

necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

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

§ 988.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 26th day of July 1951, to be effective on and after the 1st day of September 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-8785; Filed, July 30, 1951;
8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

PROCEDURAL CHANGES

JULY 18, 1951.

Reference is made to the notice of proposed rule making which was published in the *FEDERAL REGISTER* of June 8, 1951 (16 F. R. 5455), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of a proposed amendment of the rules relating to procedural changes in the processing of an application submitted by a person who is desirous of being naturalized under section 323 of the Nationality Act of 1940. No representations have been received concerning the proposed amendment. The rule, as stated below, is hereby adopted. The provisions of the adopted rule are the same as those stated in the notice of proposed rule making.

Section 330.6 of Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the First or Second World War.* A person who, while a citizen of the United States and during the First or Second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who

lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking the oath of renunciation and allegiance specified in section 335 of the Nationality Act of 1940. For the purposes of this section, the Second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Such oath may be taken before any naturalization court, and any person described in this section who has lost United States citizenship during the Second World War may also take the oath before any diplomatic or consular officer of the United States abroad. Preliminary application to take the oath shall be made on Form N-428 and submitted to the immigration and naturalization office prescribed in § 60.30 (a) of this chapter. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N-409, in triplicate, the original of Form N-409 being retained as a part of the court record and the duplicate and triplicate forwarded to the district director or officer in charge with duplicates of other naturalization papers filed and issued. The district director or officer in charge shall retain the duplicate and forward the triplicate to the Department of State. The taking of such oath before a diplomatic or consular officer abroad shall be in accordance with such regulations as may be prescribed by the Department of State. Any person who has been naturalized a citizen of the United States under this section may make application for a certificate of naturalization in the manner provided in Part 378 of this chapter.

The rule stated above shall become effective on the thirty-first day following its publication with this order in the *FEDERAL REGISTER*.

The general basis for the rule is the determination that it is advantageous to the Government that applications for naturalization be processed in a uniform manner. The purpose of the rule is to conform the processing of an application submitted by a person who is desirous of being naturalized under section 323 of the Nationality Act of 1940, to the procedure followed in other types of cases involving recovery of United States citizenship.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 323, 335, 54 Stat. 1149, as amended, 1157 as amended; 8 U. S. C. 723, 735)

[SEAL] BENJAMIN G. HABBERTON,
Acting Commissioner of
Immigration and Naturalization.

Approved: July 20, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-8750; Filed, July 30, 1951;
8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 390]

PART 825—RENT REGULATION UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW ORLEANS, LA.

Amendment 390 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12). Said rent regulation is hereby amended in the following respect:

A new item is added to Schedule B to read as follows:

88. Provisions relating to the City of New Orleans in Orleans Parish, Louisiana, a portion of the New Orleans, Louisiana, Defense-Rental Area.

Decontrol of specified class of housing accommodations on Housing Expediter's own initiative. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of §§ 825.1 to 825.12 is hereby terminated, effective July 31, 1951, with respect to housing accommodations in the City of New Orleans in Orleans Parish, Louisiana, which on June 1, 1951, were, (a) unfurnished housing accommodations and (b) had a maximum rent of \$70.00 or more per month.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective July 31, 1951.

Issued this 26th day of July 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-8774; Filed, July 30, 1951;
8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 79]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

A Great Salt Lake, Utah, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GREAT SALT LAKE (Salt Lake City Chart).	Beginning at lat. 41°10'00" N, long. 112°35'00" W; SE to lat. 41°00'30" N, long. 112°32'00" W; SSE to lat. 40°57'00" N, long. 112°30'45" W; due W to long. 112°50'00" W; due N to lat. 41°10'00" N; due E to lat. 41°10'00" N, long. 112°35'00" W, point of beginning.	Surface to unlimited.	Continuous, Aug. 1, 1951, through Aug. 18, 1951.	Headquarters, 15th Air Force.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 1, 1951.

[SEAL]

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

[F. R. Doc. 51-8740; Filed, July 30, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47A, Direction 2]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

DIR. 2—STATUS OF ADJUSTMENTS GRANTED UNDER NPA ORDERS M-47, M-7, AND M-12

This direction to NPA Order M-47A 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 direction, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the direction affects a large number of different trades and industries.

Sec.

1. Application of direction.
2. Adjustments under NPA Order M-47.
3. Adjustments of permitted use in manufacture under NPA Orders M-7 or M-12.
4. Adjustment of permitted use or rate of assembly as to parts.
5. Reconciliations in lists.
6. Effect of denial of adjustment because of prohibited use consideration.
7. Conditions applicable to adjustments applied pursuant to this direction.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong.; 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. Application of direction. This direction applies only to adjustments authorized by the National Production Authority of base-period use as a measure to determine permitted use of iron and steel, aluminum, and copper under NPA Orders M-47, M-7, and M-12, respectively, and the effect of such adjustments on the permitted use of these metals in the manufacture or assembly of items covered by List A of NPA Order M-47A. It does not apply to any adjustment or exception permitting the use of a specific quantity of any metal product

which did not by its terms authorize the adjustment of base-period use.

SEC. 2. Adjustments under NPA Order M-47. Any person authorized in writing by the National Production Authority to use an adjusted base to determine his permitted use of iron and steel products (as defined in section 3 of NPA Order M-47) in the manufacture of any item in List A of NPA Order M-47 during the calendar quarter commencing April 1, 1951, may compute his permitted use of iron and steel products in the manufacture of the corresponding item or items in List A of NPA Order M-47A on the basis of such adjusted base. Any person authorized by the National Production Authority to use an adjusted base to determine his permitted rate of assembly of any item in List A of NPA Order M-47 during the calendar quarter commencing April 1, 1951, may compute his permitted rate of assembly of the corresponding item in List A of NPA Order M-47A on the basis of such adjusted base.

SEC. 3. Adjustments of permitted use in manufacture under NPA Orders M-7 or M-12. Any person authorized in writing by the National Production Authority to use an adjusted base to determine his permitted use of aluminum (as defined in section 3 of NPA Order M-7) in manufacture pursuant to NPA Order M-7, including adjustments pursuant to Direction 2 thereof, or his permitted use of copper forms and products (as defined in section 3 of NPA Order M-12) in manufacture pursuant to NPA Order M-12, including adjustments pursuant to Directions 1 and 2 thereof, may compute his permitted use of aluminum or copper forms and products, or both, as the case may be, in manufacture under NPA Order M-47A by multiplying his adjusted base under NPA Order M-7 or NPA Order M-12, whichever is applicable, by the following ratio: His use of aluminum or copper products in the manufacture of items in List A of Order M-47A, during the base period specified in that order for List A items divided by his use of aluminum or copper products in all of his manufacturing operations during the base period: *Provided, however,* That the provisions of this section shall not apply to any adjustment of base authorized under NPA Order M-7 or NPA Order M-12 to permit production, or increased production, of one or more specified products, if any of the products covered by such adjustment is not included in List A of Order M-47A: *Provided further,* That any person who was authorized in writing by NPA to use an adjusted base under NPA Order M-7 or NPA Order M-12 to permit production, or increased production, of one or

more specified products, all of which are covered by List A of Order M-47A, shall be allowed to use such adjusted base without any deduction therefrom in computing his permitted use in the manufacture of List A items under Order M-47A.

SEC. 4. Adjustment of permitted use or rate to assembly as to parts. Any person authorized by this direction to apply an adjustment made under NPA Orders M-7, M-12, or M-47, in computing his permitted use of a metal product (as defined in section 2 (d) of NPA Order M-47A) in manufacture under NPA Order M-47A may adjust his permitted use or rate of assembly of parts made wholly or partly from such metal product under section 4 (b) of NPA Order M-47A by increasing such permitted use or rate of assembly by the same percentage as the adjustment of his base-period use increased his base-period use of such metal product.

SEC. 5. Reconciliations in lists. Any adjustment which is applied pursuant to this direction shall be applied subject to the following requirements:

(a) To the extent that any adjustment under NPA Order M-47 related to any product not included in List A of M-47A, such adjustment may not be applied to NPA Order M-47A under this direction.

(b) To the extent that any adjustment under NPA Order M-47 related to a specific product now included in any item on List A of NPA Order M-47A, such adjustment shall relate to such product, regardless of its location in List A, rather than to the item bearing the same numerical designation.

Example: A manufacturer of metal furniture was granted an adjusted base to determine his permitted use of iron and steel products in the manufacture of metal dinette furniture (Item 1, Group I, List A, Order M-47) and the manufacture of metal lawn furniture (Item 2, Group I, List A, Order M-47). Under Order M-47A, both such products are included in Item 2, Group I, of List A. Consequently, the two adjusted bases may be added to compute his adjusted base for Item 2 of Group I of List A of Order M-47A. Neither may be considered as a base for Item 1, Group I of List A of Order M-47A, which covers only furniture of predominantly wood materials.

(c) To the extent that any adjustment related to use of a metal product covered by NPA Orders M-7, M-12, or M-47, which metal product is not now or hereafter included in the term "metal product" as such term is now or hereafter defined in NPA Order M-47A, such adjustment may not be applied pursuant to this direction.

SEC. 6. Effect of denial of adjustment because of prohibited use consideration. Any person who has heretofore applied for an adjusted base under NPA Orders M-7 or M-12 and has been denied such adjustment on the ground that the metal product covered by the adjustment was to be used for a prohibited purpose may reapply for adjustment under section 8 of NPA Order M-47A.

SEC. 7. Conditions applicable to adjustments applied pursuant to this direction. Any adjustment authorized

under NPA Orders M-7, M-12, or M-47 which is applied pursuant to this direction to determine permitted use or rate of assembly under NPA Order M-47A shall be subject to the following conditions:

(a) Any person applying any such adjustment shall, promptly after the effective date of this direction, prepare a detailed written record of the facts relating to the application of this direction to his operation, which will be signed by such person or by an authorized officer or representative; such record shall be retained for at least 2 years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of NPA.

(b) The National Production Authority reserves the right to modify or revoke any adjustment applied pursuant to this direction. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This direction shall take effect on July 27, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8820; Filed, July 27, 1951;
3:03 p. m.]

[NPA Order M-67, as Amended July 27, 1951]

M-67—ALUMINUM FOIL, CONVERTED

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950, as extended by Pub. Law 69, 82d Cong. In the formulation of this order as originally issued there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as hereby amended consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This order, as originally issued June 1, 1951, is hereby amended by amending its title; by amending sections 1, 2, and 3; by deleting section 4; by amending section 5 and redesignating it, as so amended, as section 4; by adding a new section designated as section 5; and by amending Schedule I. As so amended, NPA Order M-67 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Restrictions on amount of aluminum foil that may be converted.
4. Exceptions.
5. Restrictions on inventory.
6. Applications for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong.; 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.* This order places restrictions upon the amount of aluminum foil to be converted, but does not apply to aluminum foil, converted or to be converted, for insulation, or to aluminum foil, converted or to be converted, for aluminum cap liners or other packaging closures. Schedule I appearing at the end of this order specifies quantity limitations upon the conversion of aluminum foil for uses other than as insulation or as aluminum cap liners or other packaging closures. These limitations vary according to the end use of the converted aluminum foil. NPA Order M-26, as amended, regulates the use of aluminum foil for aluminum cap liners and other packaging closures.

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

(a) "Aluminum foil" means plain coiled aluminum foil as produced by a foil rolling mill, rolled to a thickness of 0.005 inch or less, of either domestic or foreign origin.

(b) "Base period" means the 6-month period ending December 31, 1950.

(c) "Convert" means to put into process or otherwise fabricate, change, or alter, aluminum foil by physical means. It includes cutting into sheets, and also includes the packaging of aluminum foil for retail sales.

(d) "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.

SEC. 3. *Restrictions on amount of aluminum foil that may be converted.* Commencing with the third calendar quarter of 1951, but subject to the exceptions in section 4 of this order, no person shall convert a greater quantity by weight of aluminum foil in any one quarter for any particular use specified in Schedule I of this order, or for any particular class of product specified in Schedule I, than that quantity by weight of aluminum foil determined by applying the percentage listed in column 2 of Schedule I opposite that particular use or class of product against the average quarterly quantity by weight of aluminum foil which he converted for that particular use or for that particular class of product during the base period. In computing such average quarterly quantity, a person shall exclude the quantity by weight of aluminum foil which he converted during the base period for (a) insulation, (b) material on orders having a DO rating, and (c) aluminum foil cap liners and other packaging closures.

SEC. 4. *Exceptions.* In addition to the limited conversion of aluminum foil authorized by section 3 of this order, there is permitted the conversion thereof (a) for insulation, (b) to fill an order for aluminum foil for cap liners or other

packaging closures, but only in accordance with the provisions of NPA Order M-26, as now or hereafter amended, and (c) for material required to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any other mandatory order of NPA.

SEC. 5. *Restrictions on inventory.* No person who converts aluminum foil shall accept delivery of any aluminum foil if his inventory thereof is, or by such receipt would become, in excess of the quantity necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

SEC. 6. *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 his business operation was commenced during or after the base period, that any provision otherwise works an 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 program 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, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *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 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 by those persons who have maintained 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 the National Production Authority.

(c) 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. 8. *Communications.* All communications concerning this order shall

be addressed to National Production Authority, Washington 25, D. C., Ref: M-67.

Sec. 9. 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 such person to suspend his privileges of making or receiving further deliveries of materials or us-

ing 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.

Schedule I is hereto attached and made a part of this order.

Except as otherwise provided herein, this order, as amended, shall take effect on July 27, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—ALUMINUM FOIL CONVERTED

Item No.	Use or class of product	Permitted percentage of average quarterly quantity by weight of aluminum foil used during the base period
	(1)	(2)
1	Antibiotics	Unlimited.
2	Hygroscopic drugs, medical supplies, photographic films, and photographic supplies, requiring protection from light or humidity; and food products for human consumption, as defined in memorandum of agreement between NPA Administrator and Administrator of Production and Marketing Administration, United States Department of Agriculture, 16 F. R. 3410, including uncooked bakery goods and including food products for human consumption to be stored in locker plants or home freezers, but excluding food products for human consumption listed in item No. 3 of this schedule.	90 percent.
3	Bakery goods (excluding uncooked goods), chewing gum, confections, ice cream, cigarettes, and tobacco.	65 percent.
4	Other uses of aluminum foil in containers or packaging material for protective purposes.	65 percent.
5	Household (except for home freezers), carton (except for purposes of protective packaging), florist, gift wrapping, seal, label, and other uses not included in items 1, 2, 3, or 4.	50 percent.

[F. R. Doc. 51-8821; Filed, July 27, 1951; 3:03 p. m.]

[NPA Order M-77]

M-77—COMMUNICATIONS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including representatives of trade associations, 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 found impracticable because the order affects a large number of different trades and industries.

Sec.

1. What this order does.
2. Definitions.
3. Small operators.
4. Applications for allotments.
5. Emergency excess of allotment.
6. Form of certification.
7. Effect on other orders.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; Pub. Law 69, 82d Cong.; 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. This order provides rules for the procurement and use of materials for MRO and operating construction by the operators of the communications systems covered by it.

SEC. 2. Definitions. (a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. (b) "Operator" means any person to the extent engaged in rendering communications service on a revenue basis within the United States, its territories and possessions.

(c) "Communications service" means the transmission of messages by wire or radio, excluding radio broadcasting, television broadcasting, and amateur radio.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition.

(f) "Repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the re-

placement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means any material which is essential to and consumed in the operation of communications service by an operator and used for purposes other than maintenance, repair, operating construction, or other capital additions.

(h) "MRO" means maintenance, repair, and operating supplies.

(i) "Operating construction" means the erection of any building, structure, or project directly used or useful in rendering communications service, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project. It does not include buildings, structures, or projects of indirect use in the rendering of such service, such as office buildings, warehouses, and garages.

(j) "Inventory" shall include all items of new and/or salvaged material and supplies on hand, whether held for current or future use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, construction, or otherwise, and without regard to whether or not such items of material are carried in operator's accounting records under "Materials and Supplies Account," exclusive nevertheless of:

(1) Any material of a superseded type reserved by an operator in segregated stocks for reuse, as a practical measure of conservation to meet probable future operating contingencies;

(2) Any material ordered for use in construction, made to particular specifications, and reasonably usable only in the specific project for which it is made;

(3) Segregated stocks maintained by an operator as reasonably necessary for repair of major breakdowns due to explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe.

(k) "Material of a superseded type" means equipment no longer manufactured or carried by a manufacturer as a regular item for sale to operators except for repair and maintenance of, or for additions to, existing installations. It does not mean equipment drawn from superseded stock to replenish current working inventories.

(l) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(m) "Single project" means all items entering into construction as part of a single plan, whether or not installed or completed at the same time. No project shall be divided for the purpose of bringing it or any part of it within this definition.

(n) "Authorized controlled material order" means an order so defined in CMP Regulation No. 1, as from time to time amended.

(c) The definitions of this order shall be applicable notwithstanding any conflict with any prescribed system of accounting.

SEC. 3. Small operators. Any operator, as herein defined, of a telephone system comprising less than 5,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials except stainless steel and aluminum, required by him (1) for MRO, and (2) for operating construction projects in which the cost to him of materials for any single project does not exceed \$15,000. He shall do so without making application to NPA and without receiving an allotment. In doing so he shall use the allotment number "U-1" and shall show the quarter during which delivery is required, as for example, "U-1 4Q51." He may also order materials, other than controlled materials, which he may require for MRO and for operating construction projects in which the cost to him of materials for any single project does not exceed \$15,000, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number, that is, "DO U-1." The date or dates on which delivery is required must also be specified on each delivery order.

SEC. 4. Applications for allotments. (a) Any operator, except to the extent that he is governed by the provisions of section 3 of this order, may hereafter file with NPA on Form NPAF-117 an application for an authorized program and for a quarterly allotment of such controlled materials as he may require for MRO and operating construction. Form NPAF-117 shall be filed with NPA 60 days prior to the beginning of the calendar quarter in which delivery is required, commencing with the fourth calendar quarter of 1951.

(b) In approving an application wholly or in part, NPA will specify the controlled materials allotted to the applicant for delivery in the calendar quarter during which the allotment is valid, and will authorize a program for MRO and operating construction. This authorized program shall be deemed to be an authorized construction schedule for the purposes of CMP Regulation No. 6, and the use of the schedule and the related allotment, and the placing and form of delivery orders, shall be governed by all provisions of that regulation not inconsistent with this order.

(c) Every operator who applies for an allotment pursuant to this order shall, to the extent that his application is granted, use the allotment number "U-2" to obtain controlled materials and shall show, on each authorized controlled material order, the quarter for which his allotment is valid, such as "U-2 4Q51." He may also order materials other than controlled materials, which are necessary to fulfill his authorized program, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number, that is, "DO U-2." The date or dates on which delivery is required must also be specified on each delivery order.

(d) No operator shall use any allotment number or rating for the purposes of this order except as provided in this order.

SEC. 5. Emergency excess of allotment. In the event of any major service breakdown caused by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, an operator may use the U-2 allotment number to obtain materials in excess of his allotment to the extent necessary to reestablish service by the use of no greater amount of materials than those rendered unfit for service. In so doing he shall place the word "(emergency)" after the allotment number on his order, and within 10 calendar days after the placing of such order, he shall report the placing of such order to NPA on Form NPAF-117 which shall be accompanied by a statement of the reasons therefor, justifying the use of the emergency rating.

SEC. 6. Form of certification. A delivery order placed in accordance with this order must contain, in addition to a DO rating as authorized and an allotment number as authorized, a certification in the following form:

Certified under CMP Regulation No. 6 and
NPA Order M-77

which shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of CMP Regulation No. 6 and under this order to obtain the products or materials covered by the delivery order.

SEC. 7. Effect on other orders. This order supersedes as to operators, the provisions of other NPA orders governing the civilian use of controlled materials. The provisions of this order supersede as to operators those of CMP Regulation No. 5, except that nothing in this order shall be deemed to permit the use of a rating or allotment number to obtain any of the items listed in Schedules I or II of CMP Regulation No. 5 as from time to time amended. As to any operating construction covered by this order, NPA Order M-4 is superseded as of the effective date of this order and NPA Order M-4A is superseded as of the effective date of NPA Order M-4A. The inventory limitations of any NPA orders and regulations as from time to time amended shall apply to operators, but in applying such provisions the definition of "inventory" contained in this order shall be used.

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 other persons in the same trade or that its enforcement against him would not be in the interest of national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation

of labor and resultant 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. 9. Records and reports. (a) Each person making or receiving any allotment of controlled materials pursuant to this order shall maintain at his regular place of business accurate records of all allotments received, of procurement of such materials, and of the subdivision of all allotments among his suppliers. Such records shall be kept separately by allotment numbers, and shall include separate entries under each number for each person from whom allotments are received under such number.

(b) Each person making or receiving any allotment of controlled materials pursuant to this order shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or Claimant Agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this order do not require any particular accounting method, provided the records maintained supply the information specified by this order and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this order shall maintain 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 concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-77.

SEC. 11. Violations. Any person who wilfully violates any provision of this order or who furnishes false information or conceals any material fact in the course of operation under it 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 shall take effect on July 27, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-8822; Filed, July 27, 1951;
3:03 p. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretation 37]

REG. X—REAL ESTATE CREDIT

INT. 37—DINING CARS AS NONRESIDENTIAL STRUCTURES

The question has been raised whether Regulation X applies to extensions of credit in connection with sales of what are commonly known as "dining cars" to be used as restaurants.

It is the view of the Board that when a "dining car" is placed on a foundation constructed on real property, and the utility connections necessary for its operation as a restaurant are installed, it becomes a "nonresidential structure" within the meaning of section 2 (r) of Regulation X; accordingly, in such cases, an extension of credit in connection with the sale of the dining car is subject to Regulation X.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,

Secretary.

[F. R. Doc. 51-8742; Filed, July 30, 1951;
8:45 a. m.]

TITLE 33—NAVIGATION AND
NAVIGABLE WATERSChapter I—Coast Guard, Department
of the TreasurySubchapter E—Navigation Requirements for the
Great Lakes and St. Marys River, Michigan

[CGFR 51-34]

PART 92—ANCHORAGE AND NAVIGATION
REGULATIONS; ST. MARYS RIVER, MICHIGAN

EMERGENCY SPEED LIMITS

The regulations in 33 CFR Part 92 contain the requirements governing the movements and anchorage of vessels and rafts in the St. Marys River from Point Iroquois on Lake Superior to Point Detroit on Lake Huron. The purpose of the following new regulation, designated as 33 CFR 92.14a, is to establish a maximum speed limit for all vessels of 50 gross tons or over while navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light, as well as to modify 33 CFR 92.14, which specifies a maximum speed limit for vessels of 500 gross tons or over while navigating between Everens Point and Big Point on the St. Marys River. This regulation specifying reduced speed limits for vessels navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light is necessary for the protection of the navigable channel because of the present high stage of water and will be in effect until the St. Marys River is closed to navigation for 1951. The effect of the new regulation is to reduce the speed over the ground of vessels of 50 gross tons and over while navigating between

Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light to 7.5 statute miles per hour for Northbound traffic and to 10 statute miles per hour for Southbound traffic.

This new regulation, designated as 33 CFR 92.14a, shall become effective on and after August 4, 1951, and shall remain in effect until the St. Marys River is closed to navigation for 1951. Because of the urgency in protecting this navigable channel in the St. Marys River, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. The Commander of the 9th Coast Guard District has held informal hearings and discussions with operators of vessels on the Great Lakes, the Corps of Engineers responsible for maintaining navigable channels, and other interested parties regarding the establishment of speed limits for certain vessels navigating the St. Marys River under normal navigating conditions in order to preserve the navigable channels so vitally important to our national defense.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the Act of March 6, 1896, as amended, Part 92 is amended by adding a new § 92.14a, reading as follows, and this amendment shall become effective on and after August 4, 1951, and shall remain in effect until the St. Marys River is closed to navigation for 1951:

§ 92.14a *Speed limit between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light.* (a) All vessels of 50 gross tons or over navigating between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light shall not exceed the following speed limit over the ground:

- (1) Northbound, 7.5 statute miles per hour.
- (2) Southbound, 10 statute miles per hour.

(b) The speed limit for vessels of 500 gross tons or over contained in § 92.14 is modified to the extent described in paragraph (a) of this section.

(29 Stat. 54-55 as amended; 33 U. S. C. 474)

Dated: July 26, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-8780; Filed, July 30, 1951;
8:53 a. m.]

Chapter II—Corps of Engineers,
Department of the Army

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and

Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), §§ 204.5 (g) (1) and 204.54 are hereby amended, and §§ 204.82 and 204.114 are hereby prescribed, as follows:

§ 204.5 *Nantucket Sound, Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.* * * *

(g) *Buzzards Bay in vicinity of Hen and Chickens Reef.* (1) *The area.* * * * with a radius of 3,000 feet * * *

§ 204.54 *Albemarle Sound, Pamlico Sound, and adjacent waters, N. C.; danger zones for naval operations.* (a) *Target areas.*—(1) *Northern part of Currituck Sound.* * * * The target is located at latitude 36°27'16", longitude 75°56'30".

(c) *Naval Aviation Ordnance test area in Pamlico Sound in vicinity of Long Shoal.* A circular area with a radius of one and one-half miles having its center at latitude 35°32'18", longitude 75°40'39".

§ 204.82 *Banana River, Fla., northerly end; Navy prohibited area for aerial mining exercises.*—(a) *The danger zone.* The waters of Banana River at its northerly end within a rectangular area about three nautical miles long (north-south) and one and one-fourth nautical miles wide (east-west), bounded on the north by latitude 28°34'30", on the east by longitude 80°35'00", on the south by latitude 28°31'30", and on the west by longitude 80°36'30".

(b) *The regulations.* (1) No vessel or other watercraft shall enter or remain in the danger zone at any time. Fishing in the area is prohibited.

(2) The regulations in this section shall be enforced by the Commander, Fleet Air Jacksonville, Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

§ 204.114 *Gulf of Mexico south and west of Apalachicola, San Blas, and St. Joseph Bays; air to air firing practice range, Tyndall Air Force Base, Fla.*—(a) *The danger zone.* Beginning at latitude 29°40'00", longitude 85°21'30", in the vicinity of Cape San Blas; thence southeasterly to latitude 29°23'00", longitude 84°39'00"; thence southwesterly to latitude 28°39'00", longitude 84°49'00"; thence northwesterly to latitude 29°43'00", longitude 85°53'00"; thence northeasterly to latitude 29°56'30", longitude 85°38'30"; and thence southeasterly to the point of beginning.

(b) *The regulations.* (1) *Air-to-air firing practice* will ordinarily take place in the area during the hours of daylight, seven days per week. During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing practice operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within range of the weapons being used. The

vessel shall proceed on its normal course and not delay its progress.

(2) Other vessels will be warned to leave the immediate danger area during firing practice by surface patrol craft. Upon being so warned such vessels shall clear the area immediately.

(3) The area will be open to all vessels whenever firing practice is not being conducted.

(4) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

[Regs. July 9, 1951, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-8771; Filed, July 30, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192-18.31]

TAMPA INTERNATIONAL AIRPORT, TAMPA, FLA.

NOTICE OF PROPOSED DESIGNATION OF AIRPORT OF ENTRY

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate Tampa International Airport, Tampa, Florida, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), effective September 1, 1951; and it is further proposed to amend the list of airports of entry (international airports) in § 6.12, Customs Regulations of 1943 (19 CFR 6.12), by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

JULY 25, 1951.

[F. R. Doc. 51-8777; Filed, July 30, 1951; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 534]

MARKET AGENCIES AT NEW ORLEANS STOCK YARDS

FILING OF PETITION REGARDING SERVICE CHARGES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on March 9, 1951 (10 A. D. 335), authorizing respondents to file a new

tariff providing for the charges presently in effect. By petition filed on July 2, 1951, and amended by telegram filed on July 3, 1951, respondents have requested authority to file a supplement to the tariff presently in effect (Tariff No. 8) providing for the following additional service charges:

ARTICLE III

	Per head
1. Removing ear tags: First 5 head.....	\$0.25
Each head thereafter.....	.10
Castrating and treating bulls.....	1.00

ARTICLE IV

To change Item 1

From:	
Slaughter cattle and calves in carload lots, single deck, maximum of	15.00
To:	
Slaughter cattle and calves in carload lots, single deck, maximum of	20.00

To change Item 2

From:	
Slaughter cattle and calves in carload lots, double deck, maximum of	22.50
To:	
Slaughter cattle and calves in carload lots, double deck, maximum of	30.00

To change Item 3

From:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for single deck.....	12.00
To:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for single deck.....	15.00

From:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for double deck.....	18.00
To:	
Hogs and sheep in carload lots, 20 cents per head not to exceed: Maximum for double deck.....	22.00

If authorized, the additional charges will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 25th day of July 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-8784; Filed, July 30, 1951; 8:54 a. m.]

[7 CFR Part 954]

[Docket No. AO-153-A6]

HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Duluth, Minnesota, on May 15, 1951, pursuant to notice thereof which was issued on May 2, 1951 (16 F. R. 4145).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 3, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on July 11, 1951 (16 F. R. 6722).

The material issues of record related to (1) the classification of concentrated milk intended for consumption in fluid form, (2) increasing the level of the Class I price, and (3) increasing the butterfat differential to handlers on Class I milk.

Exceptions were filed on behalf of interested parties. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

FINDINGS AND CONCLUSIONS

Findings and conclusions on the record. The findings (including general findings), conclusions and rulings of the recommended decision set forth in the FEDERAL REGISTER (16 F. R. 6722; Doc.