

182



FEDERAL REGISTER

VOLUME 7

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Washington, Thursday, November 19, 1942

The President

PROCLAMATION 2572

SIXTH REGISTRATION

BY THE PRESIDENT OF THE UNITED STATES
A PROCLAMATION

WHEREAS the Selective Training and Service Act of 1940 (54 Stat. 885), as amended by the Act of December 20, 1941 (55 Stat. 844), contains, in part, the following provisions:

"SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder."

"SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b)."

"SEC. 10. (a) The President is authorized—
(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;"

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;"

"SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2."

WHEREAS Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, approved February 19, 1941 (55 Stat. 9), provides, in part, as follows:

"Members of the [Coast Guard] Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *"

WHEREAS the first registration under the Selective Training and Service Act of 1940 took place in the continental United States October 16, 1940, in the Territory of Hawaii on October 26, 1940, in Puerto Rico on November 20, 1940, and in the Territory of Alaska on January 22, 1941, pursuant to proclamations issued by me on September 16, 1940, October 1, 1940, October 8, 1940, and November 12, 1940, respectively;

WHEREAS the second, third, fourth, and fifth registrations under the Selective Training and Service Act of 1940 and its amendments, took place in the United States, the Territories of Alaska and Hawaii, and in Puerto Rico, on July 1, 1941, February 16, 1942, April 27, 1942, and June 30, 1942, respectively, pursuant to proclamations issued by me on May 26, 1941, January 5, 1942, March 19, 1942, and May 22, 1942, respectively;

WHEREAS a state of war exists between the United States of America and Japan, Germany, Italy, Rumania, Bulgaria, and Hungary; and

WHEREAS this and other registrations under the Selective Training and Service Act of 1940, as amended, are advisable to insure victory, final and com-

(Continued on next page)

CONTENTS THE PRESIDENT

	Page
PROCLAMATIONS:	
San Diego Maritime Control Area, establishment.....	9475
Sixth registration day.....	9473
EXECUTIVE ORDER:	
Extension of trust periods on Indian lands expiring during calendar 1943.....	9475
REGULATIONS AND NOTICES	
AGRICULTURE DEPARTMENT:	
Farm machinery and equipment, new (Temporary Rationing Order B, Am. 2)....	9475
ALIEN PROPERTY CUSTODIAN:	
Exemptions from certain general licenses (3 documents).....	9477, 9478
Patents and trademarks:	
Licensing transactions.....	9477
Prohibited transactions.....	9475
Unfiled patent applications, etc.....	9476
Works subject to copyright, prohibited transactions.....	9476
BITUMINOUS COAL DIVISION:	
District 3, minimum price schedule amended.....	9479
CUSTOMS BUREAU:	
Regulations under Trading with the Enemy Act; communications outside the mails...	9478
Waiver of certain provisions of Tariff Act of 1930; residue cargo destined for foreign ports.....	9497
GENERAL LANDS OFFICE:	
Arizona; lands withdrawn for use of War Department....	9497
INTERNAL REVENUE BUREAU:	
Acceptance of Treasury notes in payment of income, estate, and gift taxes.....	9478
OFFICE OF DEFENSE TRANSPORTATION:	
Yellow Truck Lines, Inc., and Northern Transportation Co.; coordination of services.....	9497
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Chatham, W. B., Associates..	9499
Danner Veneer Co.....	9495
Gregory and Read Co.....	9499
John, B. P., Furniture Corp..	9499

(Continued on next page)



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CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—	
Continued.	
Adjustments—Continued.	Page
Kits, Inc.-----	9496
Peabody Coal Co.-----	9499
Rigo Mfg. Co.-----	9494
Schaefer Tent and Awning Co.-----	9500
Sloane, M., Co., Inc.-----	9500
Spreckels, J. D. & A. B., Co.-----	9485
Animal waste materials, etc. (Supp. Reg. 14, Am. 62)-----	9495
Authority delegations:	
Director, retail trade and services division (Rev. Administrative Order 15)-----	9498
Merle Fainsod (Administrative Order 22)-----	9498
Regional administrators (Administrative Order 25, Am. 3)-----	9498
California grape wine, etc.; correction (Supp. Reg. 14, Am. 54)-----	9496
Cast-iron boilers and radiation (MPR 272)-----	9486
Cement; correction (MPR 224, Am. 2)-----	9495
Fats and oils (RPS 53, Am. 19)-----	9486
Fluid milk and cream (Supp. Reg. 14, Am. 63)-----	9496
Fluorspar (MPR 126)-----	9490
Fuel oil rationing regulations:	
Appeals, etc. (Ration Order 11, Am. 6)-----	9492
Replenishment and audit, etc. (Ration Order 11, Am. 5)-----	9492
Malt beverages, domestic; correction (MPR 259)-----	9495
Women's nylon hosiery (MPR 95, Am. 1)-----	9492
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Ely, Joseph B., et al.-----	9500

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION—Continued.	
Hearings, etc.—Continued.	
Lehman Corp.-----	9501
NY PA NJ Utilities Co. and Associated Corp.-----	9501
Rochester Transit Corp.-----	9501
Tri-City Utilities Co. and Associated Electric Co.-----	9502
United Gas Corp., et al.-----	9502
TREASURY DEPARTMENT:	
Foreign funds control, general licenses, etc. (3 documents)-----	
	9480, 9481
WAR PRODUCTION BOARD:	
Chrome steel, corrosion and heat resistant (M-21-d)---	9484
Copper (M-9-c-4, Am. 1)-----	9484
Fats and oils (M-71, Interpretation 1)-----	9484
Fishing tackle (L-92)-----	9484
Phenolic resins, etc. (M-246, Am. 1)-----	9485
Suspension orders:	
Aero-Craft Co.-----	9482
Chrome Iron and Steel Co.---	9481
Morford, Robert M.-----	9483
Ray Oil Burner Co.-----	9483
Traub, N. L., and the Washington Lane Corp.-----	9482

plete, over the enemies of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, do proclaim the following:

1. The registration of male citizens of the United States and other male persons, who shall have attained the eighteenth anniversary of the day of their birth during the periods indicated below, shall take place in the United States and the Territories of Alaska and Hawaii, and in Puerto Rico, between the hours of 9:00 a. m. and 5:00 p. m. on the days hereinafter designated for their registration, as follows:

(a) Those who were born on or after July 1, 1924, but not after August 31, 1924, shall be registered on any day during the week commencing Friday, December 11, 1942, and ending Thursday, December 17, 1942;

(b) Those who were born on or after September 1, 1924, but not after October 31, 1924, shall be registered on any day during the week commencing Friday, December 18, 1942, and ending Thursday, December 24, 1942;

(c) Those who were born on or after November 1, 1924, but not after December 31, 1924, shall be registered on any day during the period commencing Saturday, December 26, 1942, and ending Thursday, December 31, 1942;

(d) During the continuance of the present war, those who were born on or after January 1, 1925, shall be registered on the day they attain the eighteenth anniversary of the day of their birth; provided, that if such anniversary falls on a Sunday or a legal holiday, their registration shall take place

on the day following that is not a Sunday or a legal holiday.

2. (a) Every male citizen of the United States, and every other male person residing in the continental United States or in the Territory of Alaska or in the Territory of Hawaii or in Puerto Rico, other than persons excepted by Section 5 (a) of the Selective Training and Service Act of 1940, as amended, or by Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, is required to and shall during the time or on the day fixed herein for his registration present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be during that time or on that day if such male citizen or other male person has not heretofore been registered under the Selective Training and Service Act of 1940, as amended, and the regulations prescribed thereunder.

(b) The duty of any person to present himself for and submit to registration in accordance with any previous proclamation issued under said Act shall not be affected by this proclamation.

(c) A person subject to registration may be registered after the time or day fixed for his registration in case he is prevented from registering during that time or on that day by circumstances beyond his control. If he is unable to present himself for and submit to registration during the time or on the day fixed for his registration, he shall do so as soon as possible after the cause for such inability ceases to exist.

3. The registration under this proclamation shall be in accordance with the Selective Service Regulations governing registration. Every person subject to registration is required to familiarize himself with such regulations and to comply therewith.

4. I call upon the Governor of each of the several States and the Territories of Alaska and Hawaii, and of Puerto Rico, and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, Puerto Rico, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of the Selective Training and Service Act of 1940, as amended, or the Selective Service Regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of the Selective Training and Service Act of 1940, as amended, I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

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

DONE at the City of Washington this 17th day of November in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-12078; Filed, November 18, 1942;
12:43 p. m.]

PROCLAMATION 2573

ESTABLISHING THE SAN DIEGO MARITIME CONTROL AREA AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control area hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described area as a Maritime Control Area, and prescribe the following regulations for the control thereof:

SAN DIEGO MARITIME CONTROL AREA

That sea area lying within the following boundaries:

From Point La Jolla, California, on a line approximately 249° true to a point Latitude 32°45' North, Longitude 117°35' West;

thence along a line approximately 160° true to a point Latitude 32°32' North, Longitude 117°29'20" West;

thence Easterly to the United States-Mexico border.

REGULATIONS FOR THE CONTROL OF THE SAN DIEGO MARITIME CONTROL AREA

1. No vessel not proceeding under United States naval or other United States authorized supervision shall enter or navigate the waters of the said Maritime Control Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel

entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

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

DONE at the City of Washington this 17th day of November in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-12077; Filed, November 18, 1942;
12:43 p. m.]

EXECUTIVE ORDER 9272

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1943

By virtue of and pursuant to the authority vested in me by section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), by the Act of June 21, 1906 (34 Stat. 325, 326), and by the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1943, be, and the same are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 17, 1942.

[F. R. Doc. 42-12060; Filed, November 18, 1942;
11:22 a. m.]

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 2 to Temporary Rationing Order B¹]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Schedule II is amended to read as follows:

SCHEDULE II

PLANTING, SEEDING AND FERTILIZING MACHINERY

Planters, horse and tractor drawn:

One row, one horse corn planters.

One row, one horse corn and cotton planters.

One row, two horse corn and cotton planters.

Broadcast Seeders:

Endgate.

Garden Planters:

Horse or tractor drawn.

FLOW AND LISTERS

Moldboard Plows, horse drawn:

Walking, one horse, steel bottom.

Walking, one horse, chilled bottom.

Walking, two horse and larger.

ROLLERS AND STALK CUTTERS

Stalk Cutters.

CULTIVATORS AND WEEDERS

Cultivators, horse drawn:

One horse, all types.

One row, walking, two horse.

One row, riding, two horse.

Two row and over, riding.

§ 2.112 Effective dates of amendments to Temporary Rationing Order B. * * *

(b) Amendment No. 2 (Schedule II) to Temporary Rationing Order B, shall become effective November 17, 1942. (Pub. Law 671, 76th Cong., a. amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. 1-K, 7 F.R. 562, 7280; OPA Order No. 28, 7 F.R. 7326, 8672)

Done at Washington, D. C., this 17th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12049; Filed, November 17, 1942;
5:29 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 503—GENERAL ORDERS

PROHIBITING CERTAIN TRANSACTIONS RESPECTING PATENTS AND TRADEMARKS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.11 General Order No. 11. (a) The following transactions are hereby

¹⁷ F. R. 8723, 9067.

prohibited, except as authorized by the Alien Property Custodian by means of regulations, rulings, instructions, orders, licenses, or otherwise, if such transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in section 3 of Executive Order No. 8389, as amended, or any national thereof, or such transactions involve property in which any foreign country designated in section 3 of Executive Order No. 8389, as amended, or any national thereof, has at any time on or since the effective date of Executive Order No. 8389, as amended, had any interest of any nature whatsoever, direct, or indirect:

(1) The filing and prosecution in the United States Patent Office of applications for Letters Patent or for the registration of Trademarks;

(2) The receipt of Letters Patent or Trademark Registrations issued by the United States Patent Office;

(3) The execution of, or the recording of, any assignment, grant, encumbrance, license, or other agreement of, under, or with respect to any invention, or any patent, trademark, or application therefor, issued by, or filed in or intended for filing in, the United States Patent Office.

(b) The terms "foreign country" and "national" shall have the meanings defined in sections 5D and 5E, respectively, of Executive Order No. 8389, as amended.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12068; Filed, November 18, 1942;
11:56 a. m.]

PART 503—GENERAL ORDERS

REPORTING OF UNFILED PATENT APPLICATIONS AND DISCLOSURES OF ENEMY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.12 *General Order No. 12.* (a) It is ordered that every person in the United States who has custody, control or possession of any models, blueprints, drawings, sketches, correspondence, memoranda of invention, reports or other written information received in the United States on or after January 1, 1939, and prior to the date of this order, for the purpose of preparing an application for United States Letters Patent which has not been filed in the United States Patent Office for an invention or inventions disclosed in any of the above-mentioned models or papers, and in which the consignor or the inventor or any of them is an enemy national; and that every person in the United States who has custody, control or possession of any documents constituting an unfiled application for U. S. Letters Patent, whether complete or not, received or substantially prepared in the United States on or after January 1, 1939, and prior to the date of this order, and

in which the consignor or the inventor or any of them is an enemy national shall, on or before December 31, 1942, either

(1) Report the same to the Alien Property Custodian giving an enumeration of the above-mentioned models, papers or documents sufficient to identify the same, including the name, residence and nationality of the inventor, the date of execution of any papers or documents, the title of the invention and its field of use, the number and name of any corresponding foreign patent or application if known to the reporter, and the name and nationality of the person or organization from whom the papers were received (if received from an attorney, state for whom he is acting); or

(2) File such application in the United States Patent Office upon the terms and conditions set forth in Regulation 2 under Alien Property Custodian General Order No. 11; or

(3) Submit such models, papers or documents to the Alien Property Custodian.

(b) It is ordered that every person in the United States receiving, directly or indirectly, from an enemy national on or after the date of this order an application for United States Letters Patent or Trademark Registration or any models, blueprints, drawings, sketches, correspondence, memoranda of invention, reports, or other written information for the purpose of preparing an application for United States Letters Patent, shall within thirty days of the receipt thereof, or within such further time as may be allowed by the Alien Property Custodian, submit such models, papers or documents to the Alien Property Custodian.

(c) If a report is filed or models, papers or documents submitted under paragraph (a), (1) or (3) or paragraph (b) hereof and any claim of right with respect to such models, papers or documents is asserted by the reporter or is known to the reporter to exist on the part of any person other than the inventor, such claim shall be set forth and the basis for such claim of right briefly explained.

(d) It is ordered that any person presenting for recording in the United States Patent Office any instrument which constitutes an assignment, grant, encumbrance, license or other agreement of, under or with respect to any invention, or any patent, trademark, or application therefor issued by, or filed in or intended to be filed in the United States Patent Office, if:

(1) Such instrument was executed prior to the effective date of Executive Order No. 8389, as amended, and

(2) Any of the parties to such instrument is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, and not within the categories of Regulation No. 1 under General Order No. 11,

shall file with such instrument a report on Form APC-14P for patents or APC-14T for trademarks, setting forth under oath the information called for therein.

(e) The term "enemy national" shall have the meaning defined in Treasury General Ruling No. 11, under Executive Order No. 8389, as amended.

(f) The terms "foreign country" and "national" shall have the meanings defined in sections 5D and 5E, respectively, of Executive Order No. 8389, as amended. (40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12071; Filed, November 18, 1942;
11:56 a. m.]

PART 503—GENERAL ORDERS

PROHIBITING CERTAIN TRANSACTIONS RESPECTING INTEREST IN WORKS SUBJECT TO COPYRIGHT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.13 *General Order No. 13.* (a) The following transactions are hereby prohibited, except as authorized by the Alien Property Custodian by means of regulations, rulings, instructions, orders, licenses, or otherwise, if such transactions are by, or on behalf of, or pursuant to the direction of, or are entered into with any foreign country designated in section 3 of Executive Order No. 8389, as amended, or any national thereof:

(1) The execution of, or the recording of, any application for copyright or renewal thereof under the copyright laws of the United States;

(2) The execution of, or the recording of, any assignment, grant, encumbrance, license or other agreement with respect to any interest in any work subject to copyright in the United States.

(b) For the purposes of this order:

(1) The term "foreign country" shall have the meaning defined in section 5D of Executive Order No. 8389, as amended;

(2) The term "national" shall have the meaning defined in section 5E of Executive Order No. 8389, as amended;

(3) "Interest" in a work subject to copyright shall mean ownership, part ownership, or claim of ownership, in whole or in part, of any subsisting copyright or claim of copyright, and any right, license, privilege or property in or to or with respect to such work; and any right, title or interest in, to or under any contract or other instrument, and any royalty, share of profits, license fees, or other emolument or compensation reserved with respect thereto. Such interest shall also include but not by way of limitation, any interest as hereinbefore described which is held or claimed as trustee, agent, representative or nominal proprietor.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12072; Filed, November 18, 1942;
11:57 a. m.]

PART 504—REGULATIONS ISSUED UNDER
GENERAL ORDER NO. 11

EXEMPTING CERTAIN PERSONS FROM THE PROHIBITIONS OF GENERAL ORDER NO. 11

§ 504.1 *Regulation No. 1 under General Order No. 11.* Any person within the following categories shall be regarded, for the purposes of General Order No. 11, as a person within the United States who is not a national of any foreign country designated in section 3 of Executive Order No. 8389, as amended, except as such person shall be specifically excluded by the Alien Property Custodian from the effect of this regulation:

(a) Any individual who was a resident of the United States on December 7, 1941 and who is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the fact that such individual has been domiciled in, or a subject, citizen or resident of a foreign country designated in section 3 of Executive Order No. 8389, as amended, at any time on or since the effective date of that order.

(b) Any partnership, association, corporation or other organization which is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the interest therein of a person or persons described in paragraph (a) hereof.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12069; Filed, November 18, 1942; 11:56 a. m.]

PART 504—REGULATIONS ISSUED UNDER
GENERAL ORDER NO. 11LICENSING TRANSACTIONS INVOLVING PATENTS
AND TRADEMARKS

§ 504.2 *Regulation No. 2 under General Order No. 11.* (a) A general license is hereby granted authorizing the following transactions:

(1) The filing in the United States Patent Office of applications for Letters Patent and for Trademark Registration (except such applications received directly or indirectly from enemy nationals on or after the date of this regulation), and the prosecution of such applications, in which a designated foreign country or a national thereof has on or since the effective date of Executive Order No. 8389, as amended, had any interest, and the receipt of Letters Patent or Trademark Registration certificate granted pursuant to any such applications: *Provided:*

(i) That the person filing or prosecuting any such application, or acting as attorney or agent in connection therewith, shall attach to the application or to the first paper filed therein after the date of this regulation a report on Form APC-13P for patents or APC-13T for

trademarks, setting forth under oath, the information called for therein; and

(ii) That such filing or prosecution involves no communication, direct or indirect, to an enemy national.

(2) (i) The execution and recording in the United States Patent Office of any instrument recordable therein which affects title to or grants any interest in, including licenses under, any United States Letters Patent, Trademark Registration, or application therefor, in which a designated foreign country or a national thereof has on or since the effective date of Executive Order No. 8389, as amended, had any interest, *Provided:*

(a) That such instrument be recorded in the United States Patent Office within ninety days of the date of execution thereof, or within such further time as may be allowed by the Alien Property Custodian;

(b) That the person presenting such instrument for recording shall attach thereto and record therewith a copy of Form APC-15, and shall file therewith a report on Form APC-14P for patents or APC-14T for trademarks, setting forth under oath the information called for therein; and

(c) That the transaction involves no trade or communication with an enemy national nor is carried out as the result of such trade or communication.

(ii) The authorizations of paragraph (a) (2) (i) are further subject to the condition that such instrument may be set aside by the Alien Property Custodian upon notice mailed to the person recording the instrument at the address given on the form filed with the instrument and the patents, trademarks, applications, or rights thereunder so transferred may be vested by the Alien Property Custodian at any time within a period of three years from the date of recording, except that the Alien Property Custodian may in his discretion reduce such period of time with respect to any such instrument after the recording thereof.

(3) The recording of instruments executed on or since the effective date of Executive Order No. 8389, as amended, and before the date of this regulation, under the terms and conditions set forth in paragraph (a) (2) within ninety days from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

(b) Applications, Letters Patent and Trademark Registrations, filed or prosecuted under paragraph (a) (1) will be subject to the power of the Alien Property Custodian to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect thereto.

(c) This general license does not authorize:

(1) Any transactions not specifically enumerated herein, such transactions being permitted only upon specific authorization from the Alien Property Custodian; or

(2) The receipt of any funds or credits with respect to the transactions licensed herein except as such receipt may be permitted by the Treasury Department; or

(3) The payment of any funds or credits to any party to an instrument recorded hereunder with respect to the property affected by such instrument as long as such instrument is subject to being set aside in accordance with the conditions of paragraph (a) (2) (ii) hereof, except into a special account from which withdrawals can be made only upon the approval of the Alien Property Custodian; or

(4) The filing of applications for Letters Patent or Trademark Registrations received from an enemy national after the effective date of this regulation, such applications being governed by General Order No. 12.

(d) Attention is directed to Treasury General License No. 72, as amended.

(e) Nothing contained in this regulation shall be deemed to limit the authority of the Office of Censorship to cause to be censored in its absolute discretion, any communications by mail, cable, radio, or other means of transmission, passing between the United States and any foreign country.

(f) The term "designated foreign country" shall mean foreign country designated in section 3 of Executive Order No. 8389, as amended; and the terms "person" and "national" shall have the meanings defined in sections 5C and 5E, respectively, of such order.

(g) The terms "enemy national" and "trade or communication with an enemy national" shall have the meanings defined in Treasury General Ruling No. 11 under Executive Order No. 8389, as amended.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12070; Filed, November 18, 1942; 11:56 a. m.]

PART 505—REGULATIONS ISSUED UNDER
GENERAL ORDER NO. 13

EXEMPTING CERTAIN PERSONS FROM THE PROHIBITION OF GENERAL ORDER NO. 13

§ 505.1 *Regulation No. 1 under General Order No. 13.* Any person within the following categories shall be regarded, for the purposes of General Order No. 13, as a person within the United States who is not a national of any foreign country designated in section 3 of Executive Order No. 8389, as amended, except as such person shall be specifically excluded by the Alien Property Custodian from the effect of this regulation:

(a) Any individual who was a resident of the United States on December 7, 1941 and who is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the fact that such individual has been domiciled in, or a subject, citizen or resident of a foreign country designated in section 3 of Executive Order No. 8389, as amended, at any time on or since the effective date of that order.

(b) Any partnership, association, corporation or other organization which is a

national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the interest therein of a person or persons described in paragraph (a) hereof.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12073; Filed, November 18, 1942; 11:56 a. m.]

PART 505—REGULATIONS ISSUED UNDER
GENERAL ORDER NO. 13

EXEMPTING CERTAIN TRANSACTIONS FROM THE
PROHIBITIONS OF GENERAL ORDER NO. 13

§ 505.2 *Regulation No. 2 under General Order No. 13.* A general license is hereby granted authorizing the filing in the Copyright Office, pursuant to the Copyright Act and the Rules of such Office, of applications for renewals of copyrights in which the time for renewal expires before January 1, 1943, and in which a foreign country or a national thereof, as defined in General Order No. 13, has on or since the effective date of Executive Order No. 8389, as amended, had any interest, *Provided*, That the obtaining of authority to make such filing involves no communication, direct or indirect, to an enemy national.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12074; Filed, November 18, 1942; 11:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50763]

PART 27—REGULATIONS UNDER TRADING
WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS¹

Modification of procedure for administering the duties imposed upon the Secretary of the Treasury by Articles XI and XIII of Executive Order No. 2729-A, dated October 12, 1917, under the Trading with the enemy Act, Act of October 6, 1917.

T.D. 50536 (6 F.R. 6807), dated December 24, 1941, is hereby modified as follows: Amend subparagraph (2) to read as follows:

(2) I hereby designate the Bureau of Customs in the Department of the Treasury to administer and to issue licenses (except licenses to send, take, or transmit out of the United States any letter, writing, or tangible form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally

¹ 6 F.R. 6404, 6453; 7 F.R. 616, 1973.

of enemy) in respect of the authority vested in the Secretary of the Treasury under Article XI of said Executive Order relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the United States (except land or water within the jurisdiction of the United States or occupied by the military or naval forces thereof but in which the Bureau of Customs in the Department of the Treasury does not exercise jurisdiction) any letter or other writing or tangible form of communication except in the regular course of the mail.

Add two new subparagraphs numbered (3) and (4) to read as follows:

(3) I hereby designate the Governor of the Panama Canal to act as the agency of the Secretary of the Treasury to administer and to issue licenses (except licenses to send, take, or transmit out of the United States any letter, writing or tangible form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy) in respect of the authority vested in the Secretary of the Treasury under Article XI of said Executive Order relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the Canal Zone any letter or other writing or tangible form of communication except in the regular course of the mail. The authority conferred by this subparagraph (3) may, in the discretion of the Governor of the Panama Canal and by his direction, be exercised also by and through any official or officials of the Canal Zone designated by the Governor of the Panama Canal for that purpose, and the Governor of the Panama Canal may from time to time revoke any designation previously made by him and make any new designation.

(4) Except as otherwise specifically limited herein, the words "United States" whenever used herein in a geographical sense shall mean "United States" as those words are defined by section 2 of the Trading with the enemy Act, approved October 6, 1917.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

Approved: August 14, 1942.

THE WHITE HOUSE,
FRANKLIN D. ROOSEVELT

[F. R. Doc. 42-12048; Filed, November 17, 1942; 3:25 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common
to Various Taxes

[T.D. 5181]

PART 471—ACCEPTANCE OF TREASURY
NOTES IN PAYMENT OF INCOME, ESTATE,
AND GIFT TAXES

REGULATIONS GOVERNING ACCEPTANCE OF
TREASURY NOTES

Regulations governing the acceptance of Treasury Notes of Tax Series A-1943, B-1943, A-1944, B-1944, A-1945, and Tax

Series C in payment of income (including excess-profits), estate, and gift taxes.

§ 471.1 *Acceptance of Treasury notes of Tax Series A-1943, B-1943, A-1944, B-1944, A-1945 and Tax Series C, in payment of income (including excess-profits), estate and gift taxes.* Notes of the United States designated as Treasury Notes of Tax Series A-1943, B-1943, A-1944, B-1944, A-1945, and Treasury Notes of Tax Series C may be accepted in payment of income taxes (current and back personal and corporation taxes, and excess-profits taxes) and estate and gift taxes (current and back), at par and interest accrued to the month, inclusive, in which presented (but no accrual beyond the maturity date). Collectors of internal revenue are authorized and directed to accept the notes during and after the second calendar month after the month of purchase (as shown by the issuing agent's dating stamp on each note). For example, a note of Tax Series A-1945 purchased in September 1942 may be accepted in November 1942 but such a note purchased in October 1942 may not be accepted until December 1942. The notes may be accepted only in payment of income (including excess-profits), estate, and gift taxes (current and back) due from the original purchaser thereof or his estate. The notes shall be in the name of the taxpayer (individual, corporation, or other entity) and may be presented for tax payment by only the taxpayer, his agent, or his estate. There is no limit upon the amount of notes of Tax Series B-1943, Tax Series B-1944, or Tax Series C, which may be accepted in payment of income (including excess-profits), estate, or gift taxes. However, not more than \$5,000 in principal amount of notes of Tax Series A-1943, or of Tax Series A-1944, or of Tax Series A-1945, or of any of them in combination, plus the amount of the accrued interest thereon, may be accepted on account of any one taxpayer's liability for income taxes (including excess-profits taxes), or gift taxes, for any taxable year or on account of any one taxpayer's liability for estate tax; but in the case of the income tax this limitation shall apply separately to husband and wife on a joint return and also to an owner before death and to his estate for the balance of the same year. For example, A is liable for income taxes for the calendar year 1942 in the amount of \$24,000 and for gift taxes for the calendar year 1942 in the amount of \$7,000. In March 1943, A presents two notes of Tax Series A-1945 purchased in October 1942 in principal amount of \$5,000 each in payment of 1942 income and gift taxes. The notes may be accepted on account of A's liability for both the income and gift taxes, provided one note be applied to the income tax and the other to the gift tax.

Notes of Tax Series B-1943, Tax Series B-1944, or Tax Series C, inscribed in the name of a taxpayer, may be accepted in payment of income tax withheld at the source by such taxpayer, and such notes inscribed in the name of a taxpayer may be accepted in payment of transferee liability assessed against such taxpayer for income (including excess-profits), estate

R-V, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: November 7, 1942.

[SEAL] DAN H. WHEELER, Director.

the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and it appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 323.8 (Special prices—(b) Railroad fuel prices) for all movements except via Supplement R-II, § 323.8 (Special prices—(c) Railroad fuel prices) for movement via all lakes—all ports) is amended by adding thereto Supplement R-III, § 323.7 (General prices) is amended by adding thereto Supplements R-IV and

profits), estate, or gift tax, as the case may be, and will show in the endorsement stamp the date of deposit. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753).)

§ 471.3 Prior Treasury decision superseded. Treasury Decision 5109 is hereby superseded. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753).)

[SEAL] NORMAN D. CANN, Acting Commissioner of Internal Revenue.

Approved: November 17, 1942.

D. W. BELL, Acting Secretary of the Treasury. (F. D. Doc. 42-12055; Filed, November 18, 1942; 10:55 a. m.)

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1684]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in

or gift taxes; but notes of Tax Series A-1943, Tax Series A-1944, or Tax Series A-1945 shall not be accepted in payment of income tax withheld at the source or of transferee liability.

Collectors of internal revenue shall not in any case allow credit to a taxpayer on account of notes, or accept notes, for an amount greater than their principal amount plus accrued interest, nor shall notes be accepted in an amount (including accrued interest) greater than the unpaid liability of the taxpayer. The notes shall be forwarded to the collector of internal revenue with whom the tax return is filed, at the risk and expense of the taxpayer, and, for the taxpayer's protection, should be forwarded by registered mail, if not presented in person. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753).)

§ 471.2 Procedure with respect to Treasury Notes of Tax Series A-1943, B-1943, A-1944, B-1944, A-1945 and Tax Series C. Deposits of Treasury Notes of Tax Series A-1943, B-1943, A-1944, B-1944, A-1945, and Treasury Notes of Tax Series C, received in payment of taxes shall be made by the collector of internal revenue in a Federal Reserve Bank or a branch Federal Reserve Bank. Prior to deposit the collector of internal revenue will certify on the reverse side of the notes that they were received in payment of income (including excess-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Table with columns: Mine index No., Code member, Mine name, Seam, Shipping point, Railroad, Freight origin group No., Size group Nos. (1-16). Rows list various coal companies like Consolidation Coal Co., Fairpoint Consolidation Co., etc.

Indicates no classification effective for this Size Group.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule Group No. 1: 446, 453, 454, 456, 457, Group No. 5: 455.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes; all ports*—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule Group No. 1: 446, 453, 454, 456, 457, Group No. 5: 455.

§ 323.7 *General prices*—Supplement R-IV. In § 323.7 "To: Market Areas Tidewater 1, 2, 6, 8, 100" reading "Freight Origin Group Nos. 70, 71" should be changed to read as follows:

From: Freight Origin Group Nos. 70, 71, 72. Classification D: 270, 270, 270, 270, 258, 258, 238, 238, 228, 228; Classification G: 255, 255, 255, 255, 243, 243, 223, 223, 213, 213; Classification H: 250, 250, 250, 238, 238, 218, 218, 208, 208; Classification J: 245, 245, 245, 245, 233, 233, 213, 203, 203.

§ 323.7 *General prices*—Supplement R-V. In § 323.7 "To: Market Area 3" reading "Freight Origin Group Nos. 70, 71" should be changed to read as follows: From: Freight Origin Group Nos. 70, 71, 72. Classification D: 270, 270, 270, 270, 245, 245, 235, 235, 225; Classification G: 255, 255, 255, 255, 230, 230, 220, 220, 210, 210; Classification H: 250, 250, 250, 250, 225, 225, 215, 215, 205, 205; Classification J: 245, 245, 245, 245, 220, 220, 210, 210, 200, 200.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump, over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size, but over 1 1/2"	Lump 1 1/2" & under, egg 1 1/2" & under, bottom size	All nut and pea 2" and under	Run of mine result-ant over 2"	1/4" and 2" slack	3/8" slack
Consolidation Coal Co.	453	Consol. #21-A (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Consolidation Coal Co.	454	Consol. #21-B (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Fairpoint Construction Company	446	Bridgeport (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Jones, I. W.	450	Marks #1	Pittsburgh	Gilmer	243	238	238	213	213	198	188
Richwood Coal Mining Co.	455	Richwood #2	Pittsburgh	Sewell	273	268	268	243	243	233	213
Smith, A. W.	451	Smith	M. V. Freeport	Preston	245	245	245	220	220	210	200
Starford, W. E. (Eureka Coal Co.)	456	Webster #2 (S)	Pittsburgh	Taylor	243	238	238	213	213	198	188
Stout, H. V. (Hilltop Coal Co.)	457	Hilltop (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Weddell, James C. (Black Diamond Coal Co.)	452	Clelland #1	Pittsburgh	Harrison	243	238	238	213	213	198	188

[F. R. Doc. 42-12011; Filed, November 17, 1942; 10:37 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERE TO

[General License No. 72 as Amended]

NOVEMBER 17, 1942.

General License No. 72, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.¹

¹ Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regs., Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

General License No. 72, as amended, is hereby amended to read as follows:

§ 131.72 *General License No. 72.* (a) A general license is hereby granted authorizing the following transactions, in which a blocked country or any national thereof has, on or since the effective date of the order, had an interest:

(1) The filing and prosecution in the United States Patent Office of applications for letters patent for inventions and designs and for the registration of trademarks and the receipt of letters patent and trademark registration certificates issued pursuant to any such application;

(2) The securing and registration of United States copyrights and the registration of claims to United States copyrights in prints and labels and the receipt of copyright certificates therefor;

(3) The payment from blocked accounts or otherwise, except from accounts in which an enemy national has an interest, of fees currently due to the United States Government in connection with any transactions authorized herein;

(4) The payment from blocked accounts or otherwise, except from accounts in which an enemy national has an interest, of the reasonable and customary fees and charges currently due to attorneys or representatives within the United States in connection with the transactions referred to in subparagraphs (1), (2), and (3) of this paragraph, provided that such payment shall not exceed

(i) \$100 for the preparation, filing, and prosecution of any application for letters patent; or

(ii) \$50 for the preparation, filing, and prosecution of any application for a trademark registration; or

(iii) \$25 for the securing and registration of any copyright; or

(iv) \$35 for the preparation and filing of any amendment to a pending application for letters patent or for a trademark registration; and

(5) The execution of, or the recording of, any assignment, grant, encumbrance, license, or other agreement or arrangement of, under, or with respect to, any United States patent, trademark, or copyright, or application therefor.

(b) Notwithstanding the provisions of General Ruling No. 11, the transactions specified in paragraph (a) hereof may be effected even though they involve a communication from an enemy national after March 18, 1942. No other transaction which, directly or indirectly, involves any trade or communication with an enemy national is authorized by this general license.

(c) Attention is directed to Public Circular No. 5, as amended November 17, 1942, issued by the Treasury Department, and to General Order No. 11² issued by the Alien Property Custodian on November 17, 1942.

[SEAL] RANDOLPH PAUL, Acting Secretary of the Treasury.

[F. R. Doc. 42-12056; Filed, November 18, 1942; 10:55 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[General License No. 72A]

NOVEMBER 17, 1942.

General License No. 72A under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.¹

§ 131.72a *General License 72A.* (a) A general license is hereby granted authorizing the following transactions by any person who is not a national of any blocked country:

¹ Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

² *Supra*.

(1) The filing and prosecution of any application for a blocked foreign patent, trademark, or copyright;

(2) The receipt of any blocked foreign patent, trademark, or copyright;

(3) The payment of fees currently due to the government of any foreign country, either directly or through an attorney or representative in connection with any of the transactions authorized by subparagraphs (1) and (2) of this paragraph or for the maintenance of any blocked foreign patent, trademark, or copyright; and

(4) The payment of reasonable and customary fees currently due to attorneys or representatives in any foreign country incurred in connection with any of the transactions authorized by subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That any payments to a national of any blocked country shall not exceed:

(i) \$75 for the preparation, filing, and prosecution of any application for a blocked foreign patent, trademark, or copyright;

(ii) \$25 for the preparation and filing of any amendment to a pending application for a blocked foreign patent, trademark, or copyright; or

(iii) \$10 for services in connection with the payment of any government tax or annuity or effecting a constructive working of any blocked foreign patent, trademark, or copyright.

(b) Payments effected pursuant to the terms of subparagraphs (3) and (4) of paragraph (a) hereof may not be made from any blocked account. Such payments shall be made in the manner and under the conditions specified in paragraph (b) of General License No. 33, as amended.

(c) With respect to each payment authorized by subparagraphs (3) and (4) of paragraph (a) hereof, reports on Form TFR-132 shall be executed and filed in the manner and form and under the conditions prescribed in General License No. 32, as amended, except that Item No. 6 of such form shall be left blank, and the purpose for which the payment is made shall be indicated on the reverse side of such form.

(d) As used herein the term "blocked foreign patent, trademark, or copyright" shall mean any patent, petty patent, design patent, trademark or copyright issued by any foreign country, in which a blocked country or national thereof has an interest, including any patent, petty patent, design patent, trademark, or copyright issued by a blocked country: *Provided*, That the term "blocked foreign patent, trademark or copyright" shall not be deemed to include any patent, petty patent, design patent, trademark, or copyright in which an enemy national has an interest.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12057; Filed, November 18, 1942; 10:55 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

[Public Circular No. 5 as Amended]

NOVEMBER 17, 1942.

Public Circular No. 5, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.¹

Public Circular No. 5 is hereby amended to read as follows:

(1) Reference is made to General Licenses Nos. 72 and 72A issued by the Treasury Department, and to General Orders Nos. 11, 12 and 13, and the regulations issued thereunder, issued by the Alien Property Custodian.

(2) Pursuant to section 2 (d) of Executive Order No. 9095, as amended July 6, 1942, the Alien Property Custodian has assumed full power and authority over the filing and prosecution of applications for United States patents, trademarks and copyrights, and transfers and other dealings with respect thereto, in which a blocked country or national thereof has, on or since the effective date of Executive Order No. 8389, as amended, had an interest. This action was taken through the issuance by the Alien Property Custodian of General Orders Nos. 11, 12 and 13 and regulations thereunder. At the same time, the Treasury Department amended General License No. 72 so that, to the extent that the Alien Property Custodian has assumed jurisdiction, the Treasury Department relinquishes it under Executive Order No. 8389, as amended.

(3) In addition, General License No. 72 has been amended to authorize the payment of fees to the United States Government and, with limitations, the customary fees and charges of attorneys in the United States arising in connection with the filing and prosecution in the United States of patent, trademark and copyright applications. Payment is not permitted from an account in which an enemy national has an interest. These provisions will facilitate the administration of General Orders Nos. 11, 12 and 13 and regulations issued thereunder by the Alien Property Custodian.

(4) It is to be noted, in connection with General License No. 72, that transactions relating to United States patents, trademarks and copyrights, which involve communication from an enemy national have been authorized notwith-

¹ Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

standing General Ruling No. 11. This action was taken by the Treasury Department at the request of the Alien Property Custodian.

(5) Jurisdiction over patents, trademarks or copyrights in which a blocked interest exists and which are issued by any foreign country remains in the Treasury Department and dealings therein are subject to Executive Order No. 8389, as amended.

(6) General License No. 72A authorizes transactions relating to the filing and prosecution of applications for patents, trademarks or copyrights in any foreign country, the receipt of documents issued in connection therewith, the payment of fees currently due to the government of any foreign country not within enemy territory, and, within limitations, the payment of reasonable and customary attorneys' fees, in which a blocked country or national, except an enemy national, has an interest.

(7) General License No. 72A does not authorize any transaction involving trade or communication with an enemy national and the Treasury Department will continue to observe its general policy of denying applications to effect such transactions.

(8) Public Circular No. 5A is hereby revoked.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12058; Filed, November 18, 1942; 10:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-144]

CHROME IRON AND STEEL COMPANY

Harry G. Fingerote, doing business as the Chrome Iron and Steel Company, Philadelphia, Pennsylvania, is an individual engaged in the scrap metals, demolition, and steel warehouse business. For the second and third quarters of 1942, he established a quota under Supplementary Order No. M-21-b with respect to iron and steel products listed in Schedule A thereof. Notwithstanding, during the second and third quarters of 1942 he accepted delivery of plate ends and rejects substantially in excess of his established quota.

The acceptance by Harry G. Fingerote of iron and steel products in excess of quotas established for the second and third quarters of 1942 constituted wilful violations of Supplementary Order No. M-21-b, which have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.144 *Suspension Order No. S-144.* (a) During the calendar quarter beginning January 1, 1943, and ending

March 31, 1943, Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, Philadelphia, Pennsylvania, his successors and assigns, shall not accept delivery of any Schedule A steel products as the same are defined in Supplementary Order No. M-21-b; and during the same quarter no steel mill or warehouse shall deliver to Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, his successors or assigns, any Schedule A steel products.

(b) During the calendar quarter beginning April 1, 1943 and ending June 30, 1943, the amount of Schedule A steel products which Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, would be entitled to receive under the quota established by the provisions of Supplementary Order No. M-21-b, as amended, will be reduced by 50% for that quarter, and Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, his successors and assigns, shall not accept deliveries of more than 50% of his quota of Schedule A steel products unless specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 1, 1943, and shall expire June 30, 1943.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12043; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-145]

AERO-CRAFT COMPANY

Alex R. Tigerman and Mrs. Alex R. Tigerman, doing business as Aero-Craft Company, 5254 North Broadway, Chicago, Illinois, are engaged in the manufacture, fabrication, and assembly of coin-operated airplane amusement machines containing, among other materials, copper and copper base alloy. During the period from February 1, 1942, to September 1, 1942, Aero-Craft Company manufactured, fabricated and assembled approximately 64 coin-operated airplane amusement devices containing copper and copper base alloy.

During the period from February 1, 1942 to March 16, 1942, the manufacture,

fabrication and assembly of such machines was limited to 25 per cent of the monthly average of such type equipment produced by said company during the twelve months ending June 30, 1941. This company did not produce any such machines during the twelve months period ending June 30, 1941, and therefore, the manufacture, assembly and fabrication of such machines by this company during the period February 1 to March 16, 1942 constituted a wilful violation of Limitation Order L-21 and L-21-a. During the period from March 16, 1942 to May 1, 1942 the use of copper in the manufacture of such machines was prohibited, and after May 1, 1942 the manufacture, fabrication and assembly of such machines was prohibited entirely. The use of copper in the manufacture of these machines after March 16, 1942, and the manufacture, fabrication and assembly of said machines after May 1, 1942, constituted a violation of Limitation Order L-21-a.

The foregoing violations of War Production Board orders have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.145 *Suspension Order No. S-145.* (a) Neither Alex R. Tigerman, Mrs. Alex R. Tigerman, nor Aero-Craft Company, their successors and assigns, shall, subsequent to the effective date of this order, deliver, transfer or in any manner dispose of any or all coin-operated amusement machines now owned by them, except for the purpose of delivering the same to storage for their own account.

(b) For a period of six months subsequent to the effective date of this order, deliveries of material to Alex R. Tigerman, Mrs. Alex R. Tigerman and Aero-Craft Company, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of the Industry Operations or the Director General for Operations.

(c) For a period of six months subsequent to the effective date of this order, no allocation shall be made to Alex R. Tigerman, Mrs. Alex R. Tigerman, or Aero-Craft Company, their successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Neither Alex R. Tigerman, Mrs. Alex R. Tigerman, nor Aero-Craft Company shall, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or in any wise change the form or dispose of any or all of the materials now owned by them, which were purchased or obtained for the purpose of incorporating the same into coin-operated amusement machines,

except as specifically authorized by the Director General for Operations. The provisions of this paragraph shall not apply to the removal of said materials to a place of storage for their account.

(e) Nothing contained in this order shall be deemed to relieve Alex R. Tigerman, Mrs. Alex R. Tigerman and Aero-Craft Company from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on November 20, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12044; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-146]

N. L. TRAUB AND WASHINGTON LANE CORPORATION

N. L. Traub is engaged in the construction and development of residential housing accommodations with offices at 6701 North Broad Street, Philadelphia, Pennsylvania.

The Washington Lane Corporation is a corporation wholly owned by said N. L. Traub, its president, and is engaged in the construction of a large defense housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, of which it is the owner.

Subsequent to June 22, 1942, N. L. Traub and the Washington Lane Corporation, working in concert and in conjunction with each other accepted delivery of, and installed in and connected to various houses in the defense housing project mentioned in the preceding paragraph hereof, approximately 4,800 pounds of copper or copper base alloy tubing for plumbing and heating purposes, notwithstanding the fact that they had actual knowledge that such acts were prohibited by the provisions of Supplementary Order M-9-c-4. The aforesaid acts, therefore, constituted wilful violations of Supplementary Order M-9-c-4.

These violations have impeded and hampered the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered*:

§ 1010.146 *Suspension Order No. S-146.* (a) N. L. Traub and the Washington Lane Corporation, their successors and assigns, shall not, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or other-

wise change the form or dispose of the copper tubing and copper base alloy products now owned by either or both of them, or in their possession, except upon the specific direction of the Director General for Operations. The provisions of this paragraph (a) do not apply to the removal of said materials to a place of storage for their account.

(b) For a period of eight months from the effective date of this order deliveries of materials to N. L. Traub and the Washington Lane Corporation, his or its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating, certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations. The provisions of this paragraph (b) shall not be applicable to deliveries of materials for completion of the housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, to which preference ratings are extended under Preference Rating Order P-55, Serial No. 77-034-000-496-531-Philadelphia or any other preference rating certificate.

(c) For a period of eight months from the effective date of this order, no allocation shall be made to N. L. Traub or the Washington Lane Corporation, his and its successors and assigns, of any material, the supply, or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve N. L. Traub or the Washington Lane Corporation from any restrictions, prohibition or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect upon November 19, 1942, and shall terminate on July 19, 1943, after which latter date it shall be of no further force and effect.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-12045; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-147]

ROBERT M. MORFORD

Robert M. Morford, 7500 Walnut Lane, Philadelphia, Pennsylvania, is an indi-

vidual engaged in plumbing contracting. Subsequent to July 22, 1942, Robert M. Morford delivered to, installed in and connected to various houses in the defense housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, approximately 4,800 pounds of copper or copper base alloy tubing for plumbing and heating purposes, notwithstanding the fact that he had actual knowledge that such act was prohibited by the provisions of Supplementary Order M-9-c-4. The aforesaid act therefore constituted a willful violation of Supplementary Order M-9-c-4.

This violation has impeded and hampered the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.147 *Suspension Order No. S-147.* (a) Robert M. Morford shall not, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or otherwise change the form or dispose of the copper tubing and copper base alloy products now owned by him, or in his possession, except upon the specific direction of the Director General for Operations. The provisions of this paragraph (a) do not apply to the removal of said material to a place of storage for his own account.

(b) For a period of eight months from the effective date of this order deliveries of material to Robert M. Morford, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations. The provisions of this paragraph (b) shall not apply to deliveries of materials for completion of the housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, to which preference ratings are extended under P-55, Serial No. 77-034-000-496-531-Philadelphia or any other preference rating certificate.

(c) For a period of eight months from the effective date of this order, no allocation shall be made to Robert M. Morford, of any material, the supply, or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Robert M. Morford from any restrictions, prohibition or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect upon November 19, 1942, and shall terminate

on July 19, 1943, after which latter date it shall be of no further force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November, 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-12046; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-149]

RAY OIL BURNER COMPANY

Ray Oil Burner Company, of San Francisco, California, is a corporation engaged in the manufacture of oil burners. Under Limitation Order L-74, the company was permitted to produce only 365 Class B Oil Burners during the months of April and May, 1942. Despite this limitation, the company produced 865 Class B Oil Burners during that period. Furthermore, during the month of June, 1942, the company produced 333 Class B Oil Burners, although the manufacture of all of such oil burners during such period was prohibited by Limitation Order L-74.

These violations of Limitation Order L-74 were willful, and hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.149 *Suspension Order No. S-149.* (a) Ray Oil Burner Company, its successors and assigns, shall not produce, fabricate or assemble any Class A Oil Burners, as the same are defined in Limitation Order No. L-74, as amended, to fill any order which bears a preference rating of A-10 or better, except as specifically authorized by the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(b) Ray Oil Burner Company, its successors and assigns, shall not produce, fabricate or assemble any Class B Oil Burners, as the same are defined in Limitation Order No. L-74, as amended, except as specifically authorized by the Director General for Operations: *Provided, however,* That this paragraph shall not prohibit the production, fabrication or assembling of any Class B Oil Burner which Ray Oil Burner Company has heretofore been authorized by the Director General for Operations to produce, fabricate or assemble.

(c) Nothing contained in this order shall be deemed to relieve Ray Oil Burner Company from any other restriction, prohibition or provision contained in Limitation Order No. L-74, or from any restriction, prohibition or provision in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 2, 1942, and shall expire on March 2, 1943.

(P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12047; Filed, November 17, 1942;
2:51 p. m.]

PART 933—COPPER

[Amendment 1 to Supplementary Conservation Order M-9-c-4 As Amended Oct. 27, 1942]

Section 933.15 *Supplementary Conservation Order M-9-c-4* is hereby amended in the following respects: Subparagraph (9) of paragraph (a) is hereby amended to be and read as follows:

(9) "To install in or connect to a structure or system" means to attach or build material to or into a building or other structure or to or into a cooling tower or water tower, water supply or water distribution system or installation; but does not mean to attach or build material to or into a machine such as a heater, refrigerator or other device (except a cooling tower or water tower) which itself has been or may be attached to or built into the structure or to or into an industrial processing system.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12050; Filed, November 18, 1942;
10:35 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-d, as amended Nov. 18, 1942]

CORROSION AND HEAT RESISTANT CHROME STEEL

Section 962.5 *Supplementary Order M-21-d* is hereby amended to read as follows:

§ 962.5 *Supplementary Order M-21-d*—(a) *Restrictions on deliveries, use, etc.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall consume, use, process, fabricate, or deliver corrosion or heat resistant alloy iron or alloy steel containing 4 per cent or more of chromium except in accordance with the following:

¹ 7 F.R. 8691.

² 7 F.R. 2383, 7141.

(1) The above prohibition shall not apply to material to be delivered by the holder on a preference rating of AA-5 or higher, or to material acquired on a preference rating of AA-5 or higher.

(2) The above prohibition shall not apply to material acquired prior to November 18, 1942 on a preference rating of A-1-k or higher.

(3) The above prohibition shall not apply to fully fabricated articles. It shall apply to raw steel stock in the form received, or cut to size for further processing or fabrication.

(b) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(c) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(d) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Iron and Steel Branch, Washington, D. C. Ref.: M-21-d.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12051; Filed, November 18, 1942;
10:35 a. m.]

PART 1053—FATS AND OILS

[Interpretation 1 of General Preference Order M-71, As Amended Sept. 22, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1053.1, General Preference Order M-71, as amended September 22, 1942:

The term "principal ingredient" used in paragraph (a) (4) (vi) of the order means the largest single ingredient by weight, subject to the qualification that shortening, mayonnaise and salad dressing (edible products specifically listed in Schedule A annexed to said order) are to be considered products of which a fat or oil is the principal ingredient regardless of the fat or oil composition thereof in the particular case.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671,

¹ 7 F.R. 7485, 8692.

76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12052; Filed, November 18, 1942;
10:35 a. m.]

PART 1178—FISHING TACKLE

[General Limitation Order L-92, as amended Nov. 18, 1942]

§ 1178.1 *General Limitation Order L-92*—(a) *Definitions.* For the purposes of this order:

(1) "Fishing tackle product" means any manufactured product designed primarily for use in non-commercial fishing, including, but not limited to, the following: rods, rod fittings, and rod accessories; reels, reel equipment and reel accessories; lines, leaders, sinkers, swivels, fish hooks, bait boxes, tackle boxes, fly boxes, creels artificial lures, baits and flies.

(2) "Repair and replacement part" means any part for a fishing tackle product which is not produced for or used in a new fishing tackle product.

(3) "Manufacturer" means any person engaged in the business of producing any fishing tackle product or any parts therefor, including repair and replacement parts.

(4) "Critical material" means plastics, cork and any metal other than iron and steel.

(b) *General restrictions.* (1) Except as provided in subparagraph (2) of this paragraph (b), no manufacturer shall process, fabricate, work on, assemble or repair any fishing tackle product or part therefor, including repair and replacement parts, containing any critical material or iron and steel.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may:

(i) Produce fish hooks containing iron or steel, *Provided*, That during the period of three months beginning October 1, 1942, and during each succeeding period of three months, he does not produce for non-commercial fishing purposes more than 12½% of the number of fish hooks produced by him for such purposes in the year 1941;

(ii) Convert fish hooks containing iron or steel into lures, baits or flies, *Provided*, That no critical material and no iron or steel (other than that contained in the fish hooks) is contained in such lures, baits or flies;

(iii) Use in the repair of fishing tackle products any repair and replacement parts which were fully fabricated on or before November 18, 1942; and

(iv) Use in the repair of fishing tackle products and in the production of repair and replacement parts any iron and steel which, on or before November 18, 1942 was:

(a) In his inventory or in the inventory of another manufacturer, and

(b) So fabricated or processed that it could not be used for any purpose except in fishing tackle products.

(3) None of the provisions of this order shall be deemed to limit in any way the production or repair of products designed primarily for use in the commercial fishing industry, or of parts, including repair and replacement parts for such products.

(c) *Inventory restrictions.* (1) No manufacturer shall receive, or accept delivery of, for use in the production or repair of fishing tackle products or of parts therefor, including repair and replacement parts, any critical material or iron and steel, except material and parts in the form which he may use in the repair of fishing tackle products and in the production of repair and replacement parts under subdivisions (iii) and (iv) of paragraph (b) (2).

(2) A manufacturer may sell materials in his inventory only in accordance with the provisions of Priorities Regulation 13 (Part 944) and all other applicable Orders and Regulations, except that he may sell to another manufacturer materials and parts which such other manufacturer may use in the repair of fishing tackle products and in the production of repair and replacement parts under subdivisions (iii) and (iv) of paragraph (b) (2), and any such sale shall be deemed a sale expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation 13.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(i) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations limits the use of any material in the production or repair of fishing tackle products or parts therefor, including re-

pair and replacement parts, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Consumers' Durable Goods Branch, Ref: L-92.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12054; Filed, November 18, 1942;
10:35 a. m.]

PART 3104—PHENOLIC RESINS AND PHENOLIC RESIN MOLDING COMPOUNDS

[Amendment 1 to General Preference Order M-246]

Section 3104.1 *General Preference Order M-246*¹ is hereby amended by adding a new subparagraph to paragraph (d) of said section, designated subparagraph (7) as follows:

(7) Delivery or acceptance of delivery during the month of December 1942, or use, of phenolic resins or phenolic resin molding compounds produced from phenol delivered to the producer pursuant to allocations made under General Preference Order M-27 for the month of November 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12053; Filed, November 18, 1942;
10:35 a. m.]

Chapter XI—Office of Price Administration

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[Order 2 Under RPS 16²]

J. D. AND A. B. SPRECKELS CO.

Order No. 2 Under Revised Price Schedule No. 16—Raw Cane Sugar.

¹ 7 F.R. 8993.

² 7 F.R. 1239, 1836, 2133, 2132, 8948.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1334.102 *Granting approval under § 1334.9 (a) (6).* (a) J. D. & A. B. Spreckels Company (doing business as to one of its departments under the name and style of "Western Sugar Refinery"), a corporation organized and existing under the laws of the State of California and with its principal place of business in the City and County of San Francisco, California, as buyer, and the following named plantation companies engaged in the business of growing sugar cane and producing raw sugar therefrom in the Territory of Hawaii, as sellers, may employ the method of averaging prices for such raw sugar specified in the respective contracts between said buyer and said sellers as of January 1, 1943 (copies of which have been submitted to the Office of Price Administration) for the "contract year" January 1, 1943 to December 31, 1943. The seller plantation companies follow:

Hilo Sugar Company, Honolulu, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Hakalau Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

Hutchinson Sugar Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

Kilauea Sugar Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

Kaeleku Sugar Company, Limited, Honolulu, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Gay and Robinson, Makaweli, Kauai, T. H., a co-partnership consisting of Mrs. Alice Robinson, Sinclair Robinson, Alymer F. Robinson, Selwyn A. Robinson, Eleanor Robinson, and Lester B. Robinson.

Wailea Milling Company, Ltd., Honolulu, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Olokele Sugar Company, Limited, Kauai, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Pauuhau Sugar Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

(b) The following deductions specified in Article 9 of each of said contracts are approved.

First: A deduction of twenty hundredths (.20) of one cent per pound delivered net weight before conversion on all sugars polarizing ninety-three degrees (93°) or more, if sugars are delivered in bags; or

Second: A deduction of twenty-six hundred and twenty-five ten thousandths (.2625) of one cent per pound delivered net weight before conversion on all sugars polarizing ninety-three degrees (93°) or more, if sugars are delivered in bulk; and

Third: An additional deduction of one-half (.5) of one per cent of the applicable average market price per pound;

Fourth: An additional deduction in respect of sugar delivered at the port of San Francisco of one-tenth ($\frac{1}{10}$) of one cent per pound delivered net weight before conversion on all sugars damaged by salt water;

Fifth: An additional deduction in respect of sugars delivered at the port of San Francisco of one-tenth ($\frac{1}{10}$) of one cent per

pound delivered net weight before conversion on all sugars damaged by fresh water or affected by sweat, provided such damaged sugar shows deterioration of two degrees (2°) or more from the average polarization of the sound sugar of the same Mark or the same bulk shipment as the case may be;

Sixth: An additional deduction, in respect of Eastern shipments, of an amount equal to all charges of every character which would have been incurred by Seller had such delivery been made at the port of San Francisco, as herein provided, including (without limiting the general nature of the foregoing charges) charges on account of freight, insurance, weighing, sampling, polarizing, supervising, and territorial tolls (if any);

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 2 (§ 1334.102) may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1334.7 of Revised Price Schedule No. 16 shall apply to the terms used herein.

(f) This Order No. 2 (§ 1334.102) shall become effective as of January 1, 1943, and shall, unless earlier revoked, expire 12 o'clock midnight December 31, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12033; Filed, November 17, 1942; 12:14 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53¹ Amendment 19]

FATS AND OILS

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

Inferior subdivision (h) is added to § 1351.151 (b) (12) (v) to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(12) * * *

(v) * * *

(h) The usual or normal differentials for type of purchaser shall continue to apply.

§ 1351.159 *Effective dates of amendments.* * * *

(s) Amendment No. 19 (§1351.151 (b) (12) (v) (h)) to Revised Price Schedule No. 53 shall become effective November 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12027; Filed, November 17, 1942; 12:18 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1309, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702, 8948, 9130, 9189.

PART 1346—BUILDING MATERIALS

[MPR 272]

CAST-IRON BOILERS AND CAST-IRON RADIATION

In the judgment of the Price Administrator the prices of cast-iron boilers and cast-iron radiation have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. The Price Administrator has ascertained and given due consideration to the prices of cast-iron boilers and cast-iron radiation prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry who will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 272 is hereby issued.

Sec.

1346.251	Purpose of this regulation.
1346.252	General Maximum Price Regulation and Maximum Price Regulation No. 188, superseded.
1346.253	Prohibitions.
1346.254	Less than maximum prices.
1346.255	Federal and State taxes.
1346.256	Adjustable pricing.
1346.257	Evasion.
1346.258	Notification of purchasers of existence of regulation.
1346.259	Records and reports.
1346.260	Filing of price lists by manufacturers.
1346.261	Licensing.
1346.262	Enforcement.
1346.263	Petitions for amendment or adjustment.
1346.264	Definitions.
1346.265	Geographical applicability.
1346.266	Revised Maximum Export Price Regulation applicable.
1346.267	Effective date.
1346.268	Appendix A: Maximum prices for cast-iron boilers and cast-iron radiation.

AUTHORITY: §§ 1346.251 to 1346.268, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.251 *Purpose of this regulation.* (a) It is the purpose of this Maximum Price Regulation No. 272 to establish maximum prices for sales and deliveries of cast-iron boilers and cast-iron radiation. The maximum prices for sales and deliveries covered by this Maximum Price Regulation No. 272 are set forth in Appendix A (§ 1346.268).

¹ 7 F.R. 8961.

(b) In those cases in which the seller furnishes such articles and, in consideration for the total price paid by the purchaser, also performs the service of connecting the cast-iron boiler or cast-iron radiation to the heating system, the sales and deliveries are not covered by this Maximum Price Regulation No. 272, but are covered by Maximum Price Regulation No. 251.

§ 1346.252 *General Maximum Price Regulation and Maximum Price Regulation No. 188, superseded.* The provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 188 are superseded by this Maximum Price Regulation No. 272 with respect to sales or deliveries of cast-iron boilers and cast-iron radiation for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 272: *Provided*, That the provisions of Maximum Price Regulation No. 188 shall be applicable in the manner indicated in § 1346.268 (a) (5) of this Maximum Price Regulation No. 272.

§ 1346.253 *Prohibition against sales of cast-iron boilers or cast-iron radiation at higher than maximum prices.* (a) On and after November 23, 1942, regardless of any contract, lease, or other obligation:

(1) No person shall sell or deliver any cast-iron boilers or cast-iron radiation at a price higher than the maximum price permitted by this Maximum Price Regulation No. 272.

(2) No person in the course of trade or business shall buy or receive any cast-iron boilers or cast-iron radiation at a price higher than that permitted by this Maximum Price Regulation No. 272.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph (a).

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 272 or the Emergency Price Control Act of 1942.

§ 1346.254 *Less than maximum prices.* Lower prices than those set forth in § 1346.268 may be charged, demanded, paid, or offered.

§ 1346.255 *Federal and State taxes.* As to any tax upon, or incidental to, the sale or delivery of cast-iron boilers or cast-iron radiation, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1346.256 *Adjustable pricing.* Any person may offer or agree to adjust prices to or at prices not in excess of the maxi-

imum prices in effect at the time of delivery.

§ 1346.257 *Evasion.* The provisions of this Maximum Price Regulation No. 272 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to cast-iron boilers or cast-iron radiation, alone, together, or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1346.258 *Notification of purchaser of existence of regulation.* Every person making sales subject to this Maximum Price Regulation No. 272 shall, before entering into a contract or making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 272, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 272 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1346.259 *Filing of price lists by manufacturers.* On or before December 10, 1942, every manufacturer of cast-iron boilers and/or cast-iron radiation shall file with the Office of Price Administration, Washington, D. C., one hundred (100) copies of its price sheets issued on the date set forth in paragraph (e) of Appendix A (§ 1346.268), together with a certificate to the effect that such price sheets are true copies of the price sheets issued on the date in question.

§ 1346.260 *Records and reports.* (a) On and after November 23, 1942, every person making purchases or sales of cast-iron boilers or cast-iron radiation in the course of trade shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records and copies of invoices of each such purchase or sale, showing the date thereof, the name and address of the buyer and seller, the price paid or received, the freight or surcharge paid or received, the quantity of each type and size of cast-iron boiler and any cast-iron radiation purchased or sold, and the manufacturer's name and plate number for each boiler purchased or sold.

(b) Persons affected by this Maximum Price Regulation No. 272 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1346.261 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22), Licensing Persons Selling Lumber, Lumber Products or Building Materials, are applicable to every person (except manufacturers) making sales of cast-iron boilers and cast-iron radiation for which maximum prices are established by this regulation.

§ 1346.262 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 272 are subject to the criminal penalties, civil

enforcement actions, suits for treble damages, and license suspension proceedings provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 272, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest state, district, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.263 *Petitions for amendment or adjustment—(a) Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a Government contract or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of cast-iron radiation or cast-iron boilers which are essential to the war program and which are or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 272, in accordance with Procedural Regulation No. 6² issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of this Maximum Price Regulation No. 272 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1346.264 *Definitions.* (a) When used in this Maximum Price Regulation No. 272, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in the fabrication or production of cast-iron boilers and/or cast-iron radiation. Except for the purposes of the records' requirements of § 1346.260, the term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission, salesman, or other manufacturer's agent.

(3) "Jobber" means any person, other than a manufacturer, who purchases cast-iron boilers and/or cast-iron radiation for purposes of resale other than on an installed basis.

(4) "Installed basis," when used in reference to a sale or delivery, means a transaction in which the seller furnishes a cast-iron boiler and/or cast-iron radiation and in consideration of the total price paid by the purchaser, performs the service of connecting the cast-iron boiler and/or cast-iron radiation to the heating system.

(5) "Manufacturer's warehouse" means a warehouse situated at a point other than the location of a foundry operated by the manufacturer where a stock of cast-iron boilers or cast-iron radiation delivered from the owner's foundry is normally maintained for sale and delivery to jobbers or others.

(6) "Cast-iron radiation" means a tubular or hollow device constructed of cast iron which, by means of internal circulation of high temperature vapor or liquid, emits heat from its external surface by means of conduction, radiation, and convection. The term includes, without limiting the generality of the foregoing, radiators (whether a unit or a combination of sections), and radiator sections, and all of the items set forth in Appendix A (§ 1346.268 (d)).

(7) "Cast-iron boiler" means any closed cast-iron pressure vessel designed to burn solid or liquid fuels for the purpose of generating steam or hot water for use in a heating system, whether actually so used or not. Without limiting the foregoing, the term includes jackets, grate bars, boiler trim, and other attachments or accessories commonly sold with the boiler as a unit, but does not include parts of boilers sold as repair parts, or oil burners and automatic controls, or stokers and automatic controls, sold as a part of a unit.

(8) "Government contract" means any contract with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or with any agency of any such Government.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1346.265 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 272 shall be applicable to the 48 states of the United States and the District of Columbia.

§ 1346.266 *Revised Maximum Export Price Regulation applicable.*³ The maximum price at which a person may export any cast-iron boiler or cast-iron radiation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1346.267 *Effective date.* Maximum Price Regulation No. 272 (§§ 1346.251 to 1346.268, inclusive) shall become effective November 23, 1942.

§ 1346.268 *Appendix A: Maximum prices for cast-iron boilers and cast-iron radiation—(a) Sales by or purchases from manufacturers—(1) Functional discounts.* The maximum prices for sales by manufacturers or purchases from them shall be ascertained by applying the following discounts to the sheet prices set forth or referred to in paragraphs (d) and (e) below:

² 7 F.R. 5087, 5664.

³ 7 F.R. 5059, 7242, 8829, 9000.

	Boilers	Radiation
Sales by manufacturers:		
(i) To jobbers or manufacturers.....	20% and 5%.....	15% and 5%.
(ii) To others.....	Sheet prices.....	Sheet prices.

There are some exceptions to these discounts with respect to certain manufacturers. These exceptions are set forth in paragraph (e) (2), below.

(2) *Transportation provisions.* The maximum prices for sales by manufacturers, calculated in accordance with subparagraph (1), above, are prices at the point of delivery, except as provided in subdivision (i), (ii), and (iii) of this subparagraph (2). If shipment is by rail, water, or by rail and water, the point of delivery is the railroad siding or unloading dock nearest the point designated by the purchaser. In case of shipment by common or contract motor carrier, the point of delivery is the point designated by the purchaser. If the purchaser picks up his purchase at the manufacturer's warehouse, the warehouse platform shall be the point of delivery.

(i) When shipments of 200 pounds or more are made by manufacturers from the point of manufacture, the maximum price, calculated in accordance with subparagraph (1), above, shall include freight charges actually incurred by the

manufacturer at not more than the minimum railroad carload rate of freight, regardless of the type of carrier actually employed. Freight charges on a shipment in excess of the charges which would have been incurred at the minimum railroad carload rate of freight may be added to the maximum prices calculated in accordance with subparagraph (1), above, if the manufacturer shows such additional charges as a separate item on the invoice.

(ii) When shipments of less than 200 pounds are made by manufacturers from the point of manufacture, the maximum price, calculated in accordance with subparagraph (1), above, is the price f. o. b. the point of manufacture.

(iii) When shipments are made from or deliveries are made at the manufacturers' warehouses located at the points designated below, the maximum price, calculated in accordance with subparagraph (1), above, may be increased by the applicable surcharge set forth below: *Provided, however,* That if it was the practice of the seller, on October 1, 1941, to make free delivery from the warehouse within a definite area, the seller shall deliver in that area without charge. No surcharges other than those designated may be made for shipments from or deliveries at any manufacturers' warehouses; nor may such surcharges be made unless they are shown on the invoice as a separate item.

(3) *Unlisted items.* The maximum price for any model or type of cast-iron boiler sold or offered for sale by a manufacturer prior to August 1, 1942, which is not listed in the sheet prices set forth or referred to in paragraph (e) of this section, shall be an amount not more than 95% of the net price which was charged or which would have been charged by the manufacturer on a sale made on February 18, 1942, to the same purchaser or class of purchaser for like quantities, types, and sizes of cast-iron boilers.

(i) *Reporting.* Every manufacturer shall, prior to November 30, 1942, file with the Office of Price Administration, Washington, D. C., a list of all models or types of cast-iron boilers not set forth or referred to in paragraph (e) of this section, which he has sold or offered for sale during the year prior to August 1, 1942, together with a complete description of such articles, including their performance, their maximum selling prices as determined above, and the names of all purchasers of each such model, and the name or designation given to such models by each re-seller.

(4) *Services, cash and quantity discounts.* The maximum prices for sales by manufacturers or purchasers from them shall include at least the same rendition of services and at least the same extension of quantity and cash discounts as were or would have been rendered or extended by the seller on comparable sales to a purchaser of the same class on October 1, 1941.

(5) *New models or types.* The maximum sheet price for any model or type of cast-iron boiler or cast-iron radiation first offered for sale subsequent to August 1, 1942, and for which no sheet price is established by this Maximum Price Regulation No. 272, shall be determined in accordance with the provisions of § 1499.154 of Maximum Price Regulation No. 188.⁴

(b) *Sales by or purchases from jobbers—(1) Listed items.* The maximum prices for sales by jobbers or purchases from them shall be the sheet prices set forth or referred to in paragraphs (d) and (e) of this section: *Provided,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Pierce-Butler Radiator Company shall be sheet prices less a discount of 38%: *And provided further,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Freed Heater and Manufacturing Company shall be the sheet prices plus 5%.

(2) *Unlisted items.* The maximum prices for sales by jobbers or purchases from them of any model or type of cast-iron boiler, which is not set forth or referred to in paragraph (e) of this section, shall be 95% of the highest sheet price published by the jobber during February 1942, or, if the jobber had no published sheet price for any model or type of cast-iron boiler which is not set forth or referred to in paragraph (e) of this section, shall be the cost of such cast-iron boiler to the jobber plus a percentage mark-up on the cost not in excess of the percentage mark-up over cost, similarly calculated, which the jobber received on the greatest portion of

AMERICAN RADIATOR & STANDARD SANITARY CORPORATION

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot			
		Corto	Arco	Sunrad	Wall
Denver, Colo.....	\$0.65	\$0.0375	\$0.0325	\$0.0425	\$0.0450
Kansas City, Mo.....	0.35	0.0175	0.0150	0.0200	0.0225
Richmond, Va.....	0.20	0.0150	0.0125	0.0175	0.0200
St. Paul, Minn.....	0.20	0.0100	0.0100	0.0100	0.0125
San Francisco, Calif.....	1.00	0.0300	0.0300	0.0300	0.0350
Seattle, Wash.....	1.00	0.0300	0.0300	0.0300	0.0350

THE NATIONAL RADIATOR COMPANY

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot		
		Aero	Art	Wall
Richmond, Va.....	\$0.20	\$0.0150	\$0.0125	\$0.0200

PIERCE BUTLER RADIATOR CORPORATION

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot		
		Eastwood	Little Giant	Wall
Portland, Maine.....	\$0.15	\$0.0100	\$0.0100	\$0.0125
Richmond, Va.....	0.20	0.0150	0.0125	0.0200

UNITED STATES RADIATOR CORPORATION

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot			
		Capitol	Thintube	Sunray	Wall
Birmingham, Ala.....	\$0.35	\$0.0200	\$0.0200	\$0.0200	\$0.0250
Denver, Colo.....	0.65	0.0375	0.0325	0.0425	0.0450
Kansas City, Mo.....	0.35	0.0175	0.0150	0.0200	0.0225
Minneapolis, Minn.....	0.20	0.0100	0.0100	0.0100	0.0125
Portland, Maine.....	0.15	0.0100	0.0100	0.0125	0.0125
Portland, Oreg.....	1.00	0.0300	0.0300	0.0300	0.0350
San Francisco, Calif.....	1.00	0.0300	0.0300	0.0300	0.0350
Seattle, Wash.....	1.00	0.0300	0.0300	0.0300	0.0350

⁴ 7 F.R. 5872, 7967, 8943, 8948.

(4) Other cast-iron radiation:

Manufacturers	Style	Size of section in inches	Sq. feet per section	Sheet price per sq. foot
American Radiator & Standard Sanitary Corp.	Sunrad.	23 x 7 1/2	3	42 1/2¢
Do.	Sunrad.	20 x 5	2	42 1/2¢
Burnham Boiler Corp.	Radiant.	23 x 7 1/2	3 1/2	42 1/2¢
Do.	Radiant.	20 x 5	2 1/2	42 1/2¢
Columbia Radiator Co.	Comfort Panel	20 x 7 1/2	3	40 1/2¢
Do.	Comfort Panel	20 x 5	2 1/2	40 1/2¢
Richmond Radiator Co.	Richvar.	20 x 7 1/2	3	40 1/2¢
Do.	Richvar.	20 x 5	2 1/2	40 1/2¢
United States Radiator Corp.	Sunray #6	20 x 5	2 1/2	40 1/2¢
Do.	Sunray #5	20 x 5	2 1/2	42 1/2¢

(1) The sheet prices for cast-iron boilers shall be 95% of the prices set forth in the manufacturers' price list which bears the date of issuance designated below:

Manufacturers:	Date of Issuance
American Radiator & Standard Sanitary Corp.	January 23, 1942
Burnham Boiler Corp.	January 24, 1942
Columbia Radiator Co.	February 18, 1942
Crane Company.	January 26, 1942
The Eastern Foundry Co.	February 2, 1942
International Heater Co.	January 20, 1942
Kohler Co.	February 12, 1942
The National Radiator Co.	January 22, 1942
Thatcher Furnace Co.	January 27, 1942

The sheet prices for certain manufacturers are not included in this list but are set forth in the next paragraph.

(2) The provisions of paragraphs (a) (1) and (e) (1) of this Appendix A shall not be applicable to sales of cast-iron boilers by the manufacturers named below: *Provided, however*, that all other parts of this regulation shall be applied with equal force and effect to said companies.

The maximum prices for sales by or purchases from the following companies shall be ascertained as follows:

Company	Discount
Hart & Crouse Corporation	July 14, 1941.
Cartload shipments to jobbers	20% and 5% off sheet prices.
Less than cartload shipments to jobbers	20% off sheet prices.
All other shipments	sheet prices.
<i>The Ideal Furnace Co.</i>	
Date of issuance of applicable price sheet	January 1, 1942.
Discounts:	
Shipments to jobbers from foundry	20% off sheet prices.
Shipments to jobbers from warehouse	17 1/2% off sheet prices.
All other shipments	sheet prices.
<i>The H. B. Smith Company, Inc.</i>	
Date of issuance of applicable price sheet	October 1, 1941.
Discounts:	
Shipments to jobbers	20% and 5% off sheet prices.
All other shipments	sheet prices.

(i) Large tube:

No. of tubes	Height in inches	Sheet price per sq. foot
3, 4, 5, or 6	36, 37, or 38	31 1/2¢
3, 4, 5, or 6	30 or 32	32 1/2¢
3, 4, 5, or 6	24	34¢
3, 4, 5, 6, or 7	22 or 23	30 1/2¢
3, 4, 5, 6, or 7	22 or 21 1/2	30 1/2¢
3, 4, 5, 6, or 7	19 1/2, 17, or 18 1/2	35 1/2¢
3, 4, 5, 6, or 7	19, 18 1/2, 14, 15, or 15 1/2	41 1/2¢

(ii) Small tube:

No. of tubes	Height in inches	Sheet price per sq. foot
3, 5, or 6	32 or 33	33 1/2¢
3, 4, 5, or 6	25 or 26	35 1/2¢
3, 4, 5, or 6	22 or 23	37 1/2¢
3, 4, 5, or 6	19 or 20	38 1/2¢
5	17	39 1/2¢
6	14	42 1/2¢

(2) Direct cast-iron wall radiation:

Size in sq. feet	Type	Sheet price per sq. foot
11	A	35¢
11	B	34¢
8	A	39 1/2¢
8	B	38 1/2¢
6	A	39 1/2¢
6	B	39 1/2¢
Crane Co. Assembled Wall Radiation.	2 sq. ft. sections	34¢
Columbia Assembled Wall Radiation.	1 1/2 sq. ft. sections	38 1/2¢
	3 sq. ft. 38"	39 1/2¢
	2 1/2 sq. ft. 32"	40 1/2¢
	2 sq. ft. 20"	41 1/2¢
	1 1/2 sq. ft. 20"	42 1/2¢

(3) Direct cast-iron hospital radiation:

Height in inches:	Sheet price per sq. foot
36, 37, or 38	37 1/2¢
30 or 32	38 1/2¢
26	40¢
23	42 1/2¢
20	43 1/2¢

his sales of cast-iron boilers during February 1942.

(3) *Delivery charges.* All sales from the warehouses of jobbers may be made f. o. b. warehouse: *Provided, however*, that if it was the practice of the seller on October 1, 1941, to make free delivery within a definite area, the seller shall deliver in that area without charge.

(4) *Services, cash and quantity discounts.* The maximum prices for sales by jobbers shall include at least the same absorption of transportation costs, and other charges, at least the same rendition of services, and at least the same extension of quantity and cash discounts as were or would have been absorbed, rendered, or extended by the seller on comparable sales to a purchaser of the same class on October 1, 1941.

(c) *Sales to all other persons—(1) Listed items.* Without limiting or altering the foregoing, no person shall sell cast-iron boilers or cast-iron radiation to any other person at prices higher than the sheets prices set forth or referred to in paragraphs (d) and (e) of this section, except on an installed basis.

(2) *Unlisted items.* Without limiting or altering the foregoing, no person shall sell any cast-iron boilers or cast-iron radiation not listed or referred to in paragraphs (d) and (e) of this section to any other person at prices higher than the cost of such cast-iron boiler or cast-iron radiation to the person, plus a percentage mark-up on the cost not more than the percentage mark-up over cost, similarly calculated, which the person received on the greatest portion of his sales of cast-iron boilers or cast-iron radiation during February 1942.

(d) *Sheet prices for cast-iron radiators—(1) Direct cast-iron radiation:*

Pierce-Butler Radiator Co.

Date of issuance of applicable price sheet.....	October 11, 1941.
Discounts:	
All shipments to jobbers.....	38% and 20% and 5% off sheet prices.
All other shipments.....	38% off sheet prices.

Frank Prox Company, Inc.

Date of issuance of applicable price sheet.....	November 21, 1941.
Discounts:	
Carload shipments to jobbers.....	20% and 5% off sheet prices.
Less than carload shipments to jobbers.....	20% off sheet prices.
All other shipments.....	sheet prices.

The Putnam Co.

Date of issuance of applicable price sheet for "General Boilers".....	August 28, 1941.
Date of issuance of applicable price sheet for all other boilers.....	May 1, 1938.
Discounts:	
Shipments to jobbers.....	20% and 5% off sheet prices.
Shipments to heating trade.....	5% off sheet prices.
All other shipments.....	sheet prices.

Spencer Heater Division of the Aviation Corp.

Date of issuance of applicable price sheet.....	February 2, 1942.
Discounts:	
Carload shipments to jobbers.....	15% and 5% off sheet prices.
Less than carload shipments to jobbers.....	15% off sheet prices.
All other shipments.....	sheet prices.

Freed Heater and Manufacturing Co.

Date of issuance of applicable price sheet.....	June 6, 1941.
Discounts:	
Shipments to jobbers.....	15% and 5% off sheet prices.
All other shipments.....	sheet prices plus 5%.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12031; Filed, November 17, 1942; 12:13 p. m.]

PART 1376—FLUORITE

[MPR 126,¹ as Amended]

FLUORSPAR

In the judgment of the Price Administrator it is necessary and proper in so far as practicable, to establish a uniform system of determining maximum prices for metallurgical and acid grades of fluorspar.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 126, as amended, are and will be generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator had advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1² issued by the Office of Price Administration, it is hereby directed that:

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3189, 8948.

² 7 F.R. 971, 3663, 6967, 8520, 8961.

Sections 1376.1 to 1376.15 inclusive, of Maximum Price Regulation No. 126 are renumbered and amended to read as set forth herein:

Sec.	
1376.1	Maximum prices for fluorspar.
1376.2	Less than maximum prices.
1376.3	Adjustable pricing.
1376.4	Evasion.
1376.5	Records and reports.
1376.6	Enforcement.
1376.7	Applications for adjustment and petitions for amendment.
1376.8	Definitions.
1376.9	Discount and credit provisions.
1376.10	Transportation costs.
1376.11	Export sales.
1376.12	Agreements with Office of Price Administration.
1376.13	Idle or frozen materials.
1376.14	Effective date.

AUTHORITY: §§ 1376.1 to 1376.14 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1376.1 *Maximum prices for fluorspar.* On and after November 1, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver any commercial grade of fluorspar, and no person shall buy or receive any commercial grade of fluorspar in the course of trade or business, at a price higher than the following, and no person shall agree, offer, solicit or attempt to do any of the foregoing prohibited acts:

(a) *Metallurgical grade.* (1) The maximum price f. o. b. a consumer's plant on any shipment shall be the price for

the effective CaF₂ content as listed in the following table, plus either (i) railroad freight on such shipment from the producer's shipping point to the consumer's plant, or (ii) railroad freight on such a shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower.

Effective CaF ₂ content	Base price per short ton
70% or more.....	\$28.00
65% but less than 70%.....	27.00
60% but less than 65%.....	26.00
Less than 60%.....	25.00

(2) The maximum price f. o. b. a producer's railroad or waterway shipping point shall be his maximum delivered price as determined under subparagraph (1) less freight from such shipping point to the consumer's plant.

(3) The effective CaF₂ content shall be determined by deducting 2½ times the SiO₂ content from the CaF₂ content (Example: The effective CaF₂ content of fluorspar with the specifications of 85% CaF₂ and 5% SiO₂ is determined as follows: 85—2½×5=72½).

(4) Examples: The maximum price per ton f. o. b. shipping point at Marion, Kentucky, on a carload sale of metallurgical grade fluorspar with an 84% CaF₂ and 5% SiO₂ content to a consumer at Pittsburgh would be \$28.00. This price is obtained by first calculating the effective CaF₂ content which is 84—2½×5, or 71½%, for which the above table establishes a maximum base price of \$28.00. Next, to this should be added the lower of the railroad freights from Marion to Pittsburgh and from Rosiclare to Pittsburgh respectively. Since these are both \$6.13, the delivered price is \$28.00 plus \$6.13, or \$34.13. To obtain the f. o. b. shipping point price, the freight of \$6.13 from Marion to Pittsburgh is deducted from the delivered price of \$34.13 which results in a maximum f. o. b. shipping point price of \$28.00.

If this shipment were made from Salida, Colorado, to Pittsburgh, the maximum price f. o. b. the buyer's plant would be \$34.13, since the freight of \$6.13 from Rosiclare to Pittsburgh is less than the freight of \$11.89 from Salida to Pittsburgh. The maximum price f. o. b. the seller's shipping point would be \$22.24; that is, \$34.13 minus \$11.89.

Similarly, if the shipment were made from Salida to Longview, Washington, the maximum delivered price would be \$39.60, representing \$28.00 plus freight of \$11.60 from Salida to Longview, which is less than the freight of \$20.00 from Rosiclare to Longview. The maximum price f. o. b. the seller's shipping point would be \$28.00; that is, \$39.60 minus \$11.60.

(b) *Acid grade fluorspar produced outside the Illinois-Kentucky fluorspar district.* (1) The maximum price f. o. b. a consumer's plant for any shipment of acid grade fluorspar with a minimum of 97½% CaF₂ and a maximum of 1½% SiO₂ shall be \$32.00 per ton, plus either (i) railroad freight on such shipment from the seller's shipping point to the consumer's plant or (ii) railroad freight on such a shipment from Rosiclare, Illi-

nois, to the consumer's plant, whichever is lower.

(2) The maximum price f. o. b. a producer's railroad or waterway shipping point for such acid grade fluorspar shall be his maximum delivered price as determined under subparagraph (1) less freight from such shipping point to the consumer's plant.

(3) Customary premiums allowed by the buyer for higher CaF₂ or lower SiO₂ content, and customary penalties imposed by the buyer for lower CaF₂ or higher SiO₂ content may be applied to such maximum prices: *Provided*, That each seller shall file with the Office of Price Administration all such premiums and penalties to which he is subject within 30 days of the effective date of these amendments and thereafter within 10 days after he becomes subject to any different premiums or penalties.

(c) *Acid grade fluorspar produced in the Illinois-Kentucky fluorspar district and all Ceramic grade fluorspar.*

(1) The maximum price shall be the highest price which the seller had in effect for that grade of fluorspar on January 2, 1942, f. o. b. the railroad or waterway shipping point from which such seller customarily ships from the mine or mill from which the sale or delivery is made: *Provided, however*, That if such January 2, 1942, price was on a basis other than f. o. b. such shipping point, such price shall be adjusted in such manner by the addition or deduction of shipping costs as to be converted into a price f. o. b. such shipping point; or

(2) The maximum price shall be the maximum price heretofore established by the Office of Price Administration in accordance with § 1376.1 (c) (3) (formerly § 1376.1 (a) (3)) of this Maximum Price Regulation No. 126, as amended or

(3) If the seller claims that a maximum price cannot be determined under (1) and (2) of this paragraph, then the maximum price shall be a price determined by the Office of Price Administration to be in line with the level of maximum prices established by this section. This price will be determined by said Office upon written application to the Office of Price Administration, Washington, D. C., by any seller, setting forth the location of his mine or mill from which the fluorspar is to be shipped, and the grade or grades of fluorspar for which prices are desired. In making the determination, consideration will be given to the geographical location of the mine or mill, and to freight differentials between that location and the location of other mines or mills, in shipments to points at which fluorspar is consumed.

(d) *Packing charges and L. C. L. handling charges.* Each seller may add to the maximum prices established above his customary charges for fluorspar when packed in bags, or otherwise specially packaged, or when shipped in less than carload lots: *Provided*, That he shall file such customary charges with the Office of Price Administration, Washington, D. C., on or before December 1, 1942.

§ 1376.2 *Less than maximum prices.* Lower prices than those set forth in § 1376.1 may be charged, demanded, paid or offered.

§ 1376.3 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1376.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 126, as amended shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to fluorspar, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1376.5 *Records and reports.* (a) Every person making sales or deliveries of fluorspar, and every person making purchases or accepting delivery of fluorspar in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and grade of fluorspar sold, purchased, or delivered, and the price received or paid therefor.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1376.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 126 as amended are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 126 as amended, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1376.7 *Applications for adjustment and petitions for amendment—(a) Applications for adjustment.* Whenever it appears that a producer of metallurgical or acid grade fluorspar is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, adjust his maximum price by an amount

necessary to insure the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(1) Revenue from sales of metallurgical or acid grades of fluorspar and from all other sources, and

(2) Mining, development, milling, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

Before filing an application for adjustment, it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(b) *Petitions for amendment.* Any person seeking amendment of any provision of this Maximum Price Regulation No. 126 as amended may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1¹ issued by the Office of Price Administration.

§ 1376.8 *Definitions.* (a) Unless the context otherwise requires, when used in this Maximum Price Regulation No. 126, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" includes persons who mine, or otherwise remove fluorspar from the place where it is naturally found, and persons who purchase fluorspar, mill the same, and resell it.

(3) A price "in effect" as referred to in §§ 1376.1 and 1376.3 hereof means the price at which the product in question was sold, or under contract to be sold, or at which a bona fide offer to sell the product was made to any individual, or individuals, or the public by means of price lists, discount lists, or any other customary method of making offers.

(4) "Fluorspar" includes only commercial grades of fluorspar and shall not include any extremely fine grades sometimes referred to as the "optical grades."

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1376.9 *Discount and credit provisions.* In determining the maximum price as provided in § 1376.1, "maximum price" shall be construed to mean "net price", i. e. subject to all discounts for cash payments and other credit provisions applicable to January 2, 1942. Such discounts and credit provisions may be altered or abolished if the purchaser is not thereby compelled to pay more than such maximum price.

¹ 7 F.R. 8961.

§ 1376.10 *Transportation costs.* Maximum prices fixed in § 1376.1 (c) hereof, are on the basis of f. o. b. the railroad or waterway shipping point from which the producer customarily ships from the mine or mill from which the sale is made. Sales may be made upon a different delivery basis, in which case an appropriate adjustment (upward or downward, as the case may be) of the maximum prices herein authorized shall be made. The amount of the adjustment shall be the cost of the transportation and delivery, as to which the adjustment is being made, by the most economical and practicable medium.

§ 1376.11 *Export sales.* Export sales of fluorspar shall be subject to the provisions of the Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

§ 1376.12 *Agreements with Office of Price Administration.* This Maximum Price Regulation No. 126, as amended, supersedes any agreements previously made and any orders or regulations previously issued by the Office of Price Administration with regard to fluorspar prices.

§ 1376.13 *Idle or frozen materials.* The maximum price at which any person may sell or deliver idle or frozen fluorspar shall be determined in accordance with the provisions of Maximum Price Regulation No. 204⁴ on Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

§ 1376.14 *Effective date.* This Maximum Price Regulation No. 126, as amended, (§§ 1376.1 to 1376.14, inclusive) shall become effective November 23, 1942.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12032; Filed, November 17, 1942;
12:15 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,¹ Amendment 5]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The phrase "heating contractor," is inserted between the word "qualified" and the word "plumber" in paragraph (b) of § 1394.5260, paragraph (b) of § 1394.5302, and paragraph (d) of § 1394.5459; the word "contractor," is inserted between the words "engineer" and "architect" in paragraph (b) § 1394.5260; a new paragraph (c) is added to § 1394.5701; the title to § 1394.5723 is corrected to read "Exchange of Coupons, Other Evidences, and Delivery Receipts"; in paragraph (a) of § 1394.5731 the words " * * * commencing with the twenty-fifth day of November, 1942. * * * "

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8480, 8708, 8808, 8897.

² 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000.

⁴ 7 F.R. 6479, 7366, 8948.

are deleted, and a new paragraph (c) is added to said section; and a new paragraph (e) is added to § 1394.5902; as set forth below:

REPLENISHMENT AND AUDIT

Registration

§ 1394.5701 *Registration of suppliers and dealers.* * * *

(c) Dealers and suppliers who commingle fuel oil in stationary storage facilities shall be registered in accordance with the following provisions:

(1) Such dealers and suppliers shall apply for registration of such facilities with a board (on Form OPA R-1116, in duplicate) jointly and on the same application.

(2) Such dealers or suppliers shall furnish, together with such other information as may be required by such form, their names and addresses, the total fuel oil capacity of such facilities, and their total combined inventory of fuel oil on hand in such facilities as of 12:01 a. m. on October 1, 1942.

(3) Dealers or secondary suppliers shall designate a person who may receive inventory coupons on their behalf. The board shall, at the time of granting such application for registration, issue inventory coupons in the amount of the difference between the total registered fuel oil storage capacity and their total amount of fuel oil on hand at the facility so registered.

(4) Each dealer and supplier shall (in addition to any records required to be kept pursuant to Ration Order No. 11) keep a record showing the date and amount of each delivery into such facilities to him, and each withdrawal therefrom by him.

(5) Where each dealer or supplier is entitled to use a fixed portion of the capacity of such facilities, and the sum of such portions does not exceed the total capacity of such facilities, such dealer and supplier shall not register in accordance with this paragraph but shall register his portion as a separate establishment, in accordance with paragraph (a) or (b) of this section, as the case may be.

(6) No primary supplier may commingle fuel oil in, or register with respect to, stationary storage facilities registered or required to be registered, by a dealer or secondary supplier.

(7) Dealers and suppliers who commingle fuel oil pursuant to Directive No. 59 of the Office of the Petroleum Coordinator for War shall not register in accordance with this paragraph but shall register in accordance with paragraphs (a) and (b) of this section.

(8) Upon receipt of an application for registration pursuant to this paragraph, the Board shall immediately forward a copy of such application to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. Registration certificates shall be issued in accordance with § 1394.5704.

Records, Audits and Inspections

§ 1394.5731 *Reports by primary suppliers.* * * *

(c) Notwithstanding the provisions of paragraph (a) of this section, the time within which reports for the month of

October, 1942, shall be forwarded, pursuant to such paragraph, is extended to midnight of December 10, 1942.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(e) Amendment No. 5 (§§ 1394.5260 (b), 1394.5302 (b), 1394.5459 (d), 1394.5701 (c), 1394.5723, 1394.5731 (a) and (b)) to Ration Order No. 11 shall become effective on November 23, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562 Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of November, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12034; Filed, November 17, 1942;
12:14 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order No. 11,¹ Amendment 6]

FUEL OIL RATIONING REGULATIONS

Section 1394.5751 is amended; §§ 1394.5752 to 1394.5757, inclusive, are revoked; and a new paragraph (f) is added to § 1394.5902; as set forth below:

Appeals

§ 1394.5751 *Who may appeal.* Except as provided in § 1394.5508, any person directly affected by the action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Ration Order No. 11, may appeal from such action pursuant to the provisions of Procedural Regulation No. 9.⁵

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(f) Amendment No. 6 (§§ 1394.5751 to 1394.5757, inclusive) shall become effective November 23, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12035; Filed, November 17, 1942;
12:14 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 95,⁶ Amendment 1]

WOMEN'S NYLON HOSIERY

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1401.2 is amended, in § 1401.5, the words "§ 1401.4 (b)" are deleted and

⁵ 7 F.R. 8796.

⁶ 7 F.R. 8521, 8948.

"§ 1401.5 (b)" is substituted, in paragraph (b) the text preceding subparagraph (1), and subparagraphs (1) and (2) are amended, subparagraph (3) is redesignated subparagraph (4) and a new subparagraph (3) is added, in paragraph (b) of § 1401.11, subparagraphs (4) and (6) are amended and subparagraph (7) is revoked as set forth below.

§ 1401.2 *Maximum prices for nylon hosiery*—(a) *Nylon hosiery made of continuous filament nylon yarn*—(1) *Sales at retail.* The maximum prices for which nylon hosiery made of continuous filament nylon yarn may be sold, delivered, or offered for sale at retail are the prices per pair set forth below in Table No. 1:

(4) *Explanation of above tables*—(i) *Gauges.* (a) "Gauges" are based upon use of the full needle bar within a tolerance of four needles, in accordance with accepted trade practice.

(b) "48 gauge or lower" includes all gauges which are lower than 51 gauge.

(c) "51 and 54 gauge" include 51 gauge and gauges which are higher than 51 gauge but lower than 57 gauge.

(ii) *Yarn composition.* These tables of prices apply only to nylon hosiery made of continuous filament nylon yarn.

(iii) "All nylon" and "nylon leg". (a) "All nylon" means hosiery knitted entirely of nylon yarn.

(b) "Nylon leg" means hosiery in which the leg is knitted entirely of nylon whereas some other portion of the stocking is made of other material.

(iv) *Sizes, lengths and dimensions.* Maximum prices for all lengths and dimensions including "out-sizes" and "proportioned" hosiery of each classification are the same.

(v) "Lace", "non-run", "mesh" and other special constructions, are included in these tables, and the maximum prices are the same for these constructions, as for other constructions in each classification.

(b) *Nylon hosiery made of combination, spun or blended nylon yarns*—(1) *Sales at retail.* The maximum price for which any nylon hosiery made of combination, spun or blended nylon yarns may be sold, delivered, or offered for sale at retail shall be the maximum price determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation,² or the price per pair set forth in Table No. 4, whichever is lower.

TABLE NO. 1

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
A. Circular knit hosiery: All types.....	\$1.55	\$1.40	\$1.15	\$0.80	\$0.40
B. Full-fashioned hosiery:					
1. 48 gauge and lower:					
All deniers:					
(a) Nylon leg.....	1.65	1.50	1.25	.85	.40
(b) All nylon.....	1.85	1.65	1.40	.95	.50
2. 51 gauge and 54 gauge:					
(a) 30 denier and coarser:					
(1) Nylon leg.....	1.85	1.65	1.40	.95	.50
(2) All nylon.....	1.95	1.75	1.45	1.00	.50
(b) Finer than 30 denier:					
(1) Nylon leg.....	2.15	1.95	1.60	1.10	.55
(2) All nylon.....	2.25	2.00	1.70	1.15	.60
3. 57 gauge and higher:					
All deniers:					
(a) Nylon leg.....	2.50	2.25	1.90	1.25	.65
(b) All nylon.....	2.50	2.25	1.90	1.25	.65
C. Cut and sewn lace hosiery: All types.....	1.95	1.75	1.45	1.00	.50

(2) *Sales at wholesale.* The maximum prices for which nylon hosiery made of continuous filament nylon yarn may be sold, delivered, or offered for sale at wholesale are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 2:

TABLE NO. 2

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
A. Circular knit hosiery: All types.....	\$11.55	\$10.40	\$8.65	\$5.80	\$2.90
B. Full-fashioned hosiery:					
1. 48 gauge and lower:					
All deniers:					
(a) Nylon leg.....	13.20	11.90	9.90	6.60	3.30
(b) All nylon.....	14.30	12.85	10.75	7.15	3.60
2. 51 gauge and 54 gauge:					
(a) 30 denier and coarser:					
(1) Nylon leg.....	14.30	12.85	10.75	7.15	3.60
(2) All nylon.....	15.40	13.85	11.55	7.70	3.85
(b) Finer than 30 denier:					
(1) Nylon leg.....	17.05	15.35	12.80	8.55	4.25
(2) All nylon.....	18.15	16.35	13.65	9.10	4.55
3. 57 gauge and higher:					
All deniers:					
(a) Nylon leg.....	19.80	17.80	14.85	9.90	4.95
(b) All nylon.....	19.80	17.80	14.85	9.90	4.95
C. Cut and sewn lace hosiery: All types.....	15.40	13.85	11.55	7.70	3.85

(3) *Sales by manufacturers.* The maximum prices for which nylon hosiery made of continuous filament nylon yarn may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail, are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 3:

TABLE NO. 3

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
A. Circular knit hosiery: All types.....	\$10.50	\$9.45	\$7.85	\$5.25	\$2.60
B. Full-fashioned hosiery:					
1. 48 gauge and lower:					
All deniers:					
(a) Nylon leg.....	12.00	10.80	9.00	6.00	3.00
(b) All nylon.....	13.00	11.70	9.75	6.50	3.25
2. 51 gauge and 54 gauge:					
(a) 30 denier and coarser:					
(1) Nylon leg.....	13.00	11.70	9.75	6.50	3.25
(2) All nylon.....	14.00	12.60	10.50	7.00	3.50
(b) Finer than 30 denier:					
(1) Nylon leg.....	15.50	13.95	11.65	7.75	3.85
(2) All nylon.....	16.50	14.85	12.40	8.25	4.15
3. 57 gauge and higher:					
All deniers:					
(a) Nylon leg.....	18.00	16.20	13.50	9.00	4.50
(b) All nylon.....	18.00	16.20	13.50	9.00	4.50
C. Cut and sewn lace hosiery: All types.....	14.00	12.60	10.50	7.00	3.50

TABLE NO. 4

Construction	First quality	Substandard quality	
		Irregulars	Seconds
A. Hosiery made from 100% spun nylon (except for reinforcements and decorations): All types.....	\$1.85	\$1.15	\$0.79
B. Combination and blended nylon hosiery: All types.....	1.50	1.00	.75

(2) *Sales at wholesale.* The maximum price for which any nylon hosiery made of combination, spun or blended nylon yarns may be sold, delivered, or offered for sale at wholesale shall be the maximum price determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, or the price per dozen (f. o. b. point of shipment) set forth in Table No. 5, whichever is lower.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 8322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

TABLE NO. 5

Construction	First quality	Substandard quality	
		Irregulars	Seconds
A. Hosiery made from 100% spun nylon (Except for reinforcements and decorations): All types.....	\$13.50	\$8.75	\$6.25
B. Combination and blended nylon hosiery: All types.....	11.50	7.25	5.25

(3) *Sales by manufacturers.* The maximum price for which any nylon hosiery made of combination, spun or blended nylon yarns may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail, shall be the maximum price determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, or the price per dozen (f. o. b. point of shipment) set forth in Table No. 6, whichever is lower.

TABLE NO. 6

Construction	First quality	Substandard quality	
		Irregulars	Seconds
A. Hosiery made from 100% spun nylon (Except for reinforcements and decorations): All types.....	\$11.50	\$7.25	\$5.25
B. Combination and blended nylon hosiery: All types.....	10.50	6.75	5.00

(4) *Sizes, lengths, dimensions, constructions and types.* The maximum prices provided in subparagraphs (1), (2) and (3) of this paragraph (b) shall apply to all sizes, lengths, dimensions, constructions and types of nylon hosiery made of combination, spun or blended nylon yarns.

(5) *Combination nylon yarn* is yarn composed of nylon yarn combined and twisted with any yarn other than nylon.

(6) *Blended nylon yarn* is yarn spun from blends or mixtures of nylon staple fibers and any other staple fibers.

(7) *Spun nylon yarn* is yarn spun from 100 per cent nylon staple fiber.

§ 1401.5 *Information which must be furnished to ultimate consumers—(a) By posting.* On and after October 22, 1942, every person who sells or offers for sale nylon hosiery at retail shall post in a conspicuous place and in a manner plainly visible to the purchasing public in each department or portion of the premises where nylon hosiery is sold or offered for sale, the seller's maximum prices for nylon hosiery as established in this regulation, and each type of hosiery shall be clearly identified therein with the same degree of detail as is required for marking such hosiery by § 1401.5 (b).

(b) *By marking.* On and after October 22, 1942, no person shall sell, deliver or offer for sale nylon hosiery at retail unless there is firmly attached to each pair of such hosiery a stamp, tag, or other marking which truthfully and clearly states in writing, identifying in-

formation as to the construction and price of the hosiery as follows:

(1) *In the case of full-fashioned hosiery made of continuous filament nylon yarn.* * * *

(v) The word "irregulars" on all irregulars, the word "seconds" on all seconds, the word "thirds" on all thirds, and the word "fourths" on all fourths.

(2) *In the case of circular knit hosiery made of continuous filament nylon yarn.* * * *

(iv) The word "irregulars" on all irregulars, the word "seconds" on all seconds, the word "thirds" on all thirds, and the word "fourths" on all fourths.

(3) *In the case of hosiery made of combination, spun, or blended, nylon yarns.* (i) Fiber content and description in accordance with Trade Practice Rules of the Federal Trade Commission.

(ii) *Ceiling price.* The words "ceiling price" or "our ceiling" accompanied by the seller's maximum price under this regulation (for example, Ceiling price, \$1.65).

(iii) The seller's price, if different than the ceiling price.

(iv) The word "irregulars" on all irregulars, and the word "seconds" on all seconds.

(4) *Abbreviations permitted.* * * *

§ 1401.11 *Definitions.* * * *

(b) *Other definitions.* * * *

(4) "Ultimate consumer" means a person (i) who buys nylon hosiery for a purpose other than that of reselling it and (ii) who did not sell or offer for sale nylon hosiery in any quantity on or after February 5, 1942; and

(6) "Substandard quality hosiery" means any nylon hosiery not of first quality. The term "substandard quality" includes:

(i) *Irregulars.* Irregulars are substandard quality hosiery containing one or more imperfections which are limited to irregularities in dimensions, size, color, knit or weave, without the presence in the hosiery of any obvious mends, runs, tears, or breaks in the fabric, or any substantial damage to the yarn or fabric itself.

(ii) *Seconds.* Seconds are substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars and are of such character as to be seconds according to the manufacturer's standards of grading on the effective date of this regulation.

(iii) *Thirds.* Thirds are substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars or seconds and are of such character as to be thirds according to the manufacturer's standards of grading on the effective date of this regulation, and

(iv) *Fourth.* Fourth is substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars, seconds, or thirds and are of such character as to be fourths according to the manufacturer's standards of grading on the effective date of this regulation.

§ 1401.15 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1401.2, 1401.5, 1401.11 (b) (4) and (6), and 1401.15) shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12036; Filed, November 17, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 14^o Under § 1499.3 (b) of GMPR]

RIGO MANUFACTURING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1156 *Authorization of a maximum price for sales of "Sher-Van" Brand Imitation Flavors in 2 ounce and 4 ounce bottles manufactured by the Rigo Manufacturing Company, Nashville, Tennessee.* (a) On and after November 18, 1942, the maximum selling prices for "Sher-Van" Brand Imitation Flavors for sale by the Rigo Manufacturing Company, having its principal place of business in Nashville, Tennessee, shall be:

2 ounce bottles—all flavors—\$9.63 per gross.

4 ounce bottles—all flavors—\$16.79 per gross.

The above prices shall include all transportation charges to buyers customary station of destination.

(b) The same discounts, allowances, and price differentials applying to sales of "Big 4" and "Big 8" brand Imitation Flavors also sold by Rigo Manufacturing Company shall apply to the sale of "Sher-Van" Brand Imitation Flavors sold by Rigo Manufacturing Company.

(c) Sellers at wholesale shall use as their maximum delivered selling prices, the same prices authorized for the Rigo Manufacturing Company, it having been determined that allowances, discounts and price differentials applicable to sellers at wholesale permit a satisfactory and customary profit margin for such sellers at wholesale. No drayage, local trucking, loading or unloading shall be added to the maximum delivered selling prices established for wholesalers. Sellers at wholesale shall apply the same discounts, allowances, and price differentials to sales of "Sher-Van" Brand Imitation Flavors as are applicable to sales of "Big 4" or "Big 8" Brand Imitation Flavors, or the most comparable commodity thereto.

(d) Sellers at retail shall determine their maximum delivered selling prices per bottle for "Sher-Van" Brand Imitation Flavors by adding to their net cost per gross for each size a maximum profit margin of 35% to this net cost and dividing the figure so obtained by 144. If the per bottle selling price so determined results in a fraction of one cent, the price shall be increased to the next highest

cent if the fraction is one-half cent or more, and the price shall be decreased to the next lower cent if the fraction is less than one-half cent. Maximum delivered selling prices at retail shall not exceed the following:

2 ounce size----- .09¢ per bottle.
4 ounce size----- .16¢ per bottle.

"Net cost" to a retailer shall mean the invoice price paid for a purchase of a customary quantity of this type of commodity from the customary supplier and by the customary mode of transportation if any, less all discounts and allowances allowed except the discount for prompt payment. No charge for local drayage, hauling, loading or unloading shall be included in "net cost".

(e) Rigo Manufacturing Company shall, before or at the time of the first delivery to each buyer, supply a written statement to each buyer of "Sher-Van" Brand Imitation Flavors from it for resale as follows:

The Office of Price Administration by Order No. 140 effective November 18, 1942, pursuant to Section 3 of the General Maximum Price Regulation has authorized us to charge the following prices for "Sher-Van" Brand Imitation Flavors:

	<i>Per gross</i>
2 ounce bottles, all flavors-----	\$9.63
4 ounce bottles, all flavors-----	16.79

subject to all discounts, allowances, price differentials and trade practices which we had in effect during March 1942 with respect to sales of "Big 4" and "Big 8" Brand Imitation Flavors.

To establish your maximum delivered selling prices per bottle for "Sher-Van" Brand Imitation Flavors you are permitted to add to your "net cost" per gross for each size a maximum profit margin of 35% of this net cost for each size and dividing the resulting figure by 144. "Net cost" per gross shall be the invoice price paid less all discounts and allowances for prompt payment. No charges for drayage, loading, or unloading shall be included in determining "net cost". When maximum delivered selling prices determined by this computation result in fractions of one cent, the selling price may be increased to the next highest cent if the fraction is one-half cent or more and shall be decreased to the next lower cent if the fraction is less than one-half cent: *Provided*, That in no event shall the retail price exceed 9¢ per bottle for the two ounce size and 16¢ per bottle for the four ounce size.

You are required to keep this notice for examination.

(f) The identical notice as specified, in paragraph (e) shall be placed by Rigo Manufacturing Company in or on the smallest packing and sales unit of each size of "Sher-Van" Brand Imitation Flavors for a period of three months after the initial offering of the commodity.

(g) This Order No. 140 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 140, § 1499.1156 shall become effective as of November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12029; Filed, November 17, 1942; 12:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 102 Under § 1499.18 (b) of GMPR]

DANNER VENEER COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1003 *Adjustment of maximum prices for commercial veneer produced and sold by the Danner Veneer Company, Mobile Alabama.* (a) The Danner Veneer Company, Mobile, Alabama, may sell, and any person may buy from that company, crossbanding grade of gum and poplar commercial veneer (which does not satisfy the requirements for aeronautical stock) at prices not in excess of the following prices, f. o. b. Mobile, Alabama.

<i>Thickness</i>	<i>Price per M feet surface measure</i>
1/40-----	\$6.92
1/32-----	8.50
1/28-----	7.50
1/24-----	7.75
1/20-----	8.00
1/16-----	10.00
1/10-----	16.50
1/8-----	19.00
3/16-----	27.00

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 102 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 102 (§ 1499.1003) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 102 (§ 1499.1003) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12030; Filed, November 17, 1942; 12:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14¹ of GMPR, Amendment 62]

FAT-BEARING AND OIL-BEARING ANIMAL WASTE MATERIALS

Subdivision (ii) of subparagraph (3) of § 1499.73 (a) of Supplementary Regulation No. 14 to General Maximum Price Regulation is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain*

¹ 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9196.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6001, 6007, 6216, 6215, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

commodities, services and transactions.

(a) * * *

(3) * * *

(ii) The maximum prices of grease collected under the War Production Board salvage campaign shall be:

(a) Four cents per pound on sales by the housewife or similar person to a butcher or grocer.

(b) Four cents per pound on sales by a group of housewives or similar persons to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector but is shipped to the renderer or independent collector with the cost of transportation being paid by the group of housewives or similar persons, the actual cost of transportation may be added to the maximum price of four cents per pound.

(c) Five cents per pound on sales by a butcher or grocer to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector at the place of business of the butcher or grocer but is shipped to the renderer or independent collector with the cost of transportation being paid by the butcher or grocer, the actual cost of transportation may be added to the maximum price of five cents per pound.

(d) Seven cents per pound on sales by an independent collector to a renderer. If the grease is not picked up by the renderer at the place of business of the independent collector but is shipped to the renderer with the cost of transportation being paid by the independent collector, the actual cost of transportation may be added to the maximum price of seven cents per pound.

(b) *Effective dates.* * * *

(63) Amendment No. 62 (§ 1499.73 (a) (3) (ii)) to Supplementary Regulation No. 14 shall become effective November 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12028; Filed, November 17, 1942; 12:12 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 224, Amendment 2]

CEMENT

Correction

In § 1346.114 appearing on page 8944 in the issue of Wednesday, November 4, 1942, the subparagraph designation should be (8) instead of (5).

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 259]

DOMESTIC MALT BEVERAGES

Correction

In Table 2 appearing on page 8952 in the issue of Wednesday, November 4, 1942, the last figure in the "Per bottle" column should be 1/4 cent.

PART 1499—COMMODITIES AND SERVICES
[Supp. Reg. 14 to GMPR, Amendment 54]

CALIFORNIA GRAPE WINE, ETC.

Correction

In subparagraph (40) appearing on page 8955 in the issue of Wednesday, November 4, 1942, the price for dessert wine should be 39 instead of 30. The title "California Table Wine" was omitted from Table 2, page 8957.

PART 1499—COMMODITIES AND SERVICES
[Amendment 63 to Supp. Reg. 14, GMPR*]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith

and filed with the Division of the Federal Register.*

A new inferior subdivision (j) is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (j) is added to subdivision (ii) of § 1499.73 (a) (1); and a new inferior subdivision (l) is added to subdivision (v) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

Locality	Special types	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(j) Jackson, Mississippi area.		Approved.	Out of Store or to the Home.	Quart.	Glass.	15
		Approved.	Out of Store or to the Home.	Pint.	Glass.	8½
	Vitamin D.	Approved.	Out of Store or to the Home.	Quart.	Glass.	16
	Vitamin D.	Approved.	Out of Store or to the Home.	Pint.	Glass.	9½

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Special types	Grade	Container size	Type of container	Adjusted maximum price (cents)
(j) Jackson, Mississippi area.		Approved.	Quart.	Glass.	13
		Approved.	Pint.	Glass.	6½
		Approved.	½ Pint.	Glass.	3½
		Approved.	¼ Quart.	Glass.	4¼
	Vitamin D.	Approved.	Quart.	Glass.	13½
	Vitamin D.	Approved.	Pint.	Glass.	7½
	Vitamin D.	Approved.	½ Pint.	Glass.	3¾

(v) *Definitions.* For purposes of this subparagraph (1): * * *

(l) "Jackson, Mississippi area" means the territory lying within a radius of fifteen miles of the State Capitol Building in Jackson, Mississippi; Yazoo City and the towns located along U. S. Highway No. 49 between Jackson and Yazoo City, including the Tinsley Oil fields; Canton and the towns located along U. S. Highway No. 31 between Jackson and Canton, including the United States Army Air Base in Jackson, Mississippi and the Mississippi ordnance plant, all in the State of Mississippi.

(b) *Effective dates.* * * *

(64) Amendment No. 63 (§ 1499.73 (a) (1) to Supplementary Regulation No. 14 shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12062; Filed; November 18, 1942; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 142 Under § 1499.3 (b) of GMPR]

KITS, INC.

On October 2, 1942, Kits, Inc., of Miamisburg, Ohio, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for "Pak-it-Kit" and for instructions as to the method to be used in determining such prices. Due considera-

tion has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, It is hereby ordered:

§ 1499.1158 *Authorization for Kits, Incorporated, to determine maximum prices for "Pak-it-Kit".* (a) The maximum price which may be charged for "Pak-it-Kit" by Kits, Inc., hereinafter called the "manufacturer", shall be determined in accordance with the following instructions:

(1) The cost of raw materials shall be computed at a rate not in excess of the maximum price for each of the component parts, as established by the Office of Price Administration, or the actual acquisition cost, whichever is lower.

(2) All charges for hand or machine operations involved in the manufacture, collation, or other assembly of the product shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March 1942.

(3) The percentage margin, or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item, sold by the manufacturer during March 1942 which most closely resembled the "Pak-it-Kit" in manufacturing cost, quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered price basis, such practice shall be continued.

(b) Within ten days after a maximum price has been determined in accordance with this order, Kits, Inc. shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum price.

(c) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 142 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 142 (§ 1499.1158) shall become effective November 19, 1942.

* Copies may be obtained from the Office of Price Administration.

1 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196.

2 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12063; Filed, November 18, 1942;
11:31 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T. D. 50766]

Subchapter A—Documentation, Entrance, and
Clearance of Vessels, Etc.

WAIVER OF CERTAIN SECTIONS OF THE TARIFF ACT OF 1930, AS AMENDED

MANIFESTS COVERING RESIDUE CARGO FOR FOREIGN PORTS

NOVEMBER 16, 1942.

Sections 434 and 435 of the Tariff Act of 1930, as amended, waived to extent necessary to permit filing a pro forma manifest covering residue cargo destined for foreign ports under certain conditions.

By virtue of the authority vested in me by section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of sections 434 and 435 of the Tariff Act of 1930, as amended (19 U.S.C. 1434, 1435), to the extent necessary to permit the master of an American or foreign vessel to make entry of such vessel without producing and depositing with the collector of customs a manifest in the form prescribed by section 431, Tariff Act of 1930 (19 U.S.C. 1431), and without making oath that the manifest was made out in that form, if all the following conditions exist:

(a) The vessel, while at sea, was ordered to a port in the United States by a duly authorized representative of the government of one of the United Nations;

(b) The voyage from which the vessel was diverted was intended to be from a foreign port or place directly to another foreign port or place;

(c) No cargo or passengers are landed or discharged from the vessel in the port of arrival in the United States; and

(d) The master produces and deposits with the collector within the time prescribed by sections 434 and 435 of the Tariff Act of 1930, as amended, a manifest which contains the particulars required by the second subdivision of section 431 of the Tariff Act of 1930, together with an account of the quantity and general description of all the cargo on board and its ultimate destination.

I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12061; Filed, November 18, 1942;
11:26 a. m.]

No. 227—4

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 56]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL GUNNERY AND BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and also to section 3 of the act of June 17, 1902, c. 1093, 32 Stat. 388 (U.S.C., title 43, sec. 416), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an aerial gunnery and bombing range:

GILA AND SALT RIVER MERIDIAN

Tps. 13 to 16 S., R. 11 W., unsurveyed.
Tps. 10 to 15 S., R. 12 W., partly unsurveyed.
Tps. 10 to 15 S., R. 13 W., partly unsurveyed.
Tps. 10 to 15 S., R. 14 W., partly unsurveyed.
Tps. 10 to 14 S., R. 15 W., partly unsurveyed.
Tps. 10 to 14 S., R. 16 W., partly unsurveyed.
Tps. 10 to 14 S., R. 17 W., partly unsurveyed.
Tps. 10 to 13 S., R. 18 W., partly unsurveyed.
Tps. 10 to 13 S., R. 19 W., unsurveyed.
Tps. 11 to 13 S., R. 20 W., unsurveyed.

The areas described aggregate approximately 949,000 acres.

This order shall be subject to the reservation made by the Proclamation of May 27, 1907, reserving all public lands within 60 feet of the international boundary between the United States and the Republic of Mexico, so far as such Proclamation affects any of the above-described lands.

This order shall take precedence over, but shall not rescind or revoke (1) the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, (2) the withdrawal made by Executive Order No. 8038 of January 25, 1939, establishing the Cabeza Prieta Game Range, (3) the order of the Secretary of the Interior of March 14, 1929, withdrawing certain lands for reclamation purposes, and (4) the order of the Secretary of the Interior of July 14, 1938, establishing Arizona Grazing District No. 3, so far as such orders affect any of the above-described lands. After the present national emergency has been officially terminated, this order, so far as it affects lands heretofore withdrawn for reclamation purposes, shall be ineffective upon notice to the War Department by

the Secretary of the Interior that such lands are needed for reclamation purposes; and it is intended that all of the above-described lands shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

The Commanding Officer, Yuma Aerial Gunnery Range, will, after consultation with the local representatives of the Fish and Wildlife Service, Department of the Interior, designate at least two days each month on which there will be no firing affecting the lands in Tps. 13 to 16 S., R. 11 W., Tps. 12 to 15 S., Rs. 12 to 14 W., and Tps. 12 to 14 S., Rs. 15 and 16 W., to enable the field personnel of the Fish and Wildlife Service to carry out normal patrol and maintenance activities.

On the lands in Tps. 13 to 16 S., R. 11 W., Tps. 12 to 15 S., Rs. 12 to 14 W., and Tps. 12 to 14 S., Rs. 15 and 16 W., bombing shall be confined by the War Department to the valley floors, and shall not be permitted in the mountain areas, which are the important mountain sheep habitats, nor within a one-mile radius of all water holes, springs, wells, or tanks, including the Tule Well, Cabeza Prieta Tanks, and the Tinajas Altas Tanks.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 6, 1942.

[F. R. Doc. 42-12076; Filed, November 18, 1942;
12:32 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3 Revised—4]

YELLOW TRUCK LINES, INC., AND NORTHERN TRANSPORTATION COMPANY

COORDINATION OF SERVICE

Upon consideration of the application for authority to coordinate common carrier motor vehicle collection and delivery service within the City of Milwaukee, Wisconsin, filed with the Office of Defense Transportation by Yellow Truck Lines, Inc., Madison, Wisconsin, and Northern Transportation Company, Green Bay, Wisconsin, as governed by § 501.9 of General Order ODT 3, Revised, as amended, and good cause appearing therefor, *It is hereby ordered*, That:

1. Yellow Truck Lines, Inc. and Northern Transportation Company (hereinafter called the carriers) in the performance of collection and delivery transportation of property as common carriers by motor vehicle within the City of Milwaukee, Wisconsin, shall make such joint or common use of motor vehicles owned or used by them in such collection and delivery service as will result in increasing the loads of such motor

¹7 F.R. 5445, 6689, 7694.

vehicles and in eliminating so far as feasible the movement of empty or partially laden vehicles, and upon such terms between the carriers as they may agree upon, or, in the event of their disagreement, as the Office of Defense Transportation shall find to be just and reasonable.

2. The lawfully published and effective rates, rules and regulations of the carrier issuing the bill of lading shall govern in such collection and delivery service.

3. The records of the carriers in respect of such collection and delivery service shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

4. The provisions of this order shall not be so construed or applied as to require or permit either carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper.

5. Each of the carriers shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3 Revised-4."

This order shall become effective on the 1st day of December 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

Issued at Washington, D. C., this 18th day of November 1942.

JOSEPH B. EASTMAN,

Director of Defense Transportation.

[F. R. Doc. 42-12059; Filed, November 18, 1942; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Revised Administrative Order 15]

DIRECTOR, RETAIL TRADE AND SERVICES
DIVISION

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

The title, preamble and text of Administrative Order No. 15 are hereby amended to read as set forth herein:

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, the following order is prescribed:

(a) The Director of the Retail Trade and Services Division, Office of Price Administration, is hereby authorized to exercise the functions, duties, powers and authority conferred upon the Price Administrator, for the purpose of acting upon such applications for adjustment of maximum prices, issuing such orders adjusting maximum prices, and making such determinations of or affecting maximum prices as are set forth herein.

(1) With respect to maximum retail prices for commodities:

(i) Applications for adjustment of maximum prices pursuant to §§ 1499.18 (a) or 1499.18 (d) of the General Maximum Price Regulation, or § 1340.89 of Maximum Price Regulation No. 137, as amended, (Petroleum Products Sold at Retail) or § 1372.3 (c) of Maximum Price Regulation No. 142, as amended, (Retail Prices for Summer Seasonal Commodities) or § 1389.4 of Maximum Price Regulation No. 153, as amended, (Women's, Girls' and Children's Outerwear Garments) or §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice) or § 1389.118 of Maximum Price Regulation No. 177, as amended, (Men's and Boys' Tailored Clothing) or § 1389.158 (b) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments) or § 1372.106 (a) (6) of Maximum Price Regulation No. 210, as amended (Retail and Wholesale Prices for Fall and Winter Seasonal Commodities).

(ii) Orders of adjustment of the maximum prices reported by sellers pursuant to §§ 1499.3 (a) or 1499.4b of the General Maximum Price Regulation, or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(iii) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.3 (a) (4) (ii) of Maximum Price Regulation No. 153, as amended (Women's, Girls' and Children's Outerwear Garments) or § 1389.106 of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing), or §§ 1389.154 (a) or 1389.154 (d) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(2) With respect to maximum prices for services:

(i) Applications for adjustment of maximum prices pursuant to § 1499.18 of the General Maximum Price Regulation or § 1499.114 of Maximum Price Regulation No. 165, as amended (Services).

(ii) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended (Services).

(iii) Determinations of maximum prices pursuant to § 1499.102 (d) of Maximum Price Regulation No. 165, as amended (Services).

(c) Any order issued or other action taken by such Director pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Price Administrator.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12025; Filed, November 17, 1942; 12:18 p. m.]

[Administrative Order 22]

MERLE FAINSD

REVOCATION OF AUTHORIZATION TO ACT FOR ADMINISTRATOR

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, Administrative Order No. 22, paragraphs (a) and (b), inclusive, are hereby revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12023; Filed, November 17, 1942; 12:18 p. m.]

[Administrative Order 25, Amendment 3]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Subparagraphs (1) and (2) of paragraph (a) and subparagraphs (1) and (2) of paragraph (b) of Administrative Order No. 25 are hereby amended to read as set forth below:

(a) * * *

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice) or § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services) or with respect to sales at retail under § 1389.118 (c) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services) or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended, (Men's and Boys' Tailored Clothing) or

§§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(b) * * *

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice) or § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services) or with respect to sales at retail under § 1389.118 (c) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services) or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended, (Men's and Boys' Tailored Clothing) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

This Amendment No. 3 to Administrative Order No. 25 shall be effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12026; Filed, November 17, 1942; 12:19 p. m.]

[Order 61 Under MPR 188¹]

B. P. JOHN FURNITURE COMPANY
ORDER APPROVING MAXIMUM PRICE

Order No. 61 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The B. P. John Furniture Corporation of Portland, Oregon, may sell the rebuilt border staple cotton felt mattress with an inner casing, described in application dated August 6, 1942, at prices no higher than \$20.00 f. o. b. factory, subject to discounts, allowances, rebates, and terms no less favorable than these in

¹ 7 F.R. 5872, 7967, 8943, 8948.

effect during March 1942, for sofa beds in the same price line made by the applicant.

(b) This Order No. 61 may be revoked or amended by the Office of Price Administration at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 shall apply to terms used herein.

(d) This Order No. 61 shall become effective on the 18th day of November 1942.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12024; Filed, November 17, 1942; 12:18 p. m.]

[Order 62 Under MPR 188¹]

W. B. CHATHAM ASSOCIATES
APPROVAL OF MAXIMUM PRICE

Order No. 62 under § 1499.158 of Maximum Price Regulation No. 188¹—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by W. B. Chatham Associates of a new toy gun.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) W. B. Chatham Associates, 2250 Webb Avenue, Detroit, Michigan, is authorized to sell and deliver to retailers, the new toy gun, designated as "Commando Gun", manufactured by them, at a price no higher than \$.355 per gun, f. o. b. Detroit, Michigan.

(b) This Order No. 62 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 62 shall become effective on the 18th day of November 1942.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12022; Filed, November 17, 1942; 12:14 p. m.]

[Order 82 Under MPR 120]

PEABODY COAL COMPANY
ORDER GRANTING ADJUSTMENT

Order No. 82 under Maximum Price Regulation No. 120²—Bituminous Coal Delivered From Mine or Preparation Plant—Docket Nos. 3120-128 and 3120-185.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Admin-

² 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6189, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 8650, 8948.

istrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Peabody Coal Company, Chicago, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraphs (b) (1) and (b) (2) below, at prices not to exceed the respective prices stated therein.

(b) (1) Rail shipments of coals in Size Groups 13, 14, 26, and 27, produced at the Westville No. 24 Mine (Mine Index No. 186), District No. 10, of the Peabody Coal Company, may be sold at not more than \$2.05, \$1.95, \$2.15 and \$2.05, respectively, per net ton, f. o. b. the mine.

(2) Truck or wagon shipments of coals in Size Groups 8, 14, 24 and 27, produced at the Westville No. 24 Mine (Mine Index No. 186), District No. 10, of the Peabody Coal Company, may be sold at not more than \$2.65, \$1.95, \$2.50, and \$2.05, respectively, per net ton, f. o. b. the mine.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 82 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 82 shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12067; Filed, November 18, 1942; 11:32 a. m.]

[Order 2 Under MPR 157]

GREGORY AND READ COMPANY
ORDER GRANTING ADJUSTMENT

Order No. 2 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-35.)

Gregory & Read Company, 685 Washington Street, Lynn, Massachusetts, has filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for haversacks and dismantled canteen covers. Due consideration has been given to the application and an opinion in support of the Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Gregory & Read Company, 685 Washington Street, Lynn, Massachusetts, may sell, deliver and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodi-

ties described in paragraph (b) at prices not in excess of the prices stated therein. Any war procurement agency may buy and receive such commodities at such prices from the Gregory & Read Company.

(b) The maximum prices referred to in paragraph (a) are as follows:

(1) The maximum price for haversacks M-1928 fabricated in accordance with the specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, 6-176-B (Stock No. 74-H-93) shall be \$1.06 net per unit.

(2) The maximum price for dismantled canteen covers M-1910 fabricated in accordance with specifications of United States Army, dated February 23, 1942, No. 6-220 B, shall be 12½ cents per unit.

(c) All prayers of the application not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This order shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12064; Filed, November 18, 1942; 11:31 a. m.]

[Order 3 Under MPR 157]

SCHAEFER TENT AND AWNING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 3 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel, and Related Articles for Military Purposes.—Docket No. 3157-36.

The Schaefer Tent and Awning Company, 1541 Arapahoe Street, Denver, Colorado, has filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for pyramidal tents. Due consideration has been given to the application, and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Schaefer Tent and Awning Company, 1541 Arapahoe Street, Denver, Colorado, may sell, deliver and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodity described in paragraph (b) at a price not in excess of the price stated therein. Any war procurement agency may buy and receive such commodity at such price from the Schaefer Tent and Awning Company.

(b) The maximum price referred to in paragraph (a) is \$11.50 for pyramidal tents conforming to specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, No. 59, dated January 26, 1942, (Stock No. 24-T-320).

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This Order No. 3, shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12065; Filed, November 18, 1942; 11:31 a. m.]

[Order 4 Under MPR 157]

M. SLOANE COMPANY, INC.

ORDER GRANTING ADJUSTMENT

Order No. 4 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes.—Docket No. 3157-33.

M. Sloane Company, Inc., 282 Sixth Street, St. Paul, Minnesota, has filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for tent flies. Due consideration has been given to the application and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The M. Sloane Company, Inc., 282 Sixth Street, St. Paul, Minnesota, may sell, deliver and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodity described in paragraph (b) at a price not in excess of the price stated therein. Any war procurement agency may buy and receive such commodity at such price from the M. Sloane Company, Inc.

(b) The maximum price referred to in paragraph (a) is \$1.60 each for tent flies conforming to specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, No. 63.

(c) All prayers of the application not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This order shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12066; Filed, November 18, 1942; 11:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-166]

JOSEPH B. ELY, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of November, 1942.

In the matter of Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as trustees under a trust agreement dated January 31, 1939.

Notice is hereby given that an application has been filed by Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 for an order of this Commission declaring that said Trustees have ceased to be a holding company.

Applicants allege that they no longer directly or indirectly own, control or hold with power to vote, ten percentum or more of the outstanding voting securities of a public utility company or public utility holding company, as defined in said Act. All interested persons are referred to said application, which is on file in the offices of this Commission for a statement of the facts upon which said Trustees rely as the basis for the order requested.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter, and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered. That a hearing on such matter, under the applicable provisions of said Act and the rules and regulations of the Commission, be held on November 24, 1942, at 9:45 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318;

It is further ordered. That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered. That any person desiring to be heard in connection with

the proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before November 20, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission. By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-12037; Filed, November 17, 1942;
2:42 p. m.]

[File No. 812-293]

LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 16th day of November A. D., 1942.

An application having been duly filed by The Lehman Corporation pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase 2,500 shares of applicant's capital stock at a price of \$22.50 per share under an agreement, dated November 6, 1942, between applicant and Julius Rosenwald, 2nd, trustee;

It is ordered, That a hearing on the aforesaid application be held on November 23, 1942 at ten o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-12042; Filed, November 17, 1942;
2:42 p. m.]

[File No. 70-823]

NY PA NJ UTILITIES CO. AND ASSOCIATED UTILITIES CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of November 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by NY PA NJ Utilities Company, a registered holding company, and Asso-

ciated Utilities Corporation, a registered holding company, both of said companies being subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

NY PA NJ Utilities Company proposes to acquire from Associated Utilities Corporation \$1,000,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1961, for a cash consideration of 100% of the face amount thereof, plus accrued interest thereon at the date of closing. Said bonds were issued by The Mohawk Valley Company, which company was consolidated with certain other companies to form the Metropolitan Edison Corporation, and the name of the latter company was changed to NY PA NJ Utilities Company.

Associated Utilities Corporation proposes to pay \$1,000,000 to the Trustees of Associated Gas and Electric Corporation as a payment on account of principal on the convertible obligations due March 1, 1963, of Associated Utilities Corporation held by the Trustees of Associated Gas and Electric Corporation.

The \$1,000,000 to be received by the Trustees of Associated Gas and Electric Corporation is to be used to pay to Guaranty Trust Company of New York, an installment due December 18, 1942, of \$1,000,000 of the principal amount of the \$5,000,000 Trustee's Certificates of the Trustees dated December 18, 1941, held by Guaranty Trust Company of New York.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, that said declarations shall not become effective, nor said applications be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on December 8, 1942, at 10:00 a. m., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations or applications (or both) shall become effective or shall be granted.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declarations or applications (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by NY PA NJ Utilities Company and to be received by Associated Utilities Corporation, with respect to The Mohawk Valley Company bonds, is fair and reasonable.

2. Whether the assets of Associated Utilities Corporation after the sale by it of \$1,000,000 principal amount of The Mohawk Valley Company bonds will be sufficient to satisfy contingent claims against the assets of Associated Utilities Corporation.

3. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;

4. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules and regulations or orders promulgated thereunder.

Notice is hereby given of said hearing to the above-named declarants and applicants, and to all interested persons; said notice to be given to said declarants and applicants by registered mail, and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission on or before December 3, 1942, an appropriate request or application to be heard as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-12040; Filed, November 17, 1942;
2:42 p. m.]

[File No. 31-485]

ROCHESTER TRANSIT CORPORATION

ORDER GRANTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of November 1942.

Order consenting to withdrawal of application pursuant to request of applicant.

Rochester Transit Corporation having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring it and all of its subsidiaries not to be subsidiary companies of Associated Gas and Electric Company and Associated Gas and Electric Corporation, registered holding companies, and of Shinn and Co., a subsidiary of the latter two companies; and

Rochester Transit Corporation having filed a request for permission to withdraw the application, without prejudice, however, to its right to file a new application in the future if changed facts warrant it; and

The Commission having considered the request and deeming it appropriate that it should be granted:

It is ordered, That the application be and hereby is permitted to be withdrawn, without prejudice, however, to the right

of Rochester Transit Corporation to file an appropriate application for exemption in the future if changed facts warrant it.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-12038; Filed, November 17, 1942;
2:42 p. m.]

[File No. 70-579]

TRI-CITY UTILITIES CO. AND ASSOCIATED
ELECTRIC CO.

ORDER GRANTING WITHDRAWAL OF PETITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, 1942.

Declarations having been filed with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935, and Rules U-42 and U-43 of the General Rules and Regulations promulgated thereunder, by Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock, at its par value, in amounts equal to the cash available for such purposes; and

The Tennessee Railroad and Public Utilities Commission having filed a request for hearing and for leave to intervene, and the City of Jellico, Tennessee, and certain residents thereof, having filed a petition requesting that a hearing be held in this matter, and said petitions requesting the Commission to impound sufficient funds of Tri-City Utilities Company to satisfy certain claims against the assets of Tri-City Utilities Company; and the said petitioners having subsequently requested the Commission for permission to withdraw such petitions; and

A public hearing on said declarations having been duly held, and the Commission having issued and filed its Memorandum Opinion herein;

It is ordered, That the petitions of the Tennessee Railroad and Public Utilities Commission, and the City of Jellico, Tennessee, and certain residents thereof, be, and hereby are, permitted to be withdrawn.

It is further ordered, That pursuant to the applicable provisions of said Act, the aforesaid declarations be, and hereby are, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

That Tri-City Utilities Company shall purchase at this time the common stock held by Associated Electric Company only to the extent of the cash Tri-City Utilities Company now holds as proceeds from sales of its water systems located in Mayfield and Murray, Kentucky, such cash totaling \$582,000.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-12039; Filed, November 17, 1942;
2:42 p. m.]

[File No. 70-624]

UNITED GAS CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of November, A. D. 1942.

In the matter of United Gas Corporation, Houston Gas Securities Company, United Gas Pipe Line Company and Union Producing Company.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), Houston Gas Securities Company ("Houston Gas"), United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"). The applicants and declarants have designated sections 9 (a) and 12 (c) of the Act and Rule U-42 of the rules and regulations promulgated thereunder as applicable to the transactions proposed. All interested persons are referred to said document, which is on file in the office of this Commission for a statement of such proposed transactions which are summarized as follows:

A. United proposes to redeem at face amount plus accrued interest \$3,800,000 principal amount of Twenty Year 6% Gold Debentures, due March 1, 1952, (issued by United Gas Public Service Company, and later assumed upon the merger of United Gas Public Service Company into United), owned by Houston Gas, a wholly owned subsidiary of United. All such debentures acquired will be cancelled. The funds to be applied toward said proposed redemption are to be obtained by United:

(1) By redemption at face amount plus accrued interest by Pipe Line, a wholly owned subsidiary of United, of \$1,000,000 principal amount of 6% Debentures due March 1, 1952 (part of a total issue of \$23,000,000 all of which are owned by United).

(2) By redemption at face amount plus accrued interest by Union, a wholly owned subsidiary of United, of \$3,000,000 principal amount of its 6% Debentures due March 1, 1952 (part of a total issue of \$40,000,000 all of which are owned by United).

B. Houston Gas proposes to use the funds received by it as a result of the redemption of the debentures above described together with other moneys in its treasury for the purpose of redeeming \$3,900,000 principal amount of its 5% Collateral Trust Gold Bonds due March 1, 1952, \$440,000 principal amount of which are owned by Electric Bond and Share Company ("Bond and Share"), a registered parent holding company of United and its subsidiaries. Houston Gas is then to be merged into United. As a result of such merger United will acquire all of the remaining net assets of Houston Gas, consisting of cash and obligations of United, which obligations will be cancelled.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with re-

spect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on November 21, 1942 at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before November 19, 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed transactions will impair the financial integrity or working capital of United or its subsidiaries or will result in the circumvention of the provisions of the Act or the rules, regulations or orders thereunder.

(2) Whether in particular the proposed redemption by Houston Gas insofar as it concerns the bonds held by Bond and Share will result in the circumvention of any of the provisions of the Act or the rules, regulations or orders thereunder in view of the pendency of a prior proceeding involving the status and the extent of the claims of Bond and Share against United and its subsidiaries.

(3) Whether it is necessary or appropriate in the public interest or the interest of investors or consumers to impose terms and conditions to safeguard the financial integrity or working capital of United or any of its subsidiaries or to prevent the circumvention of the provisions of the Act or the rules, regulations or orders thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-12041; Filed, November 17, 1942;
2:43 p. m.]