THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 16 NUMBER 178

Washington, Thursday, September 13, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

PART 381—DISASTER LOAN PROGRAM

MISCELLANEOUS AMENDMENTS

1. Paragraphs (a) (1) and (b) of § 381.5, Title 6, Code of Federal Regulations (16 F. R. 3970) are amended to authorize advances to obtain pasture or grazing privileges, and to obtain the use of farm buildings, and as so amended read as follows:

§ 381.5 *Loan purposes.* (a) * * *

(1) The purchase of feed, seed, fertilizer, insecticides, and fuel for tractors; the payment of customary and equitable charges for the use of farm buildings, pasture land, as well as grazing permits and fees; and for other essential farm and home operating expenses.

* * * * *

(b) Disaster loans will not be made for the purpose of refinancing existing debts, either secured or unsecured; or, for the payment of cash rent on crop land.

2. The introduction to § 381.6, Title 6, Code of Federal Regulations (16 F. R. 6273), is amended to provide that disaster loans will bear interest at the rate of 3 percent per annum, and as so amended, reads as follows:

§ 381.6 *Rates and terms.* On and after August 10, 1951, Disaster loans will bear interest from the date of the advance at the rate of 3 percent per annum on the unpaid principal balance. Such loans will be scheduled for repayment in accordance with the following policies:

* * *

3. Section 381.7, Title 6, Code of Federal Regulations (16 F. R. 3970) is amended to permit an additional exception to the subordination of the landlord's interest in crops being financed with the proceeds of the loan when the landlord's claim for rent for the current year is based on the customary and equitable charge for farm buildings or pasture land, and as so amended reads as follows:

§ 381.7 *Security requirements.* * * *

(b) A first lien on all crops growing or to be grown. However, if the Farmers Home Administration will make no advance in connection with a particular crop which is under lien as security for advances made by another creditor, the best lien obtainable will be taken on such crop. When a loan is made to a tenant, the landlord will be required to subordinate all his interest in crops being financed with the proceeds of the loan, except, that at the discretion of the loan approving officer, the landlord may not be required to subordinate his claim for rent for the year that is based on a reasonable and customary share of the crops to be produced and the customary and equitable charge for farm buildings or pasture lands, as provided for in a written lease or as evidenced by memorandum on Form FHA–32, "Subordinate Agreement," or similar form. State Directors also are authorized to waive the requirement that the landlord subordinate his interest with respect to borrowers paying cash or standing rent when (1) a loan is being made to an applicant already indebted on a Disaster loan which was obtained prior to January 1, 1951, and amortized over more than one year and (2) the borrower will operate the same farm under the same lease.

4. Section 381.11, Title 6, Code of Federal Regulations (16 F. R. 3972) is amended to add a new paragraph (b) (2) (i) (*a*) to permit delegations of authority to County Supervisors and Disaster Loan Supervisors to release mortgaged property and the proceeds from the sale thereof in order to pay from normal farm income necessary farm and home operating expenses which must be met before the due date of the next unpaid installment on the loan and prior to receipt of the primary income from the years' operations, provided such expenses were included in the budget developed in connection with the loan, and the loan was made with the understanding that funds would be

(Continued on next page)

CONTENTS

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

released for this purpose. The addition to the section reads as follows:

§ 381.11 *Servicing Disaster loans.* * * *

(b) *Release of security other than real estate.* * * *

(2) * * *

(i) * * *

(*a*) This authority may be redelegated to qualified individual County Supervisors and Disaster Loan Supervisors upon a determination by the State Director that the volume of cases requiring the exercise of such authority in the County Office Territories involved will be such that it would be impractical for the releases to be approved by the State Director.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 Stat. 44; 12 U. S. C. 1148a–2)

DERIVATION: §§ 381.5 to 381.7 and 381.11 contained in FHA Instruction 445.1.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 27, 1951.

Approved September 7, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–11006; Filed, Sept. 12, 1951; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR–372]

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

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of September 1951.

Under the present interpretation of § 41.57 of the Civil Air Regulations it is not possible for a pilot to fly in more than one type of crew combination for a single flight without restricting his total monthly flight time to 100 hours. Since a pilot in flight crews consisting of two pilots and an additional flight crew member may fly as much as 120 hours a month, and since a pilot in flight crews consisting of three or more pilots and an additional flight crew member may fly subject to no specific monthly limitations, the effect of this limitation under § 41.57 is to prevent mixed assignments even where no increase in flight fatigue would be involved and where the arrangement would be desirable for both pilot and carrier.

It is our intention that assignment (service) in more than one type of flight crew shall be permitted without creating

any penalty in terms of maximum permissive flight duty and without, of course, opening the door to evasion of the stricter limitations applicable to the smaller crew combinations. Accordingly, for an experimental period of 6 months, a pilot is permitted to be assigned in any given month to another type of crew combination without additional flight time limitation if he does not fly more than 20 hours in the type of crew to which the more restrictive flight time limitations apply, or if such assignment is not interrupted more than once during such month. During this period it is expected that the Civil Aeronautics Administration will closely supervise the operation to be sure that no abuse is developed and to obtain necessary information to assist the Board in determining a satisfactory permanent basis for future flight time limitations. This appears to provide logical classification in accordance with the flight time limitations authorized in §§ 41.54, 41.55 and 41.56, for various types of crew combinations.

In effect, this regulation establishes the following maximum monthly and quarterly limitations for pilots assigned to various flight crew combinations:

1. A pilot assigned to multiple crews may fly in either two-pilot or two-pilot plus additional airman crews and shall comply with the flight time limitations applicable to multiple crews under the following circumstances:

(a) If his assigned time to two-pilot crews is a continuous period of 20 hours or less (the fact that more than one flight trip is involved does not prevent the period from being regarded as continuous for this purpose);

(b) If his assigned time in two-pilot plus additional airman crews is a continuous period of 20 hours or less;

(c) If his combined time in two-pilot and two-pilot plus additional airman crews is 20 hours or less.

2. Any pilot whose time in two-pilot crews exceeds 20 hours or who has two or more noncontinuous assignments to such crews shall have a monthly maximum of 100 hours.

3. Any pilot whose time in two-pilot plus additional airman crews exceeds 20 hours or who has two or more noncontinuous assignments to such crews shall have a monthly maximum of 120 hours and a quarterly limit of 300 hours.

4. Any pilot whose combined time in a two-pilot crew with and without an additional airman exceeds 20 hours shall have a monthly limit of 120 hours and a quarterly limit of 300 hours.

It is expected that the Civil Aeronautics Administration will closely supervise the operation of this regulation to avoid the development of abuse and to obtain information necessary to assist the Board in determining a satisfactory program for future flight time limitations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective October 1, 1951.

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crew is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation shall terminate March 31, 1952, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 604, 52 Stat. 1007, 1008, 1010; 49 U. S. C. 551, 552, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-11018; Filed, Sept. 12, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 11, Area Ceiling Determination No. 1]

GWR 11—AGRICULTURAL LABOR

ACD 1—TOMATO PACKING IN CALIFORNIA

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), E. O. 10161 (15 F. R. 6105), E. O. 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 11 (16 F. R. 4938), and Wage Stabilization Board Resolutions 37 and 41 (16 F. R. 8954) this Area Ceiling Determination No. 1 to GWR 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Wage Regulation 11 authorizes employers of agricultural labor to increase their base wage rates without Board approval up to certain specified levels, or by 10 percent. By Board Resolutions 37 and 41, the National Wage Stabilization Board has authorized the Regional Boards of certain specified regions, or the Regional Directors, pending the establishment of a Regional Board, to establish maximum wage ceilings for specific agricultural operations in defined areas. Upon the basis of requests from interested parties for the establishment of an area ceiling rate for tomato picking, public hearings were held on August 21, 22, and 23, 1951, at Woodland, Stockton, and King City, California, respectively to assist the Regional Director in determining whether an area ceiling for tomato picking should be established. Agricultural employers, employees and other interested persons in the area and in nearby areas were given an opportunity to appear and testify or to submit written information. Based upon information and data obtained at these hearings and from information and data available to him from other sources, the Regional Director has determined that an area ceiling establishing maximum permissible wage rates which would be applicable to all employers, labor contractors, and employees engaged in that operation in California will serve to stabilize agricultural wages. In the judgment of the Regional Director the following determination is generally fair and equitable and will effectuate the purposes of Title IV and Title VII of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Areas, operations and classes of employees covered.
2. Area ceiling wage rates.
3. Administration.

AUTHORITY: Section 1 through 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., E. O. 10233, Apr. 21, 1951, 16 F. R. 3503.

SECTION 1. *Areas, operations and classes of employees covered.* This area ceiling determination shall be applicable to all employers, labor contractors and employees hired to pick tomatoes during any part of the 1951 tomato harvest in any part of California.

SEC. 2. *Area ceiling wage rates.* An employer covered by this area ceiling determination may, without further approval, pay at any rate up to but not exceeding the following:

(a) The maximum piece-work rate which may be paid a tomato picker for a 50-lb. box of round type tomatoes is 20¢. The maximum piece-work rate which may be paid a tomato picker for a 50-lb. box of pear type tomatoes is 24¢. These maximum piece-work rates apply to all pickings of the tomato crop and

include any premiums or bonuses which are paid to tomato pickers.

(b) No employer covered by this area ceiling determination shall pay any employee engaged in tomato picking at a rate in excess of the applicable maximum wage rate designated in paragraph (a) of this section, except:

(1) That he may not be required to pay less than the rate he paid for the operations covered herein during the most recent crop season occurring before June 25, 1950; and

(2) That he may pay more than the rate specified in paragraph (a) of this section if he has been granted an adjustment pursuant to section 3 (b) of this determination.

SEC. 3. *Administration.* (a) This area ceiling determination will be administered by the 12th Regional Office of the Wage Stabilization Board, 1204 Flood Bldg., 870 Market Street, San Francisco, Calif.

(b) An employer whose agricultural operations are covered by this area ceiling determination may request the Regional office for individual adjustments in the area ceiling rates designated in section 2 of this determination. The employer must establish that the proposed adjustment is needed because of special conditions which may prevent his employees from earning amounts which are fairly comparable to their earning capacity under normal circumstances in the area. The Regional office may grant such adjustment as it feels warranted from the information submitted by the applicant and from any investigation it may make. The employer may be required to post a notice of any individual adjustment in the area ceiling rate which may be granted him.

(c) Any violation of this area ceiling determination constitutes a violation of the Defense Production Act of 1950, as amended, and may subject the violator to the penalties prescribed therein, and in the Board's Enforcement Resolution, adopted June 13, 1951 (16 F. R. 6028).

Effective date. This determination shall become effective on September 14, 1951, and shall continue for the entire period of the 1951 tomato harvest in California, unless modified by the Wage Stabilization Board.

ARTHUR M. ROSS,
Regional Director, Wage Stabilization Board, San Francisco, California.

SEPTEMBER 7, 1951.

[F. R. Doc. 51-11100; Filed, Sept. 12, 1951; 9:04 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-22 as amended September 11, 1951]

M-22—DISTRIBUTION AND USE OF ALUMINUM SCRAP

This amendment to NPA Order M-22 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-22 by deleting the names of "fabricators" and "approved smelters" and substituting general definitions of "fabricators" and "smelters"; by adding additional definitions; by amending section 6 to revoke approval of toll agreements heretofore granted by NPA, and to prohibit shipment of scrap under any toll agreement after September 30, 1951, without the prior written approval of the National Production Authority; by deleting section 8; and in other respects.

As amended, this order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Segregation of aluminum scrap.
4. Restrictions on distribution of aluminum scrap.
5. Restrictions on use of aluminum scrap.
6. Restrictions on toll agreements.
7. No acquisition or delivery in violation of order.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The primary purpose of this order is to regulate the segregation, acceptance, delivery, and distribution (whether on purchase, toll agreement, or otherwise) of aluminum scrap. The order also prohibits undue accumulations of such scrap.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason, the principal ingredient of which by either weight or volume is metallic aluminum, or from which metallic aluminum may be recovered by sweating, either of domestic generation or imported in either loose or scrap pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings.

(c) "Producer" means any prime producer of metallic aluminum from the raw material alumina.

(d) "Smelter" means any person who maintains the necessary sorting and preparation equipment and who remelts virgin metal or scrap to produce properly alloyed, refined, chemically tested, specification casting ingot and metallurgical shapes for sale to other persons, and who has the testing equipment and technical knowledge necessary to perform this function without downgrading or waste.

(e) "Reclaimer" means any person who reclaims aluminum from scrap contaminated with extraneous materials in a furnace, crucible, or sweater operation. A "reclaimer" produces only unrefined metal which is not alloyed to a given specification or which is not otherwise properly controlled or refined, and which is sold as reclaimed scrap pig to a producer or a smelter.

(f) "Dealer" means any person regularly engaged in the business of buying and selling aluminum scrap.

(g) "Generator of aluminum scrap" means any person who in salvage, manufacture, or fabrication produces aluminum scrap.

(h) "Fabricator" means a person who produces for sale (in whole or in part) the following mill products:

Plate, sheet (coiled or flat), or foil.
Extrusion or tubing.
Rod, bar, or wire.
Powder (atomized or flake, including paste).

(i) "Foundry" means a person who produces aluminum or aluminum alloy cast shapes by melting for use in rough or finished form, without further rolling, drawing, or extruding operations.

(j) "Ingot" means aluminum as cast to specific composition for remelting.

(k) "Pig" means aluminum of variable composition as produced in an electric reduction furnace.

(l) "Scrap pig" means unrefined aluminum of variable composition as produced in a reclamation operation.

SEC. 3. *Segregation of aluminum scrap.* (a) Any generator of aluminum scrap shall segregate such scrap by alloy and shall not mix scrap of one alloy with any other alloy or material: *Provided, however,* That this segregation requirement does not apply to skimmings, drosses, grindings, buffings, and sawings.

(b) Any dealer receiving aluminum scrap in segregated form must maintain such segregation.

SEC. 4. *Restrictions on distribution of aluminum scrap*—(a) *Delivery by scrap owners and generators.* Except as provided in section 5 (a) of this order, any person (other than a producer, smelter, reclaimer, fabricator, or dealer) who owns or generates any aluminum scrap shall deliver such scrap to a producer, smelter, reclaimer, fabricator, or dealer, and shall not dispose of such scrap in any other way.

(b) *Time of delivery.* Except as provided in section 5 (a) of this order, any person who generates or holds any aluminum scrap shall deliver all such scrap to a producer, reclaimer, smelter, fabricator, or dealer at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 30 days, whichever shall first occur.

(c) *Delivery by dealers.* Dealers shall deliver all aluminum scrap at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 30 days, whichever shall first occur. A dealer shall deliver aluminum scrap only to a producer, smelter, reclaimer, or fabricator: *Provided, however,* That any dealer may deliver any such scrap to another dealer if, in the regular course of business, he does not collect sufficient scrap to make it practicable for him to deliver directly to a producer, smelter, reclaimer, or fabricator: *And provided further,* That any dealer may deliver scrap reusable in the form in which received to any consumer of controlled materials who is entitled to receive and use it under applicable regulations and orders of the National Production Authority and who may elect to use it in lieu of aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1. Any such consumer who receives aluminum scrap as provided herein, shall charge such aluminum against his CMP allotment.

SEC. 5. *Restrictions on use of aluminum scrap.* (a) Except as provided in section 4 (c) of this order, no person other than a producer, smelter, reclaimer, or fabricator shall melt, reprocess, smelt, or otherwise use aluminum scrap: *Provided, however,* That a foundry may remelt its own gates, risers, and sprues, and its defective, rejected, and obsolete castings, if by so doing it does not degrade or contaminate the aluminum alloy: *And provided further,* That any person other than a producer, smelter, reclaimer, or fabricator who uses aluminum scrap in his regular operations (such as a chemical plant, steel mill, etc.) may request the National Production Authority for authorization to use aluminum scrap in such operations. Any such authorization will specify the type and grade of aluminum scrap to be used for the stated purpose.

(b) No person shall use a type of aluminum scrap, scrap pig, or ingot for a purpose or a process in which a lower grade is suitable.

(c) No person who melts, smelts, or otherwise reprocesses aluminum scrap shall downgrade such scrap.

SEC. 6. *Restrictions on toll agreements.* No aluminum scrap shall be delivered or received pursuant to any existing or future toll, conversion, or repurchase agreement, or any similar arrangement, without the prior written approval of the National Production Authority: *Provided, however,* That aluminum scrap owned by a fabricator may be shipped to a producer or to another fabricator for conversion into any product usually purchased by such fabricator, without specific approval of the National Production Authority. All approvals of toll transactions granted by the National Production Authority prior to the effective date of this order are hereby revoked as to all shipments of scrap not made on or before September 30, 1951.

SEC. 7. *No acquisition or delivery in violation of order.* No person shall acquire or deliver aluminum scrap if he knows or has reason to believe that such material has been or will be used in violation of this or of any other order of the National Production Authority: *Provided, however,* That any producer, reclaimer, smelter, or fabricator may acquire aluminum scrap for any use permitted by this order whether or not the person from whom it is acquired has complied with this order.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of the national defense or in the public interest. All such requests shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–22. In examining requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that will permit determination for each transaction whether the provisions of this order have been met. A producer, smelter, or fabricator shall keep his own metallurgical heat or furnace charge records, indicating the grade, quality, and weight of aluminum charged; the weight of the finished aluminum recovered; and the analysis thereof. A reclaimer shall keep a furnace charge record indicating the types and quantities of scrap treated. These provisions do not specify any particular accounting method and do not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have maintained or who may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) All persons who melt, smelt, or reclaim any aluminum scrap, shall file with the Department of the Interior, Bureau of Mines, Washington 25, D. C., in duplicate, the following reports on or before the fifteenth day of the month following the period reported: (1) Smelters and reclaimers shall file Form 6–1114–M monthly; (2) producers, fabricators, and all other persons consuming aluminum scrap or secondary ingot (such as iron and steel plants and foundries and chemical producers), except foundries consuming less than a total of 12,000 pounds annually of scrap and secondary ingot, shall file Form 6–1111–M monthly; and (3) foundries consuming less than a total of 12,000 pounds annually of scrap and secondary ingot shall file Form 6–1111–Q quarterly.

(d) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* Except as provided in section 9 (c) of this order, all communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–22.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order, as amended, shall take effect on September 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51–11072; Filed, Sept. 11, 1951; 4:33 p. m.]

[NPA Order M–57 as amended Sept. 11, 1951]

M–57—VEGETABLE TANNING MATERIAL

The amendment of this order is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950 as amended. In the formulation of the amendment of this order, consultation with industry representatives, including trade association representatives, has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M–57, as follows: The last sentence of section 1 is amended. In section 2 paragraphs (b) and (c) are amended, paragraph (d) is deleted and a new paragraph (d) is inserted in lieu thereof. Paragraphs (e) and (f) are redesignated paragraphs (f) and (g), respectively, and a new paragraph (e) is inserted. Paragraph (a) of section 3 is amended.

Paragraph (b) of section 3 is deleted and a new paragraph (b) is inserted in lieu thereof. Section 4 is amended. A new section 5 is inserted. The former sections 5 through 10 are redesignated sections 6 through 11, respectively. The redesignated section 6 is amended. As so amended, NPA Order M–57 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of vegetable tanning material.
4. Restrictions on use of chestnut extract in blends.
5. Restrictions on use of quebracho for oil and gas well drilling.
6. Applications for adjustment or exception.
7. Records.
8. Audit and inspection.
9. Reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071, sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve vegetable tanning materials so as best to serve the interests of national defense and essential civilian requirements. It prohibits the use by a processor of any vegetable tanning material for any purpose other than those provided for in this order. It also prohibits a processor from increasing the proportion of chestnut extract in any blend above the proportion which he used during the year 1950.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Vegetable tanning material" means any of the following materials and extracts or any blend thereof:

Domestic raw materials and extracts:
- California oak bark.
- Chestnut oak bark.
- Chestnut wood.
- Hemlock bark.
- Sumac.

Foreign raw materials and extracts:
- Algarobilla (pods).
- Divi-divi (pods).
- Gambier.
- Hemlock bark.
- Mangrove bark.
- Myrobelans (nuts).
- Quebracho wood.
- Sumac.
- Tara pods.
- Tara powder.
- Urunday.
- Valonia beards and cups.
- Wattle or mimosa bark.

(c) "Processor" means any person who used for any purpose (including blending) in any calendar month commencing with January 1950, to and including March 1951, or who uses for any purpose (including blending) in any calendar month thereafter, more than 500 tan units of chestnut extract or more than 2,500 tan units of vegetable tanning materials, including chestnut extract if any is used.

(d) "Blending" means only the mixing or combining of any of the materials or extracts listed in paragraph (b) of this section with any other such material or extract, or with any synthetic tanning material. A "blend" means the resultant product of blending.

(e) "Base period" means the 6-month period ending June 30, 1950.

(f) "NPA" means National Production Authority.

(g) "Tan unit" means 1 pound of 100 percent tannin as determined by the analytical methods of the American Leather Chemists Association.

SEC. 3. *Restrictions on use of vegetable tanning material.* (a) No processor shall use any vegetable tanning material (whether a blend or otherwise) for any purpose other than the following:

(1) The tanning of hides and skins or other processing of leather.

(2) The manufacture of pharmaceuticals.

(3) The manufacture of tannic, gallic, or pyrogallic acid.

(4) The manufacture of water treatment products.

(5) In the drilling of gas or oil wells.

(6) The making of any product which is suitable for use in the drilling of gas or oil wells.

(7) Blending.

(b) No person shall use any product referred to in item numbered (6) of paragraph (a) of this section, for any purpose other than in the drilling of gas or oil wells.

SEC. 4. *Restrictions on use of chestnut extract in blends.* No processor shall use a greater proportion of chestnut extract in any blend than the average proportion of chestnut extract he used in all blends during the 6-month period ending June 30, 1950.

SEC. 5. *Restrictions on use of quebracho for oil and gas well drilling.* (a) No processor shall use in the calendar quarter commencing April 1, 1951, or in the calendar quarter commencing July 1, 1951, in the drilling of oil or gas wells, quebracho in excess of 60 percent by weight of his average quarterly use of quebracho in such drilling during the base period.

(b) No processor shall use during the calendar quarter commencing October 1, 1951, or during any calendar quarter thereafter, in the drilling of oil or gas wells a total quantity of quebracho measured by tan units of quebracho, in excess of 60 percent of his average quarterly use of quebracho in such drilling during the base period.

(c) In the computation of the average quarterly use of quebracho and the percentage of quarterly use as required by paragraphs (a) and (b) of this section, the weight or the tan units of all the quebracho used shall be included regardless of whether such quebracho was used in extract form or was one of the components of a blend or product containing quebracho.

(d) Nothing in this section shall restrict the use, in the drilling of oil and gas wells, of any quebracho held by a processor as inventory on April 16, 1951, (the effective date of this order as originally issued) or which was on that date in transit to him pursuant to any purchase order for quebracho placed by him prior to that date.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period or that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 8. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 9. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–57.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority

or allocation control and to deprive him of further priorities assistance.

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

This order as amended shall take effect on September 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-11073; Filed, Sept. 11, 1951; 4:33 p. m.]

[NPA Order M-66 as Amended September 30, 1951]

M-66—ARTIFICIAL GRAPHITE AND CARBON ELECTRODES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-66, as amended on June 30, 1951, by amending paragraphs (b) and (c) of section 4; paragraphs (b) and (c) of section 5; by deleting paragraphs (d) and (e) of section 5; by amending paragraph (a) of section 6; by deleting section 7 and renumbering sections 8 through 12 as sections 7 through 11, respectively; and by deleting paragraph (a) of section 7 (formerly section 8).

NPA Order M-66 as amended reads as follows:

Sec.
1. What this order does.
2. Application of this order.
3. Relation to other regulations.
4. Definitions.
5. Restrictions on delivery or use.
6. Exceptions from allocation requirements.
7. Reports.
8. Audit and inspection.
9. Applications for adjustment or exception.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071, sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR; 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for the distribution of the limited supply of artificial graphite products and carbon electrodes so as best to serve the interests of national defense and essential civilian production. This order establishes limits on inventory and brings artificial graphite and carbon electrodes under allocation by prohibiting, subject to a limited exception, any deliveries or acceptance of deliveries not covered by allocation authorizations to be issued quarterly by the National Production Authority. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small businesses.

SEC. 2. *Application of this order.* This order applies to the delivery and receipt of artificial graphite and of carbon electrodes in the electrothermic, electrolytic, and special metallurgical and chemical fields.

SEC. 3. *Relation to other regulations.* The provisions of this order supersede all NPA regulations and orders to the extent that they are inconsistent herewith, but in all other respects such regulations and orders remain applicable to artificial graphite and carbon electrodes. The National Production Authority may from time to time issues special directives as to deliveries of artificial graphite and carbon electrodes and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Definitions.* For purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government. In the case of any person as herein defined who operates more than one plant at different locations, the word "person" shall mean each such separate operation.

(b) "Artificial graphite" means:

(1) Those solid graphite electrodes, plain or threaded, for use in electric arc or resistor furnaces,

(2) Those solid graphite anodes, plain, machined, or treated, for use in electrolytic cells,

(3) Those solid graphite shapes (round, square or rectangular) unmachined and not otherwise processed by the producer, for use in metallurgical, chemical, or electronic applications,

(4) Those machined graphite nipples for use with threaded carbon electrodes, which are produced in an electrical graphitizing furnace from a mixture of calcined petroleum coke and pitch or other suitable binder.

(c) "Carbon electrodes" means those solid carbon electrodes, plain or threaded (round, square, or rectangular), for use in electric arc furnaces, which are produced in a baking furnace from a mixture of calcined anthracite coal and pitch or other suitable binder.

SEC. 5. *Restrictions on delivery or use.* (a) On and after August 1, 1951, no person shall deliver or accept delivery of any artifiicial graphite or of any carbon electrodes, whether on rated or unrated orders, except in accordance with the terms of an allocation authorization issued by the National Production Authority on Form NPAF-97.

(b) Application for an allocation authorization must be filed with the National Production Authority by the purchaser on Form NPAF-97 not later than the first day of the month preceding the calendar quarter in which delivery is sought, except that application for an allocation for the fourth quarter of 1951 must be filed not later than September 10, 1951. Such application shall be in quadruplicate and must furnish all information required by the form.

(c) An authorization allocation (Form NPAF-97) will be sent by the National Production Authority to the appropriate supplier(s) specifying the amount authorized to be delivered to the applicant during the quarter period and the applicant will be notified of the issuance thereof. The authorization will permit the supplier to make delivery to the extent of the purchaser's orders within the limit of the authorization.

SEC. 6. *Exceptions from allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries of graphite electrodes of less than ¾-inch cross section.

(b) Deliveries of artificial graphite or of carbon electrodes to any person whose total receipts of artificial graphite and carbon electrodes from all sources during the current quarter are not thereby made to exceed 500 pounds and who so certifies to his supplier in substantially the following words on his order:

The undersigned certifies to the supplier and to the National Production Authority that receipt of the material hereby ordered in the quarter requested will not bring his total receipts of artificial graphite and carbon electrodes during that quarter above 500 pounds.

SEC. 7. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require subject to the provisions of the Federal Reports Act of 1942 (5 U. S. C. 139–139F.)

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

SEC. 8. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production

Authority, Washington 25, D. C., Ref: M–66.

SEC. 11. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of the National Production Authority or who willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on September 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51–11074; Filed, Sept. 11, 1951; 4:35 p. m.]

[NPA Order M–68 as amended September 11, 1951]

M–68—PASSENGER CARS

The amendment of this order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. In the formulation of the amendment of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Effective October 1, 1951, this amendment affects NPA Order M–68, as amended July 1, 1951, as follows: Modified are sections 1, 2, 5, and 6; deleted are sections 3, 4, 7, 8, and portions of 2; and redesignated are certain paragraphs of section 2, and sections 5, 6, 9, 10, 11, and 12, as paragraphs of section 2, and sections 6, 5, 7, 8, 9, and 10, respectively. Added are new sections 3 and 4, and portions of section 2.

The order, as amended October 1, 1951, reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Scope of order.
4. Automatic transmissions as equipment in passenger cars.
5. Secondary aluminum in engine pistons.
6. Continued conservation of material.
7. Applications for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve materials required for the national defense. The order applies particularly to persons engaged in the manufacture of passenger cars, and it contains provisions which supplement regulations issued by NPA under the Controlled Materials Plan.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(b) "Passenger car" means any passenger vehicle (including a station wagon having one driving or live axle, or a taxicab) manufactured in the United States, which has a seating capacity of less than 11 persons and which is propelled by an internal combustion engine. The term also includes sets of parts shipped to foreign countries for the purpose of the manufacture and assembly of such vehicles in those countries.

(c) "Controlled materials" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(d) "Category I" means all lines of passenger cars of which the four-door sedan (or the two-door sedan in the event that there is no applicable four-door sedan) had a factory delivered price of $1800, or less, on July 1, 1951.

(e) "Category II" means all lines of passenger cars of which the four-door sedan (or the two-door sedan in the event that there is no applicable four-door sedan) had a factory delivered price of $2500, or between $1801 and $2501, on July 1, 1951.

(f) "Line" means a group of models of any passenger car classified by special name to indicate differences in quality or mechanical specifications.

(g) "Percentage of industry" means the percentage of total industry production of passenger cars set forth in Schedule A of this order for each person engaged in the manufacture of such cars.

(h) "NPA" means National Production Authority.

SEC. 3. *Scope of order.* This order does not establish authorized levels of production. However, allotments of controlled materials and authorized production schedules issued by NPA under the Controlled Materials Plan limit by number the passenger cars that a person may manufacture for civilian and commercial purposes during the fourth calendar quarter of 1951. The authorized production schedules so issued reflect, and have been distributed in accordance with, the percentages of industry set forth in Schedule A of this order.

SEC. 4. *Automatic transmissions as equipment in passenger cars.* (a) To enable the further conservation of critical materials, a person engaged in the manufacture of passenger cars shall not, during the fourth calendar quarter of 1951, or during any calendar quarter subsequent thereto, equip with automatic transmissions a greater percentage of passenger cars manufactured by him for sale in the following two categories than the percentage prescribed for each such category:

Percentage of passenger cars which may be equipped with automatic transmissions.
Category I ..... 35 percent.
Category II ..... 65 percent.

(b) The limitations of this section do not apply to lines of passenger cars of which the four-door sedan, or the two-door sedan in the event that there is no applicable four-door sedan, had a factory delivered price in excess of $2500 on July 1, 1951.

SEC. 5. *Secondary aluminum in engine pistons.* Subject to the provisions of section 6 of this order, no person engaged in the manufacture of passenger cars shall use aluminum in the manufacture of engine pistons for passenger cars unless the aluminum therefor is produced from remelted aluminum scrap, and no person engaged in the manufacture of passenger cars shall purchase from another person passenger car engine pistons made of aluminum not produced from remelted aluminum scrap.

SEC. 6. *Continued conservation of materials.* No person engaged in the manufacture of passenger cars who, after January 1950, made changes in the specifications thereof pursuant to or as a result of orders or regulations of NPA in order to conserve materials required for the national defense, shall, during the fourth calendar quarter of 1951, or during any calendar quarter subsequent thereto, use a greater proportion of materials so conserved than he used in June 1951.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in duplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system assures an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have main-

tained or may maintain such microfilm or other photographic records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the Motor Vehicle Division, National Production Authority, Washington 25, D. C., Ref.: M–68.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order, as amended, shall take effect October 1, 1951.

Issued this 11th day of September 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A

The percentage of industry for each person engaged in the manufacture of passenger cars is as follows:

	Percent
Checker Cab Manufacturing Corp.	0.10
Chrysler Corp.	21.65
Crosley Motors, Inc.	.35
Ford Motor Co.	21.35
General Motors Corp.	41.35
Hudson Motor Car Co.	2.95
Kaiser-Frazer Corp.	1.55
Nash-Kelvinator Corp.	3.30
Packard Motor Car Co.	2.15
Studebaker Corp.	4.25
Willys-Overland Motors, Inc.	1.00
Total	100.00

[F. R. Doc. 51–11075; Filed, Sept. 11, 1951; 4:35 p. m.]

Chapter XV—Federal Reserve System

[Regulation W, Interpretation 43]

REG. W—CONSUMER CREDIT

INT. 43—TRADE-INS

Since the amendment to Regulation W which was made following the amendment of the Defense Production Act, and which became effective July 31, 1951, questions have been received concerning trade-ins in connection with the instalment sale of listed articles, particularly articles listed in Groups B, C, and D of section 9 (the Supplement to the regulation).

It should be noted that the new provisions of the statute and the regulation do not repeal the requirement that a down payment must be obtained. Two provisions of the regulation are of special importance here. One is section 6 (c) (3) which requires that a trade-in be described in the Registrant's records and that the Registrant set out "the monetary value assigned thereto in good faith". The other is section 8 (j) (7) which requires that "any rebate or sales discount" be deducted in calculating the "cash price" of the listed article, and that the required down payment be determined on the basis of the "cash price * * * net of any rebate or sales discount".

The provisions of the statute and regulation, especially those quoted above, prohibit certain practices which would attempt to use fictitious trade-in allowances to evade the down payment requirements. This is true even though the regulation does not necessarily require that trade-in allowances counted against down payments be limited to the actual market value of the trade-in or to the amount for which the Registrant expects to be able to sell it. Some of the more important principles forbidding fictitious trade-in allowances are indicated below.

1. It is evident that a transaction would involve a rebate or sales discount rather than a trade-in where the Registrant in fact did not receive delivery and possession of the property for which a so-called trade-in allowance was granted. In such a case an actual trade-in has not occurred, and labeling the transaction as a "trade-in" will not change its essential characteristic as a mere rebate or discount. The Registrant has received nothing in part payment by virtue of the so-called trade-in and has merely reduced the price of the article sold. Accordingly, the required down payment would have to be obtained on the basis of the "cash price" of the article net of such reduction.

2. A transaction would similarly conflict with the requirements of the regulation where there was applied against the required down payment a so-called trade-in allowance in substantial amount for property having a value that was nominal or negligible, or that bore no reasonable relationship to the so-called allowance. Among transactions that would thus conflict would be many made on the basis of a substantial uniform allowance for all so-called trade-ins irrespective of their make, model, or condition.

3. A trade-in could not be counted as a down payment to the extent that there had been any offsetting increase in the price of the article being sold. The price to be used as a standard here would be the actual value at which the Registrant at the time is selling the same or like articles with an all-cash down payment or on a comparable basis; that price might, of course, be lower than the "list" price.

4. From the foregoing it may be noted that a trade-in allowance cannot be counted against the down payment required under the regulation except to the extent that it reflects a bona fide trade-in or exchange of property. The regulation does not prevent a Registrant from giving rebates or discounts, or from calling them anything he may like; but no matter what he may choose to call them for his own purposes, they obviously cannot take the place of the down payment required by the regulation and cannot excuse the Registrant from the requirement that he actually obtain the required down payment. In other words, a Registrant is entirely free to give any trade-in allowances, rebates, or discounts that he desires; but such allowances, rebates, or discounts cannot be used as a cloak to conceal evasions of the down payment requirements of the regulation contrary to the principles here set out.

5. Under section 8 (a) of the regulation the Registrant is required in any given case to keep such records as are relevant to establishing that his treatment of an allowance as a trade-in or exchange in payment or part payment of the required down payment is in conformity with the foregoing and with the requirements of the regulation.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, 64 Stat. 812, as amended; 50 U. S. C. App. 5, 2131)

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

[F. R. Doc. 51–11000; Filed, Sept. 12, 1951; 8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

INSERTION OF STIPULATIONS

EDITORIAL NOTE: For order granting an exception from the provisions of the Walsh-Healey Public Contracts Act to permit the award of contracts for the procurement of certain canned fruits and vegetables for the Armed Forces of the United States during a specified period without the inclusion therein of the representations and stipulations of section 1 of the act and § 201.1 of this part, see F. R. Doc. 51–11046 under Department of Labor, Division of Public Contracts, in the Notices section, *infra.*

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 31st day of August A. D. 1951.

The matter of modifying the "Uniform System of Accounts for Steam

Railroads, Issue of 1943," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended, (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3)); and

It appearing, that on August 7, 1951, all steam railroads subject to the act, were given notice that the modifications which are set forth below and made a part hereof had been approved, such notice also being published in the FEDERAL REGISTER on August 15, 1951 (16 F. R. 8049) pursuant to the provisions of section 4 of the Administrative Procedure Act; and,

It further appearing, that according to the notice objections to such modifications could be filed on or before August 30, 1951, and after full consideration of all representations so received: It is ordered that:

1. *Effective date.* The modifications set forth below shall become effective January 1, 1952.

2. *Notice.* A copy of this order including the attached modifications shall be served on every steam railroad subject to the act and on every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

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

1. In § 10.380 *Yard enginemen,* cancel the text of this account, without changing the note thereto, and substitute the following text for it:

§ 10.380 *Yard enginemen.* This account shall include the pay of yard enginemen while engaged in yards where regular switching service is maintained and in terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

2. In § 10.381 *Yard motormen,* cancel the title, text, and note of this account.

3. In § 10.392 *Train enginemen,* cancel the text of this account, without changing the note thereto, and substitute the following text for it:

§ 10.392 *Train enginemen.* This account shall include the pay of enginemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines; also the pay of employees while regularly engaged in shoveling coal forward on locomotive tenders. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

4. In § 10.383 *Train motormen,* cancel the title, text, and note of this account.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 51-11009; Filed, Sept. 12, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

CLASSIFICATION ORDER NO. 10

AUGUST 27, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945, (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Cheyenne, Wyoming, land district, embracing approximately 47.53 acres,

WYOMING SMALL TRACT CLASSIFICATION NO. 10

For lease only for cabin sites:

T. 15 N., R. 76 W., 6th P. M. Wyoming
Sec. 28, tracts numbered 1 to 50, inclusive, (part of S½), as indicated on legal plat of survey by the Bureau of Land Management approved June 13, 1950, copies of which are on file and may be viewed at the office of the Manager, Land and Survey Office, Cheyenne, Wyoming, and also at the office of the Area Manager, Bureau of Land Management, Rawlins, Wyoming.

Lots numbered 51, 52, 53 and 54 of this same section are not available for lease but are reserved for public access.

Lots 55, 56, 57 and 58 are not available for lease.

2. The area classified for lease consists of 50 tracts, each approximately one acre in size, most of which adjoin Lake Hattie Reservoir. The lands are situated in Albany County about 20 miles west of the city of Laramie, Wyoming, which has a population of over 14,000. The area is accessible by state and county roads from Laramie of which 10 miles are surfaced highway, 6 miles are graded and graveled county road, and 4 miles are ungraded county roads. Lake Hattie Reservoir is a fresh water storage reservoir for irrigation purposes and has been planted to various species of game fish. At present it is open to yearlong fishing and other recreational uses in accordance with state laws. The lands are level to gently sloping, ranging from elevations of 7,260 feet to 7,280 feet above sea level. The water level of Lake Hattie fluctuates between elevations of 7,250 feet and 7,257 feet above sea level. The soil of the area is gravelly loam and supports a fair cover of native grasses. Annual precipitation limits tree growth, but the propagation of trees is possible with supplemental irrigation. Artesian water for irrigation and culinary purposes is available at shallow depth.

3. As to applications regularly filed prior to 10:00 a. m. September 16, 1949, which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit leasing of such land under the Small Tract Act until 10:00 a. m. September 28, 1951. At that time such lands shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. September 28, 1951 to the close of business December 26, 1951.

(b) Advance period of veterans' simultaneous filings from 10:00 a. m. September 16, 1949 to close of business September 27, 1951.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. December 26, 1951.

(a) Advance period for simultaneous non-preference filings shall be from 10:00 a. m. September 16, 1949 to close of business December 26, 1951.

6. Applications filed within the periods mentioned in paragraphs 4 (b) and 5 (a) will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts of approximately one acre as shown on the approved plat of survey dated June 13, 1950, on file in the Land and Survey Office at Cheyenne, Wyoming. Preference right leases referred

to in paragraph 3 will be issued for the land described in the application, provided the tract conforms to or is made to conform to the area and dimensions specified herein as shown on the approved plat of survey.

9. Leases for lots numbered consecutively from 1 to 50, as shown on the approved plat of survey, will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued.

11. Leases will be subject to renewal upon application filed in the Wyoming Land Office not more than six months or less than 60 days prior to the expiration of the lease, and provided the lessee has constructed satisfactory improvements on the tract as described under paragraph 10 above.

12. Leases will be made subject to existing rights-of-way and also rights-of-way for road purposes and public use as follows:

33 feet along the entire east boundary of lots 1, 11, 31 and 41.

40 feet along the entire north boundary of lots 41 to 50, inclusive.

33 feet along the entire west boundary of lots 40 and 50.

Such rights-of-way may be utilized by the Federal Government or the state, county or municipality in which the lot is situated, or by any agency thereof or by the public in general.

13. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 51-10730; Filed, Sept. 12, 1951; 8:57 a. m.]

[Misc. 61591]

WASHINGTON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE YAKIMA PROJECT

Correction

In F. R. Doc. 51-10819, appearing at page 9173 of the issue for Saturday, September 8, 1951, the signature at the end should read "William Pincus."

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 110]

THOMSON, JACOBS & MORAN, INC.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Thomson, Jacobs & Moran, Inc., Forty-two Broadway, New York 6, New York. Case No. 110.

This proceeding was begun by a letter of April 10, 1951, amended May 10, 1951, wherein the Office of International Trade charged Yangtze Trading Corporation and its officer, E. Y. Soong (hereinafter called Yangtze), American Industrial Products Company and its two officials, Ching Sen Lee and Thomas A. Lynch (hereinafter called American), and Thomson, Jacobs & Moran, Inc., with specific violations of the Export Control Act of 1949 and the regulations issued thereunder. Yangtze and American were charged with trafficking in two instances, in 1949, in validated export licenses, making unauthorized shipments of tinplate to China pursuant thereto, and making and causing the making of false representations and certifications on export control documents in connection therewith. Thomson, Jacobs & Moran, Inc. (hereinafter called respondent), the freight forwarder involved in these transactions of Yangtze and American, was charged with making false representations and certifications on the shipper's export declarations used to effect the aforesaid unauthorized exportations of the tinplate to China.

Yangtze and American admitted the charges and consented to the entry of orders which respectively denied export privileges concerning Positive List commodities to Yangtze for three years and to American for eighteen months. Respondent submitted a written answer and requested an oral hearing, which was held before the Compliance Commissioner on June 28, 1951. Respondent appeared at the hearing through its officers and was represented by counsel. The Investigation Staff, Office of International Trade, was likewise represented by counsel. Oral and documentary evidence was received, and on the basis of the record obtained and the pleadings, all of which were carefully considered, the Compliance Commissioner submitted his report and recommendations.

It appears from the record and the report of the Compliance Commissioner that in March and April 1949, respondent prepared, filed with and had authenticated by the Collector of Customs at New York four shipper's export declarations, prepared and had issued four corresponding bills of lading, and performed other services in its capacity of forwarding agent, whereby a total of some 90 tons of tinplate was exported from the United States by American to its customer in Shanghai, China, through the unauthorized use of a validated export license issued to Yangtze.

Again, in August 1949, respondent prepared, filed with and had authenticated by the Collector of Customs two shipper's export declarations, prepared and had issued two corresponding bills of lading and performed other duties in its capacity of forwarding agent, whereby a total of some nine tons of tinplate was exported from the United States by Yangtze to its customer in Taku Bar, China, through the unauthorized use of a validated export license issued to American.

Respondent in the shipper's export declarations falsely represented and certified the name of the exporter, the ultimate consignee and purchaser, and that the specified validated licenses were authority for the respective shipments.

It further appears from the record and the report of the Compliance Commissioner that respondent's actions were based on its assumptions that a financial arrangement existed between Yangtze and American; that it was permissible under the Office of International Trade regulations in such circumstances for one party to use the license of another to effect an exportation to the former's customer; and that since prior exportations serviced by respondent for both Yangtze and American seemed proper, there was no reason for respondent to believe that those parties would be engaged in license trafficking in these two instances.

It further appears from the record and the Compliance Commissioner's report that the respondent, from the documents in its possession and the services it performed, had sufficient information to put it on notice that irregularities existed in both transactions between Yangtze and American, but respondent took no steps to question the apparent irregularities and acted in disregard of the plain facts. Respondent knew that in both instances the party who was the actual exporter was using the license of another party in order to export goods to the former's customer, and thereby respondent knowingly prepared and had authenticated by the Collector of Customs at New York City shipper's export declarations which contained false representations and certifications. The Compliance Commissioner found that respondent's erroneous belief that the regulations permitted these transactions and its further belief that its principals would not participate in a wrongful act was no justification for it as a forwarding agent to proceed as it did and to effect these unauthorized exportations.

It further appears that while the respondent must be held responsible for its violations as charged, there should be taken into account the good reputation of the respondent in the trade, the fact that its record respecting export practices otherwise is unblemished, and the circumstance that the violations here were not deliberate.

The Compliance Commissioner has accordingly recommended that an order be entered providing that respondent be denied export privileges with respect to any Positive List commodities for one week, and that in order not to cause injury to innocent customers of respondent, such order should not take effect until approximately three weeks from the date thereof.

The report and recommendations of the Compliance Commissioner, together with the record in this matter, have been carefully considered and it appears that the report is supported by the evidence and that such recommendations are fair and reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) Respondent for one week is hereby denied the privileges of obtaining or using or participating directly or indirectly in the obtaining or using of validated export licenses or gen-

eral licenses for the exportation from the United States of any commodity included on the Positive List during the period of such denial of privileges.

(2) Respondent is further denied during the same period the privileges of participating directly or indirectly in any capacity in the receiving, financing, transporting, forwarding or other servicing of any commodity on the Positive List during the period of such denial of privileges. Such denial shall include the preparation, filing or procurement of the issuance or authentication of any export control document involving such Positive List commodities for or on behalf of any person or business organization.

(3) Respondent is further denied for the same period the privilege of practicing before the Office of International Trade as to such Positive List commodities, as such practice is defined in § 384.2 of the Export Control regulations, 15 CFR 384.2, 15 F. R. 2735.

(4) Such denial of export privileges shall take effect beginning at 12:01 a. m. e. s. t. on September 30, 1951, and shall terminate at 12 o'clock midnight e. s. t. on October 6, 1951.

(5) Such denial of export privileges shall extend and apply not only to Thomson, Jacobs & Moran, Inc., and to any person connected in an official capacity with respondent, but to any person, firm, corporation or business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or any services in connection therewith.

(6) During the period of denial of export privileges herein, no person or business organization shall knowingly apply for or obtain any license, shipper's export declaration, or other export control document relating to any exportation of such Positive List commodities to or for respondent Thomson, Jacobs & Moran, Inc., without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

Dated: September 7, 1951.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 51-11003; Filed, Sept. 12, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

CONTRACTS FOR CERTAIN CANNED FRUITS AND VEGETABLES

ORDER GRANTING EXCEPTION FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

On May 25, 1951, notice was published in the FEDERAL REGISTER (16 F. R. 4943) that the Secretary of the Army had made a written finding that the conduct of Government business will be seriously impaired by the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45) (hereinafter called the "Act") in contracts awarded on or before December 31, 1951 for the canned fruits and vegetables hereinafter enumerated and had requested the Secretary of Labor to grant an exception pursuant to the provisions of section 6 of the act.

The notice also stated that a public hearing would be held concerning the request for exception before the Acting Administrator of the Public Contracts Division on June 11, 1951 to afford interested parties an opportunity to appear and submit data, views, and arguments either in support of or in opposition to the proposal.

In accordance with said notice a public hearing was held at the designated time and place before F. Granville Grimes, Jr., Acting Administrator of the Public Contracts Division at which all persons desiring to be heard were given an opportunity to present data, views, and arguments. Following said public hearing a transcript of the record thereof was transmitted to me by the Acting Administrator of the Public Contracts Division. Subsequent to the hearing I proposed to the Department of Defense and to the Secretary of Agriculture that the procurement needs of the Armed Forces might be met through the use of mandatory set-aside orders under Title I of the Defense Production Act of 1950 without the granting of exceptions under the Walsh-Healey Public Contracts Act. This proposal was explored by the Department of Defense and the Secretary of Agriculture who have advised me that set-aside orders would not resolve the difficulties with respect to procurement of canned fruits and vegetables for the Armed Forces.

After reviewing all of the evidence and arguments presented at the hearing, on the written finding of the Secretary of the Army, and upon the entire record before me, I find that the public interest will be served by granting the exception requested by the Secretary of the Army.

Accordingly, pursuant to the authority vested in me by section 6 of the Act I do hereby grant an exception permitting the award of contracts for the procurement of the following canned fruits and vegetables for the Armed Forces of the United States from the date hereof to and including December 31, 1951, without the inclusion therein of the representations and stipulations of section 1 of the act:

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, Lima, canned.
Beans, string, canned.
Beets, canned.
Berries, canned.
Carrots, canned.
Catsup, tomato.
Cherries, sour, canned.
Cherries, sweet, canned.
Corn, cream style, canned.
Corn, whole grain, canned.
Figs, canned.
Fruit cocktail, canned.
Grapefruit, canned.
Juice, citrus.
Juice, grape.
Juice, pineapple.
Peas, green, canned.
Peaches, canned.
Pears, canned.
Pineapple, canned.
Plums (prunes), canned.
Potatoes, sweet, canned.
Pumpkin, canned.
Puree, tomato.
Sauce, cranberry.
Spinach, canned.
Tomatoes, canned.
Tomato Juice, canned.
Tomato Paste, canned.

Signed at Washington, D. C., this 7th day of September 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-11046; Filed, Sept. 12, 1951; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3910]

TRANS-NATIONAL AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Trans-National Airlines, Inc. for an exemption pursuant to § 291.16 of the Board's economic regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that hearing in the above-entitled proceeding, now assigned to be held on September 10, 1951, is postponed to October 10, 1951 at 10:00 a. m. (e. s. t.) in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., September 7, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-11012; Filed, Sept. 12, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1786]

OHIO FUEL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF

SEPTEMBER 6, 1951.

On August 10, 1951, The Ohio Fuel Gas Company (Ohio Fuel) filed with the Commission its FPC Gas Tariff, First Revised Volume No. 1. Ohio Fuel requests the Commission to waive the notice requirements and make the said prosposed First Revised Volume No. 1 effective retroactively to July 16, 1951.

Said First Revised Volume No. 1, as filed, would result in an increase in the charges for natural-gas service from an average of 35.4 cents per Mcf of natural gas sold thereunder to an average of 40.7 cents per Mcf. The proposed increase in charges would result in increased payments by Ohio Fuel's customers amounting to $2,474,516, which is an increase of 15 per cent, based upon the estimated sales during the twelve-month period ending June 30, 1952. Ohio Fuel avers that the proposed increase is necessitated principally by the

impact upon its purchased gas costs, of increased rates filed by Ohio Fuel's suppliers, United Fuel Gas Company and Panhandle Eastern Pipe Line Company. Such higher rates of United Fuel Gas Company and Panhandle Eastern Pipe Line Company are, however, not effective, and have been suspended by the Commission.

The increased rates and charges provided in said First Revised Volume No. 1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said First Revised Volume No. 1 has been sent to each customer of Ohio Fuel which would be affected thereby, to the Public Utilities Commission of Ohio, and to several municipal authorities. Comments have been received from some of such parties.

The Ohio cities of Cincinnati, Dayton and Lancaster have filed objections to the proposed increase, and have requested that such First Revised Volume No. 1 be suspended and a hearing held with respect to its reasonableness. Comments have also been received from the Cincinnati Gas & Electric Company, Dayton Power and Light Company, Delaware Gas Company, Arlington Natural Gas Company, Clintonian Fuel & Oil Company, and Lake Gas Company, each of which is a customer of Ohio Fuel, which protest the proposed increase and request suspension and a hearing.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 15 of such act, concerning the lawfulness of Ohio Fuel's FPC Gas Tariff, First Revised Volume No. 1, and that said First Revised Volume No. 1 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein. Such suspension will operate to deny Ohio Fuel's request that the Commission make the said proposed increase in rates and charges effective as of July 16, 1951.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid The Ohio Fuel Gas Company's FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, said The Ohio Fuel Gas Company's FPC Gas Tariff, First Revised Volume No. 1 be and the same is hereby suspended and the use thereof is deferred until February 10, 1952, and until such further time thereafter as said First Revised Volume No. 1 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 6, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-11005; Filed, Sept. 12, 1951; 8:46 a. m.]

[Docket Nos. G-1712, G-1717]

MONTANA POWER CO.

ORDER CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING

On June 14, 1951, The Montana Power Company (Applicant), a New Jersey corporation having its principal place of business at Butte, Montana, filed, in Docket No. G-1712, an application pursuant to section 3 of the Natural Gas Act for an order authorizing it to import natural gas from the Province of Alberta, Dominion of Canada, into the State of Montana.

On June 18, 1951, Applicant filed, in Docket No. G-1717, an application pursuant to Executive Order No. 8202 for a Presidential Permit for the construction, operation, maintenance and connection at the borders of the United States of facilities for the importation of natural gas from the Province of Alberta, Dominion of Canada, into the State of Montana.

By order of the Commission dated July 25, 1951, the proceeding in Docket No. G-1712 was set for hearing, to commence on August 20, 1951 in Washington, D. C. Thereafter, on August 6, 1951, the Commission adopted an order postponing said hearing to September 10, 1951, and designating Billings, Montana, as the place of hearing. By an order of the Commission entered on September 4, 1951, an additional public hearing in Docket No. G-1712 was set to commence in Helena, Montana, after the completion of taking evidence and adjournment of the hearing in Billings, Montana.

Although Executive Order No. 8202 does not require the Commission to hold a hearing or provide opportunity therefor, it appears that, in the circumstances of these cases, it would be in the public interest for a hearing to be held with respect to the application filed in Docket No. G-1717, jointly with the hearing already ordered with respect to the application filed in Docket No. G-1712.

The Commission finds: Orderly procedure requires that the proceedings in Docket Nos. G-1712 and G-1717 be consolidated for purpose of hearing.

The Commission orders:

(A) The proceedings in Docket Nos. G-1712 and G-1717 be and they hereby are consolidated for purpose of hearing.

(B) The time and place for hearings in these consolidated proceedings shall be the same as heretofore fixed in the Commission's orders dated August 6, 1951 and September 4, 1951, in Docket No. G-1712.

Date of issuance: September 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-11007; Filed, Sept. 12, 1951; 8:47 a. m.]

[Docket No. G-1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 6, 1951.

On June 28, 1951, Colorado Interstate Gas Company and Canadian River Gas Company (Applicants) filed a joint motion to modify the order of the Commission dated February 28, 1951 issuing a certificate of public convenience and necessity to these Applicants in the above-docketed matter.

Paragraph (A) (ii) of said order of February 28, 1951 reads as follows:

Colorado shall, within 4 months from the date of this order, report to the Commission in writing, under oath, the completion date of the acquisition hereby authorized and also the date at which it commences operation of the facilities so acquired, together with a duly authenticated certificate or other document showing the final dissolution of Canadian River Gas Company by the surrender of its corporate charter.

Applicants seek to modify said order to read as follows:

Colorado shall, within 8 months from the date of this order, report to the Commission in writing, under oath, the completion date of the acquisition hereby authorized and also the date at which it commences operation of the facilities so acquired, together with a duly authenticated certificate or other document showing the final merger or consolidation of Canadian River Gas and Colorado Interstate Gas Company into Colorado Interstate Gas Company.

Based on information submitted by Applicant on July 30, 1951, and on August 21, 1951, it appears that the parties have entered into a new memorandum of stipulations differing from the one presented to this Commission. Further, it appears that Colorado Interstate has amended the loan agreement presented at the hearing in this matter providing for increased interest rates and making other changes.

The Commission finds: It would be in the public interest to hold a public hearing on the issues raised by the motion for modification.

The Commission orders:

(A) Pursuant to the authority of sections 7, 15, and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 26, 1951, at 10:00 a. m. e. d. s. t. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented in the motion for modification, hereinbefore mentioned.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Date of issuance: September 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-10998; Filed, Sept. 12, 1951; 8:45 a. m.]

[Docket No. G-1776]

V-M PIPELINE CO.

NOTICE OF APPLICATION

SEPTEMBER 6, 1951.

Take notice that V-M Pipeline Company (Applicant), an Illinois corporation, having its principal place of business at Chicago, Illinois, filed on August 23, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and acquisition of certain natural-gas facilities hereinafter described.

Applicant proposes to acquire by purchase from its affiliate B-V Pipeline Company, an Illinois corporation, a 4½-inch natural-gas pipe line of approximately 8.2 miles in length extending from Southeastern Illinois Gas Company's gas distribution facilities in Vandalia, Illinois, northeastwardly to a point near Brownstown, Illinois.

Applicant proposes to construct a 4½-inch natural-gas pipe line of approximately 7.4 miles in length to extend from a point of connection with the said pipe line to be acquired from B-V Pipeline Co. eastwardly to a point of connection with the natural-gas pipe line owned by Texas Illinois Natural Gas Pipeline Company (Texas Illinois).

Applicant proposes to construct a 4½-inch natural-gas line of approximately 8.4 miles in length to extend from a point of connection with the existing distribution system of Southeastern Illinois Gas Company in Metropolis, Illinois, in a northwesterly direction to a point of connection with a metering station on the natural-gas pipe line owned by Trunk Line Gas Supply Company.

Applicant proposes to construct town border stations including metering and regulating equipment at the terminus of the pipe line extending to Vandalia, Illinois, and the pipe line extending to Metropolis, Illinois.

Applicant states that the estimated cost of construction of the proposed lines hereinbefore described, including necessary metering and regulating equipment, is $208,532; and the estimated cost of acquisition of the line to be acquired from B-V Pipeline Co. is $68,431.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 26th day of September 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-10999; Filed, Sept. 12, 1951; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

[Temporary Order 4, Amdt. 5]

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS, AND DIRECTOR, PREFABRICATED HOUSING LOANS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

The Commissioner, Community Facilities and Special Operations, and the Director, Prefabricated Housing Loans, and each of them is hereby authorized on behalf of the United States of America acting by and through the Housing and Home Finance Administrator (herein called "Administrator"), as successor in interest to the Reconstruction Finance Corporation (herein called "RFC") pursuant to the provisions of Reorganization Plan No. 23 of 1950, 81st Cong., 2d Sess., 15 F. R. 4366 (1950), or on his own behalf, to release the effect and lien of, or satisfy, as the case may be, in whole or in part, by a written release deed or satisfaction of mortgage, or other form of release or satisfaction, real estate trust deeds, mortgages, deeds to secure debt, or other forms of instruments securing payment of note or notes held by the Administrator as collateral security for loans made by RFC and transferred to the Administrator pursuant to the provisions of said Reorganization Plan No. 23 of 1950, or made by the Administrator pursuant to the Housing Act of 1948, as amended, or any other law (Pub. Law 901, 80th Cong., 62 Stat. 1268, 1275, 12 U. S. C. Supp. IV 1701g; Defense Housing and Community Facilities and Services Act of 1951, Public Law 139, 82d Cong., approved September 1, 1951).

The Commissioner, Community Facilities and Special Operations, and the Director, Prefabricated Housing Loans, and each of them, is further authorized to execute such other papers or documents as are required by the laws or the general practice of the jurisdiction wherein the affected property is situated so as to fully effectuate such release, satisfaction, or other form of release.

The Administrator's Temporary Order No. 4, effective September 7, 1950, 15 F. R. 6035 (1950), as previously amended, is hereby further amended to the extent of this delegation and change but in no other respect.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948) as amended, 12 U. S. C. Supp. IV 1701c; 63 Stat. 413, 440 (1949), as amended, 12 U. S. C. Supp. IV 1701d-1; Pub. Law 475, 81st Cong., 2d sess., sec. 503 (1) (Apr. 20, 1950); Reorg. Plan No. 23 of 1950, 15 F. R. 4366 (1950); 62 Stat. 1268, 1275, 12 U. S. C., Supp. IV 1701g, as amended by Defense Housing and Community Facilities and Services Act of 1951, Pub. Law 82d Cong.)

Effective as of the 13th day of September 1951.

RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 51-11013; Filed, Sept. 12, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26388]

PIG-IRON FROM TEXAS TO BUFFALO AND SUSPENSION BRIDGE, N. Y.

APPLICATION FOR RELIEF

SEPTEMBER 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff ICC No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star and McCrossin, Texas.

To: Buffalo and Suspension Bridge, N. Y.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates; D. Q. Marsh, Agent, ICC No. 3960, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 51-11010; Filed, Sept. 12, 1951; 8:47 a. m.]

[4th Sec. Application 26389]

IRON OR STEEL PIPE FROM ALABAMA CITY AND GADSDEN, ALA., TO POINTS IN OHIO AND PENNSYLVANIA

APPLICATION FOR RELIEF

SEPTEMBER 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 3772, pursuant to fourth section order No. 9800.

Commodities involved: Pipe, iron or steel, wrought, carloads.

From: Alabama City and Gadsden, Ala.

To: Specified points in Ohio and Enon, Pa.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

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

[F. R. Doc. 51-11011; Filed, Sept. 12, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE AND OPPORTUNITY FOR HEARING ON APPLICATION FOR AUTHORITY TO RENEW BANK LOAN FOR ONE YEAR

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1951.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company, has filed a supplemental application, pursuant to the Public Utility Holding Company Act of 1935, in connection with its Amended Plan of Reorganization, dated March 8, 1947, for authority to renew its bank loan in the principal amount of $830,000.

Notice is further given that any interested person may, not later than September 20, 1951, e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues, if any, of fact or law, raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. At any time after September 20, 1951, said application, as filed or as amended, may be granted by the Commission.

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

NEPSCO, pursuant to orders of the Commission dated June 27, 1947 and September 12, 1947, borrowed, on October 11, 1947, an aggregate of $13,500,000 from certain banks to effect the retirement of its Prior Lien Preferred Stock. The loan was for a period of one year with the right, subject to our approval, to two successive renewals of one year each, at an interest rate of 2¼ percent per annum. NEPSCO, with our approval, renewed the loan for the two successive years, 1948 and 1949, in the amounts of $11,900,000 and $10,300,000 respectively. By orders, dated September 8, 1950 and October 10, 1950, we permitted NEPSCO, among other things, to renew its bank loan, then reduced to $4,000,000, for another period of one year from October 11, 1950 at an interest rate of 2½ percent per annum with the right, subject to our approval, to renew the loan for a further period of one year at an interest rate to be agreed upon. NEPSCO has pending before the Commission a final plan of liquidation which provides, among other things, for the payment of the bank loan out of earnings, or, if necessary, by other appropriate means.

The bank loan of NEPSCO presently outstanding aggregates $1,310,000. NEPSCO will, prior to October 11, 1951, pay $480,000 on said loan reducing it to $830,000. NEPSCO now proposes to renew, on October 11, 1951, in accordance with the terms of the loan agreement, its bank loan in the aggregate amount of $830,000 for a period of one year at an interest rate of 2½ percent per annum.

The application states that NEPSCO expects to pay the loan in full from earnings prior to October 11, 1952; however, it is stated that if it becomes apparent the loan will not be paid in full from earnings by that time, the company will sell additional shares of its utility stocks so that the loan will be paid in full not later than October 11, 1952.

By the Commission.

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

[F. R. Doc. 51-11002; Filed, Sept. 12, 1951; 8:46 a. m.]

[File No. 70-2699]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING PROPOSED ISSUE AND SALE OF 2½ PERCENT NOTES IN PRINCIPAL AMOUNT TO CERTAIN BANKS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 and 7 of the act have been designated as being applicable to the proposed transactions.

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

Columbia proposes to borrow not to exceed in the aggregate $20,000,000 from time to time prior to December 15, 1951, from certain banking institutions and to issue notes in evidence thereof. The proposed borrowings will be made in the indicated amounts from the following banks:

Name of bank:	*Maximum participation*
Guaranty Trust Co. of New York	$8,200,000
Chemical Bank & Trust Co	2,000,000
Irving Trust Co	2,000,000
Mellon National Bank & Trust Co	2,000,000
Bankers Trust Co	2,000,000
The First National Bank of The City of New York	1,000,000
The Hanover Bank	1,000,000
J. P. Morgan & Co., Inc	1,000,000
The Kanawha Valley Bank	300,000
The Charleston National Bank	250,000
The Ohio National Bank	250,000

The notes to be issued by Columbia evidencing such borrowings will be dated as of the date the money is borrowed in each case and will mature June 15, 1952. Interest on the notes for the loans actually made will be 2½ percent per annum and the loan agreement with the banks provides that the principal of such loans may be prepaid by Columbia at any time on three days' notice in whole or in part without premium, together with accrued interest on the amounts prepaid to the date of payment.

Columbia states that the proposed transaction is necessary in order to finance a construction program which is urgently required in order to render gas service to the customers of its subsidiaries. Because of the uncertainty of the amount of construction which can be completed due to the critical shortage of steel pipe and other materials, the financing is in the first instance to be done on a temporary basis.

Columbia further states that should this credit be adequate for its needs in connection with its construction program, it proposes prior to the maturity date of the bank loans to refinance such amounts as may have been borrowed through the issuance and sale of capital securities. Columbia also states that should additional amounts of new money be required over and above the $20,000,000 provided by the bank loan agreement it will request approval of this Commission of a proposed plan of financing such additional requirements.

Notice is further given that any interested person may, not later than September 20, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stat-

ing the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

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

[F. R. Doc. 51-11001; Filed, Sept. 12, 1951; 8:45 a. m.]