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Adopted by the Board of Directors on July 3, 1942.

[SEAL] FRED WALLACE,  
Acting Chairman of the Board.  
Approved: November 20, 1942.

GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-12152; Filed, November 20, 1942; 11:17 a. m.]

#### TITLE 14—CIVIL AVIATION

##### Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 246]

##### ADMISSION OF ARMY PERSONNEL TO PILOT'S COMPARTMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1942.

It appearing that:

(a) Certain pilot personnel of the United States Army have been assigned to the air carriers for training in multi-engine aircraft and operational procedures; and

(b) While such personnel were assigned for training in cargo operation, such operations are insufficient to permit the training of the personnel so assigned; the Board finds that:

Its action is desirable in the public interest and is necessary for the furtherance of the war effort;

Now therefore, the Civil Aeronautics Board acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation, effective immediately:

Notwithstanding any provision of the Civil Air Regulations to the contrary, personnel of the Armed Forces holding a rating as pilot or naval aviator, assigned to an air carrier for training, may be admitted to the pilot's compartment of air carrier aircraft in scheduled or nonscheduled flight and may manipulate the controls: *Provided*, That a regularly assigned crew, holding the proper certificates and ratings, is aboard: *And provided further*, That such operations shall not interfere with the carriage of air carrier inspection personnel of the Administrator in the performance of their official duties.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-12143; Filed, November 20, 1942; 10:44 a. m.]

#### TITLE 26—INTERNAL REVENUE

##### Chapter I—Bureau of Internal Revenue

##### Subchapter C—Miscellaneous Excise Taxes

[T.D. 5182]

##### PART 190—RECTIFICATION OF SPIRITS AND WINES<sup>1</sup>

###### BOTTLING AND LABELING

Pursuant to sections 2801 (e) (1) and 3176 Internal Revenue Code, Regulations 15 (26 CFR, Part 190) is amended as follows:

Section 190.451 is amended to read as follows:

§ 190.451 *Marking, branding, and labeling.* Except as provided in Articles XVa and XLIVa the spirits will be marked, branded, and labeled under the individual or corporate name or trade name or style in which the rectifying plant is being operated.\*

And by adding the following additional articles:

*Article XVa—Requirements Governing the Bottling and Labeling of Spirits and Wines Under a Trade Name*

<sup>1</sup> The asterisk at the end of sections refers to sections 2801 (e) (1) and 3176 of the Internal Revenue Code.

§ 190.117a *General.* The proprietor of a rectifying plant must bottle and label spirits and wines under the real name or the trade name in which the rectifying plant is operated: *Provided*, That the proprietor may bottle and label spirits or wines under names other than the real or trade name in which the rectifying plant is operated, upon compliance with the following requirements:

(a) *Permit.* The rectifier must be in possession of a Federal Alcohol Administration Act basic permit or permits authorizing the bottling and labeling of spirits or wines under the name or names in which he desires to so label the bottled spirits or wines.

(b) *Notice Form 27-B.* Submit to the District Supervisor an amended notice on Form 27-B, in triplicate, reciting on a rider the name or names which will be used on labels for the bottled spirits or wines. The rider will be entitled "Names under which spirits or wines will be bottled and labeled" and will be attached to the bottom of page 3 of Form 27-B. Such amended notice must be submitted to the Commissioner before the spirits may be bottled and labeled under such name or names.\*

##### *Article XLIVa—Bottling and Labeling of Spirits and Wines Under an Approved Name or Names*

§ 190.466a *Qualifications of rectifier.* Whenever the rectifier desires to bottle and label spirits or wines under a name or names other than the real name or trade name in which the rectifying plant is operated, he must procure approval of such names in the manner prescribed in Article XVa, prior to bottling and labeling spirits or wines under such name or names. The storekeeper-gauger will not authorize the bottling and labeling of spirits or wines under a name or names which are not listed on a notice, Form 27-B, the original of which has been received by the Commissioner.\*

§ 190.466b *Notice, Form 27-B, to Commissioner.* Upon procurement of permit and filing of notice on Form 27-B and receipt thereof by the Commissioner showing the name or names under which spirits or wines will be bottled and labeled, such name or names may be used by the rectifier, and he may so bottle and label the particular lot of spirits or wines covered by Form 230 or Form 237, as the case may be, in accordance with § 190.466c, without filing an amended notice on Form 27-B or changing the name under which the rectifying plant is then qualified and operated.\*

§ 190.466c *Bottling.* Before bottling spirits or wines under a name or names other than the real name or trade name in which the rectifying plant is operated, the rectifier shall state on Form 230 or Form 237, as the case may be, his desire to bottle and label the particular lot of spirits or wines covered by the form under such name or style, and upon approval of the form in the usual manner, he may so bottle and label the particular spirits covered by Form 230 or Form 237, as the case may be.\*

§ 190.466d *Marking, branding, and labeling.* The spirits or wines which are bottled and labeled under a name or names other than the real name or trade name in which the rectifying plant is operated will be marked, branded, and labeled, as otherwise prescribed by the provisions of these regulations: *Provided*, That if the rectifier is bottling and labeling spirits or wines under a name other than the one in which the plant is operated, he may not use such terms as "Blended by," "Produced by," etc., on the labels."

§ 190.466e *Records.* Separate records on Forms 39, 45, and 132, and on Record 64 will not be required for the bottling and labeling of spirits or wines under a name other than the real name or trade name in which the rectifying plant is operated.

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

Approved: November 18, 1942.

JOHN L. SULLIVAN,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-12139; Filed, November 19, 1942;  
3:44 p. m.]

**TITLE 30—MINERAL RESOURCES**

**Chapter III—Bituminous Coal Division**

[Docket No. A-1712]

**PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10**

**ORDER GRANTING RELIEF, ETC.**

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for certain mines in District No. 10.

**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10**

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

**FOR TRUCK SHIPMENTS**

**§ 330.25 General prices in cents per net ton for shipment into all market areas—  
Supplement T**

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>SECTION No. 4</b>																		
<b>FULTON COUNTY</b>																		
Williams, Fred F., & Son (Fred F. Williams)	1608	Fred Williams		260	255	250	240	235	230	190	170	165	160	160	160	130	120	65
<b>SECTION No. 5</b>																		
<b>GREENE COUNTY</b>																		
Bateman, Clem	1609	Bateman		2 260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
<b>SCHUYLER COUNTY</b>																		
Cox, Aris R.	1602	Cox		2 260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
Knight, Troy	1610	Knight's Strip		2 260	255	250	240	235	230	175	170	165	160	160	160	130	120	65

[F. R. Doc. 42-12119; Filed, November 19, 1942; 10:18 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**Chapter VI—Selective Service System**

[Order No. 68]

**NORWICH STATE HOSPITAL PROJECT**

**ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS**

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Norwich State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 68. Said project, located at Norwich, New London County, Connecticut, will be the base of operations for work at the Norwich State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Norwich State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Norwich State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Norwich State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
*Director.*

NOVEMBER 18, 1942.

[F. R. Doc. 42-12153; Filed, November 20, 1942;  
11:19 a. m.]

**Chapter IX—War Production Board**

**Subchapter B—Director General for Operations**

**PART 1010—SUSPENSION ORDERS**

[Suspension Order S-148]

H. E. ADAMS

H. E. Adams of Hayward, California, operates a tourist camp and owns a tract of land in Hayward. After September 7, 1942, without the authorization of the Director General for Operations, H. E. Adams sold and caused to be delivered material which he knew would be used in order to begin construction of fourteen residential buildings in Hayward, California, having an estimated cost of more than \$200.00 each. Such material was used by other persons in order to begin construction of such residential buildings. The sale and delivery of this material by H. E. Adams constituted violations of Conservation Order L-41.

These violations of Conservation Order L-41 have hampered and impeded the

war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts; *It is hereby ordered, That:*

§ 1010.148 *Suspension Order No. S-148.* (a) Deliveries of material to H. E. Adams, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocations shall be made to H. E. Adams, his 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 specifically authorized by the Director General for Operations.

(c) No application for authorization to begin construction of any house, building, structure or project filed by H. E. Adams shall be granted by the War Production Board, except in connection with the fifteen houses located at Hayward, California, in the block bounded by Twelfth Street, Thirteenth Street, Niles Road and Tennyson Road, on which construction has heretofore been begun.

(d) This order shall take effect on November 24, 1942, and shall expire on May 24, 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 19th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F.R. Doc. 42-12137; Filed, November 19, 1942;  
1:52 p. m.]

#### PART 921—ALUMINUM

[Supplementary Order M-1-1 as Amended  
November 20, 1942]

Whereas, national defense requirements have created a shortage of aluminum; and

Whereas, the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

*Now, therefore, it is ordered, That:*

§ 921.11 *Supplementary Order M-1-i—* (a) *Certain orders superseded.* This supplementary order supersedes § 921.7 *Supplementary Order M-1-e* and § 921.8 *Supplementary Order M-1-f* and all amendments to said orders.

(b) *Definitions.* For the purposes of this order:

(1) "Aluminum" means any material the principal individual ingredient of

which by either weight or volume is metallic aluminum, in ingot or similar raw form or drosses or in the form of finished or semifinished parts, assemblies, or products of any kind; but not including aluminum scrap as defined in Supplementary Order M-1-d, or aluminum pigment or aluminum paint as defined in Supplementary Order M-1-g.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means the Aluminum Company of America, the Reynolds Metal Company, the Olin Corporation, and any other person who may be so designated by the Director.

(4) "Fabricator" means any person who manufactures basic aluminum products, such as, but not limited to, sheet, plate, wire, rod, bar, rolled shapes, extruded shapes, tubing, tube blooms, re-draw tubing, pipe, rivets, forgings, castings, impact extrusions, oil or powder.

(5) "Use aluminum in manufacture" means to melt, roll, forge, cast, extrude, draw, turn spin, fabricate, produce or process in any other way to assemble, to incorporate in assemblies, or to consume or otherwise use in the course of manufacture, any aluminum; but does not include the installation of a finished product or repair part for the ultimate consumer.

(6) "Low grade aluminum" means aluminum which contains copper in excess of 4% by weight, and either iron or zinc in excess of 1% by weight.

(7) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armanent and weapons, ships, tanks, and vehicles), and prescribed for field or combat use by the Army or Navy of the United States; also parts, assemblies, and materials to be physically incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items, nor does it include any other equipment required by the armed forces, whether or not used in combat and field operations, which is not declared to be essential to the successful prosecution of the war, by the Army and Navy Munitions Board.

(8) "Director" means Director General for Operations.

(c) *Allocation of aluminum.* Allocation of aluminum will be made by the Director in the interest of war production by approval of an application on the applicable Form of the PD-26 Series (hereinafter referred to as Form PD-26).

(d) *Delivery and use.* Except as authorized, subsequent to October 31, 1941, pursuant to an allocation on Form PD-26 or other specific authorization of the Director, (1) no producer, smelter or fabricator shall deliver any aluminum, and (2) no person shall accept the delivery of any aluminum from any producer, smelter or fabricator or use any aluminum in manufacture.

(e) *Application for allocation of aluminum.* Each producer, smelter, fabricator, or such other person as the Director may designate, seeking an authoriza-

tion required by this order for any month shall file a Form PD-26 for such month, on or before the 15th day of the second preceding month. Except where the customer is required to file an application on Form PD-26, no item shall be included unless the customer, on or before the 5th day of the second preceding month (1) shall have definitely requested the delivery thereof in such month, and (2) shall have filed with his purchase order, information as to the exact part to be made from the aluminum, the product in which such part is to be incorporated or assembled, and the end use to be made of such product, also, any further information which may be necessary to enable the supplier to fill out his Form PD-26. Where the customer is a fabricator or producer or smelter, he need only indicate to the supplier that he has filed such information on his own Form PD-26. The Director will issue specific allocations authorizing the deliveries which may be made, or the aluminum which may be used in manufacture during that month. A supplementary schedule permitting delivery for emergency items may be filed at any date, on Form PD-26.

(f) *Requirements relating to placement of orders with, and acceptance of orders by, producers, smelters, and fabricators.* Only eligible items (as set forth in paragraph (g) below) shall be included on a Form PD-26 except when specific written approval has been secured from the Director for inclusion of certain other items. Request for inclusion of other than eligible items shall be made to the Aluminum and Magnesium Branch, War Production Board, giving the information specified in paragraph (e) (2) above. In the event such an application is denied, appeal for relief may be made to the War Production Board, Washington, D. C., on Form PD-500.

(g) *Eligible items.* Within the limits of available aluminum and fabricating facilities, the Director will authorize the essential requirements for the manufacture of the following eligible items:

(1) Implements of war as defined above which are being produced for any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lease-Lend Act), or for the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, or the Coast Guard, where the use of aluminum in the grade and to the extent employed is required by the latest issue of specifications of the respective government agencies applicable to the contract.

(2) Alloys, other than zinc base alloys. The amount permitted in any month will not exceed 12% by weight of the amount of such alloys produced during such month, and the aluminum content of any alloy produced will not be permitted to exceed 15% by weight.

(3) Carbometer wire.

(4) Cathodes for the electrolytic refining of zinc.

(5) Chemical processing equipment for use in manufacturing plants: *Provided,* That the customer certifies in writing to the manufacturers at the

time of placing his order that the use of alternate material is impracticable, indicating reasons therefor, and the manufacturer causes a copy of such certification to be submitted to the War Production Board with the PD-26 Application.

(6) Commercial aircraft.

(7) Containers for intravenous solutions.

(8) Fixed electrolytic and paper condensers: *Provided*, That the person using the aluminum has filed required report with War Production Board for the preceding month, on Form PD-97.

(9) Orthopedic equipment: *Provided*, That lightweight is vital to the operation of the equipment.

(10) Repair and maintenance parts for mechanical or electrical equipment used domestically or in industry: *Provided*, That the manufacturer certifies in writing to the War Production Board that the use of other material is impracticable, stating the specific reasons therefor, and that an equivalent weight of similar defective aluminum parts has been returned by the manufacturer or his customers as evidenced by certificates obtained from waste material dealers or smelters. In the event that the manufacturer operates his own foundry, the certificates of scrap parts disposed of should be attached to his PD-26 Proposed Shipping Schedule. In all other cases, the scrap certificates should support the manufacturer's application.

(11) Thermit reaction. For use in the manufacture of thermit powders and ferroalloys where and to the extent that the use of any other material is not possible.

(12) Welding rod and metallizing wire.

(13) X-ray tube housings.

*Only low-grade aluminum will be allocated for the following items:*

(14) Anhydrous aluminum chloride: *Provided*, That the customer certifies in writing to the manufacturer at the time of placing his order that such chloride will be used in the production of dyes for textiles, or in the production of synthetic rubber, high-octane gasoline, tear gas, nylon, or pharmaceuticals. Drosses or grindings may be authorized for this purpose.

(15) Match plates, patterns, core boxes, core dryers, and snap flasks: *Provided*, That the customer certifies in writing to the manufacturer that their use is essential to the fulfillment of quantity production orders bearing priority ratings higher than A-2. However, a manufacturer may use aluminum to make new pattern equipment, provided that the customer certifies that the new equipment will be used to fulfill quantity production orders bearing A-10 or higher priority ratings, and that he will supply an equivalent weight of defective or obsolete aluminum equipment, and upon approval on Form PD-26 the manufacturer may melt such scrap notwithstanding the provisions of Supplementary Order M-1-d.

(16) Pistons for engines of trucks (1½ tons or over), heavy duty tractors, Diesel engines, and engines in portable fire-fighting equipment.

(17) Steel deoxidizer. The total amount of aluminum used by any person for deoxidizing steel during any month may not average more than 0.6 pound of aluminum per ton of carbon steel ingot (except for cartridge cases and cartridge boxes, and 2.0 pounds of aluminum per ton of alloy steel ingot, produced by him during such month. The total amount of aluminum used by any person for deoxidizing steel for plate, sheet and strip for cartridge cases and cartridge boxes may not exceed 4.0 pounds of aluminum in each ton of such steel produced by him. The total amount of aluminum used by any person for deoxidizing steel for steel castings during any month may not average more than 2.5 pounds of aluminum per ton of metal charged into the furnace by him during such month.

(18) Tools. Portable electric and pneumatic:

(i) In pneumatic and high cycle electric tools, except grinders: (a) net weight—eight pounds or under—any parts; (b) net weight over eight pounds and up to and including twenty-three pounds—motor housings and gear housings only; (c) net weight over twenty-three pounds—motor housings only.

(ii) In universal electric drills, screw drivers, nut runners, and tappers: (a) net weight ten pounds or under—any parts; (b) net weight over ten pounds and up to and including twenty-three pounds—motor housings and gear housings only; (c) net weight over twenty-three pounds—motor housings only.

Net weight shall be the net weight specified in each producer's latest catalog issued prior to April 18, 1942.

(iii) In all other universal electric tools and in pneumatic and high cycle electric grinders—any parts.

(iv) In handles cast integrally with motor housings.

(19) Zinc base alloys.

(h) *Temporary exception for military orders.* For a period of ninety days after August 18, 1942, the prohibitions and restrictions contained in paragraph (f) of this order shall not apply to any application filed on Form PD-26, insofar as such application relates to the use of aluminum, or to the delivery of aluminum for use, in the manufacture of any item (or the necessary material therefor) which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office for

Scientific Research and Development, or any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act) if, but only if, in any such case, the use of aluminum to the extent employed is required by the specifications of the prime contract.

(i) *Report of inventory.* Any person who, in any calendar quarter has had any ingot, similar raw forms of aluminum, or aluminum basic products as defined in paragraph (b) (4) or has used aluminum in manufacture shall, on or before the 20th of the month succeeding the end of the quarter, file an inventory report on Form PD-40A or such other form as may be prescribed for this purpose.

(j) *Dead stock.* Notwithstanding paragraph (d) above, all aluminum, which is not being used in, or which is in excess of reasonable needs for the manufacture of items approved on Form PD-26, shall be promptly disposed of pursuant either to Priorities Regulation No. 13, or where such regulation does not apply, pursuant to Supplementary Order M-1-d.

(k) *Tolling.* Except as the Director may specifically authorize on Form PD-114, no aluminum shall be delivered or received for melting under any toll, repurchase or similar arrangement.

(l) *Operations of same person in different capacities.* Any person who, in the use of aluminum in manufacture, operates in more than one capacity (for example, both as a producer and fabricator) shall, in each such capacity, be subject to the applicable obligations and restrictions imposed by this order. The initial putting into fabrication or other use of raw aluminum by a producer or smelter who produced the same shall be deemed a delivery thereof hereunder.

(m) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Director in connection with this order 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 or from processing or using material under priority control and may be deprived of priorities assistance.

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

(P.D. Reg. 1, 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 November 20, 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-12155; Filed, November 20, 1942;  
11:25 a. m.]

## PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 11, as Amended Nov. 16, 1942<sup>1</sup>]

## PRODUCTION REQUIREMENTS PLAN

§ 944.32 *Priorities Regulation No. 11*—(a) *Purpose*. It is the purpose of this regulation to provide for the integration of the system of distributing scarce materials in the interest of the war and the maintenance of the essential civilian economy by requiring principal industrial users of scarce materials to qualify under the production requirements plan and to obtain preference rating assistance primarily under that plan.

(b) *Definitions*. For the purposes of this regulation:

(1) "person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "PRP application" means an application for priority assistance under the production requirements plan on Form PD-25A or any other prescribed form.

(4) "PRP certificate" means the copy of a PRP application which has been returned to the applicant by the Director General for Operations with an assignment of preference ratings or other priority action endorsed thereon, and includes any supplementary or advance quarter ("bob-tail") certificate which may be issued from time to time.

(5) "PRP unit" means any person who is qualified under the production requirements plan by the issuance to such person of a PRP certificate. In case the certificate is issued to a branch, plant, department, or other division of a corporation or business, "PRP unit" refers only to the portion of the business to which the certificate is issued.

(6) "Production material" means material (including fabricated parts and subassemblies) which will be delivered by a PRP unit as its product, or will be physically incorporated into such product, and includes the portion of such material normally consumed or converted into scrap or by-products in the course of processing. It does not include any supplies or manufacturing equipment.

(7) "Supplies" means maintenance and repair materials and operating supplies. It also includes minor items of productive capital equipment (such as jigs and fixtures, dies and die blocks, portable pneumatic or portable electric tools, and material required for minor relocations of plant machinery and equip-

ment). It does not include any production material or any office machinery or office equipment (whether purchased or leased) or materials for plant expansion or plant construction.

(8) "Listed material" means, with respect to any quarter, any material listed and given an item number on the Materials List No. 1, Revised, appearing on the form of PRP application for that quarter or required to be separately listed by supplementary instructions from the War Production Board.

(9) "Listed fabricated item" means, with respect to any quarter, any part, assembly or other item listed and given an item number on the Fabricated Items List No. 2 appearing on the form of PRP applications for that quarter. The first quarter for which such a list will be in effect will be the first quarter of 1943. "Listed fabricated item" also includes any item required to be listed separately by supplementary instructions from the War Production Board.

(10) "Class I producer" means any person (or any branch, plant, department, or other division of a corporation or business which operates as a separate entity and maintains a separate inventory) whose receipts or withdrawals from inventory during the most recent calendar quarter, or whose anticipated receipts or withdrawals from inventory during the current or next succeeding calendar quarter, of metals in the forms included on the attached metals list aggregate five thousand dollars or more in value, except:

(i) Any agency of the United States, of any foreign government, of any state or territory, or of any subdivision thereof except when and to the extent that any such agency is engaged in the manufacture of commodities or other materials or the furnishing of repair facilities (such as Navy yards, arsenals, prison factories, etc.);

(ii) Any person to the extent that he is engaged in the business of:

(a) Transportation by any means;

(b) Furnishing of heat, light, power, electricity, gas or water to others;

(c) Quarrying;

(d) Production, refining, transportation, distribution or marketing of petroleum or associated hydrocarbons;

(e) Communications;

(f) Sewage or drainage;

(g) The sale of material which he has not manufactured, processed, fabricated, assembled, or otherwise physically changed, including sales as a distributor, wholesaler, retailer, warehouse, industrial or mill supply house or scrap dealer;

(h) Construction at the site, of buildings, structures, or projects; and

(iii) Any producer located in Alaska, Panama Canal Zone, or in any territory or possession of the United States outside of the continental United States.

(11) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under authority of the Director General for Operations, of the right to use such rating.

(12) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(13) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(c) *Persons required to qualify under PRP*. Every Class I producer shall file a PRP application. For the first quarter of 1943, this application shall be filed not later than October 25, 1942. Any person who becomes a Class I producer shall file such application as promptly as possible after becoming a Class I producer. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class I producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

(d) *Restrictions on application and extension of ratings by PRP units*. No PRP unit shall apply or extend any rating to the delivery of any material during any quarter other than the ratings authorized on its PRP certificates for that quarter; and the deliveries to which such ratings are so applied shall be limited in amount as specified on such certificates, with the following exceptions:

(1) A PRP Unit may apply ratings specifically assigned to it for acquisition of items of capital equipment or materials for authorized plant expansion or plant construction.

(2) During the fourth quarter of 1942, but not thereafter, a PRP unit may extend any preference rating which it receives, in order to obtain delivery during any quarter of production materials (but not supplies) other than listed materials, provided that the PRP unit has elected to make use of extensions of ratings exclusively for this purpose in lieu of applying the ratings assigned by its PRP certificate. Such election shall be made as follows: Not later than the seventh business day after the day on which the PRP certificate for the fourth quarter is received, the PRP unit shall, if it determines to make the election, endorse the following statement, duly signed by an authorized official, upon the copy of its PRP certificate received by it, under the heading of section F on the certificate:

The undersigned PRP unit hereby elects to rate deliveries to it during the balance

<sup>1</sup>This document is a restatement of Amendment 2 to Priorities Regulation No. 11 as amended October 3, 1942, which appeared in the FEDERAL REGISTER of November 17, 1942, pages 9424 and 9425, and reflects the order in its completed form as of November 16, 1942.

of the fourth quarter of 1942 of production materials other than listed materials, as defined in Priorities Regulation No. 11, exclusively by the extension of ratings applied or extended to the undersigned by other persons, and, with respect to such materials to make no use of any ratings assigned by its PRP certificates for the fourth quarter of 1942.

-----  
Date

-----  
Name of PRP unit

By -----

Such election may not be made in any other manner. A PRP unit which makes such election shall not make any use of the preference rating assistance granted on its PRP certificate for the fourth quarter for the delivery of any production materials other than listed materials. Such election must be made as to all such materials or none. Such election may not be made with respect to supplies, which may be rated only in accordance with ratings assigned on the PRP certificates.

(3) In addition a PRP unit which receives a rated purchase order requiring the processing by another person of material owned and supplied by the PRP unit may extend the rating, for processing only and not for acquisition of material, to the person who is to do such processing for it.

(4) Any PRP unit may, until the receipt of its fourth quarter PRP certificate, but not thereafter, apply ratings to the extent permitted under the interim procedure specified in paragraph (i) of this regulation.

(5) In case preference rating assistance for a material is denied on the PRP certificate on the express ground that such assistance is unnecessary or that ratings for such material are not currently being assigned on PRP certificates, the provisions of this paragraph (d) shall not apply to such material.

(6) A PRP Unit may extend an AAA rating it receives, where necessary to obtain material which it will deliver or which will be physically incorporated into material which it will deliver on the AAA rating, subject to the following restrictions:

(i) The AAA rating may not be extended for quantities of material in excess of those required to be delivered by it or to be physically incorporated into materials to be delivered by it on the AAA rating;

(ii) The rating may not be extended to obtain any material to the extent that it has such material on hand which it would be required to divert for the purpose of supplying the material to be delivered on the AAA rating in accordance with the provisions of Priorities Regulation No. 1;

(iii) The rating may not be extended to replace inventory;

(iv) The quantity of any material obtained with the assistance of the AAA rating must, to the extent possible, be deducted from any quantity of such material authorized for receipt on its PRP certificates and not yet received; and

(v) In case it is necessary to extend the rating for materials other than those, or in excess of the quantities, authorized on its PRP certificates, a PD-25F form must be filed within three days after such extension reporting the excess quantity or the other materials to which the AAA rating was extended.

(e) Restrictions on receipt of listed materials and fabricated items. No PRP unit shall in any quarter accept deliveries (whether rated, unrated or allocated) of any listed material or any listed fabricated item, whether as production material, supplies or for any other use, in excess of the amounts specifically rated or otherwise authorized on its PRP certificates for such quarter, plus any balance of such materials or items authorized by its PRP certificates for delivery in the previous quarter which is in transit to the PRP unit at the end of the previous quarter or within three days thereafter, with the following exceptions:

(1) A PRP unit may accept deliveries of any balance of listed fabricated items specifically rated or otherwise authorized for the preceding quarter but not yet received.

(2) A PRP unit may in addition, subject to the applicable regulations and orders of the War Production Board, accept delivery of any such materials and items which consist of items of capital equipment or material for authorized plant expansion or plant construction.

(3) Any PRP unit which has applied ratings under the interim procedure specified in paragraph (i) of this regulation based on a particular PRP application may, until receipt of that particular PRP certificate, accept deliveries of the quantities of the materials to which it is authorized to apply ratings under the interim procedure. After receipt of such PRP certificate it may accept deliveries of listed materials and listed fabricated items in excess of the quantities authorized on such certificate only if the same were in transit to the PRP unit at the time its supplier received notice of postponement or cancellation of delivery pursuant to the provisions of paragraph (j) of this regulation and even then may not accept delivery of such materials or items unless shipment was made within ten days (including Sundays) after receipt by the PRP unit of the PRP certificate which necessitated such postponement or cancellation.

(4) A PRP unit may accept delivery of material to which it extends an AAA rating in accordance with the provisions of paragraph (d) (6) of this regulation.

(5) A PRP unit may accept delivery of listed materials or listed fabricated items in excess of the quantities authorized on its PRP certificates, to the extent that cancellation or postponement of such delivery is waived by the provisions of paragraph (j) (3) of this regulation.

(f) Restrictions on use of material. Each PRP unit shall also comply with any additional restrictions which may be contained in its PRP certificate, including (without limitation) restrictions on the amount of material to be put into production, the use of any material, apportionment of quantities of material between different products, or on the sale of or delivery of specified products.

(g) Prohibition against placing duplicate orders. No PRP unit shall duplicate, in whole or in part, purchase orders which it has placed with one or more suppliers for delivery of any material (whether rated, unrated, or allocated) in such manner that the amount of such material ordered exceeds the amount actually required for delivery (not exceeding the amount authorized), even though the PRP unit intends to cancel or reduce its purchase orders prior to completion of delivery, to the amount of actual requirements as rated or otherwise authorized on its PRP certificate.

(h) Scheduling of deliveries. Each PRP unit shall, so far as practicable, place its purchase orders for the production material and supplies rated or otherwise authorized on its PRP certificate so as to call for substantially equal deliveries during each of the three months of the quarter, and shall in no event, unless absolutely necessary to maintain its delivery schedule or to obtain the minimum quantities practicably procurable, order for delivery during the first month of the quarter more than 40%, or during the first two months of the quarter more than 80%, of the total quantity of any production material authorized for delivery during the quarter.

(i) Interim procedure. During the interim between filing a PRP application for a particular quarter and receipt of the PRP certificate for such quarter a person may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter, as follows:

(1) If he has been operating under the Production Requirements plan, he may apply the same preference ratings he was authorized to apply by his PRP certificates for the preceding quarter, to orders calling for delivery of not more than 40% during the first month of the quarter and 70% during the entire quarter, of the quantities of the materials indicated as his anticipated requirements on his PD-25A and on any PD-25F application for the quarter, submitted prior to receipt by him of the first PRP certificate received by him for the quarter.

(2) If he has not been operating under the Production Requirements Plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the particular quarter; and, notwithstanding the termination of

any preference rating order on or after the end of the preceding quarter, the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the particular quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) After a person has received an advance quarter authorization, he may not thereafter apply ratings under the interim procedure to deliveries in that advance quarter of any materials included in the authorization for that quarter, until he files a complete PD-25A application for such quarter, but must use only the ratings authorized on advance quarter authorizations for such materials in that quarter. Upon the filing of a complete PD-25A application for a quarter a PRP unit may then rate purchase orders in accordance with the interim procedure even if this permits rating quantities in excess of those authorized by a previous advance quarter authorization for that quarter.

(4) A person who applies or extends any preference rating pursuant to this paragraph (i) shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his corresponding PRP certificate (on Form PD-25A or PD-25F, as the case may be) when issued to him.

(j) *Retating on receipt of PRP certificates.* (1) Each PRP unit, not later than the seventh day (including Sundays) after the receipt of any PRP certificate for a quarter, shall adjust its outstanding purchase orders so that they shall not exceed, either in quantities or in grades of preference rating, those authorized for the quarter and for any advance quarters covered by the PRP certificates in accordance with the provisions of this regulation; but this provision shall not require the adjustment of orders duly placed under paragraph (i) of this regulation for materials covered by a PD-25F application filed before receipt of a PD-25A certificate, until the return of such PD-25F certificate.

(2) This adjustment may be made by cancellation, postponement of deliveries,

or by rerating. To the extent that authorized ratings are higher than those already applied to outstanding orders, rating adjustment shall be optional, and, with respect to any material, the balance of any authorized rating not used may be added to the authorized amount of any lower authorized rating.

(3) No person shall be required by the provisions of this paragraph (j), however, to cancel any order or portion thereof calling for delivery on or before November 21, 1942, or during the first twenty-one days of the first month of any subsequent quarter, of any listed material, if the producer thereof certifies in writing to such person (i) that substitution of other orders, or diversion of the material to fill other orders, (even if such other orders call for later delivery or carry a lower rating) is impossible, and (ii) that the production of such material has been completed or that cancellation would disrupt the producer's production schedules and result in substantially diminished production. Nothing herein contained, however, shall relieve a PRP unit from the obligation of cancelling or postponing delivery under other orders calling for delivery of similar material during the quarter, as to which no certification is received, to the extent necessary to bring the total receipts of such material during the quarter within the quantities authorized on its PRP certificates.

(k) *Restrictions on Class I producers who have not filed PRP applications.* Any Class I producer who has not filed his PRP application by the time required by this regulation or by any specific direction of the Director General for Operations may not extend or apply any rating, other than AAA ratings, until he has mailed or personally submitted his PRP application to the War Production Board: *Provided, however,* That these restrictions do not apply to ratings specifically assigned to a Class I producer for the purpose of acquisition of items of capital equipment, or materials for authorized plant expansion or plant construction.

(1) *Effect on existing orders and certificates.* (1) The provisions of this regulation do not terminate any other existing order or certificate granting preference rating assistance, but limit and prohibit the use of such orders or certificates by specified persons in the manner set forth above.

(2) The provisions of this regulation do not relieve PRP unit from compliance with the terms of any order of the War Production Board controlling the distribution or restricting the use of any specific material, including requirements for the filling or supplying of applications

or other documents in connection with the purchase, sale, delivery, or use of any such material.

(m) *Special provisions with respect to metal mills.* Notwithstanding the foregoing provisions of this regulation, the following provisions shall govern with respect to any person (hereinafter in this paragraph (m) referred to as a "metal mill") to the extent that he is engaged in producing metals in any of the forms included on the attached metals list:

(1) A metal mill, in determining whether it is a Class I producer within the meaning of paragraph (b) (10) of this regulation, may exclude all receipts or withdrawals from inventory of metals which will be processed by the metal mill to produce any of the forms listed on the attached metals list. However, there must be included any metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed.

(2) A metal mill need not include in its PRP application materials which will be processed by it to produce metals in any of the forms listed on the attached metals list, but it must include any material, including metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed, and for which it requires priority assistance.

(3) A metal mill may extend and apply preference ratings assigned by a preference rating order or certificate, in the manner heretofore permitted, for delivery to it of material which has been excluded from its PRP application pursuant to the provisions of subparagraph (2) of this paragraph (m) and may accept delivery of such material.

(4) A metal mill, to the extent that it is engaged in producing any of the following:

(i) Pig iron and ferroalloys;  
(ii) The following iron and steel products, including alloys: Ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and sheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bars, pipe and tubes (except conduit), wire rods, wire as drawn (not including further fabrications therefrom), black plate, tin and terne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, steel castings (rough as cast), skelp, rolling mill rolls, ingot molds;

(iii) Coke for use in the production of pig iron and ferroalloys; may accept deliveries of supplies in any quarter without regard to the limitations of paragraph (e) hereof of this regulation and, notwithstanding the limitations of paragraph (d) hereof, may apply the ratings assigned on its PRP certificate to deliveries of supplies in the amounts essential for proper operation, subject, however, in every case to the restrictions of § 944.14

of Priorities Regulation No. 1 and to all other applicable regulations and orders.

(n) *Reporting of excess receipts.* Any PRP unit which receives during a quarter any listed material other than, or in excess of, quantities of such material authorized by its PRP certificates for such quarter, or by specific authorization of the Director General for Operations, shall promptly report to the Production Requirements Branch, War Production Board, Washington, D. C., the quantities and kinds of materials so received, together with a statement of the reasons why such receipt was necessary, referring to the provisions of this regulation under which such receipt is permitted, and giving the name and serial number of the PRP unit which received the material.

(o) *Exceptions or exemptions.* The Director General for Operations may grant exceptions or exemptions with respect to any or all provisions of this regulation. Any such action shall be in writing over the signature of the Director General for Operations and shall refer specifically to the fact that it is an exemption from or an exception to this regulation.

(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 16th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

METALS LIST<sup>1</sup>

(a) Any of the metals listed in subparagraph (1) below in any of the forms listed in subparagraph (2) below:

(1) Metals:

Iron	Zinc
Carbon steel	Nickel
Alloy steel	Tin
Stainless steel	Cupro-nickel
Aluminum	Monel
Magnesium	Nickel-silver
Copper	Chrome nickel
Brass	Cadmium
Bronze	Silver
Lead (including anti-	Tantalum metal
monial)	Tungsten carbide

(2) *Forms of metal.* Annodes, bars, billets, blooms, blocks, castings (including die castings), cones, dust, extruded shapes, fabricated shapes, foil, forgings, ingots, pigs, pipe, plates, powder, rolls, refinery shapes, rings, rivets, rods, scrap, sheets, shot, skelp, slabs, strip, structural shapes and piling, tie plates and track accessories, tube and tubing, tube rounds, wheels and axles, wire and wire rods, wire products (including barbed and twisted fencing, bale ties, nails, staples, rope and strand but not including insect wire screen cloth).

[F. R. Doc. 42-12154; Filed, November 20, 1942; 11:25 a. m.]

<sup>1</sup> The list in subparagraph (1) was amended.

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[MPR 273]

CERTAIN ARTICLES OF APPAREL IN WHICH MATERIALS HAVE BEEN REPLACED

In the judgment of the Price Administrator it is deemed necessary and proper to establish maximum prices for the sale of certain articles of apparel in which materials have been replaced and which were not generally sold in their replaced form in March, 1942.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. 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.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 273 is hereby issued.

- Sec.
- 1389.251 Scope of regulation.
  - 1389.252 Transactions in apparel which are prohibited by this regulation.
  - 1389.253 Knitted underwear, knitted sleeping garments, and knitted sweatshirts, in which combed yarn has been replaced by carded yarn: Maximum prices and informational requirements.
  - 1389.254 Disclosure of maximum prices.
  - 1389.255 Sales for less than maximum prices.
  - 1389.256 Relation between Maximum Price Regulation No. 273 and the General Maximum Price Regulation.
  - 1389.257 Relation of this regulation to other maximum price regulations.
  - 1389.258 Evasion.
  - 1389.259 How this regulation may be amended.
  - 1389.260 Enforcement.
  - 1389.261 Definitions.
  - 1389.262 Effective date.

AUTHORITY: §§ 1389.251 to 1389.262, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1389.251 *Scope of the regulation.* This regulation establishes maximum prices for sales by manufacturers of certain articles of apparel in which materials have been replaced.

Section 1389.253 of the regulation provides manufacturers' maximum prices for knitted underwear, knitted sleeping garments and knitted sweatshirts in which combed yarn has been replaced by carded yarn. Reductions provided by this section will be reflected in wholesale and retail prices although maximum prices for retailers and wholesalers are not provided herein. Maximum prices for sales at wholesale and at retail are governed by the General Maximum Price Regulation or Maximum Price Regula-

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

tion No. 210, depending on whether the particular garment is fall and winter knitted underwear as defined in Maximum Price Regulation No. 210. The informational requirements of this section which relate to labeling, the use of the symbol "R" to indicate articles of apparel in which materials have been replaced, and notices to purchasers for resale apply to sellers at wholesale as well as to manufacturers. The prohibition, in this section, against selling garments for which prices are provided by the regulation unless they are properly marked, applies equally to manufacturers, wholesalers and retailers.

§ 1389.252 *Transactions in apparel which are prohibited by this regulation.* On and after November 25, 1942, regardless of any contract or other obligation, no person shall:

(a) Sell or deliver any article of apparel at a price higher than the maximum price established by this regulation; or

(b) Require a purchaser to buy or agree to buy any other apparel, or any other article, service, wrapper, or package in connection with a sale or delivery of any article of apparel for which a maximum price is established by this regulation; or

(c) Buy or receive any article of apparel in the course of trade or business at a price higher than the maximum price established by this regulation; or

(d) Do any other act which directly or indirectly increases above the maximum price the consideration paid by the purchaser for an article of apparel for which a maximum price is established by this regulation; or

(e) Offer, attempt or agree to do any of the acts prohibited by this regulation.

§ 1389.253 *Knitted underwear, knitted sleeping garments, and knitted sweatshirts, in which combed yarn has been replaced by carded yarn: Maximum prices and informational requirements—*

(a) *Sales by manufacturers.* In any sale by a manufacturer of a knitted undergarment, a knitted sleeping garment, or a knitted sweatshirt which is the same as a garment for which a maximum price has been established by the manufacturer, except that combed yarn has been replaced by carded yarn, the maximum price is the manufacturer's present maximum price for the combed yarn garment less the manufacturer's "price reduction" for that garment.

(b) *How a manufacturer computes his "price reduction."* A manufacturer's "price reduction" is computed by multiplying the gross knitting weight of the carded yarn in the garment by the difference between the present ceiling price for the count and kind of carded yarn used in the garment and the present ceiling price for the count and kind of the combed yarn which is replaced. The product of this multiplication adjusted to the nearest multiple of 2½¢ is the "cost reduction." The manufacturer's

"price reduction" for any garment is the figure in Column II of Schedule A in paragraph (d) of this section, which is set down opposite the amount of "cost reduction" for that garment. If the "cost reduction" is less than 10¢ per dozen, no "price reduction" is made.

(c) *Maximum prices for garments which cannot be priced under § 1389.253.* The manufacturer's maximum price for any knitted undergarment, knitted sleeping garment, or knitted sweatshirt which is the same as a garment for which a maximum price has been established by the seller, except that combed yarn has been replaced by carded yarn and which cannot be priced under paragraph (a) of this section shall be a maximum price in line with the level of maximum prices established by this Maximum Price Regulation. This maximum price shall be determined by the seller after specific authorization from the Office of Price Administration. No person shall sell, deliver, or offer for sale any garment until authorization to determine a maximum price is issued by the Office of Price Administration. A seller who seeks authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration, Washington, D. C., in triplicate, a statement of containing:

- (1) A description in detail of the garment for which a maximum price is sought.
- (2) A statement of the facts which prevent the seller from pricing the garment under paragraph (a) of this section, and
- (3) Such other information as may be required by the Office of Price Administration.

(d) *Schedule of price reductions for knitted underwear, knitted sleeping garments, and knitted sweatshirts, in which combed yarn is replaced by carded yarn.*

SCHEDULE A—SALES BY MANUFACTURERS

[Prices are in cents per dozen]

Cost reduction (per dozen) Col. I	Price reduction (per dozen) Col. II
10	12.5
12.5	15
15	17.5
17.5	20
20	25
22.5	27.5
25	30
27.5	32.5
30	35
32.5	40
35	42.5
37.5	45
40	47.5
42.5	50
45	55
47.5	57.5
50	60
52.5	62.5
55	65
57.5	70
60	72.5
62.5	75
65	77.5
67.5	80
70	85
72.5	87.5
75	90
77.5	92.5
80	95

SCHEDULE A—SALES BY MANUFACTURERS—CON.

Cost reduction (per dozen) Col. I	Price reduction (per dozen) Col. II
82.5	100
85	102.5
87.5	105
90	107.5
92.5	110
95	115
97.5	117.5
100	120

(e) *Explanation of terms.* (1) "Same garments." A garment is the same as another garment with which it is compared if both have all of the following common characteristics:

- (i) They are of the same specific classification and size as provided by the United States Department of Commerce, Commercial Standard CS 33-32;
- (ii) They have the same average finished weight for comparable size, within a tolerance of 3%;
- (iii) They are knitted from the same kinds of yarn (for example, carded, combed, blended or processed staple fiber yarns), and with the same percentage of fibers (for example, cotton, wool or other fibers and mixtures thereof);
- (iv) They have a substantially equal number of courses and needles per inch;
- (v) They have construction and trimmings of substantially equal quality and serviceability; and
- (vi) They are constructed and finished with substantially equal standards of workmanship.

(f) *Identification of garment in which combed yarn has been replaced by carded yarn—(1) Labeling and marking.* No garment for which a maximum price has been established by or pursuant to this regulation may be sold unless a label, hanger, or other marker is attached thereto which shall bear the symbol "R" and clearly indicate that the garment is made with carded yarn.

(2) *Bills, invoices, catalogs, and statements.* In every invoice, bill, catalog, and statement in which a manufacturer or a seller at wholesale describes or designates a garment for which a maximum price is established by this regulation, he shall identify such garment by adding the symbol "R" to the style or catalog number which he presently uses, or most recently used for the combed yarn garment which was otherwise the same.

(g) *Statement of maximum prices to be furnished to purchasers for resale.* Unless the specific information shall have been previously furnished to the purchaser, every person who sells or delivers to a purchaser for resale any garment for which a manufacturer's maximum price has been established by this regulation, shall at the time of delivery of such garment furnish to the purchaser thereof, a statement in the following form concerning the seller's maximum price for the garment delivered:

The following information is sent you as required by the Office of Price Administration in order to:

- (a) Explain the reduction in our maximum prices for the garments listed below, and
- (b) Assist you in establishing a reduction in your maximum prices for these same garments.

Each of the styles listed below is identified by the symbol "R". This means that the garment is the same as our previous garment bearing the same style number except that the new garment is made of carded yarn in place of combed yarn previously used. You will find listed below both our new maximum prices for the garments in this and any future shipment and our maximum prices for the combed yarn garments previously made.

(List as follows the garments in which combed yarn has been replaced by carded yarn, and indicate items to be priced under Maximum Price Regulation No. 210 by an asterisk).

Style No. \_\_\_\_\_; Description \_\_\_\_\_; Our maximum price \_\_\_\_\_; Our selling price \_\_\_\_\_; Our maximum price for same garment in combed yarn \_\_\_\_\_.

HOW TO COMPUTE YOUR MAXIMUM PRICES FOR THESE NEW GARMENTS OF CARDED YARN.

1. If the garment is a fall and winter garment as defined by Maximum Price Regulation No. 210 (indicated by an asterisk), then you establish your maximum price under Maximum Price Regulation No. 210.
2. If the garment is not a fall and winter garment as defined by Maximum Price Regulation No. 210, then you establish your maximum price under the *General Maximum Price Regulation*. (For full details of pricing under the General Maximum Price Regulation, consult the regulation itself, or the nearest State or District OPA Office).

WARNING: O. P. A. has ruled that inasmuch as a garment made of carded yarn cannot be considered to be "the same as" or "similar to" a garment made of combed yarn, all maximum prices for such garments must be adjusted to reflect the appropriate reduction in costs.

§ 1389.254 *Disclosure of maximum prices.* Every person selling or offering for sale any article of apparel for which a maximum price has been established by this regulation shall, within ten days after receipt of a written request from any person to whom the seller has sold such article of apparel, disclose in writing to such person the seller's maximum price for the article of apparel.

§ 1389.255 *Sales for less than maximum prices.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 273 may be charged, demanded, paid or offered.

§ 1389.256 *Relation between Maximum Price Regulation No. 273 and the General Maximum Price Regulation.*<sup>1</sup> (a) The General Maximum Price Regulation shall not apply and this Maximum Price Regulation No. 273 shall apply to sales of articles of apparel in which materials have been replaced and for which maximum prices have been provided in this regulation. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them:

- (1) Transfers of business or stock in trade (§ 1499.5).
- (2) Federal and state taxes (§ 1499.7).
- (3) Current records (§ 1499.12).
- (4) Sales slips and receipts (§ 1499.14).

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3991, 4339, 4387, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6031, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

§ 1389.257 *Relation of this regulation to other maximum price regulations—*  
 (a) *Maximum Price Regulation No. 157.*<sup>7</sup> Maximum Price Regulation No. 157—Sales and fabrication of textiles, apparel and related articles for military purposes—shall apply, and this Maximum Price Regulation No. 273 shall not apply to sales and deliveries for which maximum prices are established by Maximum Price Regulation No. 157.

(b) *Maximum Price Regulation No. 172.*<sup>7</sup> Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 273 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(c) *Revised Maximum Export Price Regulation.*<sup>7</sup> Revised Maximum Export Price Regulation shall apply and this Maximum Price Regulation No. 273 shall not apply to sales and deliveries for which maximum prices are established by Revised Maximum Export Regulation issued by the Office of Price Administration.

§ 1389.258 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 273 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any article of apparel alone or in conjunction with any other commodity, or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1389.259 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1389.260 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 273 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1389.261 *Definitions—(a) Definitions incorporated by reference.* Unless the context otherwise requires or unless otherwise specifically provided herein the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Other definitions.* When used in this Maximum Price Regulation No. 273 the following terms shall have the meanings set forth below:

(1) "Manufacturer" means a person who sells, delivers, or offers for sale an article of apparel in a form substantially changed from the form in which he

bought that article or the materials from which it was made.

(2) "Seller at wholesale" means a person who sells, delivers or offers for sale an article of apparel in a form substantially unchanged from the form in which he bought that article.

§ 1389.262 *Effective date.* This Maximum Price Regulation No. 273 (§§ 1389.251 to 1389.262, inclusive) shall become effective November 25, 1942.

Issued this 19th day of November, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-12141; Filed, November 19, 1942; 4:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1, Amendment 5]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the FEDERAL REGISTER.\*

In paragraph (b) of § 1407.914, the word "slaughterer" appearing between the words "No" and "who" is amended to read "person"; a new sentence is added at the end of paragraph (a) of § 1407.914 to read as set forth below; and a new paragraph (e) is added to § 1407.925 to read as set forth below:

§ 1407.914 *Registration of slaughterers—(a)* \* \* \*

The Director of the Food Rationing Division of the Office of Price Administration may, for good cause shown, extend the time for filing a registration statement pursuant to the provisions of this paragraph.

§ 1407.925 *Effective dates of amendments.* \* \* \*

(e) Amendment No. 5 (§§ 1407.914 (a) and (b), and 1407.925 (e) to Restriction Order No. 1 shall be effective as of November 25, 1942.

(Pub. Law 671, 76th Cong., 3rd sess., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 19th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-12140; Filed, November 19, 1942; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 to GMPR, Amendment 55]

IMPORTED DISTILLED SPIRITS, ETC.

*Correction*

In subparagraph (41) appearing on page 8959 in the issue of Wednesday, November 4, 1942, the reference to March 31, 1943, should read March 31, 1942.

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

<sup>7</sup> F. R. 7829, 8217, 8524, 9247, 9250.

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under § 1499.18 (b) of GMPR]

SWAN ICE CREAM CO.

*Correction*

In the table in paragraph (a) appearing on page 9045 in the issue of Friday, November 6, 1942, under the heading "Service with seller's equipment in part and customer's equipment in part" "Bulk," the second figure should be .90 instead of 1.90.

PART 1499—COMMODITIES AND SERVICES

[Order 149 Under § 1499.18 (c) of GMPR]

THE AMERICAN IMPORT COMPANY

*Correction*

In paragraph (g) appearing on page 9051 in the issue of Friday, November 6, 1942, the reference to § 1499.2 should read § 1499.22.

PART 1499—COMMODITIES AND SERVICES

[Order 104 Under § 1499.18 (b) of GMPR]

NOVOCOL CHEMICAL MFG. COMPANY, INC.

Order No. 104 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-342.

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

§ 1499.1005 *Adjustment of maximum prices for sales of platinum-ruthenium anastube (cartridge type) needles—(a) Sales by the Novocol Chemical Manufacturing Company, Inc.* The maximum prices for the sale of the following platinum-ruthenium anastube (cartridge type) needles to distributors by the Novocol Chemical Manufacturing Company, Inc., 2911 Atlantic Avenue, Brooklyn, New York, shall be the prices set forth below:

1" x 25 Gauge.....	\$0.96
1" x 23 Gauge.....	1.14
1 1/4" x 25 Gauge.....	1.02
1 1/4" x 23 Gauge.....	1.20
1 1/2" x 25 Gauge.....	1.02
1 1/2" x 23 Gauge.....	1.38
1 3/4" x 25 Gauge.....	1.18
1 3/4" x 23 Gauge.....	1.44

(b) *Sales at retail.* The maximum prices for sales at retail of the following platinum-ruthenium anastube (cartridge type) needles sold by the Novocol Chemical Manufacturing Company, Inc., shall be the prices set forth below:

1" x 25 Gauge.....	\$1.60
1" x 23 Gauge.....	1.90
1 1/4" x 25 Gauge.....	1.70
1 1/4" x 23 Gauge.....	2.00
1 1/2" x 25 Gauge.....	1.70
1 1/2" x 23 Gauge.....	2.30
1 3/4" x 25 Gauge.....	1.95
1 3/4" x 23 Gauge.....	2.40

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 on the sale by the Novocol Chemical Manufacturing Company, Inc., of the needles referred to in paragraph (a) shall apply to the maximum prices set forth in that paragraph.

<sup>7</sup> F. R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948.

<sup>7</sup> F. R. 4882, 6684, 8351, 8948.

<sup>7</sup> F. R. 5059, 7242, 8829, 9000.

(d) The Novocol Chemical Manufacturing Company, Inc., upon the first sale to each distributor of any of the needles listed in paragraph (a) after the effective date of this order, shall send a written notification to such purchaser in the following form:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert description of needle) from \$..... to \$..... (insert the amounts applicable to that particular needle). Your new ceiling price for (insert description of needle) is \$..... (insert the applicable maximum retail price as specified in paragraph (b)).

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 104 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 104 (§ 1499.1005) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 104 (§ 1499.1005) shall become effective November 21, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-12145; Filed, November 20, 1942; 10:49 a. m.]

## TITLE 46—SHIPPING

### Chapter II—Coast Guard: Inspection and Navigation

#### AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367) and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the inspection and navigation regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

#### Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

#### PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.6 (e) is amended to read as follows:

#### § 153.6 Additional equipment for lifeboats on ocean and coastwise vessels.

(e) *First-aid kit.* One first-aid kit consisting of the equipment as listed below, packed in a substantial metal or otherwise suitable container. The container shall be watertight when closed and of substantial construction not easily damaged or rendered non-watertight. It shall maintain its watertightness when submerged at least one foot deep in water maintained at approximately 70° F. for a period of two hours. Items of equipment in the first-aid kit provided for

boats certified to carry 40 persons or less shall be as follows:

- 2 units, 1" adhesive compress, each containing 16 compresses.
- 1 unit, ammonia inhalant, 4 tubes, each 2 cc per tube, and 4 drinking cups.
- 1 scissors, blunt.
- 1 unit, gauze compress 24" x 72".
- 2 units, 3 oz. tannic acid jelly in not less than 2 tubes (10% tannic acid with 5% sulphadiazine).
- 1 unit, 3 eye pads, adhesive strips, 3 tubes eye dressing not less than 1/8 oz. each.
- 1 unit, 3 vials of iodine 10 cc each.
- 1 unit, 4" bandage compress.
- 2 units, 4 each, 2" bandage compress.
- 1 unit, triangular bandage, 40".
- 1 unit, gauze bandage, 4" x 6 yards.
- 2 units, containing tourniquet and forceps.
- 1 unit, splint-wire, or equivalent.
- 1 dozen safety pins.

Where one unit is specified above, it shall be contained in a single carton of the dimensions set forth below. Where two units are specified, they shall be contained in two single cartons or one double carton of the dimensions set forth below:

	Length	Width	Depth
	Inch	Inch	Inch
Single carton.....	4	2 1/2	5/8
Double carton.....	4	2 1/2	1 1/4

Section 153.7 (h) is amended to read as follows:

#### § 153.7 Additional equipment for life rafts on ocean and coastwise vessels. \* \* \*

(h) *First-aid kit.* One first-aid kit consisting of the equipment as listed below, packed in a substantial metal or otherwise suitable container. The container shall be watertight when closed and of substantial construction not easily damaged or rendered non-watertight. It shall maintain its watertightness when submerged at least one foot deep in water maintained at approximately 70° F. for a period of two hours. Items of equipment in the first-aid kit provided for life rafts shall be as follows:

- 1 unit, 2" bandage compress, 4 per unit.
- 1 unit, 1" adhesive compress, each containing 16 compresses.
- 1 unit, 3 eye pads, adhesive strips, 3 tubes eye dressing not less than 1/8 oz. each.
- 1 unit, ammonia inhalant, 4 tubes, each 2 cc per tube, and 4 drinking cups.
- 1 unit, 3 vials of iodine, 10 cc each.
- 2 units, containing tourniquet and forceps.
- 2 units, 3 oz. tannic acid jelly in not less than 2 tubes (10% tannic acid with 5% sulphadiazine).
- 1 unit, triangular bandage.

Where one unit is specified above, it shall be contained in a single carton of the dimensions set forth below. Where two units are specified, they shall be contained in two single cartons or one double carton of the dimensions set forth below:

	Length	Width	Depth
	Inch	Inch	Inch
Single carton.....	4	2 1/2	5/8
Double carton.....	4	2 1/2	1 1/4

#### MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

#### Hand Distress Signals

Ship Signal Flare hand distress signals, 1 1/4-inch diameter, manufactured by Samuel Jackson, Jr., Laurel Springs, N. J.

#### Thread for Life Preservers

No. 10/3, Arcola brand, silk finish cotton thread, manufactured by Franklin Thread Co., New York, N. Y.

R. R. WAESCHE,  
Commandant.

NOVEMBER 20, 1942.

[F. R. Doc. 42-12144; Filed, November 20, 1942; 10:41 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. A-941]

#### DISTRICT BOARD 11

#### ORDER GRANTING MOTION TO REOPEN HEARING AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 11 for the establishment of minimum prices for raw or washed coals which are crushed, pulverized or reduced by any method down to the size dimensions prescribed for Size Groups 13 and 16, inclusive, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

District No. 11, the original petitioner in the above-entitled matter, filed a motion requesting that the hearing in this matter, which was terminated on November 18, 1941, be reopened for the purposes of amending and supplementing the effective minimum prices for raw and washed coals, produced in District No. 11, which are crushed, pulverized or reduced by any method down to the size dimensions prescribed for Size Groups 13 through 16, inclusive, and amending the price instructions and exceptions pertaining to the invoicing of such coals which were established by the order of the Acting Director dated August 15, 1942, in the above-entitled matter. The District Board also requests that temporary relief be granted pending final disposition of this matter.

In support of its motion, District Board No. 11 states that minimum prices have not been established for certain preparations of crushed coal, and resultant sizes thereof, either loaded directly into railroad cars or mixed with other coals, which were being made prior to the establishment of minimum prices for certain crushed coals by the aforesaid order; that the original petition in this matter did not include various size groups for which relief is now sought; and that the requirements imposed by the order of August 15, 1942 with respect to the invoicing of coals for which mini-

imum prices were established by said order are not necessary in certain instances.

Temporary relief, which is also requested by the District Board, is granted in a Memorandum Opinion and Order Granting Temporary Relief issued concurrently herewith.

Now, therefore, it is ordered, That the motion of District Board No. 11 for the reopening of and further hearing in the above-entitled proceeding be and the same hereby is granted.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 8, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section at the Offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 3, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to motion of District Board No. 11 to amend Supplement R attached to and made a part of the order dated August 15, 1942, in the above-entitled matter in the following respects:

I. Add thereto the following matter:

Type of preparation	Price group Nos.	Minimum prices
Crushed coal, made from raw or mechanically cleaned coal, from which 50 per cent of 3/4 inch minus is removed, or which is dedusted through the use of standard dedusters equipped with screens with openings smaller than 8 mesh, and which is loaded direct into railroad cars, or is mixed with washed screenings (Size Groups Nos. 23-24).	5-6.....	20 cents per ton over prices for group No. 14, except that for Size Group 13 coals the amount shall be 30 cents, instead of 20 cents, over prices for Size Group 14.
	8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20.	25 cents per ton over prices for Size Group No. 14, except that for Size Group 13 coals the amount shall be 35 cents, instead of 25 cents over prices for Size Group 14.
	1, 2, 3, 4, 7, 18, 19.....	40 cents per ton over prices for Size Group No. 14, except that for Size Group 13 coals the amount shall be 50 cents, instead of 40 cents, over prices for Size Group 14.

II. Add to Items Nos. 3 and 4 thereof the following note: Coals in Size Groups 26-29, inclusive, and Size Groups 30-32, inclusive, which contain crushed coal of the preparation described in this item shall be subject to the effective minimum prices for Size Groups 26-29, inclusive, and Size Groups 30-32, inclusive, as the case may be.

III. Add to Item No. 5 thereof the following note: Coals in Size Groups 26-29,

inclusive, and Size Groups 30-32, inclusive, which contain crushed coal of the preparation described in this item shall be priced 10 cents per ton higher than the effective minimum prices for Size Groups 26-29, inclusive, and Size Groups 30-32, inclusive, as the case may be.

IV. Delete Item No. 6 thereof.

V. Add the following matters thereto:

Type of preparation	Price group Nos.	Minimum prices
Stoker coals of the size dimensions prescribed for Size Groups 9, 10, 11, 12, which are made from rescreening crushed raw or mechanically cleaned coal, and which are loaded directly into railroad cars. Stoker coals (Size Groups 9, 10, 11, 12) made from rescreening crushed raw or mechanically cleaned coal and which are mixed with raw stoker coals (Size Groups 9, 10, 11, 12) or with washed stoker coals (Size Groups 17, 18, 19, 20) made from the total concurrent production of screenings. Provided, however, in no case shall the allotment of the crushed coal in a mixture exceed 50 percent of the aggregate.	1, 2, 3, 4, 13, 14.....	15 cents per ton over the prices for Size Groups 9, 10, 11, or 12, as the case may be.
	5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20.	10 cents per ton over the prices for Size Groups 9, 10, 11, or 12, as the case may be.
	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.	Prices for Size Groups 9, 10, 11, or 12, or Size Groups 17, 18, 19, or 20, as the case may be.
	1, 2, 3, 4, 7, 18, 19.....	30 cents per ton over the prices for Size Group 15.
Resultant carbon or dust (Size Groups 15-16) made from the preparation of crushed stoker coals or from dedusting crushed coal, and which is loaded direct into railroad cars.	14.....	25 cents per ton over the prices for Size Group 15.
	13, 15, 16, 17.....	20 cents per ton over the prices for Size Group 15.
	5, 6, 8, 9, 10, 11, 12, 20.....	15 cents per ton over prices for Size Group 15.
Resultant carbon or dust (Size Groups 15-16) made from the preparation of crushed screenings nut or stoker coal, which is mixed with the total concurrent production of raw carbon or dust (Size Groups 15-16) or with washed carbon (Size Group 25), provided, however, in no case shall the allotment of the resultant carbon or dust in the mixture exceed 50 percent of the aggregate.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.	Prices for Size Groups 15, 16, or 25, as the case may be.

VI. Restrict the application of the price instruction and exception pertaining to invoices covering the shipment of the crushed coals involved in this proceeding.

Dated: November 18, 1942.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 42-12120; Filed, November 19, 1942; 10:18 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6448]

ROY L. ALBERTSON (WBNY)

NOTICE OF HEARING

In re application of Roy L. Albertson (WBNY), dated June 26, 1942, for modification of license; class of service, broadcast; class of station, broadcast; loca-

tion, Buffalo, New York; operating assignment specified: Frequency, 680 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942, as supplemented September 22, 1942.

2. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WBNY operating as proposed.

3. To determine the extent of any interference which would result from the

simultaneous operation of Station WBNY as proposed and Stations WLAW, WPTF and WISR.

4. To determine the areas and populations which would be deprived of primary service, particularly from Stations WLAW, WPTF and WISR, should Station WBNY operate as proposed, and what other broadcast services are available to those areas and populations.

5. To determine the areas and populations which may be expected to gain primary service should Station WBNY operate as proposed and what other broadcast services are available to those areas and populations.

6. To determine the areas and populations which may be expected to lose primary service should Station WBNY operate as proposed and what other broadcast services are available to those areas and populations.

7. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly as to the minimum height requirements.

8. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice and proposed allocation of broadcast facilities (footnote 4, page 3, Standards of Good Engineering Practice).

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by a grant of the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Roy L. Albertson, Radio Station WBNY, 485 Main Street, Buffalo, New York.

Dated at Washington, D. C., November 19, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-12149; Filed, November 20, 1942;  
10:54 a. m.]

[Docket No. 6449]

DAVID ASHTON BROWN

NOTICE OF HEARING

In re application of David Ashton Brown (New), dated December 29, 1941, for Construction Permit; class of service, class II experimental; class of station, class II experimental; location, Marion, Ohio; operating assignment specified: Frequency, 310,000 kc; emis-

sion, A3; power, 1.35 w night; 1.35 w day; hours of operation, sections 5.15 and 5.18.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has an organized plan of research leading to a specific objective in the experimental field.

2. To determine whether the applicant has a program of research and development that has reached the stage in the laboratory where actual transmission by radio is essential to the further progress of the experimental program.

3. To determine whether the applicant has a program of research which possesses reasonable promise of substantial contribution to the development or extension of the radio art or is along lines not previously investigated.

4. To determine whether the program of research and experimentation will be conducted by qualified personnel.

5. To determine whether the applicant is legally, technically, financially and otherwise qualified, and possesses adequate facilities, to carry forward the program proposed.

6. To determine whether the applicant is primarily interested in research and experimentation in radio, directed toward the development of a new or proposed radio service or some phase of an established radio service.

7. To determine whether the operation as proposed, will cause interference with established stations or services.

8. To determine the use which will be made of the proposed station and the type and character of service which will be rendered.

9. To determine whether the requirements set out under the rules of the Commission, for experimental operation, governing the services involved, will be met.

10. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity will be served by a grant of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: David Ashton Brown, 135 East Church Street, Marion, Ohio.

Dated at Washington, D. C., November 19, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-12150; Filed, November 20, 1942;  
10:54 a. m.]

## FEDERAL POWER COMMISSION.

[Docket Nos. G-423, G-424 and G-425]

ALLEGANY GAS COMPANY

ORDER POSTPONING DATE OF HEARINGS

NOVEMBER 18, 1942.

It appearing to the Commission that:  
(a) By orders of October 13, 1942, the Commission directed that hearings in the above-entitled matters be held on November 25, 1942;

(b) On November 10, 1942, Allegany Gas Company filed a request for a postponement of the date fixed for the hearings;

(c) Good cause has been shown for the postponement of the hearings;

The Commission orders, That:

The hearings in these matters heretofore ordered to be held on November 25, 1942, be and they hereby are postponed to January 11, 1943, at the same place and hour.

By the Commission.

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-12142; Filed, November 20, 1942;  
10:13 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 17-1]

ALLISBAUGH TRUCKING CO., ET AL.

COORDINATION OF MOTOR VEHICLE SERVICE

R. D. Allisbaugh, doing business as Allisbaugh Trucking Company; O. Brown, doing business as Brown Trucking Company; Harry Urschel, doing business as Urschel Trucking Company; R. E. Dieckbrader; Vera Carter, doing business as M. C. Trucking Company; Fred E. and F. Alvan Sohn, doing business as Sohn and Son; and Zimmerman Trucking Service, Inc.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of specified commodities as contract carriers by motor vehicle, filed with the Office of Defense Transportation by R. D. Allisbaugh, doing business as Allisbaugh Trucking Company, Wabash, Indiana; O. Brown, doing business as Brown Trucking Company, Wabash, Indiana; Harry Urschel, doing business as Urschel Trucking Company, Wabash, Indiana; R. E. Dieckbrader, Cincinnati, Ohio; Vera Carter, doing business as M. C. Trucking Company, Anderson, Indiana; Fred E. and F. Alvan Sohn, doing business as Sohn and Son, Carthage, Indiana; and Zimmerman Trucking Service, Inc., Knightstown, Indiana, as governed by § 501.72 (b) of General Order ODT 17, as amended,<sup>1</sup> and good cause appearing therefor; *It is hereby ordered, That:*

1. R. D. Allisbaugh, doing business as Allisbaugh Trucking Company; O. Brown, doing business as Brown Trucking Company; Harry Urschel, doing business as Urschel Trucking Company; R. E. Dieckbrader; Vera Carter, doing business as M. C. Trucking Company; Fred E. and F. Alvan Sohn, doing business as Sohn

<sup>1</sup> 7 F.R. 5678, 7694.

and Son; and Zimmerman Trucking Service, Inc. (hereinafter collectively called "carriers"), respectively, in the transportation of pulpboard, woodpulp, scrap paper, wooden skids and cores, paper boxes, lime, straw, paper mill equipment, supplies and dye, as contract carriers by motor vehicle, for the Container Corporation of America, in order to facilitate the movement of shipments of such described commodities by such carriers within the limitations, restrictions, and requirements of General Order ODT 17, as amended, shall establish an office at Carthage, Indiana, and appoint a manager thereof, and

(a) Shall register with such office shipments of the Container Corporation of America which any of the carriers may be unable to transport by reason of the limitations, restrictions, or requirements of General Order ODT 17, as amended;

(b) Shall register with such office all motor vehicles and facilities for which the carriers have no shipments available.

(c) Such manager shall receive such information and shall arrange with the respective carriers for the acquisition and utilization of such available motor vehicle equipment and facilities of such other carriers for the transportation of such shipments so as to eliminate empty mileage wherever feasible.

(d) Such office shall prepare and maintain a record of all such shipments, available motor vehicle equipment and facilities, and arrangements made in respect of its utilization by such other carriers and shall keep such other records and make such reports as may be prescribed or required by the Office of Defense Transportation. All records of such office shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

(e) The cost of maintaining such office shall be divided among the carriers in accordance with such plan of division as they may agree upon: *Provided*, That if such carriers are unable to agree upon a division of the costs, such costs may be apportioned in such manner as may be determined by the Office of Defense Transportation to be just and equitable.

2. When such a carrier utilizes in the performance of authorized transportation service for the Container Corporation of America the motor vehicle of another such carrier together with the services of the driver and helper, or either, regularly employed by such other carrier in connection therewith, it shall not be necessary for such carrier to transfer such driver or such helper to its payroll: *Provided*, That during such period of utilization of such motor vehicle such operating carrier shall assume direction and control of such motor vehicle and facilities, and in respect of its operation, assume full responsibility to the general public and to the Container Corporation of America: *Provided further*, That the name, address, and permit or certificate number of such operating carrier is prominently displayed on both sides of the vehicle and, if the name of such other carrier or the name of any other person also appears on the motor vehicle, the name of the operating car-

rier shall be preceded by the words "operated by."

3. Unless the interested carriers agree upon the amount of compensation payable for the use of any such motor vehicle and facilities so utilized, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent governmental authority.

4. Any contract carrier by motor vehicle duly authorized to engage in interstate or foreign commerce or intrastate commerce in the transportation of said described commodities, or some of them, and engaged as such by the Container Corporation of America, shall be entitled to participate in the plan of action and arrangement contemplated by this Supplementary Order ODT 17-1 if, upon application filed with the Office of Defense Transportation, a copy of which application shall be served upon each member carrier to this plan, the Director of the Office of Defense Transportation shall have determined that the facilities of such carrier are suitable for participation in such plan and arrangement.

5. This Supplementary Order ODT 17-1 shall not be construed so as to permit or require any contract 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, nor shall it be construed so as to relieve any such carrier from inquiring at and registering with a Joint Information Office established pursuant to General Order ODT 13, as amended,<sup>2</sup> available motor vehicle equipment not utilized under the terms of this Supplementary Order ODT 17-1.

6. Each carrier named herein shall file a copy of this supplementary order with the Interstate Commerce Commission and with each appropriate State regulatory body.

7. 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 17-1."

This order shall become effective on November 30, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 20th day of November 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-12157; Filed, November 20, 1942;  
11:46 a. m.]

[Special Order ODT B-32]

NEW ENGLAND TRANSPORTATION CO., ET AL.  
COORDINATION OF MOTOR VEHICLE PASSENGER  
SERVICE

Directing coordinated operation of  
New England Transportation Company;  
Union Street Railway Company; and

<sup>2</sup> 7 F. R. 5066, 5678.

Milton Schoenberg, operating as I. C. T. Bus Company; between Providence, Rhode Island, and New Bedford, Massachusetts.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with the Office of Defense Transportation by New England Transportation Company, Boston, Massachusetts, Union Street Railway Company, New Bedford, Massachusetts, and Milton Schoenberg, operating as I. C. T. Bus Company, East Providence, Rhode Island, pursuant to § 501.49 of General Order ODT 11,<sup>1</sup> and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. New England Transportation Company, Union Street Railway Company, and Milton Schoenberg, operating as I. C. T. Bus Company, (hereinafter collectively called "carriers"), respectively, in the transportation of passengers, express, newspapers, and mail on the routes served by them between Providence, Rhode Island, and New Bedford, Massachusetts, as common carriers by motor vehicle shall:

(a) Honor each other's interstate tickets and waybills between all points common to their lines where equal fares or charges apply, and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish interstate schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable, except at Providence, Rhode Island, and Fall River, Massachusetts, eliminate duplicate depot facilities and commission ticket agencies and in lieu thereof, utilize joint depot facilities and joint commission agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(d) Publish consolidated time tables.

2. On the routes served by the carriers between Providence, Rhode Island, and Fall River, Massachusetts:

(a) The carriers shall operate a combined service of not to exceed forty-one (41) round trips daily;

(b) Milton Schoenberg and New England Transportation Company shall honor each other's intrastate tickets and waybills between all points common to their lines where equal fares or charges apply, and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing

<sup>1</sup> 7 F. R. 4389.

the operation of additional equipment in extra sections;

(c) The carriers shall adjust and establish intrastate schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(d) New England Transportation Company and Union Street Railway Company shall operate, as nearly as practicable, sixty-four and one-half (64½) per cent of the combined vehicle mileage of the carriers, and Milton Schoenberg shall operate, as nearly as practicable, thirty-five and one-half (35½) per cent of such mileage;

(e) New England Transportation Company shall pay to Milton Schoenberg ninety (90) per cent of the amount of revenue collected by it and Union Street Railway Company from transportation that is in excess of sixty-four and one-half (64½) per cent of the combined gross revenue of the carriers from transportation, and Milton Schoenberg shall pay to New England Transportation Company ninety (90) per cent of the amount of revenue collected by him from transportation that is in excess of thirty-five and one-half (35½) per cent of such combined gross revenue.

3. Through service between Providence, Rhode Island, and New Bedford, Massachusetts, shall not exceed eighteen (18) round trips daily by New England Transportation Company and Union Street Railway Company, and seven (7) round trips on Saturdays, Sundays, and legal holidays, six (6) round trips on days preceding legal holidays, and four (4) round trips on other days by Milton Schoenberg.

4. Union Street Railway Company shall operate such intrastate service between Fall River and New Bedford, Massachusetts, as the volume of traffic may require.

5. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, 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 the fares, charges, operations, rules, regulations, and practices of each 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 said Commission and each such regulatory body 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 Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-32."

This order shall become effective on December 4th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 20th day of November 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-12156; Filed, November 20, 1942; 11:46 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 12 Under MPR 161]

JERRY AARTS LOGGING COMPANY, ET AL.

#### OVERTIME ADDITIONS

Order No. 12 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. 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 § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them \$1.00 per 1,000 ft., log scale:

Jerry Aarts Logging Company, Sumner, Washington.

Lerback Logging Co., Seaside, Oregon.

Dye Logging Co., Tillamook, Oregon.

M. C. Willie, Olympia, Washington.

Duffy Bros., Clallam Bay, Washington.

Southard & Tobin, Olympia, Washington.

Sun Down Logging Co., Yelm, Washington.

Halverson & Deeter Logging Co., Everson, Washington.

Grays River Logging Co., Rosburg, Washington.

A. J. Bartley, Raymond, Washington.

Siler Logging Company, Seattle, Washington.

Mt. Baker Timber Company, Bellingham, Washington.

F. E. Langer, Port Orchard, Washington.

Manthe Logging Co., Longview, Washington.

(b) The following company, having changed its status as an overtime company from a 54-hour basis to a 48-hour basis as of September 14, 1942, may add to the maximum prices of all logs produced by it \$1.00 per 1,000 ft. log scale, instead of \$1.50 as has been authorized

by prior order of the Office of Price Administration:

Puget Sound Pulp & Timber Co., Bellingham, Washington.

This change of status shall be effective as of September 14, 1942, and the prior authorization of \$1.50 per 1,000 ft. log scale is hereby revoked for this company.

(c) The following person being on a 54-hour week may add to the maximum prices of all logs produced by it \$1.50 per 1,000 ft., log scale:

H. L. Crippen Logging Company, Hoquiam, Washington.

(d) The following persons being on a 60-hour week may add to the maximum prices of all logs produced by them \$2.00 per 1,000 ft., log scale:

Lee Martin, Quilcene, Washington.

Camp Creek Timber Co., Gardiner, Oregon.

(e) The additions to maximum prices specified in paragraphs (a), (b), (c) and (d) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 12 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(g) This Order No. 12 shall become effective November 21, 1942.

Issued this 20th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-12148; Filed, November 20, 1942; 10:49 a. m.]

[Order 13 Under MPR 161]

#### CONSOLIDATED TIMBER CO.

#### APPROVAL OF MAXIMUM PRICE

Order No. 13 under Maximum Price Regulation 161—West Coast Logs.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Procedural Regulation No. 6, *It is ordered:*

(a) Consolidated Timber Company, Glenwood, Oregon, may sell and deliver to Alfred A. Loef, Portland, Oregon, the following sizes and grade of Douglas fir logs:

Species	Top diameter	Length	Grade	Maximum price per 1,000 feet log scale
Old Growth Douglas fir....	30" and over.....	Random.....	No. 1 log, Suitable for peeling.....	\$50.00

The above logs are to be sold f. o. b. cars Glenwood, Oregon, and the grade and scale is to be based upon the grade and scale of the Columbia River Log Scaling & Grading Bureau. Such logs must also meet the following specifications: No twist, close grained, slow growth, no pitch seams, a minimum of pitch pockets, no knots which might interfere with a

productive yield, and with as little butt flare as possible.

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

(c) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in

§ 1381.158 of Maximum Price Regulation 161 shall apply to the terms used herein.

(e) This Order No. 13 shall become effective November 21, 1942.

Issued this 20th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-12146; Filed, November 20, 1942;  
10:49 a. m.]

[Order 63 Under MPR 188]

PHILIP CAREY MANUFACTURING CO.

DETERMINATION OF MAXIMUM PRICE

Order No. 63 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On October 6, 1942, The Philip Carey Manufacturing Company of Cincinnati, Ohio, filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for Industrial and Steam Railroad Asbestos Smoke Jacks (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such Asbestos Smoke Jacks to be manufactured by them.

*Authorization for The Philip Carey Manufacturing Company to determine maximum prices for Industrial and Steam Railroad Asbestos Smoke Jacks.* (a) The maximum prices which may be charged by The Philip Carey Manufacturing Company for Industrial and Steam Railroad Asbestos Smoke Jacks shall be

determined in each case in accordance with the following formula:

(1) Determine the unit cost of the direct labor involved in the production of the Asbestos Smoke Jack based upon the highest wage rates in effect in the company for any substantial portion of March 1942, for each class of labor involved in the production of the product.

(2) Add to this sum the selling price of the Asbestos Cement Sheathing required, as stated in The Philip Carey Manufacturing Company's Price Schedule No. Y1B, effective February 25, 1942 for railroads, industrials and others, taking a discount of 45% on this stated price.

(3) Add to the total reached in (2) above the cost to the company of all other materials and accessories of all kinds used in the production of the Asbestos Smoke Jack.

(4) Add to the total reached in (3) above a sum equal to 35% of itself.

(5) The price so determined shall be the maximum price for the Asbestos Smoke Jack being priced, including crating.

(6) Where the Asbestos Smoke Jack is being sold uncrated, the same procedure shall be followed as in paragraphs (a) (1) through (a) (5) above: *Provided, however,* That in this case the discount specified in paragraph (a) (2) shall be 50% instead of 45%.

(7) All freight equalization practices and allowances and all trade or cash discounts applicable to the sale of any Asbestos Smoke Jack, whether based on quantity, class of purchaser, or any other cause, shall be applicable to the sale of any Asbestos Smoke Jack in accordance with the specific provisions of the com-

pany's Price Schedule Y1B, referred to above, and with the general practices of the company.

(b) The term "Asbestos Smoke Jack" as used in this Order No. 63 shall include all Smoke Jacks constructed of Asbestos Cement Sheathing and metal and other accessories of varying kinds, manufactured by The Philip Carey Manufacturing Company for use in engine houses to carry out smoke from the stack of the engine, or for related uses, built in each case to the dimensions and specifications shown by the customer.

(c) Within ten days after a maximum price has been determined in accordance with this order, The Philip Carey Manufacturing Company shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price, including a description of the product and the labor and materials used. This report shall be filed in triplicate.

(d) This order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 63 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 63 shall become effective November 21, 1942.

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

Issued this 20th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-12147; Filed, November 20, 1942;  
10:49 a. m.]

