producers that would reflect not less than the announced live prices by classes. Vendor's purchasing and processing cost records must be available for a period of 3 years during business hours to substantiate his certification.

Prices set forth below are for Grade A and Grade B fowl packed in box-packed commercially accepted containers. Fowl packed in barrels, drums, or other con-

tainers of this type will not be purchased. Prices shown are generally applicable to the Midwest area and are for fowl of two weight groups. If purchase operations are later conducted for young chickens (excluding chickens weighing less than 3½ pounds live weight and all broilers), or for fowl in areas other than the Midwest, purchases will be made which will reflect prices of not less than 90 percent of parity to producers of such chickens or fowl. Announced producer and purchased prices for fowl in the Midwest area are:

	Cents per pound
Producer prices (live):	
Fowl (4½ pounds and over, live weight):	
(a) Processing plant price.....	22.50
(b) Farm price.....	20.00
Fowl (from 3½ to 4½ pounds live weight):	
(a) Processing plant price.....	17.50
(b) Farm price.....	15.00
Purchase prices (New York dressed):	
Grade A fowl (weighing 48 pounds and over net per box of 12 birds) -	31.00
Grade A fowl (weighing from 36 to 48 pounds net per box of 12 birds) -	26.00

The above purchase prices are Grade A dressed prices for box-packed fowl at the point of purchase. Grade B prices will be 3.0 cents per pound less on all classes, both live and dressed. Fowl of lower than Grade B quality will not be purchased. No lot of dressed fowl weighing less than an average of 36 pounds net per box of 12 birds will be purchased.

(Sec. 4 (a), 55 Stat. 493, as amended; 15 U. S. C. 713 (a)–8)

Dated this 18th day of December 1947.

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

[F. R. Doc. 47-11257; Filed, Dec. 23, 1947; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 415—FLAX CROP INSURANCE

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

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

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

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415.152	Application for insurance.
415.153	Acceptance of application by the Corporation.
415.154	Termination of contract.

INSURANCE COVERAGE

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- 415.156 Determination of insured acreage and insured interest.
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- 415.183 Establishment of coverage per acre.
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GENERAL

- 415.185 Records and access to farm.
- 415.186 Applicant's warranties; voidance for fraud.
- 415.187 Modification of contract.
- 415.188 Rounding of fractional units.
- 415.189 Closing date.
- 415.190 Maturity dates for annual premiums.
- 415.191 Meaning of terms.

AUTHORITY: §§ 415.151 to 415.191, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong.; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

MANNER OF OBTAINING INSURANCE

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

State and Counties

- Iowa: Osceola.
- Kansas: Allen, Anderson.
- Minnesota: Becker, Blue Earth, Brown, Kandiyohi, Kittson, Lac Qui Parle, Lincoln, Lyon, Martin, Marshall, McLeod, Murray, Nobles, Norman, Olmstead, Polk, Pennington, Pope, Redwood, Roseau, Swift, Traverse, Wilkin.
- Montana: Sheridan.

North Dakota: Barnes, Benson, Cass, Grand Forks, La Moure, McLean, Nelson, Pembina, Pierce, Ramsey, Richland, Steele, Trall, Walsh, Ward.
South Dakota: Day, Roberts.

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

§ 415.152 *Application for insurance.* Application for insurance on a form entitled "Application for Flax Crop Insurance," may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a flax crop. An application shall cover the applicant's interest in the flax crop on all insurable acreage, considered for crop insurance purposes to be located in the county, in which the applicant has an interest at the time of the seeding of the flax crop to be harvested in the 1948 and each succeeding crop year while the contract remains in force: *Provided, however,* That an application executed by any person as an individual shall not cover his interest as a partner in a crop produced by a partnership. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date set forth in § 415.189. In case of death of the insured after the seeding of flax is begun for any crop year, any additional acreage which is planted for the insured's estate for that crop year shall be covered by the contract.

§ 415.153 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect commencing with the first crop year beginning after submission of the application, provided all the requirements in this subpart for the acceptance of applications have been met.

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

§ 415.154 *Termination of contract.* (a) Subject to the provisions of paragraph (c) of this section, the contract shall be in effect for the first full crop year following submission of the application and shall continue for each succeeding crop year until either party gives to the other party, on or before December 31 of any year, written notice of termination effective at the beginning of the succeeding crop year. Failure to terminate the contract as herein provided, shall constitute acceptance of changes, if any, in the premium rate(s), amounts of insurance and insurance coverages, and any other changes in the contract. Any notice given by the insured to the Corporation pursuant to this paragraph shall be submitted in writing to the office of the county association or other office specified by the Corporation.

(b) If the insured terminates the contract under the provisions of paragraph (a) of this section, he shall not be eligible

for flax crop insurance for the next succeeding crop year, unless he subsequently files an application for insurance on or before December 31, preceding such crop year.

(c) If the minimum participation requirement set forth in § 415.151 is not met for any year, contracts then in force shall continue in force only to the end of the crop year for which such requirement is not met: *Provided, however,* That if such contracts, together with any new applications for flax crop insurance filed on or before the next succeeding applicable calendar closing date, are sufficient to meet the minimum participation requirement, such contracts shall continue to be in force.

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

INSURANCE COVERAGE

§ 415.155 *Insurable acreage.* For each crop year of the contract any acreage is insurable if a coverage is established therefor for that crop year on the County Actuarial Table and related material before the applicable calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above shall not be considered in any manner whatsoever under the contract except as provided in §§ 415.168 (b) and 415.185.

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

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

(c) The insured acreage with respect to each insurance unit shall be the acreage of the flax seeded for harvest as seed as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That the Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after seeding of flax is generally completed in the county, as determined by the Corporation: *Provided further,* That insurance shall not attach with respect to (1) any acreage seeded to flax which is destroyed or substantially destroyed (as defined in § 415.165) and which can be reseeded before it is too late to reseed

to flax, as determined by the Corporation, and such acreage is not reseeded to flax, or (2) any acreage initially seeded to flax too late to expect to produce a normal crop, as determined by the Corporation.

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

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

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

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

§ 415.160 *Causes of loss insured against.* The contract shall cover loss in yield of flax while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wild-life, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Cor-

poration: *Provided, however*, That the Board of Directors may determine that for any county or area the contract shall provide that loss in yield of flax due to any of the foregoing causes is not insured.

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

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

(a) Failure to follow recognized good farming practices;

(b) Poor farming practices, including but not limited to the use of defective or unadapted seed, failure to seed a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof);

(c) Following different fertilizer or farming practices than those considered in establishing the coverage per acre;

(d) Seeding flax on land which is generally not considered capable of producing a flax crop comparable to that produced on land considered in establishing the coverage;

(e) Seeding excessive acreage under abnormal conditions;

(f) Seeding perennial or biennial legumes or perennial grasses with the flax or in the growing flax crop;

(g) Seeding flax under conditions of immediate hazard;

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

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

(j) Neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand;

(k) Domestic animals or poultry;

(l) Theft;

(m) Failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells where such adjustment can be made without deepening the well;

(n) Failure properly to apply irrigation water to flax in proportion to the need of the crop and the amount of water available for all irrigated crops; or

(o) Shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which would be reasonably expected.

PREMIUM FOR CONTRACT

§ 415.162 *Amount of annual premium.* The annual premium for each insurance unit under the contract shall be based upon (a) the insured acreage of flax for the insurance unit, (b) the premium rate, (c) the insured interest in the crop at the time of seeding, and (d) the fixed price. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. If the contract provides for partial insurance protection in accordance with the provisions of § 415.159, the premium shall be 65 percent of that computed as set forth above. The annual premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded.

§ 415.163 *Manner of payment of premium.* (a) By executing the application for flax crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before the applicable maturity date specified in § 415.190, the premium for all insurance units covered by the contract. A penalty of three percent shall attach on the principal amount of any premium not paid on or before December 31, following the maturity date, and an additional three percent shall attach on the principal amount of any premium unpaid at the end of each six-month period thereafter.

(b) 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. Any payment made before the fixed price is established will be on an estimated basis and will be treated as a deposit until the fixed price is established. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

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

Where any such deduction is made before the fixed price is established, the amount of the deduction will be based on an estimate of the amount of the premium.

LOSS

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

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

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

Before any acreage is released, it shall be inspected by a representative of the Corporation and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest. Any such appraisal shall be subject to the minimum set forth in § 415.168 (a).

On any acreage where the flax 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.

§ 415.166 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 415.157 unless the Corporation determines that the entire flax 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.

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

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

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

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

SCHEDULE

Acreage classification	Total production in bushels
1. Acreage on which flax was threshed.	Actual production of flax which was threshed.
2. Acreage released by the Corporation and seeded to substitute crop.	Appraised production but not less than the product of (i) such acreage and (ii) 50 per centum of the coverage per acre.
3. Acreage released by the Corporation and summer fallowed.	Appraised production but not less than the product of (i) such acreage and (ii) 20 per centum of the coverage per acre.
4. Acreage released by the Corporation and not seeded to substitute crop or summer fallowed.	Appraised production but not less than the product of (i) such acreage and (ii) 10 per centum of the coverage per acre.
5. Acreage put to another use without the consent of the Corporation.	Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre.
6. Acreage with reduced yield due solely to any cause(s) not insured against.	Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre, minus any quantity of flax harvested.
7. Acreage with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

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

(c) If the contract provides for partial insurance protection in accordance with the provisions of § 415.159, the amount of loss for which an indemnity will be payable shall be 65 percent of the amount computed as set forth in paragraphs (a) and (b) of this section.

PAYMENT OF INDEMNITY

§ 415.169 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within 30 days after satisfactory proof of loss is approved by the Corporation: *Provided, however,* That no indemnity will be paid until after the fixed price is established: *Provided, further,* That, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

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

(b) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this 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, be-

RULES AND REGULATIONS

cause of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

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

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

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

§ 415.172 *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.

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

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 415.174 *Indemnities subject to all provisions of contract.* Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned annual premium plus any penalty due or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any penalty due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation

of the transferee to the Corporation. Any indemnity payable to any person other than the original insured shall be subject to any collateral assignment of the contract by the original insured.

§ 415.175 *Collateral assignment of right under the contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized, if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 415.174 and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however,* That the assignee may submit a "Statement in Proof of Loss" if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 415.176 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a flax crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 415.175: *Provided, however,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further,* That an involuntary transfer of an insured interest in a flax crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract: *Provided, further,* That the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year

during which the transfer is made. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 415.177 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after the seeding of the flax crop in any year but before the time of loss, and his insured interest in the flax crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be qualified the indemnity shall be paid to the person beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds \$500.00, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears after the seeding of the flax crop in any year, but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 415.176.

(c) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears 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 seeding of the flax crop in such year, whoever succeeds him to the farm with the right to seed the flax crop as his heir or heirs, administrator, executor, guardian, committee or conservator shall be substituted for the original applicant or the insured upon filing with the office of the county association, or other office specified by the Corporation, within fifteen days (unless such period is extended by the Corporation) after the date of such death, judicial declaration, or termination of the period which establishes disappearance within the meaning of this subpart, or before the date of the beginning of seeding, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however,* That any substitution made pursuant to this paragraph shall be effective only with respect to the flax

crop to be seeded in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

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

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

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

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

REFUNDS OF EXCESS NOTE PAYMENTS

§ 415.180 *Refunds of excess note payments.* Before termination of the contract, the Corporation shall not be re-

quired to make a refund of any excess payment made on any annual premium and any such excess payment may be credited on future annual premiums. However, the Corporation may elect to make such refund at any time before the termination of the contract.

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

§ 415.181 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any flax 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 § 415.182.

§ 415.182 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 415.177 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

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

§ 415.184 *Establishment of premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation and may be revised from year to year as the Corporation may elect. The premium rate per acre for any specific acreage shall be the premium rate per acre approved by the Corporation for the area in which the acreage is located.

GENERAL

§ 415.185 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep, or cause to be

kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all flax produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person or persons designated by the Corporation shall have access to the farm(s).

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

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

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

§ 415.189 *Closing dates.* The closing dates for any year for submission of applications shall be the earlier of (a) the date of the beginning of seeding of the

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flax crop on any insurance unit to be covered by the contract, or (b) March 15.

§ 415.190 *Maturity dates for annual premiums.* The maturity date for the payment of annual premiums shall be July 31.

§ 415.191 *Meaning of terms.* For the purpose of the Flax Crop Insurance Program, the term:

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

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

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

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

(e) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance for any year and within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Fixed price" for any crop year means the higher of the loan rate per bushel for flax seed or the support price per bushel for flax seed, as established by the U. S. Department of Agriculture, with differentials where applicable for the location of the insurance unit. However, if neither a loan rate nor a support price per bushel is established by the U. S. Department of Agriculture for any year, the fixed price shall be that price per bushel determined by the Corporation. The fixed price is used in determining the cash equivalent of premiums and indemnities.

(g) "Flax crop" means all flax seeded for harvest as seed, but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

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

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

(j) "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.

(k) "State Director" means the representative of the Corporation responsible for the executive direction of the Federal Crop Insurance program in the state.

(l) "Substitute crop" means any crop, except biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of flax becomes general in the county as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the flax or in the growing flax crop shall not be considered a substitute crop.

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

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

Adopted by the Board of Directors on December 17, 1947.

[SEAL]

E. D. BERKAW,
Secretary.

Approved: December 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11317; Filed, Dec. 23, 1947;
8:46 a. m.]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING THE 1948 CROP YEAR (DOLLAR COVERAGE INSURANCE)

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

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

MANNER OF OBTAINING INSURANCE

Sec.	
415.2001	Availability of flax crop insurance.
415.2002	Application for insurance.
415.2003	Acceptance of application by the Corporation.

INSURANCE COVERAGE

415.2004	Insurable acreage.
415.2005	Determination of insured acreage and insured interest.
415.2006	Insurance period.
415.2007	Amount of insurance.
415.2008	Causes of loss insured against.
415.2009	Causes of loss not insured against.

PREMIUM FOR CONTRACT

415.2010	Amount of premium.
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LOSS

Sec.	
415.2012	Notice of loss or damage of flax crop.
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PAYMENT OF INDEMNITY

415.2017	When indemnity payable.
415.2018	Indemnity payment.
415.2019	Other insurance.
415.2020	Subrogation.
415.2021	Creditors.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

415.2022	Indemnity subject to all provisions of contract.
415.2023	Collateral assignment of right under contract.
415.2024	Payment to transferee.
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415.2026	Fiduciaries.
415.2027	Determination of person to whom indemnity shall be paid.

REFUNDS OF EXCESS NOTE PAYMENTS

415.2028	Refunds of excess note payments.
415.2029	Assignment or transfer of claims for refunds not permitted.
415.2030	Refund in case of death, incompetence, or disappearance.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

415.2031	Establishment of coverages per acre.
415.2032	Establishment of premium rates.

GENERAL

415.2033	Records and access to farm.
415.2034	Applicant's warranties; voidance for fraud.
415.2035	Modification of contract.
415.2036	Rounding of fractional units.
415.2037	Closing date.
415.2038	Maturity dates for premiums.
415.2039	Meaning of terms.

AUTHORITY: §§ 415.2001 to 415.2039, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong.; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

MANNER OF OBTAINING INSURANCE

§ 415.2001 *Availability of flax crop insurance.* (a) Flax crop insurance under annual contracts for the 1948 crop year will be provided only in accordance with this subpart in the following counties:

State and County

Minnesota: Clay.
Montana: McCone.
North Dakota: Stutsman.
South Dakota: Codington.

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

§ 415.2002 *Application for insurance.* Application for insurance, on a form entitled "Application for Flax Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a flax crop. An application shall cover the applicant's interest in the flax crop on all insurable

acreage considered for crop insurance purposes to be located in the county in which the applicant has an interest at the time of the seeding of the flax crop to be harvested in 1948: *Provided, however*, That an application executed by any person as an individual shall not cover his interest as a partner in a crop produced by a partnership. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date shown in § 415.2037. In case of death of the insured after the seeding of flax is begun for the 1948 crop year, any additional acreage of flax which is seeded for the insured's estate for the 1948 crop year shall be covered by the contract.

§ 415.2003 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect, provided all the requirements in this subpart for the acceptance of applications have been met.

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

INSURANCE COVERAGE

§ 415.2004 *Insurable acreage.* For the 1948 crop year, any acreage is insurable if a coverage is established therefor on the county actuarial table and related material before the applicable calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above shall not be considered in any manner whatsoever under the contract except as provided in §§ 415.2016 (b) and 415.2033.

§ 415.2005 *Determination of insured acreage and insured interest.* (a) Promptly after seeding the flax crop, the insured shall submit to the Corporation, on a form entitled "Flax Crop Insurance Acreage Report", a report over his signature of the acreage seeded to flax on each insurance unit in which he has an interest at the time of seeding and his interest at the time of seeding in the flax seeded for harvest as seed. If the insured does not have an insured interest in flax seeded, the acreage report shall nevertheless be submitted promptly after the seeding of flax is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

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

(c) The insured acreage with respect to each insurance unit shall be the acreage of flax seeded for harvest as seed as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however*, That the Corporation may elect to determine that the insured acreage is "zero"

if the insured fails to file an acreage report within 30 days after seeding of the flax is generally completed in the county, as determined by the Corporation: *Provided, further*, That insurance shall not attach with respect to (1) any acreage seeded to flax which is destroyed or substantially destroyed (as defined in § 415.2013) and which can be reseeded before it is too late to reseed to flax, as determined by the Corporation, and such acreage is not reseeded to flax, or (2) any acreage seeded to flax too late to expect to produce a normal crop, as determined by the Corporation.

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

§ 415.2006 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the flax is seeded. Insurance shall cease with respect to any portion of the flax crop covered by the contract upon threshing or removal from the field, but in no event shall the insurance remain in effect later than October 31, 1948, unless such time is extended in writing by the Corporation.

§ 415.2007 *Amount of insurance.* (a) The coverage per acre shall be the applicable number of dollars, approved by the Corporation for the area in which the insured acreage is located, shown on the County Actuarial Table on file in the office of the County Association or other office specified by the Corporation. The coverage per acre is progressive depending upon whether the acreage is (1) released by the Corporation and seeded to a substitute crop, (2) not harvested and not seeded to a substitute crop, or (3) harvested.

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

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

§ 415.2008 *Causes of loss insured against.* The contract shall cover loss of flax while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation: *Provided, however*, That the Board of Directors of the Corporation may deter-

mine that for any county or area the contract shall provide that loss of flax due to any of the foregoing causes is not insured.

§ 415.2009 *Causes of loss not insured against.* The contract shall not cover damage to quality in any case, or loss caused by:

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

PREMIUM FOR CONTRACT

§ 415.2010 *Amount of premium.* The premium for each insurance unit under the contract shall be based upon (a) the insured acreage of flax for the insurance unit, (b) the premium rate and (c) the insured interest in the crop at the time of seeding. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded.

§ 415.2011 *Manner of payment of premium.* (a) By executing the application for flax crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the applicable maturity date specified in § 415.2038, the premium for all insurance units covered by the contract. A penalty of three per centum shall attach on the principal amount of any premium not paid on or before December 31, 1948 and an additional three per centum shall attach on the principal

amount of any premium unpaid at the end of each six-month period thereafter.

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

(c) Any unpaid amount of any premium (either before or after the date of maturity), plus any penalty due, may be deducted from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other Act of Congress or program administered by the United States Department of Agriculture.

LOSS

§ 415.2012 *Notice of loss or damage of flax crop.* (a) Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation, at the office of the county association or other office specified by the Corporation, immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

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

§ 415.2013 *Released acreage.* Any insured acreage on which the flax crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The flax crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof.

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

On any acreage where the flax 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.

All acreage of flax on the insurance unit, which is not released earlier, shall be deemed to be released upon the signing of a Statement in Proof of Loss for such unit by the insured and the local representative of the Corporation.

§ 415.2014 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 415.2006, unless the Corporation determines that the entire flax 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.

§ 415.2015 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract. If a loss is claimed, any flax acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

§ 415.2016 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of insurance under the contract for such unit, less the number of dollars determined by multiplying (1) the total production in bushels for such unit by (2) \$5.75, and by (3) the insured interest in such unit: *Provided, however,* That, if the seeded acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be determined by computing the loss for the seeded acreage (as though the total seeded acreage were insured) and reducing such loss on the basis of the ratio of the insured acreage to the seeded acreage: *Provided, further,* That, if the premium computed for the reported acreage is less than the premium computed for the seeded acreage, the amount of loss determined for the seeded acreage may be reduced on the basis of the ratio of the premium computed for the reported acreage to the premium computed for the seeded acreage, if the Corporation so elects.

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

SCHEDULE

Acreage classification	Total production in bushels
1. Acreage on which flax was threshed.	Actual production of flax which was threshed.
2. Acreage released by the Corporation and seeded to a substitute crop.	That portion of appraised production which is in excess of the number of bushels determined by dividing (1) the amount of insurance for such acreage by (2) \$5.75.
3. Acreage released by the Corporation and not seeded to a substitute crop.	Appraised production that would be realized if the crop remained for harvest.
4. Acreage put to another use without the consent of the Corporation.	Appraised production but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre determined on the basis of a value of \$5.75 per bushel.
5. Acreage with reduced yield due solely to any cause(s) not insured against.	Appraised number of bushels by which production has been reduced but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre determined on the basis of a value of \$5.75 per bushel, minus any harvested flax.
6. Acreage with reduced yield due partially to any cause(s) not insured against and partially to any cause(s) insured against.	Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

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

PAYMENT OF INDEMNITY

§ 415.2017 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation: *Provided, however,* That, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 415.2018 *Indemnity payment.* (a) Any indemnity due under the contract

will be paid by issuance of a check payable to the order of the person(s) entitled to such payment under this subpart.

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

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

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

§ 415.2019 *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 flax crop, the Corporation reserves the right to determine its liability under the contract, taking into consideration the amount paid by such other agency.

§ 415.2020 *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.

§ 415.2021 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be

considered an interest in an insured crop within the meaning of this subpart.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 415.2022 *Indemnity subject to all provisions of contract.* Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium, plus any penalty due, or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium, plus any penalty due on the land involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured shall be subject to any collateral assignment of the contract by the original insured.

§ 415.2023 *Collateral assignment of right under contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 415.2022 and, (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however,* That the assignee may submit a "Statement in Proof of Loss" if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 415.2024 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a flax crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association, or other office specified by the Corporation. The trans-

feree under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 415.2023: *Provided, however,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further,* That an involuntary transfer of an insured interest in a flax crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process, shall not entitle any holder of any such interest to any benefits under the contract. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 415.2025 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after seeding the flax crop but before the time of loss, and his insured interest in the flax crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of the flax crop but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 415.2024.

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

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

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

§ 415.2026 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 415.2027 *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 flax crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 415.2028 *Refunds of excess note payments.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the insured acreage of flax has been determined for all insurance units covered by the contract.

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

§ 415.2029 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any flax 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 § 415.2030.

§ 415.2030 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 415.2025 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

§ 415.2031 *Establishment of coverages per acre.* The Corporation shall establish coverages in dollars per acre, by areas, for use as set forth in § 415.2007. Such coverages shall not exceed the average investment per acre in the crop in the area, as determined by the Corporation, taking into consideration recognized farming practices. Coverages so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation.

§ 415.2032 *Establishment of premium rates.* The Corporation shall establish premium rates in dollars per acre, by areas, for all land for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for 1948 flax crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation.

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§ 415.2033 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all flax produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person or persons designated by the Corporation shall have access to the farm(s).

§ 415.2034 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data and representations

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

§ 415.2035 *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 415.2036 *Rounding of fractional units.* Amounts of insurance and premiums shall be rounded to the nearest cent. Fractions of acres shall be rounded to the nearest tenth of an acre. Total production shall be rounded to the nearest bushel. Computations shall be carried through the digit that is to be rounded. If the digit to be rounded is 1, 2, 3, or 4, the rounding shall be downward. If the digit to be rounded is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 415.2037 *Closing date.* The closing date for submission of applications shall be the earlier of (a) the date of the beginning of seeding of the flax crop on any insurance unit to be covered by the contract, or (b) March 15, 1948.

§ 415.2038 *Maturity date for premiums.* The maturity date for the payment of premiums shall be July 31, 1948.

§ 415.2039 *Meaning of terms.* For the purpose of the Flax Crop Insurance Program, the term:

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

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

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

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

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

(e) "Crop year" means the period beginning with the day following the closing date and within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Flax crop" means all flax seeded for harvest as seed, but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

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

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

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

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

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

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

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

Adopted by the Board of Directors on December 17, 1947.

[SEAL] E. D. BERKAW,
Secretary.

Approved: December 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11313; Filed, Dec. 23, 1947; 8:46 a. m.]

PART 416—CORN CROP INSURANCE
SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING THE 1948 CROP YEAR

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

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to corn crop insurance contracts for the 1948 crop year, until amended or superseded by regulations hereafter made.

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AUTHORITY: §§ 416.151 to 416.190, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong.: 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

MANNER OF OBTAINING INSURANCE

§ 416.151 *Availability of corn crop insurance.* (a) Corn crop insurance for the 1948 crop year will be provided only in accordance with this subpart in the following counties:

State and County

- Illinois: Livingston, McDonough, Montgomery, Tazewell, Whiteside.
- Indiana: Benton, Decatur, DeKalb, Miami.
- Iowa: Buena Vista, Floyd, Madison, Osceola, Scott, Story, Washington, West Pottawattomie.
- Kansas: Jackson, Marshall.
- Maryland: Kent.
- Michigan: Hillsdale, Monroe.
- Minnesota: Martin, Redwood, Wabasha.
- Missouri: Carroll, Marion, Nodaway.
- Nebraska: Richardson, Saunders.
- Ohio: Champaign, Preble, Seneca.
- Pennsylvania: Chester.
- South Dakota: Clay, Minnehaha.
- Wisconsin: Lafayette, Sauk.

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

(c) Insurance may be offered in some counties on the basis of more than one plan of insurance. However, a producer may insure his interest under only one such plan.

§ 416.152 *Application for insurance.* Application for insurance, on a form entitled "Application for Corn Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a corn crop. An application shall cover the applicant's interest in the corn crop on all or a part of the insurable acreage on any insurance unit(s) considered for crop insurance purposes to be located in the county in which the applicant has an interest at the time of the planting of the corn crop to be harvested in 1948. The number of acres of corn on which the applicant is applying for insurance, and his interest in the corn crop shall be specified on the application. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the closing date shown in § 416.188. In case of death of the insured after the planting of the corn is begun for the 1948 crop year, any additional acreage of corn which is planted for the insured's estate for the 1948 crop year shall be covered by the contract to the same extent as if it had been planted by the insured.

§ 416.153 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect, provided all the requirements in this subpart for the acceptance of applications have been met.

(b) The Corporation reserves the right to reject any application for insur-

ance in its entirety or with respect to any definitely identified acreage.

INSURANCE COVERAGE

§ 416.154 *Insurable acreage.* Any acreage is insurable if a coverage is established therefor on the county actuarial table and related material before the calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above shall not be considered in any manner whatsoever under the contract except as provided in §§ 416.167 (c) and 416.184.

§ 416.155 *Insured corn.* Corn which will be insured under the contract shall be corn planted for harvest as grain in 1948 including only corn which is normally regarded as field corn. The contract will not provide insurance for true type silage corn or thick-planted corn planted for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

§ 416.156 *Determination of insured acreage and insured interest.* (a) The insured acreage with respect to each insurance unit shall be the total acreage of corn specified on the application for the land included in the insurance unit or the acreage planted thereon as determined by the Corporation, whichever is the lesser: *Provided, however,* That insurance shall not attach with respect to (1) any acreage seeded to corn which is destroyed or substantially destroyed (as defined in § 416.164) and which can be replanted before it is too late to replant to corn, as determined by the Corporation, and such acreage is not replanted to corn, or (2) any acreage planted to corn too late to expect to produce a normal crop, as determined by the Corporation.

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

§ 416.157 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the corn is planted. Insurance shall cease with respect to any portion of the corn crop upon harvesting or removal from the field, and with respect to any insurance unit upon submission of a claim for indemnity, but in no event shall the insurance remain in effect later than December 10, 1948, unless such time is extended in writing by the Corporation.

§ 416.158 *Amount of insurance.* (a) The coverage per acre shall be the applicable number of dollars or the applicable number of bushels, whichever the contract provides for, shown on the approved county actuarial table for the

area in which the insured acreage is located.

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

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

§ 416.159 *Causes of loss insured against.* The contract shall cover loss of corn while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

§ 416.160 *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 defective or unadapted seed, overplanting or underplanting, failure properly to prepare the land for planting or properly to plant, care for or harvest the insured crop (including unreasonable delay thereof);
- (c) Following different fertilizer or farming practices than those considered in establishing the coverage per acre;
- (d) Planting corn on land which is generally considered incapable of producing a corn crop comparable to that produced on the land considered in establishing the coverage;
- (e) Planting a variety of corn which differs materially in yield from the variety considered in establishing the coverage per acre for the land.
- (f) Planting corn under conditions of immediate hazard;
- (g) Inability to obtain labor, seed, fertilizer, machinery, repairs, or insect poison;
- (h) Breakdown of machinery, or failure of equipment due to mechanical defects;
- (i) Neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand;
- (j) Domestic animals or poultry;
- (k) Action of any person, or state, county, or municipal government in the use of chemicals for the control of noxious weeds; or
- (l) Theft.

PREMIUM FOR CONTRACT

§ 416.161 *Amount of premium.* The premium for each insurance unit under the contract shall be based upon (a) the insured acreage, (b) the premium rate, and (c) the insured interest in the crop at the time of planting. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable

acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the corn crop on such acreage is planted.

§ 416.162 *Manner of payment of premium.* (a) By executing the application for corn crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the maturity date specified in § 416.189, the premium for all insurance units covered by the contract. A discount of five percentum shall be allowed on any premium paid in full on or before April 30, 1948. A penalty of three percentum shall attach on the principal amount of any premium not paid on or before December 31, 1948, and an additional three percentum shall attach on the principal amount of any premium unpaid at the end of each six-month period thereafter.

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

(c) Any unpaid amount of any premium (either before or after the date of maturity), plus any penalty due, may be deducted from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other Act of Congress or program administered by the United States Department of Agriculture.

LOSS

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

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

§ 416.164 *Released acreage and released crop.* (a) Any insured acreage on which the corn crop has been destroyed or substantially destroyed may be re-

leased by the Corporation for planting to a substitute crop or to be put to another use. The corn 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.

Before any acreage is released, it shall be inspected by a representative of the Corporation and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest. Any such appraisal shall be subject to the minimum set forth in § 416.167 (a) and (b).

On any acreage where the corn 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.

(b) The corn crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested: *Provided, however*, That such appraisal shall not be less than 15 percent of the amount of insurance for such acreage if the corn crop is released for the purpose of feeding to livestock in the field and is so used; *Provided, further*, That such corn crop may be used for ensilage or fodder without a release by the Corporation, if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield that would be realized if the crop were harvested.

§ 416.165 *Time of loss.* Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 416.157, unless the Corporation determines that the entire corn 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.

§ 416.166 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The Statement in Proof of Loss shall be submitted not later than 60 days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract.

§ 416.167 *Amount of loss.* (a) Where the contract provides for investment insurance or dollar coverage insurance, the amount of loss for which indemnity will

be payable with respect to any insurance unit will be determined by multiplying the planted acreage by the coverage per acre and subtracting therefrom the cash value (as determined by the Corporation) of the total production for the unit, and multiplying the remainder by the insured interest: *Provided, however*, That if the planted acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the amount of loss determined for the planted acreage shall be reduced on the basis of the ratio of the insured acreage to the planted acreage: *Provided, further*, That 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.

(b) For investment insurance the cash value of production shall be determined on the basis of (1) the local market price per bushel, (2) the price per bushel the insured obtained, or (3) the applicable 1948 loan rate per bushel (established by the United States Department of Agriculture), whichever is higher, as determined by the Corporation, except that if the Corporation determines that any corn is not eligible for loan and would not meet loan requirements, if properly handled, such corn shall be evaluated at the highest price obtainable, as determined by the Corporation.

(c) For dollar coverage insurance, the cash value of production shall be determined on the basis of the applicable 1947 loan rate per bushel (established by the United States Department of Agriculture), except that if the Corporation determines that any corn is not eligible for loan and would not meet loan requirements, if properly handled, such corn shall be evaluated at the highest price obtainable (not in excess of the applicable 1947 loan rate), as determined by the Corporation.

(d) The value of the total production shall include:

(1) The value of the corn harvested;

(2) The value of the appraised production for any corn left in the field after harvest;

(3) The value of the appraised production for any acreage which is released by the Corporation and planted to a substitute crop for harvest in 1948 or the product of (i) such acreage and (ii) 50 percent of the coverage per acre, whichever is larger;

(4) The value of the appraised production for any acreage which is released by the Corporation and not planted to a substitute crop for harvest in 1948 or the product of (i) such acreage and (ii) 15 percent of the coverage per acre, whichever is larger;

(5) The value of the appraised production for any acreage which is released by the Corporation for the feeding of livestock in the field and is so used, or the product of (i) such acreage and (ii) 15 percent of the coverage per acre, whichever is larger;

(6) The value of the appraised production for any acreage which is released by

the Corporation for ensilage or fodder purposes and is so used;

(7) The value of the appraised production for any portion of the acreage that is put to another use without the consent of the Corporation (except as provided in § 416.164 (b)), or the product of (i) such acreage and (ii) the coverage per acre, whichever is larger;

(8) The value of the appraised number of bushels by which production on any acreage has been reduced solely because of any cause not insured against, or the product of (i) such acreage and (ii) the coverage per acre, minus the value of any production for such acreage determined without regard to this paragraph, whichever is larger;

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

(10) The value of the appraised production remaining unharvested December 10, 1948, or at the time of submission of a Statement in Proof of Loss if one is submitted earlier. If such corn is not to be harvested the minimum appraisal set forth in subparagraph (4) of this paragraph shall apply.

(e) Where the contract provides for yield insurance, the amount of loss for which indemnity will be payable with respect to any insurance unit will be determined by multiplying the planted acreage by the coverage per acre, and subtracting therefrom the total production for the unit, and multiplying the remainder by the insured interest: *Provided, however*, That if the planted acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the amount of loss determined for the planted acreage shall be reduced on the basis of the ratio of the insured acreage to the planted acreage: *Provided, further*, That 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 total production shall include:

(1) Corn harvested;

(2) The appraised production for any corn left in the field after harvest;

(3) The appraised production for any acreage which is released by the Corporation and planted to a substitute crop for harvest in 1948 or the product of (i) such acreage and (ii) 50 percent of the coverage per acre, whichever is larger;

(4) The appraised production for any acreage which is released by the Corporation and not planted to a substitute crop for harvest in 1948 or the product of (i) such acreage and (ii) 15 percent of the coverage per acre, whichever is larger;

(5) The appraised production for any acreage which is released by the Corporation for the feeding of livestock in the field and is so used, or the product of (i) such acreage and (ii) 15 percent of

the coverage per acre, whichever is larger;

(6) The appraised production for any acreage which is released by the Corporation for ensilage or fodder purposes and is so used;

(7) The number of bushels of corn which the Corporation determines will result in indemnifying the insured for the amount that the production harvested from the insurance unit, lacks of having a value of 50 percent of the current local value of a number of bushels of No. 3 yellow corn equal to the smaller of (i) the number of bushels of such production harvested, or (ii) the insured production for the insurance unit minus the total production of corn determined for the insurance unit without regard to this paragraph;

(8) The appraised production for any portion of the acreage that is put to another use without the consent of the Corporation (except as provided in § 416.164 (b)) or the product of (i) such acreage and (ii) the coverage per acre, whichever is larger;

(9) The appraised number of bushels by which production on any acreage has been reduced solely because of any cause not insured against, or the product of (i) such acreage and (ii) the coverage per acre, minus any production for such acreage determined without regard to this paragraph, whichever is larger;

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

(11) The appraised production remaining unharvested December 10, 1948, or at the time of submission of a Statement in Proof of Loss if one is submitted earlier. If such corn is not to be harvested, the minimum appraisal set forth in subparagraph (4) of this paragraph shall apply.

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

PAYMENT OF INDEMNITY

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

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

(b) In the case of yield insurance, the amount of the indemnity shall be determined by multiplying the number of bushels of corn approved as the amount of loss for the insured by the applicable 1947 corn loan rate per bushel (established by the United States Department of Agriculture).

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

(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 claims shall not thereafter be payable, except with the consent of the Corporation.

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

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

§ 416.171 *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.

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

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

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

§ 416.174 *Collateral assignment of right under contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however*, That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 416.173, and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however*, That the assignee may submit

a "Statement in Proof of Loss," if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 416.175 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a corn crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 416.174: *Provided, however,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further,* That an involuntary transfer of an insured interest in a corn crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 416.176 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after planting the corn crop but before the time of loss, and his insured interest in the corn 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 indemnity exceeds \$500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears

after the planting of the corn crop but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 416.175.

(c) If an applicant for insurance dies or is judicially declared incompetent less than 15 days before the calendar closing date for the filing of applications for insurance, but before any corn crop intended to be covered by insurance is planted, whoever succeeds him on the farm with the right to plant the corn crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the office of the county association or other office specified by the Corporation within 15 days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of planting, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void.

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

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

§ 416.178 *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 corn crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or

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

REFUNDS OF EXCESS NOTE PAYMENTS

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

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

§ 416.180 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any corn 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 § 416.181.

§ 416.181 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 416.176 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

§ 416.182 *Establishment of 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. In addition, for investment insurance and dollar coverage insurance, the average of such coverages shall not exceed the average investment in the crop in the area, as determined by the Corporation, taking into consideration recognized farming practices. Coverages so established shall be shown on the county actuarial table and be on file in the office of the county association or other office specified by the Corporation and may be revised from year to year as the Corporation may elect. The coverage per acre for any specific acreage shall be the coverage per acre approved by the Corporation for the area in which the acreage is located.

§ 416.183 *Establishment of premium rates per acre.* The Corporation shall establish premium rates in dollars per acre for all acreage for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for 1948 corn 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 office of the county association or other office specified by the Corporation.

GENERAL

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

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

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

§ 416.187 *Rounding of fractional units.* Amounts of insurance shall be rounded to the nearest bushel or the nearest cent, as the case may be. Premiums shall be rounded to the nearest cent. Fractions of acres shall be rounded

to the nearest tenth of an acre. Computations shall be carried through the digit that is to be rounded. If the digit to be rounded is 1, 2, 3, or 4, the rounding shall be downward. If the digit to be rounded is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 416.188 *Closing date.* The closing date for submission of applications to cover the corn crop shall be the earlier of (a) the date of the beginning of planting of the corn crop on any insurance unit to be covered by the contract, or (b) April 30, 1948.

§ 416.189 *Maturity date for premiums.* The maturity date for the payment of premiums shall be July 20, 1948.

§ 416.190 *Meaning of terms.* For the purpose of the 1948 Corn Crop Insurance Program, the term:

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

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

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

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

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

(f) "Harvest" means picking the corn from the stalk either by hand or machine, or cutting the corn for fodder or ensilage.

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

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

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

(j) "Substitute crop" means any crop other than corn planted on released acreage for harvest in 1948.

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

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

Adopted by the Board of Directors on December 17, 1947.

[SEAL]

E. D. BERKAW,
Secretary.

Approved: December 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11316; Filed, Dec. 23, 1947;
8:46 a. m.]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING THE 1948 CROP YEAR

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

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to tobacco crop insurance contracts for the 1948 crop year, until amended or superseded by regulations hereafter made

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417.152	Application for insurance.
417.153	Acceptance of applications by the Corporation.

INSURANCE COVERAGE

417.154	Insurable acreage.
417.155	Determination of insured acreage and interest.
417.156	Insurance period.
417.157	Amount of insurance.
417.158	Partial insurance protection.
417.159	Causes of loss insured against.
417.160	Causes of loss not insured against.

PREMIUM FOR CONTRACT

417.161	Amount of premium.
417.162	Manner of payment of premium.

LOSS

417.163	Notice of loss or damage of tobacco crop.
417.164	Released acreage.
417.165	Time of loss.
417.166	Proof of loss.
417.167	Amount of loss.

PAYMENT OF INDEMNITY

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417.171	Subrogation.
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PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

417.173	Indemnities subject to all provisions of contract.
417.174	Collateral assignment of right under contract.
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REFUNDS OF EXCESS NOTE PAYMENTS

417.179	Refunds of excess note payments.
417.180	Assignment or transfer of claims for refunds not permitted.
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ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

Sec.
 417.182 Establishment of coverages per acre.
 417.183 Establishment of premium rates per acre.
 GENERAL
 417.184 Records and access to farm.
 417.185 Applicant's warranties; voidance for fraud.
 417.186 Modification of contract.
 417.187 Rounding of fractional units.
 417.188 Closing dates.
 417.189 Maturity dates for premiums.
 417.190 Meaning of terms.

AUTHORITY: §§ 417.151 to 417.190, inclusive, issued under secs. 506 (e), 507 (c), 508, 509; and 516 (b), 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong.; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

MANNER OF OBTAINING INSURANCE

§ 417.151 *Availability of tobacco crop insurance.* (a) Tobacco crop insurance for the 1948 crop year will be provided only in accordance with this subpart in the following counties and on the types of tobacco specified:

State and county	Type(s)
Connecticut: Hartford.....	51 and 52.
Florida: Madison.....	14.
Georgia:	
Appling.....	14.
Cook.....	14.
Kentucky:	
Bourbon.....	31.
Graves.....	23, 31 and 35.
LaRue.....	31.
Pulaski.....	31.
Simpson.....	31 and 35.
Maryland: Anne Arundel.....	32.
Massachusetts: Hampshire.....	51 and 52.
North Carolina:	
Columbus.....	13.
Pitt.....	12.
Stokes.....	11.
Surry.....	11.
Vance.....	11.
Wake.....	11.
Wilson.....	12.
Ohio: Brown.....	31.
Pennsylvania: Lancaster.....	41.
South Carolina:	
Horry.....	13.
Marion.....	13.
Tennessee:	
Greene.....	31.
Johnson.....	31.
Mauzy.....	31.
Montgomery.....	22 and 31.
Virginia:	
Appomattox.....	11 and 21.
Lunenburg.....	11.
Pittsylvania.....	11.
Washington.....	31.
Wisconsin:	
Dane.....	54.
Vernon.....	55.

(b) Insurance will not be provided in any county unless written applications for insurance on tobacco are filed covering at least 200 farms in the county or one-third of the farms normally producing tobacco. For this purpose an insurance unit shall be deemed to be a farm.

(c) Insurance may be offered in any county on the basis of more than one plan of insurance. However, a producer may insure his interest under only one such plan.

§ 417.152 *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. An application shall cover the applicant's interest in the tobacco crop on all insurable acreage considered for crop insurance purposes to be located in the county in which the applicant has an interest at the time of planting of the tobacco crop to be harvested in the 1948 crop year: *Provided, however,* That in Graves and Simpson Counties, Kentucky, Montgomery County, Tennessee, and Appomattox County, Virginia, an application shall cover only the type(s) of tobacco specified thereon: *Provided, further,* That an application executed by any person as an individual shall not cover his interest as a partner in a crop produced by a partnership. Applications shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date shown in § 417.183. In case of death of the insured after the planting of tobacco is begun for the 1948 crop year, and additional acreage which is planted for the insured's estate for the 1948 crop year shall be covered by the contract.

§ 417.153 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect, provided all the requirements in this subpart for the acceptance of applications have been met.

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

INSURANCE COVERAGE

§ 417.154 *Insurable acreage.* Any acreage is insurable if a coverage is established therefor on the county actuarial table and related material before the applicable calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above shall not be considered in any manner whatsoever under the contract except as provided in §§ 417.167 (b) and 417.184.

§ 417.155 *Determination of insured acreage and interest.* (a) Promptly after planting the tobacco crop, the insured shall submit to the Corporation, on a form entitled "Tobacco Crop Insurance Acreage Report," a report over his signature of the acreage planted to tobacco on each insurance unit in which he has an interest at the time of planting and his interest at the time of planting in the tobacco crop planted. If the insured does not have an insurable interest in tobacco planted, 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 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: *Provided, however,* That the Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after tobacco planting is generally completed in the county, as determined by the Corporation: *Provided, further,* That if the acreage of any type of tobacco on a farm exceeds the 1948 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: *Provided, further,* That insurance shall not attach with respect to (1) any acreage planted to tobacco which is destroyed or substantially destroyed (as defined in § 417.164), and which can be replanted before it is too late to replant tobacco, as determined by the Corporation, and such acreage is not replanted to tobacco, (2) any acreage initially planted to tobacco too late to expect to produce a normal crop, as determined by the Corporation, and (3) any acreage which is destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture.

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

§ 417.156 *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, unless such time is extended in writing by the Corporation:

Date	Type of tobacco
September 30, 1948.....	11
September 30, 1948.....	12
August 31, 1948.....	13
August 31, 1948.....	14
September 30, 1948.....	21
September 30, 1948.....	22
September 30, 1948.....	23
September 30, 1948.....	31
September 30, 1948.....	32
September 30, 1948.....	35
September 30, 1948.....	41
September 15, 1948.....	51
September 15, 1948.....	52
September 30, 1948.....	54
September 30, 1948.....	55

§ 417.157 *Amount of insurance.* (a) The coverage per acre for investment insurance, and for yield-quality insurance in Brown County, Ohio, shall be the

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applicable number of dollars shown on the approved county actuarial table for the area in which the insured acreage is located. The coverage per acre for yield-quality insurance (except in Brown County, Ohio) shall be the product of the market price (as determined by the Corporation in accordance with § 417.190 (h)) and the applicable number of pounds of tobacco shown on the approved county actuarial table for the area in which the insured acreage is located.

(b) The amount of insurance for each insurance unit under the contract shall be determined by multiplying (1) the insured acreage by (2) the coverage per acre, and by (3) the insured interest in the crop: *Provided, however*, That, with respect to types 41, 51, 52, 54, and 55, if any insured acreage is determined by the Corporation to be destroyed or substantially destroyed before harvest, the amount of insurance for such acreage shall be 65 percent of the amount otherwise determined: *Provided, further*, That, with respect to types 11, 12, 13, 14, 21, 22, 23, 31, 32, and 35, if any insured acreage is determined by the Corporation to be destroyed or substantially destroyed before the beginning of harvest on the insurance unit, the amount of coverage for such acreage shall be 65 percent of the amount otherwise determined. If for parts of an insurance unit different amounts of coverage per acre are applicable, the amount of insurance shall be computed separately for each part and the total of such computed amounts shall be the amount of insurance for the insurance unit.

§ 417.158 *Partial insurance protection*. An applicant may elect to take one-half of the maximum protection available under the contract, in which event the premium and indemnity (if any) otherwise computed in accordance with this subpart shall be reduced by one-half. This election to take partial insurance protection may be made only on an application for insurance filed on or before the closing date for filing applications. Unless such election is made, the partial insurance protection provision shall not apply.

§ 417.159 *Causes of loss insured against*. The contract shall cover loss of tobacco while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, 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.

§ 417.160 *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 defects;

(h) Neglect or malfeasance of the insured or of any person in his household or employed 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.

PREMIUM FOR CONTRACT

§ 417.161 *Amount of premium*. The 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. If more than one premium rate is applicable to the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the contract shall be the total of the premium computed for the insured for all insurance units covered by the contract. If the contract provides for partial insurance protection in accordance with the provisions of § 417.158, the premium computed as set forth above, shall be reduced by one-half. The premium with respect to any insured acreage shall be regarded as earned when the tobacco crop on such acreage is planted.

§ 417.162 *Manner of payment of premium*. (a) By executing the application for tobacco crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the applicable maturity date specified in § 417.189, the premium for all insurance units covered by the contract. A penalty of three percent shall attach on the principal amount of any premium not paid on or before (1) December 31, 1948 for all counties for which the note maturity date is on or before September 30, 1948 or (2) June 30, 1949 for all other counties, and an additional three percent shall attach on the principal amount of any premium unpaid at the end of each six-month period thereafter.

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

(c) Any unpaid amount of any premium (either before or after the date of maturity) and any penalty due may be deducted from any indemnity payable

by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. Where any such deduction is made before the premium for the contract has been determined, the amount of the deduction will be based on an estimate of the amount of the premium.

LOSS

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

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

§ 417.164 *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 of harvest any portion thereof.

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.

§ 417.165 *Time of loss*. Loss, if any, shall be deemed to have occurred at the end of the insurance period as set forth in § 417.156, 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.

§ 417.166 *Proof of loss*. If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss", containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than 60 days after the time of loss, but in no event

later than the following applicable date, unless the time for submitting the claim is extended in writing by the Corporation.

Date	Type of tobacco
February 28, 1949	11
January 31, 1949	12
November 30, 1948	13
November 30, 1948	14
March 31, 1949	21
April 30, 1949	22
April 30, 1949	23
March 31, 1949	31
November 30, 1949	32
March 31, 1949	35
May 31, 1949	41
March 31, 1949	51
March 31, 1949	52
May 31, 1949	54
May 31, 1949	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, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract.

§ 417.167 *Amount of loss.* (a) The amount of loss for which an indemnity will be payable with respect to any insurance unit will be determined by multiplying the planted acreage by the coverage per acre and the insured interest in the crop, and subtracting therefrom (1) the cash returns from the insured interest in 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 insured interest in 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 insured interest in the unharvested tobacco on the insurance unit, and (4) the appraised cash value, as determined by the Corporation, of the insured interest in the tobacco on any portion of the insured tobacco acreage that is put to another use without the consent of the Corporation, but the amount shall not be less than the amount of insurance applicable to such acreage: *Provided, however,* That, if all or any part of the loss is due to a cause(s) not insured against, the amount of loss shall be reduced by the cash value of the insured interest under the contract in the tobacco which the Corporation determines was lost from such cause: *Provided, further,* That, if the planted acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the amount of loss determined for the planted acreage shall be reduced on the basis of the ratio of the insured acreage to the planted acreage: *Provided, further,* That, if the premium computed for the reported 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 for the reported acreage to the premium

computed for the planted acreage, if the Corporation so elects.

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

(c) If the contract provides for partial insurance protection in accordance with the provisions of § 415.158, the amount of loss computed as set forth in paragraphs (a) and (b) of this section shall be reduced by one-half.

PAYMENT OF INDEMNITY

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

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

(b) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person, nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the

provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

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

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

§ 417.170 *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.

§ 417.171 *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.

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

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

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

§ 417.174 *Collateral assignment of right under contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled, "Collateral Assignment" and, upon approval thereof by the Corporation, the interests of the assignee will be recognized, if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 417.173, and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however,* That the assignee may submit a "Statement in Proof of Loss", if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 417.175 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a tobacco crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 417.174: *Provided, however,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place: *Provided, further,* That an involuntary transfer of an insured interest in a 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. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss,

whichever occurs first, or to one of such persons, on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 417.176 *Death, incompetence or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after planting the tobacco crop but before the time of loss or the time 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 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 § 417.175.

(c) If an applicant for insurance dies or is judicially declared incompetent less than fifteen days before the applicable calendar closing date for the filing of applications for insurance 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 office of the county association, 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 arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void.

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

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

§ 417.178 *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 a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provision of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

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

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

§ 417.180 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any 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 § 417.181.

§ 417.181 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 417.176 with reference to the payment of in-

demitties in any such case shall be applicable.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

§ 417.182 *Establishment of coverages per acre.* The Corporation shall establish coverages per acre, for use as set forth in § 417.157. Such coverages per acre shall not exceed the maximum limitations prescribed in the Federal Crop Insurance Act. In addition, for investment insurance, the average of such coverages for an area shall not exceed the average investment per acre in the crop in the area, as determined by the Corporation, taking into consideration recognized farming practices. Coverages so established shall be shown on the county actuarial table and be on file in the office of the county association or other office specified by the Corporation.

§ 417.183 *Establishment of premium rates per acre.* 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 1948 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 be on file in the office of the county association or other office specified by the Corporation.

GENERAL

§ 417.184 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep or cause to be kept for one year after the time of loss, records of the harvesting, 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. Such records shall be made available for examination by the Corporation and as often as may reasonably be required any person or persons designated by the Corporation shall have access to the farm(s).

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

including the note, at the time and in the manner prescribed.

§ 417.186 *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 provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

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

§ 417.188 *Closing dates.* The closing date for the submission of applications to cover the tobacco crop shall be the earlier of (a) the date of the beginning of planting of the tobacco crop on any insurance unit to be covered by the contract, or (b) the following applicable date:

State and Date

Georgia: March 27, 1948.
 Florida: March 27, 1948.
 South Carolina: April 10, 1948.
 North Carolina: April 24, 1948.
 Virginia:
 May 1, 1948 for Appomattox, Lunenburg, and Pittsylvania counties.
 May 8, 1948 for Washington county.
 Kentucky: May 8, 1948.
 Ohio: May 8, 1948.
 Tennessee: May 8, 1948.
 Connecticut: May 31, 1948.
 Massachusetts: May 31, 1948.
 Maryland: May 31, 1948.
 Pennsylvania: May 31, 1948.
 Wisconsin: May 31, 1948.

§ 417.189 *Maturity dates for premium notes.* The maturity dates for the payment of premiums shall be as follows:

State and Date

Georgia: July 31, 1948.
 Florida: July 31, 1948.
 South Carolina: August 31, 1948.
 North Carolina:
 August 31, 1948, for Columbus, Pitt, and Wilson counties.
 September 30, 1948, for Stokes, Surry, Vance and Wake counties.
 Virginia:
 September 30, 1948, for Appomattox, Lunenburg, and Pittsylvania counties.
 December 31, 1948, for Washington County.
 Kentucky: December 31, 1948.
 Ohio: December 31, 1948.
 Tennessee: December 31, 1948.
 Connecticut: December 31, 1948.

Massachusetts: December 31, 1948.
 Pennsylvania: December 31, 1948.
 Wisconsin: February 28, 1949.
 Maryland: April 30, 1949.

§ 417.190 *Meaning of terms.* For the purpose of the 1948 Tobacco Crop Insurance Program, the term:

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

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

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

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

(e) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance 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.

(f) "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.

(g) "Insurance unit" means 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.

(h) "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 32, 41, 51, 52, 54, and 55, the "market price" shall be that price determined by the Corporation.

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

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

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

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

(m) "Tenant" means a person other than a sharecropper who rents land from

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 204—RESERVES OF MEMBER BANKS STANDARD FOR CLASSIFICATION OF RESERVE CITIES

For a considerable period of time, the Board of Governors of the Federal Reserve System has been considering the adoption of a standard or basis for the classification of central reserve and reserve cities in order to enable it properly to discharge its responsibilities under the provision of the Federal Reserve Act which empowers the Board to add to or reclassify such cities or to terminate their designation as such.

For many years prior to the enactment of the Federal Reserve Act in 1913, national banks had been permitted by law to carry a part of their reserves with other national banks in cities known as central reserve or reserve cities, and accordingly national banks in such cities were required to maintain higher reserves against their deposits. The Federal Reserve Act, following the National Bank Act in this respect, provided for differentials in the reserve requirements of member banks of the Federal Reserve System according to their location in central reserve cities, reserve cities, or elsewhere. Central reserve and reserve cities existing in 1913 were continued as such by the Federal Reserve Act, but the Board of Governors was given authority to make changes in the designations of such cities. From time to time since the enactment of the Federal Reserve Act, the Board has designated cities as reserve cities and terminated the reserve city status of other cities. Such determinations by the Board have been made on the basis of the facts of particular cases without the consistent application of any uniform guiding principle; and consequently certain anomalous and illogical situations have developed in the classifications of reserve cities. The Board, therefore, concluded that the existing classifications are unsatisfactory and that there is a need for the establishment of a logical, fair and appropriate basis for the designation and termination of reserve cities.

On October 24, 1947, the Board, acting in accordance with section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System, published in the FEDERAL REGISTER (12 F. R. 6928) notice of a proposed action with respect to the classification of cities as reserve and central reserve cities and the termination of the designation of certain cities as reserve cities. This notice stated that interested persons might submit to the Board written data, views, and arguments with respect to the proposal, and accordingly a number of banks submitted letters expressing their views and comments. In addition, representatives of banks in a number of the cities whose status would be affected by the proposal appeared before the Board

and made an oral presentation of their views.

After due and careful consideration of all relevant matter thus presented to the Board with respect to the proposal, the Board has concluded that a logical, fair, and appropriate standard for determining the designation and termination of reserve cities is one that is determined by the ratio of interbank demand deposits held by member banks in each city to the aggregate amount of interbank demand deposits held by all member banks of the Federal Reserve System, or by such a ratio considered in connection with the ratio of interbank demand deposits held by member banks in each city to the aggregate amount of all demand deposits held by the member banks in such city; and that such standard for the designation and termination of reserve cities should be reapplied at three-year intervals.

In opposition to the discontinuance of certain cities as reserve cities under the Board's proposal it was contended by the representatives of member banks in such cities that such discontinuance would adversely affect the business of banks in those cities, would detract from their prestige, would not take into account their geographical situation, or would deprive them of certain advantages with respect to deposits under applicable State law. The Board feels that such objections, while they may be important to the banks involved, are not to be regarded as controlling factors in determining whether cities should be classed as reserve cities in view of the purpose of such classifications. However, the Board recognizes the fact that certain cities now classified as reserve cities have held this status for many years, in some instances since before the enactment of the Federal Reserve Act, and, since the continuance of such cities as reserve cities would mean that member banks therein must carry higher reserves than would be required of them if such cities were discontinued as reserve cities in accordance with the standard indicated above, the Board is willing that such cities be continued as reserve cities if all the member banks in such cities request that this be done.

In accordance with the conclusions reached above and pursuant to authority conferred upon it by section 11 (e) of the Federal Reserve Act and other provisions of that act, the Board hereby adopts the rule set forth below, to become effective March 1, 1948:

§ 204.51 *Classification of central reserve and reserve cities*—(a) *Central reserve cities.* The cities of New York and Chicago are hereby classified (and continued) as central reserve cities.

(b) *Reserve cities.* (1) The city of Washington, D. C., and every city except New York and Chicago in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank are hereby classified (and continued) as reserve cities.

(2) The following are also classified as reserve cities:

(i) Every city in which, on the dates of official call reports of condition in the two years ended June 30, 1947, member

another person for a share of the tobacco crop or proceeds therefrom produced on such land.

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

Adopted by the Board of Directors on December 17, 1947.

[SEAL]

E. D. BERKAW,
Secretary.

Approved: December 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11314; Filed, Dec. 23, 1947;
8:46 a. m.]

PART 418—WHEAT CROP INSURANCE

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

Correction.

In Federal Register Document No. 47-10961, appearing at page 8370 of the issue for Saturday, December 13, 1947, paragraph (a) of § 418.2071 should read: "(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."

PART 419—COTTON CROP INSURANCE REGULATIONS FOR THE 1947 AND SUCCEEDING CROP YEARS

REVOCATION OF REGULATIONS APPLICABLE TO 1947 AND SUCCEEDING CROP YEARS

The Cotton Crop Insurance Regulations for the 1947 and Succeeding Crop Years (11 F. R. 8761, 9067, 13576, 13577, 12 F. R. 1073) are hereby revoked insofar as they purport to cover any crop year after the 1947 crop year. This revocation shall not be deemed to revive the Cotton Crop Insurance Regulations for the 1946 and Succeeding Crop Years (10 F. R. 14355, 11 F. R. 1585, 6173) which were superseded by the Regulations hereby revoked.

(Secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, as amended, Pub. Law 320, 80th Cong.; 835, 58 Stat. 918, 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).)

Adopted by the Board of Directors on December 17, 1947.

[SEAL]

E. D. BERKAW,
Secretary.

Approved: December 19, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-11315; Filed, Dec. 23, 1947;
8:46 a. m.]

banks of the Federal Reserve System, exclusive of their offices in other cities, held an aggregate amount of demand deposits owing to banks equal, on the average, to one-third of one per cent or more of the aggregate amount of demand deposits owing to banks by all member banks of the Federal Reserve System; and

(ii) Every city in which, on the dates of official call reports of condition in the two years ended June 30, 1947, member banks of the Federal Reserve System, exclusive of their offices in other cities, held an aggregate amount of demand deposits owing to banks equal, on the average, to one-fourth of one per cent or more of the aggregate amount of demand deposits owing to banks by all member banks of the Federal Reserve System and also equal, on the average, to 33 1/3 per cent or more of the aggregate amount of all demand deposits held by the member banks in such city.

On the basis of subdivisions (i) and (ii) of this subparagraph, the following cities, in addition to the reserve cities classified as such under subparagraph (1) of this paragraph, are hereby classified (and continued) as reserve cities:

Columbus, Ohio; Des Moines, Iowa; Indianapolis, Indiana; Milwaukee, Wisconsin; St. Paul, Minnesota; Lincoln, Nebraska; Tulsa, Oklahoma; Wichita, Kansas; Fort Worth, Texas; Cedar Rapids, Iowa; and Sioux City, Iowa; the following city is hereby added and is hereby classified as a reserve city: National City (National Stock Yards), Illinois; and the designation of the following cities as reserve cities is hereby terminated (unless the present classification of such cities is continued in accordance with subparagraph (3) of this paragraph): Toledo, Ohio; Dubuque, Iowa; Grand Rapids, Michigan; Peoria, Illinois; Kansas City, Kansas; Pueblo, Colorado; St. Joseph, Missouri; Topeka, Kansas; Galveston, Texas, Waco, Texas; Ogden Utah; and Spokane, Washington.

(3) The Board of Governors of the Federal Reserve System, prior to March 1, 1948, will also designate (and continue) as a reserve city any city now classified as a reserve city (although not within the scope of subparagraphs (1) or (2) of this paragraph) if a written request for the continuance of such city as a reserve city is received by the Federal Reserve Bank of the District in which the city is located on or before February 16, 1948, from every member bank which has its head office or a branch in such city (exclusive of any member bank in an outlying district of such city permitted by the Board of Governors to maintain reduced reserves) together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request.

(4) Effective as of March 1 of each third year after March 1, 1948, the Board of Governors (i) will continue as reserve cities or designate as additional reserve cities all cities then falling within the scope of subparagraph (1) of this paragraph and all cities which then meet the standard prescribed in subparagraph (2) of this paragraph based upon official call reports of condition in the two-year period ending on June 30 of the year preceding such third year; and (ii) will terminate the designation as reserve

cities of all other cities, except that the Board will continue the designation as a reserve city of any city which then has the designation of a reserve city and does not then fall within the scope of subparagraph (1) or of subparagraph (2) of this paragraph based upon the new two-year period, if a request for the continuance of such designation is made by every member bank (as specified in subparagraph (3) of this paragraph) in such city and, together with a certified copy of a resolution of the bank's board of directors authorizing such request, is received by the Federal Reserve Bank of the District not later than the 15th day of February of such third year.

(Sec. 11 (c) (e), (i), 19, 38 Stat. 262, 270, as amended, sec. 10, 40 Stat. 239, secs. 324 (a), (b), 49 Stat. 714, sec. 2, 56 Stat. 648, sec. 2, 57 Stat. 65; 12 U. S. C. and Sup. 248 (c), (e), (i), 461, 462, 462a-1, 462b, 465, 466)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-11277; Filed, Dec. 23, 1947;
8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-15]

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

EXTENSION OF TIME FOR CERTIFICATION IN TRANSPORT CATEGORY OF AIRCRAFT USED IN SCHEDULED OVERSEAS OR FOREIGN PASSENGER TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of December 1947.

Section 41.26 (b) now requires that aircraft of United States registry used after December 31, 1947, in scheduled overseas or foreign passenger transportation be certificated in accordance with airworthiness requirements of the transport category and meet the requirements of § 41.27 over each route to be flown. This section would require recertification and extensive modification of most aircraft used in such transportation after December 31, 1947.

The Board on November 3, 1947, held a public hearing, in part, on the questions presented by this section and, after due consideration of the evidence there presented, has determined that the modifications required by the section, while desirable, are not essential from a safety standpoint and would cause an undue burden on air carriers of United States registry at this time, due to the fact that the air carriers would be forced to withdraw from scheduled service for modifications aircraft, such as the DC-3, at a time when equipment needs are critical and suitable replacements are not available. Therefore, it is in the public interest to extend the present certification requirements for aircraft engaged in scheduled overseas and foreign passenger transportation for an additional year.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended), effective December 31, 1947: By striking from § 41.26 (b) the words "December 31, 1947" and inserting in lieu thereof the words "December 31, 1948."

(Secs. 205 (a), 601, 603, 604, 52 Stat. 984, 1007, 1009, 1010; 49 U. S. C. 425 (a), 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-11272; Filed, Dec. 23, 1947;
8:50 a. m.]

[Supplement 1]

PART 43—GENERAL OPERATION RULES ANNUAL INSPECTION

The following specifications relating to the Code of Federal Regulations, Title 14, Chapter I, Part 43, § 43.22 (a) are hereby adopted:

§ 43.22 Inspections—(a) Annual inspection. * * *

(CAA Specifications)

(a) The following procedure is prescribed for annual inspections of aircraft, other than air carrier aircraft coming within the provision of § 43.22 (c):

(1) The aircraft shall be given an inspection by an appropriately certificated mechanic and certified as airworthy on an inspection form prescribed by the Administrator.

(2) A representative of the Administrator must then determine if the aircraft complies with all current airworthiness requirements. Such representative may be either an inspector employed by the Civil Aeronautics Administration or a Designated Aircraft Maintenance Inspector.

(b) A Designated Aircraft Maintenance Inspector may conduct the required periodic inspection and at the same time complete the necessary inspection forms for annual inspection.

(c) The Certificate of Airworthiness furnished by the Administrator setting forth the date of the annual inspection shall be prominently displayed in and affixed to the aircraft by the representative, preferably in a rear window facing the outside of the aircraft and so located as not to unduly limit the pilot's visibility.

(52 Stat. 973-1030, 54 Stat. 1231-1235; 49 U. S. C. 401-680; 12 F. R. 7067)

These specifications shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-11253; Filed, Dec. 23, 1947;
8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATIONS OF PROXIES

The Securities and Exchange Commission has heretofore duly published in the FEDERAL REGISTER notice of a proposed revision of § 240.14 (Regulation X-14) under the Securities Exchange Act of 1934. After due consideration of all relevant matters presented in regard to the proposed revision, the Commission has determined that the proposed action is necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. Accordingly, the Commission, acting pursuant to authority conferred upon it by the above mentioned act, particularly sections 14 (a) and 23 (a) thereof, hereby adopts a revision of § 240.14 (Regulation X-14) to read as set forth below.

The purpose of the revision of Regulation X-14 is to clarify the provisions thereof in certain respects, to incorporate therein certain administrative interpretations, to eliminate certain requirements and to amend the regulation in certain other respects deemed necessary in the public interest and for the protection of investors.

In view of the fact that certain persons have expressed a desire to comply with the revised Regulation X-14 rather than with Regulation X-14 as heretofore in effect, the foregoing action shall become effective December 18, 1947. However, any solicitation commenced prior to February 15, 1948, may, at the option of the persons on whose behalf it is made, be governed by Regulation X-14 as heretofore in effect.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

DECEMBER 16, 1947.

Sec.	
240.14	Solicitation of proxies.
240.14a-1	Definitions.
240.14a-2	Solicitations to which §§ 240.14 to 240.14a-9 apply.
240.14a-3	Information to be furnished security holders.
240.14a-4	Requirements as to form of proxy.
240.14a-5	Presentation of information in proxy statement.
240.14a-6	Material required to be filed.
240.14a-7	Mailing communications for security holders.
240.14a-8	Proposals of security holders.
240.14a-9	False or misleading statements.

AUTHORITY: §§ 240.14 to 240.14a-9, inclusive, issued under secs. 14 (a), 23 (a), 48 Stat. 895, 901; 15 U. S. C. 78n, 78w.

§ 240.14 Solicitation of proxies.

§ 240.14a-1 *Definitions.* Unless the context otherwise requires, all terms used in this regulation have the same meanings as in the act or elsewhere in the general rules and regulations and in the forms for applications and reports thereunder. In addition, the following defi-

nitions apply unless the context otherwise requires:

(a) *Associate.* The term "associate" used to indicate a relationship with any person, means (1) any corporation or organization (other than the issuer or a majority owned subsidiary of the issuer) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person having the same home as such person.

(b) *Issuer.* The term "issuer" means the issuer of the securities in respect of which a proxy is solicited.

(c) *Proxy.* The term "proxy" includes every proxy, consent or authorization within the meaning of section 14 (a) of the act. The consent or authorization may take the form of failure to object or to dissent.

(d) *Proxy statement.* The term "proxy statement" means the statement required by § 240.14a-3 (a), whether or not contained in a single document.

(e) *Solicitation.* The term "solicitation" includes (1) any request for a proxy whether or not accompanied by or included in a form of proxy, (2) any request to execute or not to execute, or to revoke, a proxy, or (3) the furnishing of a form of proxy to security holders under circumstances reasonably calculated to result in the procurement of a proxy. The term does not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, the performance by the issuer of acts required by § 240.14a-7, or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

§ 240.14a-2 *Solicitations to which §§ 240.14 to 240.14a-9 apply.* Sections 240.14 to 240.14a-9, inclusive, apply to every solicitation of a proxy with respect to securities listed and registered on a national securities exchange, except the following:

(a) Any solicitation made otherwise than on behalf of the management of the issuer where the total number of persons solicited is not more than ten.

(b) Any solicitation by a person in respect of securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person:

(1) Receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses,

(2) Furnishes to the person solicited a copy of all soliciting material with respect to the same subject matter or meeting received from all persons who shall furnish copies thereof for such purpose and who shall, if requested, defray the reasonable expenses to be incurred in forwarding such material, and

(3) In addition, does not more than instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or request from the person solicited in-

structions as to the authority to be conferred by the proxy.

(c) Any solicitation by a person in respect of securities of which he is the beneficial owner.

(d) Any solicitation involved in the offer or sale of a certificate of deposit or other security registered under the Securities Act of 1933.

(e) Any solicitation with respect to a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, if made after the entry of an order approving such plan pursuant to section 174 of said act and after, or concurrently with, the transmittal of information concerning such plan as required by section 175 of said act.

(f) Any solicitation which is subject to Rule U-62 under the Public Utility Holding Company Act of 1935.

(g) Any solicitation through the medium of a newspaper advertisement which informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy and any other soliciting material and does no more than (1) name the issuer, (2) state the reason for the advertisement, and (3) identify the proposal or proposals to be acted upon by security holders.

§ 240.14a-3 *Information to be furnished security holders.* (a) No solicitation subject to §§ 240.14 to 240.14a-9, inclusive, shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14a.

(b) If the solicitation is made on behalf of the management of the issuer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the financial position and operations of the issuer. Such annual report, including financial statements may be in any form deemed suitable by the management. This paragraph shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold face type to furnish such annual report to all persons being solicited, at least twenty days before the date of the meeting.

(c) Three copies of each annual report sent to security holders pursuant to this section shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to § 240.14a-6 (a), whichever date is later. The annual report is not deemed to be "soliciting material" or to be "filed" with the Commission or otherwise subject to §§ 240.14 to 240.14a-9, inclusive, or to the liabilities

of section 18 of the act, except to the extent that the issuer specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

§ 240.14a-4 Requirements as to form of proxy. (a) The form of proxy shall identify clearly and impartially each matter or group of related matters which is intended to be acted upon, whether proposed by the management or by security holders. Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each such matter or group of related matters, other than elections to office. The proxy shall provide that the shares represented thereby will be voted in accordance with the specifications so made.

(b) A proxy may confer discretionary authority with respect to matters as to which the person solicited does not make the specification provided for above, if the form of proxy states in bold-face type the bona fide intention as to the manner in which the shares represented by the proxy will be voted if the ballot is not marked. A proxy may also confer discretionary authority with respect to matters which the persons on whose behalf the solicitation is made are not aware will be presented for action at the meeting. No proxy shall confer authority to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement.

§ 240.14a-5 Presentation of information in proxy statement. (a) The information included in the proxy statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by approximate headings. The order of items and sub-items in the schedule need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item or sub-item which is inapplicable.

(b) Any information required to be included in the proxy statement as to terms of securities or other subject matter which from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing, information which is not known to the persons on whose behalf the solicitation is to be made and which it is not reasonably within the power of such person to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(c) There may be omitted from the proxy statement any information contained in any other proxy soliciting material which has been furnished to each

person solicited in connection with the same meeting or subject matter if a clear reference is made to the place where such information appears.

(d) All printed proxy statements shall be set in type at least as legible as 10-point leaded type except that to the extent necessary for convenient presentation financial statements and tabular matter may be set in type at least as legible as 8-point leaded type.

§ 240.14a-6 Material required to be filed. (a) Three preliminary copies of the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the Commission at least ten days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor.

(b) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Commission at least two days (exclusive of Saturdays, Sundays or holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as the Commission may authorize upon a showing of good cause therefor.

(c) Three definitive copies of the proxy statement, form of proxy and all other soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Commission not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each national securities exchange upon which any security in respect of which the solicitation is made is listed and registered.

(d) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material which discusses or reviews, or comments upon the merits of, any matter to be acted upon and which is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Commission by the persons on whose behalf the solicitation is made at least five days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor.

(e) All copies of material filed pursuant to paragraph (a) or (b) of this section shall be clearly marked "Preliminary Copies" and shall be for the information of the Commission only, except that such material may be disclosed to any department or agency of the United States Government and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by

the Commission. All material filed pursuant to paragraph (a), (b) or (c) of this section shall be accompanied by a statement of the date upon which copies thereof are intended to be, or have been, released to security holders. All material filed pursuant to paragraph (d) of this section shall be accompanied by a statement of the date upon which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(f) Copies of replies to inquiries from security holders requesting further information and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this section.

NOTE: Where preliminary copies of material are filed with the Commission pursuant to this section, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Commission's staff have been received and considered.

§ 240.14a-7 Mailing communications for security holders. If the management of the issuer has made or intends to make any solicitation subject to §§ 240.14 to 240.14a-9, inclusive, the issuer shall perform such of the following acts as may be duly requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall defray the reasonable expenses to be incurred by the issuer in the performance of the act or acts requested.

(a) The issuer shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request:

(1) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders which the security holder shall designate.

(2) If the management of the issuer has made or intends to make, through bankers, brokers or other persons any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners which the security holder shall designate.

(3) An estimate of the cost of mailing a specified proxy statement, form of proxy or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers or other persons specified in subparagraph (2) of this paragraph.

(b) Copies of any proxy statement, form of proxy or other communication furnished by the security holder shall be mailed by the issuer to such of the holders of record specified in paragraph (a) (1) of this section as the security holder shall designate. The issuer shall also mail to each banker, broker or other person specified in paragraph (a) (2) of this section a sufficient number of copies of such proxy statement, form of proxy or other communication as will enable the

banker, broker or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him. Such material shall be mailed by the issuer with reasonable promptness after receipt of a tender of the material to be mailed, of envelopes or other containers therefor and of postage or payment for postage, except that such material need not be mailed prior to the first day on which the solicitation is made on behalf of the management. Neither the management nor the issuer shall be responsible for such proxy statement, form of proxy or other communication.

(c) In lieu of performing the acts specified above, the issuer may, at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the holders of record specified in paragraph (a) (1) of this section as the security holder shall designate, and a list of the names and addresses of such of the bankers, brokers or other persons specified in paragraph (a) (2) of this section as the security holder shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each such banker, broker or other persons, if such schedule has been supplied to the management of the issuer. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other reasonable intervals as it becomes available to the management of the issuer.

§ 240.14a-8 *Proposals of security holders.* (a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer a reasonable time before such meeting a proposal which is a proper subject for action by the security holders and which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify the proposal in its form of proxy and provide means by which security holders can make the specification provided for by § 240.14a-4 (a). A proposal so submitted with respect to an annual meeting more than 30 days in advance of a day corresponding to the date on which proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall prima facie be deemed to have been submitted a reasonable time before the meeting. This rule does not apply, however, to elections to office.

(b) If the management opposes the proposal, it shall also, at the request of the security holder, include in its proxy statement the name and address of the security holder and a statement of the security holder setting forth, in not more than one-hundred words, the reasons advanced by him in support of the proposal. Such statement and request shall be furnished to the management at the same time that the proposal is furnished to it. Neither the management nor the issuer shall be responsible for such statement.

(c) If in any case the management asserts that the foregoing provisions of

this section do not apply, either because the proposed action is not a proper subject for action by the security holders or because the management did not receive the security holder's material and notice of intention a reasonable time before the meeting, it shall file with the Commission not later than the date preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a-6 (a), a copy of the proposal as received from the security holder, together with a statement of the reasons why the foregoing provisions of the rule are deemed not to apply. However, compliance with this paragraph shall not be construed as relieving the management of its obligation to comply fully with the foregoing provisions of this section.

§ 240.14a-9 *False or misleading statements.* No solicitation subject to §§ 240.14 to 240.14a-9, inclusive, shall be made by means of any proxy statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

SCHEDULE 14A—INFORMATION REQUIRED IN PROXY STATEMENT

NOTE: Where any item calls for information with respect to any matter to be acted upon and such matter involves other matters with respect to which information is called for by other items of this schedule, the information called for by all applicable items shall be given. For example, if action is to be taken with respect to any merger, consolidation or acquisition, specified in Item 14 which involves the election of directors, Items 6 and 7 shall also be answered.

Item 1. Revocability of proxy. State whether or not the person giving the proxy has the power to revoke it. If it is asserted that the right of revocation before the proxy is exercised is limited, outline the limitation and state the basis for such assertion.

Item 2. Dissenters' right of appraisal. Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Item 3. Persons making the solicitation. (a) If the solicitation is made on behalf of the management of the issuer, so state. Give the name of any director of the issuer who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(b) If the solicitation is made otherwise than on behalf of the management of the issuer, give the names of the persons on whose behalf it is made.

(c) State the names of the persons by whom the cost of the solicitation has been or will be borne, directly or indirectly.

(d) If the solicitation is made otherwise than by use of the mails, state the methods

used. If the solicitation is made by specially engaged employees of the issuer or other paid solicitors, state (1) the material features of any contract or arrangement for such solicitations, (2) the cost or anticipated cost thereof, and (3) the approximate number of specially engaged employees of the issuer or employees of any other person (naming such other person) who will solicit proxies.

Item 4. Interest of certain persons in matters to be acted upon. Describe briefly any substantial interest, direct or indirect, (by security holdings or otherwise) of each of the following persons in any matter to be acted upon, other than elections to office:

(a) If the solicitation is made on behalf of the management, each person who has been a director or officer of the issuer at any time since the beginning of the last fiscal year.

(b) If the solicitation is made otherwise than on behalf of the management, each person on whose behalf the solicitation is made.

(c) Each nominee for election as a director of the issuer.

(d) Each associate of the foregoing persons.

(Item 4 does not apply to any interest arising solely by reason of a person's being a director, officer or nominee for office, or to any interest arising from the ownership of securities of the issuer where the matter to be acted upon is a stock split up or an increase or decrease in the amount of authorized securities, otherwise than for issuance to the persons specified, through options, warrants or rights, or otherwise.)

Item 5. Voting securities and principal holders thereof. (a) State as to each class of voting securities of the issuer entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of persons on whose behalf the solicitation is made, any person owns of record or beneficially more than 10 percent of the outstanding voting securities of the issuer, name such person, state the approximate amount of such securities owned of record but not owned beneficially and the approximate amount owned beneficially by such person and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

Item 6. Nominees for election as directors.

(a) If action is to be taken with respect to the election of directors, name the persons nominated for election as directors and the term of office for which they are candidates.

(b) If any such nominee is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the issuer acting solely in that capacity, name such other person or persons and described briefly such arrangement or understanding.

(c) Furnish, in tabular form to the extent practicable, the following information with respect to each person nominated for election as a director:

(1) State the principal occupation or employment of such nominee and the name and principal business of any corporation or other organization in which such employment is carried on.

(2) If the nominee is or has previously been a director of the issuer, state the period or periods during which he has served as such.

(3) State, as of the most recent practicable date, the approximate amount of each class of securities of the issuer beneficially owned, directly or indirectly, by such nominee. If the nominee is not the beneficial owner of any securities of the issuer, make a statement to that effect.

(4) If more than 10 percent of any class of securities of the issuer are beneficially owned by such nominee and his associates, state the approximate amount of each class of such securities beneficially owned by such associates naming each associate whose holdings are substantial.

(d) Describe briefly the business experience of such nominee during the last five years, unless such nominee is now a director and was elected to his present term of office by a vote of security holders at a meeting for which proxies were solicited under Regulation X-14.

Item 7. Remuneration and other transactions with directors, nominees, officers and others. Furnish the information called for by this item if action is to be taken with respect to (1) the election of directors, (ii) any bonus, profit-sharing, or other remuneration plan in which any director, nominee for election as a director, or officer of the issuer, will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants or rights to purchase securities of the issuer or any subsidiary, other than warrants or rights issued or to be issued to security holders, as such, on a pro rata basis. If the solicitation is made on behalf of the management of the issuer, the entire item is to be answered. In the case of solicitations on behalf of persons other than the management, the information required by paragraph (a) may be omitted, and the information required by the remaining paragraphs need be furnished only as to nominees for election as directors and as to their associates. The information shall be furnished in tabular form insofar as practicable and on an accrual basis if practicable.

(a) Give the following information in tabular form as to the aggregate amounts paid or set aside, directly or indirectly, by the issuer and its subsidiaries to or for the benefit of all persons, as a group, who were directors or officers of the issuer at any time during the last fiscal year of the issuer:

(1) Fees and salaries of directors and officers as such.

(2) Bonuses and shares in profits paid to directors and officers.

(3) Pension, retirement or other similar payments for the benefit of directors and officers.

If any of the above amounts exceeded by more than 10 percent the corresponding amount for the previous year, state the amount of such excess.

(b) Furnish the following information for the last fiscal year of the issuer with respect to each of the following persons whose aggregate remuneration from the issuer and its subsidiaries exceeded \$20,000, exclusive of amounts paid or set aside pursuant to any pension or retirement plan: (i) each person who was a director of the issuer at any time during such fiscal year, (ii) each nominee for election as a director, (iii) each person who was one of the three highest-paid officers of the issuer during such fiscal year, naming each such person:

(1) State the aggregate remuneration received by such director, nominee or officer from the issuer and its subsidiaries directly or indirectly. If the amount received exceeds by more than 10 percent the total amount of his remuneration for the previous fiscal year, state the amount of such excess.

(2) State the amount paid or set aside by the issuer and its subsidiaries for the benefit of such director, nominee, or officer, pursuant to each pension or retirement plan of the issuer and its subsidiaries. Give the amount of the annual benefits estimated to be payable to such director, nominee or officer in the event of retirement at normal retirement date. Except as to persons whose retirement benefits have already vested, the benefits estimated to be payable upon retirement may be given in a table showing the annual benefits payable to persons in specified salary classifications.

(c) Describe all transactions since the beginning of the last fiscal year of the issuer in which any person who was a director or officer of the issuer at any time during such period, or who is a nominee for election as a director, received remuneration, directly or indirectly, from the issuer and its subsidiaries in the form of securities, options, warrants, rights or other property, or through the exercise or disposition thereof. As to options, warrants or rights granted or extended, give (1) the title and amount of securities called for; (2) the prices, expiration dates and other material provisions; (3) the consideration received for the granting thereof, and (4) the market value of the securities called for on the granting or extension date. As to options, warrants or rights exercised, state (1) the title and amount of securities purchased; (2) the purchase price, and (3) the market value of the securities purchased on the date of purchase.

(Paragraph (c) does not apply to warrants or rights issued to security holders as such on a pro rata basis.)

(d) State as to each person who has been a director or officer of the issuer at any time since the beginning of the last fiscal year of the issuer, or who is a nominee for election as a director, and who was indebted to the issuer or its subsidiaries during that period, (1) the largest aggregate amount of such indebtedness outstanding at any time during such period, (2) the nature of the indebtedness, (3) the amount thereof outstanding as of the latest practicable date, and (4) the rate of interest paid or charged thereon.

(Paragraph (d) does not apply to indebtedness arising from transactions in the ordinary course of business, or to any person whose aggregate indebtedness did not exceed \$1,000 at any time during the period specified.)

(e) Describe briefly any material interest, direct or indirect, of any of the following persons in any significant transactions since the beginning of the last fiscal year of the issuer, or in any significant proposed transactions, to which the issuer or any subsidiary and any one or more of such persons were or are to be parties: (1) any person who has been a director or officer of the issuer at any time during that period, (2) any nominee for election as a director, or (3) any associate of any such director, officer or nominee. If any such transaction involved or is to involve the purchase or sale of property by or to the issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the property to the purchaser, and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

(Paragraph (e) does not apply to any interest arising solely by reason of a person's being a director, nominee for election as a director, or officer of the issuer or to any interest arising from the ownership of securities of the issuer.)

(f) Name each of the following persons whose aggregate remuneration from the issuer and its subsidiaries for services during the last fiscal year exceeded \$20,000 and state the aggregate amount of remuneration received by each such person and the capacity in which it was received:

(1) Each affiliate (other than majority-owned subsidiaries) of the issuer;

(2) Each voting trustee of any securities of the issuer;

(3) Each security holder named in response to Item 5 (d), and

(4) Each associate of any such voting trustee or security holder, or of any director or nominee for election as a director of the issuer, or of any officer specified in paragraph (b) above.

Item 8. Selection of auditors. If action is to be taken with respect to the selection of auditors, or if it is proposed that particular auditors shall be recommended for selection by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any material relationship of such auditors or any of their associates with the issuer or any of its affiliates.

Item 9. Bonus, profit sharing and other remuneration plans. If action is to be taken with respect to any bonus, profit sharing or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the issuer (1) to directors and officers and (2) to employees if the plan had been in effect.

(c) State the name and position with the issuer of each person specified in Item 7 (b), who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the issuer if the plan had been in effect.

(d) State separately the amounts paid or set aside for the benefit of (1) directors and officers and (2) employees during the last fiscal year of the issuer under any other bonus, profit sharing, pension or retirement plan of the issuer or its subsidiaries, the general nature of such other plan, and the amount distributed or set aside thereunder to or for each person specified in Item 7 (b) who will participate in the plan to be acted upon.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders, to increase the cost thereof to the issuer or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State the estimated annual payments to be made by the issuer and its subsidiaries pursuant to the plan with respect to (1) past services and (2) future services. State separately the amounts of each such payment which will be made for the benefit of (i) directors and officers and (ii) employees.

(c) State the name and position with the issuer of each person specified in Item 7 (b) who will be entitled to participate in the plan, the amount which would have been paid or set aside by the issuer and its subsidiaries for the benefit of such person for the last fiscal year of the issuer if the plan had been in effect, and the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) State separately the amounts paid or set aside for the benefit of (1) directors and officers and (2) employees during the last fiscal year of the issuer under any other

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bonus, profit sharing, pension or retirement plan of the issuer or its subsidiaries, the general nature of such other plan, and the amount distributed or set aside thereunder to or for each person specified in Item 7 (b) who will participate in the plan to be acted upon.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the issuer or alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

Item 11. Options, warrants, or rights. If action is to be taken with respect to the granting or extension of any options, warrants or rights to purchase securities of the issuer or any subsidiary, furnish the following information:

(a) The title and amount of the securities to be called for by such options, warrants or rights.

(b) A brief outline of the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised.

(c) The consideration to be received by the issuer or subsidiary for the granting or extension of the options, warrants or rights.

(d) The market value of the securities called for by the options, warrants or rights as of the latest practicable date.

(e) State the name of each director, nominee for election as a director, or officer of the issuer, or any associate of such person who is to receive any of such options, warrants or rights and the amount called for by the options, warrants or rights to be received by each such person. State also the name and address of any other person who is to receive options, warrants or rights calling for five percent or more of the amount subject to such options, warrants or rights and the amount called for by the options, warrants or rights to be received by each such person.

(Paragraph (e) does not apply to warrants or rights to be issued to security holders as such on a pro rata basis.)

Item 12. Authorization or issuance of securities otherwise than in exchange. If action is to be taken with respect to the issuance or authorization for issuance of any securities, otherwise than in exchange for outstanding securities of the issuer, furnish the following information:

(a) State the title and the amount of securities to be authorized or issued.

(b) Furnish a description of the securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose, so far as determinable, for which the net proceeds have been or are to be used.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

Item 13. Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the issuer, or the issuance or authorization for issuance of securities of the issuer in exchange for outstanding securities of the issuer, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities in respect of any of the matters concerning which information would be required in the description of the securities in an application on the appropriate form for their registration on a national securities exchange.

(c) State the reasons for the proposed modification or exchange, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest in respect of the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange. If the plan of proposed action is set forth in a written document, file copies thereof with the Commission in accordance with § 240.14a-6.

Item 14. Mergers, consolidations, acquisitions and similar matters. Furnish the following information if action is to be taken with respect to any plan for (i) the merger or consolidation of the issuer into or with any other person or of any other person into or with the issuer, (ii) the acquisition by the issuer or any of its security holders of securities of another issuer, (iii) the acquisition by the issuer of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the issuer, or (v) the liquidation or dissolution of the issuer:

(a) Outline briefly the material features of the plan. State the reasons therefor, the general effect thereof upon the rights of existing security holders, and the vote needed for its approval. If the plan is set forth in a written document, file copies thereof with the Commission in accordance with § 240.14a-6.

(b) Furnish the following information as to each person (other than totally held subsidiaries of the issuer) which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer.

(1) Describe briefly the business of such person. Information is to be given regarding pertinent matters such as the nature of the products or services, methods of production, markets, methods of distribution and the sources and supply of raw materials.

(2) State the location and describe the general character of the plants and other important physical properties of such person. The description is to be given from an economic and business standpoint, as distinguished from a legal standpoint.

(3) Furnish a brief statement as to dividends in arrears or defaults in principal or interest in respect of any securities of the issuer or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(c) As to each class of securities of the issuer, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within two years. This information may be omitted if the plan involves merely the liquidation or dissolution of the issuer.

Item 15. Financial statements. (a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above, furnish certified financial statements of the issuer and its subsidiaries such as would currently be required in an original application for the registration of securities of the issuer under the act. All schedules other than the schedules of supplementary profit and loss information may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14 (b), furnish financial statements such as would currently be required in an original application by any person specified therein for registration of securities under the act. Such statements need not be certified and all schedules other than the schedules of supplementary profit and loss information may be omitted. However, such statements may be omitted for (i) a totally-held subsidiary of the issuer which is included in the consolidated statement of the issuer and its subsidiaries, or (ii) a person which is to succeed to the issuer or to the issuer and one or more of its totally-held subsidiaries under such circumstances that Form 8-B would be appropriate for registration of securities of such person issued in exchange for listed securities of the issuer.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted if the reasons for such omission are stated. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in exchange.

(d) The proxy statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 240.14a-3 with respect to the same meeting as that to which the proxy statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16. Acquisition or disposition of property. If action is to be taken with respect to the acquisition or disposition of any property, furnish the following information:

(a) Describe briefly the general character and location of the property.

(b) State the nature and amount of consideration to be paid or received by the issuer or any subsidiary. To the extent practicable, outline briefly the facts bearing upon the question of the fairness of the consideration.

(c) State the name and address of the transferor or transferee, as the case may be, and the nature of any material relationship of such person to the issuer or any affiliate of the issuer.

(d) Outline briefly any other material features of the contract or transaction.

Item 17. Restatement of accounts. If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement and the effect of the statement thereon.

(d) To the extent practicable, state whether and the extent, if any, to which, the restatement will, as of the date thereof, alter the amount available for distribution to the holders of equity securities.

Item 18. Action with respect to reports. If action is to be taken with respect to any

report of the issuer or of its directors, officers or committees or any minutes of meetings of its stockholders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports or minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 19. Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders, the general effect of such submission and the effect of a negative vote on the matter.

Item 20. Amendment of charter, by-laws or other documents. If action is to be taken with respect to any amendment of the issuer's charter, by-laws or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment and the vote needed for its approval.

Item 21. Other proposed action. If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 20, inclusive, above.

[F. R. Doc. 47-11285; Filed, Dec. 23, 1947; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the the Federal Security Administrator by provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 55 Stat. 851; 21 U. S. C. and Sup., Chap. 9), the regulations for the certification of batches of drugs composed wholly or partly of insulin, as amended, are hereby further amended as indicated below:

1. Section 144.4 (b) (2) (12 F. R. 2228) is amended to read:

(2) With respect to any package of protamine zinc insulin, 18 months after the immediate container therein was filled;

2. Section 144.4 (b) (3) (12 F. R. 2228) is amended to read:

(3) With respect to any package of globin insulin (with zinc), 18 months after the immediate container therein was filled;

This order, which revokes the provision that certification of batches of protamine zinc insulin and globin insulin (with zinc) shall be effective for not more than 12 months after these products have been removed from the storage required by § 144.2 (i), and provides that certification of these products shall be effective for 18 months after the immediate container therein was filled, shall become effective upon publication in the FEDERAL REGISTER since both the public and the

insulin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay revocation of the present condition that certificates shall in no case remain effective with respect to any package more than 12 months after removal from the required refrigerated storage, thus making the effective period of certification of batches of protamine zinc insulin and globin insulin (with zinc) 18 months from the time the immediate container thereof was filled without regard to the time of removal from such storage.

(Sec. 3, 55 Stat. 851; 21 U. S. C. Sup. 356)

Dated: December 18, 1947.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 47-11294; Filed, Dec. 23, 1947; 8:58 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.62]

PART 401—RELIEF ASSISTANCE TO WAR-DEVASTATED COUNTRIES

SUBPART B—REGULATIONS OF THE SECRETARY OF STATE

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22), and in conformity with Executive Order 9864 of May 31, 1947 (12 F. R. 3559), Part 99 of Title 22 of the Code of Federal Regulations is hereby renumbered 401, and, correspondingly, §§ 99.1 and 99.2 are hereby renumbered 401.100 and 401.101 respectively.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: December 19, 1947.

For the Secretary of State.

JOHN E. PEURIFOY,
Assistant Secretary of State.

[F. R. Doc. 47-11274; Filed, Dec. 23, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective December 15, 1947, by:

1. Opposite the State of Louisiana, in the column headed *City*, and directly below "New Orleans" adding "Shreveport" and, on the same horizontal line, in the column headed *Address*, adding "Bossier City Bank and Trust Company, Bossier City"; and in the column headed *Jurisdiction*, adding "(See New Orleans)."

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1702)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

DECEMBER 15, 1947.

[F. R. Doc. 47-11278; Filed, Dec. 23, 1947; 8:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 47-60]

PART 1—GENERAL ORGANIZATION AND JURISDICTION

FIELD ORGANIZATION: ESTABLISHMENT OF CORPUS CHRISTI MARINE INSPECTION OFFICE

By virtue of the authority vested in me by R. S. 4462, as amended (46 U. S. C. 416), the act of April 30, 1940 (54 Stat. 169; 46 U. S. C. 382c), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following amendment to the regulations is prescribed and shall become effective on and after date of publication of this document in the FEDERAL REGISTER:

Section 1.10-20 *Marine inspection districts and offices* (11 F. R. 177A-76) is amended by adding, in the table at the end of paragraph (a), the name "Corpus Christi" and its address "919 Jones Building, Corpus Christi, Texas" to follow after the listing of the Galveston Marine Inspection Office in the 8th Coast Guard District.

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

Dated: December 18, 1947.

J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 47-11273; Filed, Dec. 23, 1947; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—SHIP SERVICE

PART 13—COMMERCIAL RADIO OPERATORS

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 8 and 13 of the Commission's rules and regulations governing the ship service and commercial radio operators, respectively.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 15th day of December 1947;

The Commission, having adopted, effective December 10, 1947, rules which provide for the licensing of ship radar stations on a regular basis in the Ship Service, and having under consideration the matter of providing further rules governing operator license requirements for ship radar stations so licensed; and

It appearing, that the rule making procedures provided by the Administrative

Procedure Act which the Commission wishes to employ in formulating and adopting permanent rules governing operator license requirements as aforesaid will require a period of indefinite duration estimated at not less than six weeks after issuance and publication of a notice of proposed rule making; and

It further appearing, that pending the final adoption and effectiveness of permanent rules governing operator license requirements as aforesaid, it is immediately necessary to provide temporary rules governing operator license requirements for ship radar stations licensed in the Ship Service, and that since the need is immediate and the rules in question are only temporary it is impracticable to employ the public notice and procedure for rule making as provided by section 4 (a) of the Administrative Procedure Act and for the same reasons and because the rules in question will relieve existing restrictions as hereinafter indicated, such rules should be made effective immediately rather than after the waiting period of thirty days as provided by section 4 (c) of the Administrative Procedure Act; and

It further appearing, that under the provisions of section 318 of the Communications Act of 1934, as amended, ship radar stations licensed in the Ship Service are required to be operated by licensed radio operators unless, under the conditions set forth in that section, the Commission waives such requirements; and

It further appearing, that under the provisions of section 318 aforesaid, the Commission may waive the requirement of licensed radio operators for ship radar stations licensed in the Ship Service if the Commission first shall find that such a waiver will serve the public interest, convenience, or necessity; and

It further appearing, that under Commission Order 133, dated May 10, 1946, the Commission waived to a limited extent the licensed radio operator requirements of section 318 aforesaid with regard to shipboard radar stations licensed in the Experimental Service; and

It further appearing, that during the interim period preceding the final adoption and effectiveness of permanent rules governing operator license requirements for ship radar stations licensed in the Ship Service, radar stations so licensed can be as well operated by unlicensed personnel as can radar stations licensed in the Experimental Service; and

It further appearing, that under the foregoing circumstances it will serve the public interest and convenience temporarily to waive, to the same extent as now provided in the Experimental Service by Order 133, the licensed radio operator requirements with regard to ship radar stations licensed in the Ship Service; and

It further appearing, that authority to accomplish the aforesaid objective is contained in sections 303 (f), (g), (l), (r), and 318 of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the provisions of section 318, aforesaid, are hereby waived insofar as such provisions require any person to hold a radio operator license issued by

this Commission in order to operate ship radar stations licensed by this Commission in the Ship Service; *Provided*, That this waiver shall extend only to the normal operation of such radar stations on board ship and shall not be construed to permit unlicensed personnel to make any adjustments or to do any servicing or maintenance that may affect the proper operation of the station; *Provided further*, That this waiver shall not be construed to affect in any way the responsibility of the station licensee for the proper operation of the station; *And provided further*, That the waiver herein ordered may, in the discretion of the Commission and without advance notice or hearing, be changed or cancelled by order of the Commission, and shall in no event extend beyond the effective date of permanent rules adopted by the Commission governing operator license requirements for ship radar stations licensed in the Ship Service, or beyond March 15, 1948, whichever is earlier.

It is further ordered, That Parts 8 and 13 of the Commission's Rules Governing Ship Service and Commercial Radio Operators, respectively, are hereby, effective immediately amended as follows:

(1) The footnote designation appearing in § 8.192 and the designation of the footnote itself are changed from "71" to "70a".

(2) Section 8.195 is amended by inserting a footnote designated as "71" after the title line "Requirements for ship radar installations," to read as follows:

⁷¹ Pending the final adoption and effectiveness of permanent rules governing operator license requirements for ship radar stations licensed in the Ship Service, temporary requirements are as follows:

Pursuant to a temporary waiver adopted and effective December 15, 1947 of the provisions of section 318 of the Communications Act of 1934, as amended, unlicensed personnel may perform the normal operation on board ship of ship radar stations licensed in the Ship Service, but unlicensed personnel shall not make any adjustments or perform any servicing or maintenance that may affect the proper operation of the station. Such adjustments, servicing or maintenance shall be performed by, or in the presence of, the holders of valid first or second class radio operator licenses, either radiotelephone or radiotelegraph. The provisions of this footnote shall not be construed to affect in any way the responsibility of the station licensee for the proper operation of the station. Any part or all of this footnote may be changed or cancelled by order of the Commission without advance notice or hearing and shall in any event terminate upon the effective date of the permanent rules adopted by the Commission governing operator license requirements for ship radar stations licensed in the Ship Service, or upon March 15, 1948 whichever is earlier.

(3) Section 13.1 is amended by inserting a footnote designated as "1c" to read as follows:

^{1c} By order dated and effective December 15, 1947 the Commission temporarily waived to a limited extent the requirement that ship radar stations licensed in the Ship Service be operated by licensed radio operators. See footnote 71, § 8.195 of the Commission's Rules Governing Ship Service. See also § 13.61.

(4) Section 13.61 is amended by inserting footnote "9a" immediately after

the colon in the first paragraph of this section to read as follows:

^{9a} For temporary authority granted holders of valid first and second class operator licenses, either radiotelephone or radiotelegraph, to perform adjustments, servicing and maintenance of ship radar stations licensed in the Ship Service, see footnote 71, § 8.195, of the Commission's Rules Governing Ship Service.

(Secs. 303 (f), (g), (l), 318, 48 Stat. 1082, 1089, sec. 6, 50 Stat. 191; 47 U. S. C. 303 (f), (g), (l), (r), 318)

Released: December 16, 1947.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11286; Filed, Dec. 23, 1947;
8:56 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 68, Amdt. 17]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE; EXPIRATION DATE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of the provisions of Service Order No. 68 (8 F. R. 8513), as amended (8 F. R. 8513, 14224, 16265; 9 F. R. 7206, 14306; 10 F. R. 6040, 8142, 9720, 12090; 11 F. R. 562, 6983; 12 F. R. 46, 3837, 4719, 4886), and good cause appearing therefor: It is ordered, that:

Section 95.15 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 68, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This section as amended shall expire at 11:59 p. m., December 20, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11286; Filed, Dec. 23, 1947;
8:49 a. m.]

[S. O. 93, Amdt. 12]

PART 95—CAR SERVICE

GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of Service Order No. 93 (7 F. R. 8903) as amended (8 F. R. 13752, 13925; 9 F. R. 2481, 11208 10 F. R. 15175; 11 F. R. 561, 2189, 14271, 14469; 12 F. R. 46, 104, 4028) and good cause appearing therefor: It is ordered, that:

Section 95.301 *Giant type refrigerator cars*, of Service Order No. 93, as amended, be, and it is hereby, further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., June 5, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1947; that a copy of this amendment 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11268; Filed, Dec. 23, 1947; 8:49 a. m.]

[S. O. 129, Amdt. 5]

PART 95—CAR SERVICE

BODY ICE IN REFRIGERATOR CARS; REMOVAL BY CONSIGNEE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of the provisions of Service Order No. 129 (8 F. R. 7778), as amended (11 F. R. 8451, 14328; 12 F. R. 1420, 4001) and good cause appearing therefor: It is ordered, that:

Section 95.310 *Body ice in refrigerator cars; removal by consignee*, of Service Order No. 129, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

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

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1947; 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11270; Filed, Dec. 23, 1947; 8:49 a. m.]

[S. O. 396, Amdt. 10]

PART 95—CAR SERVICE

PERISHABLES; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of Service Order No. 396 (10 F. R. 15008), as amended (11 F. R. 1627, 4038, 9453; 12 F. R. 1235, 2288, 2479, 3673, 4002, 4029, and good cause appearing therefor: It is ordered, that:

Section 95.396 *Perishables restrictions on reconsigning*, of Service Order No. 396, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., October 10, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11265; Filed, Dec. 23, 1947; 8:49 a. m.]

[Rev. S. O. 534, Amdt. 3]

PART 95—CAR SERVICE

MOVEMENT OF EMPTY CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of Revised Service Order No. 534 (11 F. R. 9454) as amended (11 F. R. 14108; 12 F. R. 4142), and good cause appearing therefor: It is ordered, that:

Section 95.534 *Movement of empty cars; appointment of agent*, of Revised Service Order No. 534, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

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

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1947; that a copy of this order and direction be served upon each State railroad regulatory body, and 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11263; Filed, Dec. 23, 1947; 8:48 a. m.]

[Rev. S. O. 558, Amdt. 6]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of Revised Service Order No. 658 (11 F. R. 11817), as amended (11 F. R. 12233; 12 F. R. 4002, 5966, 6911), and good cause appearing therefor: It is ordered, that:

Section 95.558 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks*, of Revised Service Order No. 558, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., July 18, 1948, unless otherwise modified, changed, sus-

RULES AND REGULATIONS

[S. O. 799]

PART 95—CAR SERVICE

pended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., December 31, 1947; that a copy of this order 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11267; Filed, Dec. 23, 1947;
8:49 a. m.]

[S. O. 646, Amdt. 3]

PART 95—CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE, OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

Upon further consideration of Service Order No. 646 (11 F. R. 14109), as amended (12 F. R. 2479, 4143), and good cause appearing therefor: It is ordered, that:

Section 95.646 *Icing at Roseville, San Jose or Stockton*, of Service Order No. 646, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective 12:01 a. m., December 31, 1947; 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11264; Filed, Dec. 23, 1947;
8:49 a. m.]

PFE REFRIGERATOR CARS FOR LOADING COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

It appearing, that there are certain PFE refrigerator cars in California and Arizona not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in California and Arizona. It is ordered, that:

§ 95.799 *PFE refrigerator cars for loading cotton*—(a) *Substitution for box cars.* Any common carrier by railroad subject to the Interstate Commerce Act, serving points in California or Arizona, may at its option furnish and transport for each box car ordered:

(1) *Uncompressed cotton.* Not more than four (4) refrigerator cars, of PFE ownership bearing numbers 923 to 33514 inclusive, for loading carload shipments of uncompressed cotton at origins in California and Arizona, when such cotton is consigned or reconsigned to points for compression.

(2) *Compressed cotton.* Not more than two (2) refrigerator cars, of PFE ownership bearing numbers 923 to 33514 inclusive, for loading carload shipments of compressed cotton originating at points of compression in California and Arizona and consigned or reconsigned to points on the Southern Pacific Company, the Texas and New Orleans Railroad Company, and the Union Pacific Railroad Company.

subject to the carload minimum weight which would have applied if the shipment had been loaded in the box car ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce in PFE refrigerator cars numbers 923 to 33514, inclusive, only.

(c) *Effective date.* This section shall become effective at 12:01 a. m., December 22, 1947.

(d) *Expiration date.* This section shall expire at 11:59 p. m., April 20, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) *Conflicting service orders suspended.* The operation of Service Order No. 68 (8 F. R. 8513) as amended, and all other orders of the Commission insofar as they conflict with the provisions of this order, or as amended, is suspended.

(f) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(g) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this

chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall 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.

(Sec. 1, 24 Stat. 379, as amended, 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11266; Filed, Dec. 23, 1947;
8:49 a. m.]

PART 125—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATION

ACCIDENTS TO BE REPORTED

At a session of the Interstate Commerce Commission, Division 1 held at its office in Washington, D. C., on the 11th day of December A. D. 1947.

The matter of accident statistics being under consideration:

It is ordered, That, beginning January 1, 1948, Rules Governing Monthly Reports of Railway Accidents (1922 revision) (§§ 125.1-125.60, Title 49, Code of Federal Regulations), be, and is hereby amended by canceling subsection (a) of section 2 (§125.12 Code of Federal Regulations) and substituting therefor the following:

§ 125.12 *Accidents to be reported.*
(a) For the year 1948, damage to railway property amounting to more than \$250, including the expense of clearing wreck, but not damage to or loss of freight or baggage, animals, or property of noncarriers on or adjacent to right-of-way. For years subsequent to 1948, upward or downward changes from that minimum shall be made in multiples of not less than \$25, depending upon changes in the unit costs comprising accident expense as determined by the Commission's Bureau of Transport Economics and Statistics. The accident reporting officers of each road shall be advised by that Bureau if any change is made in the reporting base for any ensuing year.

(Sec. 20, 24 Stat. 386, as amended, sec. 1, 36 Stat. 350; 49 U. S. C. 20 (1)-(8), 45 U. S. C. 38)

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

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11258; Filed, Dec. 23, 1947;
8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 944]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR- KETING AGREEMENT AND PROPOSED AMEND- MENTS TO ORDER

Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Rock Island, Illinois, on November 20-21, 1947, pursuant to the notice thereof which was published in the FEDERAL REGISTER on November 15, 1947 (12 F. R. 7633), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area.

Certain of the material issues presented at the hearing were of an emergency nature. These are as follows:

(1) The deletion of the base surplus plan;

(2) The determination of separate uniform prices to be paid producers for Grade A milk and for non Grade A milk;

(3) An increase in the butterfat differential to be paid producers for milk containing more or less than 3.5 percent butterfat; and

(4) Whether the facts presented on the record warrant the omission of a recommended decision and exceptions thereto.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The base surplus plan should be deleted.

Handlers in the Quad Cities marketing area are not receiving from producers sufficient Grade A Milk to meet the demand for Grade A Class I and Class II milk and find it necessary to import Grade A milk from other producing areas.

Beginning January 1, 1948, the City of Rock Island, Illinois (a portion of the Quad Cities marketing area) is making effective a requirement that only Grade A milk and cream may be sold in that city. Davenport, Iowa (another portion of the marketing area) already had such a requirement and other cities within the marketing area are considering such requirements.

Many producers find the base surplus plan resulting in their receiving the excess price for a considerable portion of their deliveries at the same time that im-

portation of outside milk is necessary to meet the local demand. This situation tends to discourage the production of greater amounts of milk by the producers now on the market.

The base surplus plan also tends to discourage dairy farmers from becoming producers on the Quad Cities market because it returns to them only the excess milk price for the first two months.

The deletion of the base surplus plan would result in more Grade A milk being delivered to the market by producers.

(2) Provision should be made for the determination of separate minimum uniform prices to be paid producers respectively for Grade A milk and non Grade A milk.

In the present order provision is made for the computation of a minimum price to be paid producers for each hundredweight of base milk delivered. At the present time there is a shortage of Grade A milk and a surplus of non Grade A milk on the market. The use of both Grade A milk and non Grade A milk in the computation of one uniform price has the effect of lowering the price received by producers for Grade A milk.

Handlers are required to pay under the present order an additional 20 cents per hundredweight for all Grade A milk received from producers and used in Class I or Class II milk. This amount is added as a premium over and above the computed blended price paid producers of Grade A milk for the amount of base milk delivered. Because both Grade A and non Grade A milk are pooled together, this has not resulted in a sufficient differential between the two types of milk to induce the production of a sufficient supply of Grade A milk to meet the local demands.

Under the health regulations applicable in the cities of Davenport, Iowa, and Rock Island, Illinois, only Grade A milk may be utilized in Class I and Class II. However some handlers who distribute milk in these cities receive both Grade A and non Grade A milk. Since the Grade A is the only milk acceptable for use in the higher classes, it should be allocated to these classes before any non Grade A milk is so allocated. This practice of allocation has been followed in the market for several years and the evidence indicates that it should be continued.

The computation of uniform prices for Grade A milk and non Grade A milk respectively would give greater incentive to producers of Grade A milk.

(3) The butterfat differential paid to producers for milk containing more or less than 3.5 percent butterfat should be increased.

Under the present order producers receive five cents per hundredweight of milk for each $\frac{1}{10}$ of 1 percent that such milk tests above 3.5 percent butterfat when the wholesale price per pound of 92 score butter at wholesale in the Chicago market is 35 cents or over.

Since the current price of butter is well above 35 cents per pound (and has been

for some time) the current value of each $\frac{1}{10}$ of 1 percent of butterfat is in excess of 5 cents even when such butterfat is used in the manufacture of butter.

This situation has the effect of lowering the price received for each hundredweight of milk in case the milk contains more than 3.5 percent butterfat and discourages producers from producing Grade A milk rather than milk for manufacturing (in which case the prices usually reflect the higher manufacturing value of such extra butterfat).

The proposed butterfat differential will reflect the approximate value of butterfat when used in manufacturing.

This increase in the producer butterfat differential would result in the production of more Grade A milk for the market.

(4) The due and timely execution of the function of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

The hearing record established that immediate action must be taken if an amendment is to meet effectively the urgent supply and demand problem sought to be alleviated. With respect to such problem, the critical situation will be aggravated on and after January 1, 1948. The delay necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would defeat the purposes of the amendment.

All interested parties of record at the hearing waived their rights to file briefs, proposed findings and conclusions, and exceptions, as to the points covered herein.

No briefs or proposed findings and conclusions were filed within the time allowed.

General findings and conclusions. (a) The tentative marketing agreement and the order, as amended and as hereby proposed to be further amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

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

(c) The tentative marketing agreement and order, as amended and hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to

persons in the respective classes of industrial and commercial activity specified in the said tentative marketing agreement upon which the hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating The Handling of Milk In The Quad Cities Marketing Area" and "Order Amending The Order, As Amended, Regulating The Handling of Milk In The Quad Cities Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. Those documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C. this 19th day of December, 1947.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

Order,¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Quad Cities Marketing Area

§ 944.0 Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(a) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete paragraph (i) of § 944.1.

2. Delete from subparagraph (ii) of paragraph (c) of § 944.5 the phrase, "base milk and the total delivery of milk in excess of base," so that the subparagraph will read as follows:

(ii) The total delivery of milk with the average butterfat test thereof.

3. Add to paragraph (a) of § 944.7 the following: "In the case of handlers who receive from producers both Grade A milk and non Grade A milk, separate computations shall be made. For the purposes of these computations Grade A milk shall be allocated to the highest use classifications of net pooled milk, and non Grade A milk to the lowest use classifications."

4. Delete paragraph (b) of § 944.7 and substitute therefor the following:

(b) *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform prices per hundredweight for Grade A milk and non Grade A milk received from producers separately as follows:

(1) Combine into separate totals the values of Grade A milk and non Grade A milk computed pursuant to paragraph (a) of this section for all handlers who made the reports pursuant to paragraph (a) of § 944.5 and who made the payments pursuant to § 944.8.

(2) Add to the amounts computed in paragraph (a) of this section the cash balances on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to paragraph (g) of § 944.8. In computing the first uniform prices under this amendment the market administrator

shall pro-rate the balance on hand in the producer-settlement fund between Grade A and non Grade A milk.

(3) Divide the resulting amounts by the total hundredweight of Grade A milk and non Grade A milk, respectively, received from producers and represented by the values included in subparagraph (1) of this paragraph.

(4) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to subparagraph (3) of this paragraph. The resulting figures shall be the uniform prices for Grade A milk and non Grade A milk, respectively, received from producers.

5. In paragraph (c) of § 944.7 delete the phrase "of base milk, of the excess price," so that the paragraph will read as follows:

(c) *Announcement of prices.* On or before the 10th day after the end of each delivery period the market administrator shall notify all handlers and make public announcement of the computations pursuant to (b) of this section, of the uniform price per hundredweight and of the Grade A premium computed pursuant to (b) of this section, of the Class I, Class II, Class III, and Class IV prices computed pursuant to § 944.4, and of the butterfat differential computed pursuant to § 944.8 (c).

6. Delete subparagraph (1) of paragraph (a) of § 944.8 and substitute therefor the following:

(1) To each producer for milk which was not caused to be delivered to such handler by a cooperative association, on or before the 15th day after the end of the delivery period during which such milk was received, at not less than the uniform price computed pursuant to paragraph (b) of § 944.7, for Grade A or non Grade A milk, whichever is applicable.

7. Delete subparagraph (2) of paragraph (a) of § 944.8.

8. Delete subparagraphs (1), (2), and (3) of paragraph (c) of § 944.8 and substitute therefor the following: "the amount computed by adding 20 percent to the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture, and dividing the resulting sum by 10."

9. Delete § 944.9 in its entirety.

[F. R. Doc. 47-11300; Filed, Dec. 23, 1947; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 31]

[Docket No. 8467]

RADIO BROADCAST SERVICES

NORMAL LICENSE PERIOD

1. Notice is hereby given of proposed rule making in the above-entitled matter.
2. In order to provide for an orderly schedule for the renewal of FM broad-

cast station licenses, including non-commercial educational FM station licenses, the Commission proposes to amend § 3.218 and 3.518 of the Commission's rules and regulations. Sections 3.218 and 3.518 are proposed to be amended as follows:

§ 3.218 *Normal license period.* All FM broadcast station licenses will be issued for a normal license period of 1 year. Licenses will be issued to expire at the hour of 3 a. m., eastern standard time, in accordance with the following schedule:

(a) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7, 94.9, 95.1, 95.5, 95.7 mcs., February 1.

(b) For stations operating on the frequencies 96.1, 96.3, 96.5, 96.9, 97.1, 97.3, 97.5, 97.9, 98.1, 98.5, 98.7, 98.9 mcs., April 1.

(c) For stations operating on the frequencies 92.1, 92.7, 93.5, 94.3, 95.3, 95.9, 96.7, 97.7, 98.3, 99.3 mcs., June 1.

(d) For stations operating on the frequencies 100.1, 100.9, 101.7, 102.3, 103.1, 103.9, 104.9, 105.5, 106.3, 107.1, mcs., August 1.

(e) For stations operating on the frequencies 99.1, 99.5, 99.7, 99.9, 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1, 102.5, 102.7, 102.9 mcs., October 1.

(f) For stations operating on the frequencies 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3, 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 mcs., December 1.

Outstanding FM broadcast station licenses shall not be effected by this section. To facilitate the conversion of outstanding FM licenses and initial grants of license to the renewal schedule of this section, renewals of licenses or initial licenses which might be for periods of less than three months will be issued to include an additional one year period.

§ 3.518 *Normal license period.* All Non-Commercial Educational FM broadcast station licenses will be issued for a normal license period of 1 year. Licenses will be issued to expire at the hour of 3 a. m., eastern standard time, in accordance with the following schedule:

(a) For stations operating on the frequencies 88.1, 88.3, 88.5, 88.7, 88.9, 89.1, 89.3, 89.5, 89.7, 89.9 mcs., June 1.

(b) For stations operating on the frequencies 90.1, 90.3, 90.5, 90.7, 90.9, 91.1, 91.3, 91.5, 91.7, 91.9 mcs., August 1.

Outstanding Non-Commercial Educational FM broadcast station licenses shall not be affected by this section. To facilitate the conversion of outstanding non-commercial educational FM licenses and initial grants of license to the renewal schedule of this section, renewals of licenses or initial licenses which might be for periods of less than three months will be issued to include an additional one year period.

3. Authority to promulgate the proposed changes is contained in sections 303 (c) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission, on or before December 31, 1947, a written statement or brief setting forth his comments. The Commission will consider any such comments that are received before taking any final action regarding the proposed amendments, and if any comments are received which appear to warrant the holding of an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Released: December 16, 1947.

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

[F. R. Doc. 47-11287; Filed, Dec. 23, 1947;
8:53 a. m.]

**SECURITIES AND EXCHANGE
COMMISSION**

[17 CFR, Part 240]

**EXEMPTION OF CERTAIN SECURITIES FROM
SECTION 11 (d) (1)**

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to exempt certain securities from the prohibition in section 11 (d) (1) of the Securities and Exchange Act of 1934 relating to the extension of credit on new issues of securities.

In general, section 11 (d) (1) prohibits a broker-dealer from effecting any transaction in connection with which he extends credit to a customer on a security "which was a part of a new issue in the distribution of which he participated as a member of a selling syndicate or group within six months prior to such transaction." In some cases the "new issue" subject to section 11 (d) (1) consists of additional shares of a class previously outstanding. In such cases old securities of the same class are not subject to the prohibition against extending credit. During the six-month period following the distribution of the "new issue" in such cases it may be difficult to distinguish between shares of the "new issue" which are subject to section 11 (d) (1) and the previously outstanding shares which are not subject to that section. During this post-distribution period, the problem of identification may be made difficult by the transfer and reissuance of certificates which are incident to normal trading in the security. Moreover, a problem is created by the industry's practice of treating both the old and the new shares as "good delivery" against a sale of the security, with the result that

the purchaser's ability to obtain credit from his broker may depend upon the particular shares which the seller happens to deliver after the transaction. The problems are particularly difficult where the majority of the outstanding shares are "old" shares not subject to section 11 (d) (1).

The proposed amendment is designed to minimize the problem by exempting a security of a mixed class, not predominantly "new," provided that the particular security was sold to or purchased for the customer by the broker-dealer after he ceased to participate in the distribution of the "new issue." However, the proposal would not remove the prohibition against extensions of credit in connection with sales of "new" shares by a broker-dealer during the distribution of the "new issue."

To accomplish this purpose, it is proposed that § 240.11d1-1 (Rule X-11D-1-1) be amended by adding the new paragraph (e) which is set forth below following the present introductory clause of the section:

§ 240.11d1-1 *Exemption of certain securities from section 11 (d) (1).* A security shall be exempt from the provisions of section 11 (d) (1) with respect to any transaction by a broker and dealer who, directly or indirectly, extends or maintains or arranges for the extension or maintenance of credit on the security to or for a customer if:

(e) Not more than 50% of the outstanding securities of the same class are currently subject to the prohibitions of section 11 (d) (1) relating to extension or maintenance of credit by such broker and dealer, and the broker and dealer sold the security to the customer or bought the security for the customer's account after the last day upon which he participated in the distribution of any new issue of such security.

The foregoing action is proposed pursuant to the provision of the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 11 (d) (1), and 23 (a) thereof.

The proposed rule would exempt from the prohibitions of section 11 (d) (1) only and would not in any way alter the prohibitions and limitations on extensions of credit which arise from Regulation T of the Board of Governors of the Federal Reserve System, adopted under section 7 of the act.

All interested persons may submit views and comments in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pa., on or before January 16, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

DECEMBER 16, 1947.

[F. R. Doc. 47-11284; Filed, Dec. 23, 1947;
8:53 a. m.]

NOTICES

FEDERAL COMMUNICATIONS
COMMISSION[Docket Nos. 8011, 8012, 8162, 8338, 8339, 8671,
8672]AMERICAN BROADCASTING CO. INC. (KGO)
ET AL.ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of American Broadcasting Company, Inc., (KGO) San Francisco, California, Docket No. 8011, File No. BMP-2157; for modification of construction permits. Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, File No. BP-5141; for construction permit. KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, File No. BMP-2556; for modification of construction permit. WKAT, Inc. (WKAT), Miami Beach, Florida, Docket No. 8339, File No. BP-5973; W. A. Smith, Plant City, Florida, Docket No. 8671, File No. BP-5647; Tampa Times Company, WDAE, Tampa, Florida, Docket No. 8672, File No. BP-6266; for construction permits and modification of license of General Electric Company (WGY), Schenectady, New York, Docket No. 8162, File No. BS-264.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of December 1947;

The Commission having under consideration the above-entitled application of Tampa Daily Times, requesting authorization to change its facilities at Tampa, Florida, from 1250 kc, 5 kw power, U, Da to 810 kc, increase power to 10 kw, install new transmitter and directional antenna and change transmitter site; and W. A. Smith, requesting a permit to construct a new standard broadcast station at Plant City, Florida, to operate on 840 kc, 250 w power, daytime only; and

It appearing, that, the Commission has heretofore designated for hearing in a consolidated proceeding the applications of American Broadcasting Company, Inc., requesting a modification of construction permit to authorize changes in the directional antenna of station KGO, operating on 810 kc in San Francisco, California; Denver Broadcasting Company requesting a construction permit for a new standard broadcast station at Denver, Colorado, to operate on 810 kc, with 25 kw, 50 kw-LS, U, DA; KCMO Broadcasting Company requesting a modification of construction permit to authorize a change in the facilities of KCMO, Kansas City, Missouri from 810 kc, 10 kw, 50 kw-LS U, DA-N to 810 kc, 50 kw power, U, DA; and A. Frank Katzentine requesting a construction permit to change the facilities of station WKAT, Miami Beach from 1360 kc, 1 kw, 5 kw-LS, U, to 810 kc, 50 kw power, U, DA-N; and the American Broadcasting Company, Inc. (KGO) request that station WGY, Schenectady,

New York, be required to install a directional antenna which would afford nighttime protection to station KGO operating as proposed, General Electric Company, licensee of station WGY, being afforded the opportunity as a part of said proceeding, to show cause why its license should not be so modified;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Tampa Daily Times and W. A. Smith, be, and they are hereby, designated for hearing in the aforesaid consolidated proceeding commencing on January 5, 1948, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station and station WDAE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and station WDAE as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and station WDAE as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and station WDAE as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and station WDAE as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly as to whether the 25 mv/m contours of station WDAE as proposed and the station proposed by W. A. Smith would overlap, and whether WDAE's proposed directional array is sufficiently stable to protect existing co-channel stations and the secondary service area of station WGY, Schenectady, New York.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's orders of December 17 and

April 29, 1947, designating for hearing the aforementioned matters involving the applications of American Broadcasting Company, Inc. (KGO), Denver Broadcasting Company, KCMO Broadcasting Company (KCMO), A. Frank Katzentine (WKAT) and the show cause order of General Electric Company (WGY) be, and they are hereby, amended to include the applications of Tampa Daily Times (WDAE) and W. A. Smith.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 47-11289; Filed, Dec. 23, 1947;
8:56 a. m.]

[Docket No. 7555]

MUTUAL TELEPHONE CO. AND RCA
COMMUNICATIONS, INC.

ORDER POSTPONING ORAL ARGUMENT

In the matter of the applications of Mutual Telephone Company, Docket No. 7555, File No. 335-PHP-A; for a construction permit for a new fixed point-to-point radiotelephone station at Honolulu, Oahu, T. H. RCA Communications, Inc., File No. P5-RH-28; for renewal of license for fixed point-to-point radiotelephone station at Kahuku, T. H.

The Commission, having under consideration a motion filed on December 11, 1947, by Mutual Telephone Company, requesting a postponement of the date of oral argument herein, for at least a period of two weeks beyond December 19, 1947, the date on which oral argument is presently scheduled to take place;

It appearing, that RCA Communications, Inc., the other party to this proceeding, has no objection to the requested postponement:

It is ordered, This 15th day of December 1947, that the above-mentioned motion is granted, and that the date of oral argument herein is postponed to January 14, 1948.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.[F. R. Doc. 47-11292; Filed, Dec. 23, 1947;
8:57 a. m.]

[Docket No. 8582]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the Western Union Telegraph Company, new charges for foreign contract press service. Docket No. 8582.

The Commission having under consideration the proceedings in the above matter:

It is ordered, This 12th day of December 1947, that the hearing in this proceeding now scheduled for December 16, 1947, is continued to December 29, 1947,

at the same time and place heretofore designated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11288; Filed, Dec. 23, 1947;
8:53 a. m.]

[Docket No. 8639]

CHILICOTHE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of James S. Lambert, Joe H. Lambert and Richard A. Bevier, a partnership d/b as The Chillicothe Broadcasting Company, Chillicothe, Missouri, Docket No. 8639, File No. BP-5703; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of November 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1280 kc. with 250 w power, daytime only, in Chillicothe, Missouri;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station, and in connection therewith, to determine whether the applicant's answer to question 11 (c) of the said application is true and correct.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed sta-

tion would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of Class IV stations to regional channels.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11290; Filed, Dec. 23, 1947;
8:56 a. m.]

[Docket No. 8661-8662]

NEW ENGLAND TELEVISION CO., INC., AND
E. ANTHONY & SONS, INC.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of New England Television Company, Inc., Fall River, Massachusetts, Docket No. 8661, File No. BPCT-209; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 8662, File No. BPCT-217; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on 4th day of December 1947;

The Commission having under consideration the above-entitled applications for construction permits for television broadcast stations in the Fall River-New Bedford, Massachusetts, metropolitan area; and

It appearing, that New England Television Company, Inc. (File No. BPCT-209), and E. Anthony & Sons, Inc. (File No. BPCT-217), each requests a television channel on an unlimited time basis for serving the Fall River-New Bedford metropolitan area; and

It further appearing, that under § 3.606 of the Commission's rules and regulations but one television channel is allocated to the Fall River-New Bedford metropolitan area;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are hereby designated for hearing in a consolidated proceeding at a time and place to be designated by the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11291; Filed, Dec. 23, 1947;
8:57 a. m.]

NORTHERN INDIANA BROADCASTERS, INC.,
PERMITEE OF WIMS, MICHIGAN CITY,
IND.

PUBLIC NOTICE CONCERNING PROPOSED
TRANSFER OF CONTROL¹

The Commission hereby gives notice that on December 3, 1947 there was filed with it an application (BTC-592) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Northern Indiana Broadcasters, Inc., permittee of WIMS, Michigan City, Indiana from the company's stockholders to O. E. Richardson, Calumet City, Illinois. The proposal to transfer control arises out of the following arrangements: In March 1947 two minority stockholders (H. E. Stuart and R. C. Adair) holding respectively 780 shares (39%) and 166 shares (8.3%) of the 2,000 shares then outstanding sold their holdings totalling 946 shares to other stockholders and individuals. Subsequently, on October 9, 1947 a further stockholder, S. G. Strasburg, sold his holdings of 200 shares (10%) to O. E. Richardson. The corporation presently plans to issue 2,000 additional authorized shares of which 1,453 shares would be acquired by O. E. Richardson and the remaining 547 shares would be purchased by other stockholders. The stock originally sold as above indicated and that proposed to be issued by the corporation at this time would be \$15 a share.

The arrangements are such that the stock previously sold and now being offered by the company is made available to new purchasers under the same terms and conditions under which the original purchasers acquired, and the prospective purchasers would acquire, stock interests as required by § 1.321 of this Commission. In this connection attention is invited to the application including the stockholders' purchase agreement of October 30, 1947 associated therewith as well as attached papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on December 3, 1947 that starting on December 6, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Michigan City, Indiana in conformity with the above section.

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

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

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-11293; Filed, Dec. 23, 1947;
8:57 a. m.]

¹Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. G-978]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

DECEMBER 18, 1947.

Notice is hereby given that on December 3, 1947, an application was filed with the Federal Power Commission by Tennessee Gas Transmission Company (Applicant), a Delaware Corporation, with its principal place of business in Houston, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a sales meter station at a point on its main natural gas transmission pipe line near Scottsville, Kentucky, and to sell approximately 200 Mcf of natural gas per day to Kentucky Natural Gas Corporation for resale in the City of Scottsville, Kentucky.

Applicant estimates the total over-all capital cost of the facilities described herein will be approximately \$1,800, which Applicant proposes to finance from cash on hand, and that the estimated cost of operation of the facilities, exclusive of depreciation, will be approximately \$700 per annum. The rates to be charged are those contained in Applicant's rate schedules on file with the Commission, Schedule CD-2, and are based on a demand charge of \$1.95 per month per Mcf and a commodity charge of \$0.112 per Mcf.

Applicant states that Kentucky Natural Gas Corporation is presently serving natural gas from its system to the municipally owned gas distribution system in the City of Scottsville, Kentucky, and that Kentucky Natural desires to augment the supply of gas available to that City by a new connection with Applicant's system, as proposed herein, such connection to be made at a point near Scottsville where Kentucky Natural's existing system crosses Applicant's main natural gas transmission pipe line.

Applicant also states that in the certificate proceedings in Docket Nos. G-701 and G-808 it requested authority to install capacity to provide service to small communities located along its pipe line system in Mississippi, Tennessee, and Kentucky, and that such capacity was authorized by the Commission, conditioned upon Applicant obtaining approval from the Commission to render such service. It asserts that sale and delivery of approximately 200 Mcf per day for service in Scottsville, Kentucky will not impair Applicant's ability to furnish gas to its existing customers.

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

The application of Tennessee Gas Transmission Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such protest or petition shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (effective July 1, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11271; Filed, Dec. 23, 1947;
8:50 a. m.]

[Project No. 1925]

FRESNO IRRIGATION DISTRICT

ORDER FIXING HEARING

(1) On February 2, 1945, Fresno Irrigation District, of Fresno, California, filed an application for preliminary permit under the Federal Power Act for proposed Project No. 1925 to be located on the North Fork and main channel of Kings River, in Fresno County, California, affecting lands of the United States within the Sierra and Sequoia National Forests and public lands of the United States outside National Forest boundaries.

(2) Both Federal and State agencies and others have expressed an interest in or objection to the issuance of a permit for the proposed development.

The Commission finds that it is desirable and in the public interest to hold a hearing respecting the matters involved and the issues raised in this proceeding.

It is ordered, That a public hearing be held concerning these matters commencing on Monday, January 26, 1948 at 10:00 a. m. (P. s. t.) in the Southeast Room, 2d floor, Memorial Auditorium, Fresno, California.

Date of issuance: December 18, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11254; Filed Dec. 23, 1947;
8:47 a. m.]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER APPROVING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 100.5, GAS PLANT ACQUISITION ADJUSTMENTS

DECEMBER 18, 1947.

Notice is hereby given that, on December 17, 1947, the Federal Power Commission issued its order entered December 16, 1947, in the above entitled matter, approving disposition of amounts classified in Account 100.5, Gas Plant Acquisition Adjustments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11255; Filed, Dec. 23, 1947;
8:47 a. m.]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT AND GAS PLANT ADJUSTMENT ACCOUNTS

DECEMBER 18, 1947.

Notice is hereby given that, on December 17, 1947, the Federal Power Commission issued its order entered December 16, 1947, in the above-designated matter, approving and directing Disposition of Amounts Classified in Electric Plant and Gas Plant Adjustment Accounts.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-11256; Filed, Dec. 23, 1947;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 390]

RECONSIGNMENT OF CAULIFLOWER AT CHICAGO, ILL.

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

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., December 15, 1947, by Garibaldi & Cuneo, of car PFE 51642, cauliflower, now on the Chicago Produce Terminal, to Milwaukee, Wis.

The waybill shall show reference to this special permit.

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

Issued at Washington, D. C., this 16th day of December 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-11260; Filed, Dec. 23, 1947;
8:48 a. m.]

[S. O. 790, Special Directive 30]

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

By letter dated December 15, 1947, The Baltimore and Ohio Railroad Company certified that it had on that date in storage and in cars a total supply of 14.5 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

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

APPENDIX A—Continued

Mine	Number of cars weekly	Mine	Number of cars weekly
Eagle:		Cornish	
No. 1	47	Tunnel	18
No. 2		Little Run	
Keeley:		Lockview	5
No. 1	140	Smith No. 4	12
No. 2		Arnold No. 100	5
McCandlish		Easton	5
Byron	24	Carter	12
Tasa No. 9	35	White Bridge	1
Tasa No. 7		Shaw Big Vein 1 and 2	5
Goff		Fuel No. 3	2
McWhorter	12	Keystone No. 3	6
Ralph	12	Ponfeigh No. 6	12
Norton	8	Scarfild	14
Silvester	10	Kimberly	4
Williams	6	Consol 119	8
Jon Tee	6	Consol 120	
Bower	24	Jerome	8
Martha	4	Wildwood	7
Orchard (ORSub)	4	Tasa No. 8	15
Leiving (ORSub)	2	Rossiter	28
Willow Grove No. 10	49	Schillinger	1
Hitchman	18	Black Fork	10
Boggs Run	12	Julian	240
Brookside	1	North Breeze	12
Biekemier	10	James Bros	6
Valley Camp:		Murdock	5
No. 1	225	Walton	12
No. 3		Souders & Ramsey	4
No. 5		Collins & Walton	7
Alexander		Yatesboro No. 5	
Blaine	38	Helvetia	
Stanley		Ernest	
Barton	24	Lucerne	
Roberts (Godoway)	12	Kent:	
Norton No. 2	12	No. 1 and 2	
Camel Run	42	No. 3 and 4	
Virginia Hill	22	Sagamore	
Junior		Mosgrove	
Rice Bros. No. 1	18	Lumsted	
June No. 1	27	McWilliams	256
Latrobe	18	Summitt No. 5	
Morgan	7	Reeseaman	
Orell	4	Good	
Minder	4	Frances	
Bruns	10	Klingensmith	
McFarlin	3	Park	
Rigby	5	Garzonia	
Thorn Hill	2	Two Lick	
Bradley (Speidel)	10	Neale	
Giblaw	7	Stratiff No. 8	
Cencil	9	Black Diamond	
Sidwell	23	Beech Tree	
Duch Bros	4	Waterloo	
Tracy-Walton	18	Power	
Fike Lyons	10	Todd	
Bristol	12	Kinnison	14
New Albany	10	Kriebel	
Eagle Pa Canyon	32	Irish Ridge	
Gilmore	2	Reel	
		W & H	
		Jisco	

Mine 32 cars for the loading of Baltimore and Ohio Railroad fuel coal from its total available supply of cars suitable for the transportation of coal.

NOTE: The New York Central Railroad shall furnish 32 cars weekly to the Royal Spifitt loading ramp and comply with the other provisions of this directive only when the Dixie Line loading ramp is inoperative.

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

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Baltimore and Ohio Railroad fuel coal supply.

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

(5) To advise this office when its total supply of fuel coal including fuel stock piled or cars loaded on its lines reaches the amount of 16 days' supply.

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

Issued at Washington, D. C., this 17th day of December A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-11262; Filed, Dec. 23, 1947; 8:48 a. m.]

[S. O. 800]

UNLOADING OF WHISKEY AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December A. D. 1947.

It appearing, that SLSF 128060 and PRR 573514, whiskey, consigned to Ben Arnold Co., Inc., Columbia, S. C. is on hand with the Southern Railway Company at Columbia, S. C. Consignee advises it cannot accept delivery prior to January 2, 1948. Consignee is agreeable that whiskey be stored but will not so order. This will result in the cars being held for an unreasonable length of time and that this delay in unloading such cars will impede their use; in the opinion of the Commission an emergency exists requiring immediate action: *It is ordered, that:*

(a) *Whiskey at Columbia, S. C., be unloaded.* The Southern Railway Company, its agents or employees, shall unload immediately SLSF 128060 and PRR 573514, whiskey, now on hand at Columbia, S. C., consigned Ben Arnold Co., Inc.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish weekly to the mines listed in Appendix A cars for the loading of Baltimore and Ohio Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal.

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

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Baltimore and Ohio Railroad fuel coal supply.

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

(5) To advise this office when its total supply of fuel coal including fuel stock piled or cars loaded on its lines reaches the amount of 16 days' supply.

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

Issued at Washington, D. C., this 17th day of December A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Mine	Number of cars weekly	Mine	Number of cars weekly
Century	80	Ridge	12
Lawbar:		Kingmont Jr	32
No. 1	18	Morgan	
Gum Mounting			Colfax
Roberta No. 2	38	Consol:	
Tuckahoe	26	No. 25	
Pluto-Rex	9	No. 32	
Volga	12	No. 38	
Lona No. 1	24	No. 63	
Shamrock	9	No. 97	
Kano	3	No. 50A	
Berryburg	6	Junior No. 1	437
Woodford:		Seaboard	
No. 1	30	Winchester No. 4	
No. 2		Scott No. 2	
Woodyard		Meadowbrook No. 2	
Webster	12	Ehlen No. 2	4
Polino		Vincent No. 4	9
Wendel No. 2	22	Frances	3
Johnson No. 5	4	Riley	18
Columbia		Robert	6
Clare		Blackburn	6
Hallway	57	Willard	6
Daft		Gypsy	12
Renwick		Lambert Run	4
Glen Cambria	22	Cliff	7
Hartley No. 1	13	Katherine	
Henshaw	5	Pepper	
Oraf Lake		Gregory	
Paris	15	Penn No. 1	154
Bridgeport	35	Ashcraft No. 1	
Elk Hill	1	Millford	
Burk	7	Penn No. 2	
Fairmore	14	Piggott	
Sycamore	6	Donna	7
Carol No. 2	6	Corona	24
Hilltop:			
No. 2	30		
No. 1			

[F. R. Doc. 47-11261; Filed, Dec. 23, 1947; 8:48 a. m.]

[S. O. 790, Special Directive 31]

CHICAGO & EASTERN RAILROAD CO. AND NEW YORK CENTRAL RAILROAD TO FURNISH CARS FOR RAILROAD COAL SUPPLY

By letter dated December 15, 1947, The Baltimore and Ohio Railroad Company certified that it had on that date in storage and in cars a total supply of 14.5 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

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

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, the Chicago & Eastern Illinois Railroad Company or The New York Central Railroad Company is directed:

(1) To furnish (see note) weekly to the Dixie Line ramp and Black Betty

(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., December 20, 1947, and continuing until the actual unloading of said car or cars is completed.

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

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

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-11259; Filed, Dec. 23, 1947;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

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

UNITED LIGHT AND RAILWAYS CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 17th day of December A. D. 1947.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17 and 54-25.

Notice is hereby given that American Light & Traction Company ("American Light") has filed a supplemental application-declaration covering the terms and conditions upon which it proposes to sell 450,000 shares of common stock of The Detroit Edison Company ("Detroit Edison") in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules thereunder.

Notice is further given that any interested person may, not later than December 23, 1947 at 5:30 p. m., e. s. t., re-

quest the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and specifying in detail the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application-declaration, as filed or as amended, may be granted and permitted to become effective. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

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

There is presently pending before us for decision a plan and amendments thereto, designated "Application No. 31," filed by American Light and its parent, The United Light and Railways Company, pursuant to provisions of section 11 (e) of the act, providing, inter alia, for the sale by American Light of 450,000 shares of the common stock of Detroit Edison. The plan contains a request that, in the event the Commission cannot at an early date enter an order approving the plan in its entirety, the Commission enter a separate order, as promptly as possible, authorizing, inter alia, the prompt sale by American Light of the said shares of Detroit Edison common stock. This request was granted by order of the Commission entered in this proceeding on November 19, 1947, and, in its memorandum opinion accompanying said order, the Commission pointed out that none of the participants had made any specific objection to approving this sale, that the request for a separate order did not include a request for approval of any particular disposition of the proceeds, and that such proceeds would be added to the cash funds of American Light. It was further pointed out in said opinion that disposition of the Detroit Edison stock is in accord with our order of August 5, 1941, requiring American to dispose completely of its interest in Detroit Edison. Jurisdiction was reserved in said order of November 19, 1947 to consider and pass upon the terms and details of such sale and to issue such further orders as may be appropriate to the carrying out of the proposed transaction.

The supplemental application-declaration proposes to sell the 450,000 shares of Detroit Edison common stock at competitive bidding pursuant to Rule U-50 and contains copies of the bidding papers and a statement of the terms and conditions relating to the sale, appropriate financial statements, and a request that the bidding period provided for by Rule U-50 be shortened from ten days to seven days. Upon the time schedule presented in the supplemental application-declaration, it is contemplated that invitation for bids will be published on or about December 30, 1947 and that bids will be opened on or about January 6, 1948.

In connection with the sale of the 450,000 shares of Detroit Edison common stock, American Light requested author-

ity to purchase a limited number of shares of Detroit Edison in order to facilitate the distribution and offering of said shares, and represented that, before purchasing any such shares, American Light would notify the Commission of the procedure to be followed in effecting such stabilization. American Light requests authority in the supplemental application-declaration to purchase on the New York Stock Exchange and the Detroit Stock Exchange such number of shares of the common stock of Detroit Edison as may be necessary or appropriate to stabilize the price of such stock. It is further proposed that such purchases by American Light may commence at 10:00 a. m. on the date set for the opening of bids and may continue until American Light has accepted a bid, or if no bid is accepted, until bids are rejected. It is further provided that all purchases will be made through a member or members of the stock exchanges referred to and that American Light will hold such shares of common stock of Detroit Edison purchased for stabilization purposes subject to the outstanding orders of the Commission and the provisions of the plan in the same manner as shares of such stock are now held.

American Light requests that the Commission's order be entered herein on or before December 29, 1947, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-11238; Filed, Dec. 22, 1947;
8:46 a. m.]

[File No. 70-1660]

MINNESOTA POWER & LIGHT CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 16th day of December A. D. 1947.

Minnesota Power & Light Company ("Minnesota"), a registered holding company and utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application-declaration and amendment thereto under the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rules U-62 and U-65 thereunder, regarding the submission, to the holders of its outstanding preferred stock for their approval, of certain proposed charter amendments concerning (1) the reclassification of Minnesota's presently authorized 2,000,000 shares of common stock of the par value of \$10 per share of which 550,000 shares are outstanding, to a like number of shares without par value; (2) a provision that the consideration received from the sale of stock without par value will be stated in the common capital stock account; (3) modification of the present charter provision pertaining to certain restrictions on the payment of

dividends on the common stock; and (4) modification of the present charter provision pertaining to the issuance of unsecured indebtedness; and said declaration, as amended, also proposing that Minnesota employ the firm of Georgeson & Company to assist it in the solicitation of proxies from its preferred stockholders in connection with the proposed charter amendments; and

A public hearing having been held on said application-declaration, as amended, after appropriate notice, and the Commission having examined the record and having made and filed its memorandum opinion herein:

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-11237; Filed, Dec. 22, 1947;
8:46 a. m.]

[File No. 70-1678]

NORTH AMERICAN LIGHT & POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO COMPETITIVE BIDDING, GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE AND CONTINUING JURISDICTION OVER CERTAIN FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December 1947.

North American Light & Power Company ("Light & Power"), a registered holding company and a subsidiary of The North American Company, also a registered holding company, having filed an application-declaration and amendment thereto pursuant to sections 10, 11 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-44 and U-50 promulgated thereunder, regarding, among other matters, the proposed sale by Light & Power of its holdings of 710,500 shares of Common Stock, of the par value of \$10 per share, of Northern Natural Gas Company ("Northern Natural"), pursuant to the competitive bidding requirements of Rule U-50; and

The Commission by order dated December 4, 1947, having granted and permitted to become effective said application-declaration, as amended, subject, however, to the condition, among others, that the proposed sale of Common Stock of Northern Natural by Light & Power should not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein, and a further order shall have been entered in the light of the record so completed; and

Applicant-declarant having filed a further amendment herein stating that Light & Power has offered for sale its holdings of Common Stock of Northern Natural pursuant to the competitive bid-

ding requirements of Rule U-50 and has received the following bids:

Bidding group headed by:	Price
Dillon, Read & Co., Inc.-----	per share \$25.80
Blyth & Co., Inc.-----	25.755

The amendment further stating that Light & Power has accepted the bid of Dillon, Read & Co., Inc. for said Common Stock of Northern Natural as set out above and that said Common Stock will be offered for sale to the public at a price of \$27.00 per share, resulting in an underwriters' spread of \$1.20 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said Common Stock and the underwriters' spread and its allocation:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding pursuant to Rule U-50 be, and hereby is, released and that said application-declaration, as further amended, be, and it hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of fees of engineer, accountants and counsel for Light & Power, and fees of counsel for the successful bidder in connection with the proposed transactions be, and it hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-11236; Filed, Dec. 22, 1947;
8:46 a. m.]

DEPARTMENT OF JUSTICE
Office of Alien Property

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

[Vesting Order 10166]

ANNA KUBICHECK

In re: Estate of Anna Kubicheck, deceased. File No. D-23-10021; E. T. sec. 14217.

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 Franz Ratzesberger, Joseph Ratzesberger, Heinrich Ratzesberger, Louisa Koch, Bertha Hackl Freyng, Rosamunde Gibis, Anna Pribil, and Kathi (Katie) Kratz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Anna Kubicheck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals

of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry E. Samson, Administrator, Plankinton Building, Milwaukee, Wisconsin, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin, and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-11295; Filed, Dec. 23, 1947;
8:53 a. m.]

[Vesting Order 10185]

YOSHIHISA KUMAHIRO ET AL.

In re: Depts owing to Yoshihisa Kumahiro and others. D-39-18449-E-1, F-39-3657-E-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 Yoshihisa Kumahiro, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That F. Kozai, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

3. That Jiro Kozai, also known as J. Kozai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of Superintendent of Banks of the State of California and Liquidator of The Sumitomo Bank of California, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of savings account number 9139 entitled Kumadai Sakaguchi, and any and all rights to demand, enforce and collect the same,

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

5. That the property described as follows: Those certain debts or other obligations owing to F. Kozai and Jiro Kozai, also known as J. Kozai by The Yokohama Specie Bank, Ltd., San Francisco, Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of demand deposit account number 8493 and fixed deposit account number 90834, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by F. Kozai and Jiro Kozai, also known as J. Kozai, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

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

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

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

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

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

[F. R. Doc. 47-11296; Filed, Dec. 23, 1947;
8:54 a. m.]

[Vesting Order 10321]

JACOB MULLER

In re: Estate of Jacob Muller, deceased. File No. D-28-12121; E. T. sec. 16324.

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 Margarethe Schock, Klara Fischer and Sophie Gorlach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Albert J. Weitzel, as administrator, acting under the judicial supervision of the Surrogate's Court, Tomkins County, New York;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on December 11, 1947.

For the Attorney General.

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

[F. R. Doc. 47-11298; Filed, Dec. 23, 1947;
8:54 a. m.]

[Vesting Order 10342]

CHARLES H. NEHLS

In re: Estate of Charles H. Nehls, deceased. File D-28-11515; E. T. sec. 15740.

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 Katherine Gramlich, Nina Altriet, Lydia Altriet and Wilhelm Altriet, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

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

3. That such property is in the process of administration by Gilbert Halwas, Administrator, d. b. n. c. t. a., acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

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

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

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

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

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

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

[F. R. Doc. 47-11299; Filed, Dec. 23, 1947;
8:54 a. m.]