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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

**PART 722—COTTON
SUBPART E—1942**

Proclamation of Results of Cotton Referendum, 1942-1943 Marketing Year¹

By virtue of the authority vested in the Secretary of Agriculture by section 347 of the Agricultural Adjustment Act of 1938, as amended, the following proclamation is hereby issued:

§ 722.403 *Results of cotton referendum.* (a) In the referendum of farmers who were engaged in production of the 1941 crop of cotton, conducted by the Secretary of Agriculture on December 13, 1941, to determine whether such farmers were in favor of or opposed to marketing quotas for cotton for the marketing year beginning August 1, 1942 the total number of votes cast were 840,881 and of the total number of votes so cast 789,662 votes, or 93.9 percent, were in favor of, and 51,219 votes, or 6.1 percent, were opposed to, such marketing quotas.

(b) The national marketing quota for cotton for the marketing year beginning August 1, 1942, proclaimed by the Secretary of Agriculture on October 28, 1941, will be in effect for such year. (Section 347 of the Act, 52 Stat. 59; 7 U.S.C., Sup., 1347)

Done at Washington, D. C., this 29th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] **PAUL H. APPLEBY,**
Acting Secretary of Agriculture.

[F. R. Doc. 42-840; Filed, January 30, 1942; 11:24 a. m.]

¹Tabulation of 1942 cotton marketing quota ballots by states was filed as part of the original document.

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR SUGARCANE PRODUCERS IN PUERTO RICO FOR THE CROP YEAR 1941-42, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED.

Whereas section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carryover inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

and
Whereas subsection (c) of section 301 of said act provides as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce. In

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excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

and

Whereas the quantity of sugar required to be produced from the 1941-42 crop of sugarcane in Puerto Rico to enable that

area to meet its quota (and provide a normal carryover inventory) for the calendar year 1942 is estimated to be 1,203,624 short tons, raw value, and the total of the 1941 bases has been computed at 925,564 short tons, raw value:

Now, therefore, the following determination is hereby issued:

§ 802.46c *Proportionate shares for sugarcane producers in Puerto Rico for the crop year 1941-42*—(a) *Farm proportionate share*. The proportionate share for each farm in Puerto Rico for the 1941-42 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on the farm and marketed (or processed by the producer) for the extraction of sugar during the crop year 1941-42: *Provided, however*, That payment shall be limited to the amount of sugar calculated for the farm as follows:

(1) For any farm except as provided in subparagraph (2) hereof, the amount of sugar obtained by multiplying the 1941 base for such farm by the fraction $\frac{1,203,624}{925,564}$ and converting the result to raw value. The 1941 base for any such farm shall be the 1940-41 proportionate share for the farm, (in terms of sugar, 96° basis) or 9 tons of sugar, whichever is greater.

(2) For any farm purchased or leased by the producer from or through the Puerto Rico Reconstruction Administration or the Farm Security Administration, the sugar commercially recoverable from three planted acres of sugarcane.

(b) *Tenant and sharecropper protection*. The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer, any payments to which tenants or sharecroppers would be entitled if the 1940-41 leasing or cropping agreements were in effect.

(2) That there shall have been no interference by any producer with contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane.

(c) *Designation of agent*. The Chief, or the Acting Chief, of the Sugar Division of the Agricultural Adjustment Administration, and the Officer in Charge of the San Juan office of the Agricultural Adjustment Administration, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary of Agriculture in administering the provisions of this section. (Sec. 302, 50 Stat. 910; 7 U.S.C. 1132)

Done at Washington, D. C., this 29th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 42-829; Filed, January 29, 1942; 1:56 p. m.]

[G. S. Q. R. Series 9, No. 2]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1942 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.331 *Consumption requirements and quotas*—(a) *Original consumption requirements*. It is hereby determined, pursuant to section 203 of the Sugar Act of 1937 (hereinafter referred to as the "act"), as amended, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1942 is 39,124 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1942 is 83,782 short tons of sugar, raw value.

(b) *Original local consumption quotas*. There are hereby established, pursuant to section 203 of the said act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1942, the following quotas:

Area:	Quotas in terms of short tons, raw value
Hawaii.....	39,124
Puerto Rico.....	83,782

(Sec. 203, 50 Stat. 905; 7 U.S.C. 1113)

§ 821.332 *Restrictions on marketing*. For the calendar year 1942, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the year has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C. 1119)

Done at Washington, D. C., this 29th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-830; Filed, January 29, 1942; 1:56 p. m.]

TITLE 16—COMMERCIAL PRACTICES CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3948]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SURE LABORATORIES

§ 3.6 (n 2) *Advertising falsely or misleadingly—N a t u r e—Product—§ 3.6 (t)*

Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Sure", or any other substantially similar preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference (1) that respondent's preparation is a neutralizing agent or a breath purifier; (2) that respondent's preparation will destroy or arrest the causes of unpleasant breath, or have any effect upon such causes; and (3) that respondent's preparation has any effect upon unpleasant breath odors other than that of a perfume in temporarily masking such breath odors; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Sure Laboratories, Docket 3948, January 26, 1942]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings.* In connection with offer, etc., of respondent's "Sure", or any other substantially similar preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference (1) that the possible earnings or profits of agents, salesmen, representatives, or distributors for any given period of time is any specified sum of money which is not a true representation of the average net earnings or profits consistently made by a substantial number of respondent's full-time active agents, salesmen, representatives, or distributors in the ordinary course of business under normal conditions and circumstances; (2) that the earnings or profits of any agent, salesman, representative, or distributor for any given period of time is any specified sum of money which has not, in fact, been consistently earned, net, by such agent, salesman, representative, or distributor in the ordinary course of business and under normal conditions and circumstances; and (3) that any specified sum of money greatly in excess of the average earnings of other agents, salesmen, representatives, or distributors of respondent has been earned by any specified representative, unless such representation is immediately accompanied by a statement to the effect that such earnings are exceptional and unusual; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Sure Laboratories, Docket 3948, January 26, 1942]

In the Matter of Fannie P. Fox, an Individual, Trading and Doing Business Under the Name of Sure Laboratories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered that the respondent Fannie P. Fox, an individual, trading and doing business under the name of Sure Laboratories, or trading under any other name, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of her preparation known as "Sure," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly,

(1) Disseminating, or causing to be disseminated, any advertisement by means of United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondent's preparation is a neutralizing agent or a breath purifier;
(b) That respondent's preparation will destroy or arrest the causes of unpleasant breath, or have any effect upon such causes;

(c) That respondent's preparation has any effect upon unpleasant breath odors other than that of a perfume in temporarily masking such breath odors;

(d) That the possible earnings or profits of agents, salesmen, representatives, or distributors for any given period of time is any specified sum of money which is not a true representation of the average net earnings or profits consistently made by a substantial number of respondent's full-time active agents, salesmen, representatives, or distributors in the ordinary course of business under normal conditions and circumstances;

(e) That the earnings or profits of any agent, salesman, representative, or distributor for any given period of time is any specified sum of money which has not, in fact, been consistently earned, net, by such agent, salesman, representative, or distributor in the ordinary course of business and under normal conditions and circumstances;

(f) That any specified sum of money greatly in excess of the average earnings of other agents, salesmen, representatives, or distributors of respondent has been earned by any specified representative, unless such representation is immediately accompanied by a statement to the effect that such earnings are exceptional and unusual;

(2) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof and respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[P. R. Doc. 42-834; Filed, January 30, 1942;
11:10 a. m.]

[Docket No. 4236]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OLD COLONY KNITTING MILLS, INC., ET AL.

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Foreign, in general.* Using, in connection with offer, etc., in commerce, of any yarn, garment or fabric made of wool or simulated wool, the word "Shetland, either alone or in conjunction with any other word or words, to designate or describe any such yarn, garment, or fabric which is not the wool of, or made from the wool of, Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Old Colony Knitting Mills, Inc., et al., Docket 4236, January 27, 1942]

In the Matter of Old Colony Knitting Mills, Inc., a Corporation, and Maine Spinning Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the

answers of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Old Colony Knitting Mills, Inc., a corporation, and respondent Maine Spinning Company, a corporation, their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, or any yarn, garment, or fabric made of wool or simulating wool, do forthwith cease and desist from using the word "Shetland", either alone or in conjunction with any other word or words, to designate or describe any such yarn, garment, or fabric which is not the wool of, or made from the wool of, Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the motion of respondent Maine Spinning Company to dismiss the complaint herein, or in the alternative to dismiss the complaint as to it, which motion was denied without prejudice to respondent's right to renew the same at the time of final argument and which motion was duly renewed, be, and the same hereby is, denied.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-836; Filed, January 30, 1942;
11:11 a. m.]

[Docket No. 4629]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF VICTOR HAT COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* Representing, in connection with offer, etc., of hats, (1) that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp in some conspicuous place on the

exposed surface of the inside of the hat in conspicuous and legible terms which can not be removed or obliterated without mutilating the hat itself, a statement that said products are composed of second-hand or used materials, or, (2) in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials, prohibited; subject to the provision, however, as respects former prohibition that if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then and in that event such statement may be stamped upon such bands, and subject to further provision in said connection, however, that said stampings are of such nature that they can not be removed or obliterated without mutilating the band and the band itself can not be removed without rendering the hat un-serviceable. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Victor Hat Company, Docket 4629, January 26, 1942]

In the Matter of Frank Gorr, Individually, and Trading as Victor Hat Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Frank Gorr, individually, and trading as Victor Hat Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat in conspicuous and legible terms which can not be removed or obliterated without mutilating the hat itself, a statement that said products are composed of second-hand or used materials: *Provided,* That if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then and in that event such statement may be stamped upon such bands: *Provided further,* That said stampings are of such nature that they can not be removed or obliterated without mutilating the band and the band

itself can not be removed without rendering the hat un-serviceable.

(2) Representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-836; Filed, January 30, 1942;
11:11 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50559]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Amendments to Regulations Under Section 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of Executive Order No. 2729-A, Dated October 12, 1917

JANUARY 26, 1942.

T.D. 50525 (6 F.R. 6404), dated December 11, 1941, as amended by T.D. 50529 (6 F.R. 6453), dated December 15, 1941, is hereby further amended as follows:

Paragraph (1) is amended by adding at the end thereof the following:

* * * If it appear that any letter or other tangible form of communication is being brought into the United States without intention to evade or violate the law, and that the effect of bringing such letter or other form of communication into the United States would not be inimical to the interests of our Government or in the interests of its enemies, the collector of customs may license the bringing of such letter or other form of communication into the United States, in which case there shall be placed thereon the words "Examined and Passed", with the date, the name of the port, and the initials of the collector or other authorized officer; and such letter or other form of communication may then be released, provided there are affixed thereto the appropriate United States postage stamps if the transmittal of the letter or other communication outside the mails is of such nature that the laws of the United States require the use of such stamps. Any person to whom a license is refused by a collector of customs may appeal from such decision to the Secretary of the Treasury, through the Commissioner of Customs, stating all the facts relied upon to show that the decision of the collector should be reversed. (Secs. 3, 5, 40 Stat. 412, 415; secs. XI, XIII, E.O. 2729-A, October 12, 1917; T.D. 50536,

approved by the President on December 26, 1941)

Paragraph (2) is amended by substituting for the proviso in the fourth sentence the following:

* * * *Provided*, There are affixed thereto the appropriate United States postage stamps if the transmittal of the letter or other communication outside the mails is of such nature that the laws of the United States require the use of such stamps. * * * (Secs. 3, 5, 40 Stat. 412, 415; secs. XI, XIII, E.O. 2729-A, October 12, 1917; T.D. 50536, approved by the President on December 26, 1941)

Paragraph (9) is amended to read as follows:

(9) Each collector of customs shall report to the Commissioner of Customs on Monday of each week the number of communications licensed during the preceding week, and such other information as the Commissioner may from time to time require. (Secs. 3, 5, 40 Stat. 412, 415; secs. XI, XIII, E.O. 2729-A, October 12, 1917; T.D. 50536, approved by the President on December 26, 1941)

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

[F. R. Doc. 42-833; Filed, January 29, 1942; 3:41 p. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

CHAPTER IV—SECRET SERVICE

PART 403—AUTHORIZATION OF ALL BANKS TO DELIVER TO THE TREASURY DEPARTMENT COUNTERFEIT OBLIGATIONS AND OTHER SECURITIES AND COINS OF THE UNITED STATES OR OF ANY FOREIGN GOVERNMENT

JANUARY 29, 1942.

Section 403.2 of the Regulations of October 21, 1941, is hereby amended to read as follows:

§ 403.2 *Delivery of counterfeit obligations and other securities and coins authorized.* Authority is hereby given to all banks and banking institutions of any nature whatsoever organized under general or special federal or state statutes to take possession of and deliver to the Treasury Department through the Secret Service Division all counterfeit obligations and other securities and coins of the United States or of any foreign government, within the meaning of the statutes cited in § 403.1, which shall be presented at their places of business. (Sec. 172, 35 Stat. 1121, sec. 4, 52 Stat. 7; 18 U.S.C. 286)

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

[F. R. Doc. 42-839; Filed, January 30, 1942; 11:17 a. m.]

16 F.R. 5331.

TITLE 32—NATIONAL DEFENSE
CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 968—SILK WASTE, SILK NOILS AND GARNETTED OR RECLAIMED SILK FIBER

Amendment No. 2 to General Preference Order M-26—To Conserve the Supply and Direct the Distribution of Silk Waste, Silk Noils, and Garnetted or Reclaimed Silk Fiber

Section 968.1 (*General Preference Order M-26*) is hereby amended as follows: Paragraph (e) is amended by striking therefrom the date, "the 31st day of January, 1942," and substituting therefor the date, "the 31st day of January, 1943."

This Amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 30th day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-841; Filed, January 30, 1942; 11:34 a. m.]

PART 1058—DIPHENYLAMINE

General Preference Order No. M-75 To Direct the Use and Distribution of Diphenylamine

Whereas, the national defense requirements have created a shortage of Diphenylamine, as hereinafter defined, for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1058.1 *General Preference Order M-75*—(a) *Definitions.* For the purposes of this Order:

(1) "Diphenylamine" means phenyl aniline from whatever source derived.

(2) "Producer" means any person engaged in the production of Diphenylamine and includes any person who has Diphenylamine produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases Diphenylamine for purposes of resale.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which

16 F.R. 4007, 4683, 4634.

case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* On and after February 1, 1942, no deliveries of Diphenylamine shall be made by any Producer or Distributor, except as may be specifically directed by the Director of Industry Operations; and no person shall accept delivery of Diphenylamine made in violation of the foregoing clause. At the beginning of each calendar month, the Director of Industry Operations will issue to all Producers and Distributors specific directions covering deliveries of Diphenylamine which may be made by such Producers or Distributors during such month. Such directions will be made to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(d) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(e) *Reports.* Reports shall be made by Producers and Distributors at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the War Production Board. In addition, persons who order or receive Diphenylamine from a Producer or Distributor shall furnish to the Chemicals Branch of the War Production Board information with respect to requirements and use of such material at such times and on such forms as the said Chemicals Branch shall prescribe. All persons shall furnish such other and further information as the Chemicals Branch may deem necessary for the orderly and effective operation of this Order. Applications for making and accepting delivery of Diphenylamine shall be made on Forms PD-262, 266 (with respect to acceptance of delivery of Diphenylamine), and 263. (with respect to making deliveries of Diphenylamine).

(f) *Notification of customers.* Producers and Distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(g) *Violations or false statements.* Any person who violates this Order, or who willfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise willfully furnishes false information to the Director of Industry Operations, or the War Production Board may be deprived of priorities

assistance or may be prohibited by the Director of Industry Operations from obtaining further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Diphenylamine conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference M-75, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942; 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 30th day of January, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-842; Filed, January 30, 1942; 11:34 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 43¹—USED STEEL BARRELS OR DRUMS

Section 1306.204 is hereby revoked and §§ 1306.201, 1306.208 and 1306.210 are hereby amended to read as follows:

§ 1306.201 *Maximum prices for used steel barrels or drums.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, used steel barrels or drums, and no person shall buy, offer to buy, or accept delivery of used steel barrels or drums at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.210.

§ 1306.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "User" means a person who uses a drum as a container for the shipment or storage of goods;

(c) "Drum" means a steel barrel or drum of a capacity of 14 to 16 gallons, inclusive, or 29 to 33 gallons, inclusive, or 50 to 58 gallons, inclusive;

(d) "Raw used drum" means a drum which has been emptied but which is not a reconditioned drum;

(e) "Reconditioned drum" means a raw used drum which has been both washed and painted, and also subjected to any and all other process or processes necessary to make the raw used drum fit for reuse as a container, *except that*, in the case of a raw used drum, which is galvanized, painting is not necessary to constitute such galvanized drum a "reconditioned drum" within the meaning of this Schedule.

§ 1306.210 *Appendix A; maximum prices for used steel barrels or drums—*

(a) *Maximum prices for reconditioned drums.* The maximum prices for a reconditioned drum, delivered to the purchaser, shall be as follows:

14 to 16 gallons, inclusive.....	\$1.45
29 to 33 gallons, inclusive.....	1.85
50 to 58 gallons, inclusive.....	2.25

Additional charges. Charges per drum in addition to the above may be made as follows:

(1) Where a reconditioned drum is delivered in excess of 50 miles from the shipping point, the lower of the following alternative charges may be added:

(i) Actual cost of transportation from the shipping point, or

(ii) For each 75 miles or fraction thereof in excess of 50 miles from the shipping point:

14 to 16 gallons, inclusive.....	5 cents
29 to 33 gallons, inclusive.....	7½ cents
50 to 58 gallons, inclusive.....	10 cents

(2) Where a raw used drum is reconditioned and delivered in the States of California, Washington and Oregon:

14 to 16 gallons, inclusive.....	15 cents
29 to 33 gallons, inclusive.....	25 cents
50 to 58 gallons, inclusive.....	50 cents

(3) Where a drum which is lined has been reconditioned so that it is suitable for use as a food container without any further reconditioning process and is sold for use as a food container:

14 to 16 gallons, inclusive.....	15 cents
29 to 33 gallons, inclusive.....	20 cents
50 to 58 gallons, inclusive.....	25 cents

(b) *Maximum prices for raw used drums purchased direct from the person who empties the drums.* The maximum price for a raw used drum purchased direct from the person who empties the drum, f. o. b. the place where the drum is emptied, shall be as follows:

14 to 16 gallons, inclusive.....	\$.75
29 to 33 gallons, inclusive.....	1.00
50 to 58 gallons, inclusive.....	1.25

provided that a charge per drum in addition to the above may be made where the raw used drum is purchased and delivered in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive.....	10 cents
29 to 33 gallons, inclusive.....	20 cents
50 to 58 gallons, inclusive.....	40 cents

(c) *Maximum prices for raw used drums other than in paragraph (b).* The maximum prices for a raw used drum, delivered to the purchaser, other than those purchased direct from the person who empties the drum, shall be as follows:

14 to 16 gallons, inclusive.....	\$1.00
29 to 33 gallons, inclusive.....	1.30
50 to 58 gallons, inclusive.....	1.60

(1) *Provided,* That where a raw used drum is picked up by the purchaser a deduction shall be made from the above as follows:

14 to 16 gallons, inclusive.....	5 cents
29 to 33 gallons, inclusive.....	7½ cents
50 to 58 gallons, inclusive.....	10 cents

and (2) *Provided further,* That a charge per drum in addition may be made where the raw used drum is purchased and either delivered or picked up in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive.....	10 cents
29 to 33 gallons, inclusive.....	20 cents
50 to 58 gallons, inclusive.....	40 cents

This amendment No. 2 shall become effective February 2, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-850; Filed, January 30, 1942; 11:48 a. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 8 TO PRICE SCHEDULE NO. 11¹—FINE COTTON GREY GOODS

Section 1316.7 (a) is hereby amended to read as follows:

§ 1316.7 *Reports.* (a) On or before January 10, 1942, and on or before the 10th day of each month thereafter, every manufacturer of fine cotton goods (including manufacturers of fine cotton goods not subject to the maximum prices established herein) shall submit to the Office of Price Administration, Washington, D. C., a report on Form 111:6 setting forth in the detail required by the Form all the constructions (including fancy weaves) of fine cotton goods, other than the constructions and weaves for which maximum prices are established in Appendix A, manufactured or sold by such person in quantities in excess of 15,000 yards during the preceding calendar month, and the highest prices at which each such construction was sold, both for immediate and future delivery, during such month. Copies of Form 111:6 can be procured from the Office of Price Administration.

This Amendment No. 8 shall be effective as of December 24, 1941. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-848; Filed, January 30, 1942; 11:48 a. m.]

¹ 6 F.R. 5961, 7 F.R. 206.

¹ 6 F.R. 6695.

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 79—CARBON TETRACHLORIDE

Correction

The table appearing in § 1335.609 on page 586 of the issue for Thursday, January 29, 1942 is corrected to read as follows:

	Zone 1	Zone 2	Zone 3	Zone 4
Prices per pound, delivered				
(a) Tank cars.....	\$.0525	\$.0575	\$.0675	\$.06
Prices per gallon, delivered				
(b) Carload lots:				
(i) 50-55 gal. drums.....	\$.73	\$.80	\$.94	\$.83
(ii) 5 and 10 gal. cans.....	.97	1.04	1.17	1.07
(c) Less than carload lots:				
(i) 50-55 gal. drums.....	.80	.87	1.00	.90
(ii) 5 and 10 gal. cans.....	1.07	1.14	1.27	1.17

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

PRICE SCHEDULE NO. 83—RADIO RECEIVERS AND PHONOGRAPHS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, wholesale and retail prices of radio equipment for domestic use have increased substantially. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply is seriously threatened by shortages of critical materials needed for the production of armaments, and by the prospect that much of the industry's capacity will be diverted to the manufacture of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of effective controls.

In order to prevent nullification of the Schedule, limited restrictions are imposed upon model changes, as a temporary measure. These restrictions, in their present form, expire on December 31, 1942.

Electrical phonographs employ many of the same components as radios and are frequently combined with radios in a combination unit. They are subject to similar price influences and are, therefore, included in this Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.51 *Maximum prices for radio receiving sets and phonographs.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer

shall sell, offer to sell, deliver or transfer any radio receiving set or phonograph at a price higher than the maximum price.

(a) *Current models offered for sale on or before October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph offered during the period July 15, 1941, to October 15, 1941, inclusive for sale during such period shall be the highest net price, f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made during such period or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *Current models first offered for sale after October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph first offered after October 15, 1941 for sale after such date shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.54 (a) the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made before February 9, 1942, (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery prior to February 9, 1942) to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(c) *Cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any radio receiving set or phonograph delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no radio receiving set or phonograph shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted a copy of such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such cost-plus contract will be approved unless (i) it is in writing and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.

(d) *Discontinued models.* A manufacturer who has at any time discontinued sale of any model may thereafter restore such model to his line and sell, offer for sale, transfer or deliver it at a maximum price no higher than the price in effect at the date of discontinuance, provided such price was not in violation of this Schedule.

(e) *Other models.* The maximum price for any model other than a model referred to in paragraphs (a), (b), (c)

and (d) of this section shall be the price provided for such model in § 1336.53 hereof.*

* §§ 1336.51 to 1336.62, inclusive, issued pursuant to authority contained in E. O. Nos. 8734, 8875, 6 P.R. 1917, 4483.

§ 1336.52 *Less than maximum prices.* Lower prices than those set forth in this Schedule may be charged, demanded, paid or offered.*

§ 1336.53 *Limitation of model changes and maximum prices for new models.* Between February 9, 1942, and December 31, 1942, inclusive, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of radio receiving set or phonograph other than a model referred to in paragraphs (a), (b), (c) and (d) of § 1336.51 except as provided in paragraphs (a), (b), (c) and (d) of this Section.

(a) *Replacement type models.* Ten days before first offering it for sale, a manufacturer wishing to offer for sale a model replacing or similar to any other model in his line at that time, shall submit to the Office of Price Administration an application on Form 183:1 for permission to take such action, containing (1) the specifications and description (including catalog, if any) of such model and (2) satisfactory evidence that the specifications of such model do not differ from those of such other model in a manner tending to degrade quality. Ten days after the mailing of such application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price for such other model.

(b) *Models in process.* A manufacturer wishing to offer for sale a model in process on the effective date of this Schedule, which because of design and specifications cannot qualify under paragraph (a) hereof, shall submit to the Office of Price Administration an application on Form 183:2 for permission to take such action, containing (1) satisfactory evidence (i) that the model cannot qualify under paragraph (a) hereof, (ii) that the design and specifications of the model were completed before the effective date of this Schedule, (iii) that firm commitments for parts or cabinet of such model were made by the manufacturer prior to the effective date of this Schedule, and (iv) that any of such parts or cabinet are usable by such manufacturer only in such model, and (2) the specifications and description (including catalog, if any) and the proposed maximum price for such model. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(c) *Models using new developments.* A manufacturer wishing to offer for sale a model embodying a new technical development shall submit to the Office of Price Administration an application on Form 183:3 for permission to take such action, containing (1) the specifications

and description (including catalog, if any) and proposed maximum price for such model, and (2) satisfactory evidence that such model embodies a new technical development. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(d) *Necessary substitutions.* Manufacturers may change the specifications of any model, provided such change does not increase the price thereof, if (1) the material previously used is (i) unavailable or prohibitive in cost or (ii) its use in radio receiving sets or phonographs is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (iii) the proposed change will result in substantial conservation of strategic materials, and (2) the change is calculated to preserve quality.

(e) A manufacturer may at any time change the cabinet finish of any model or may add to his line at any time a model differing from an existing model only in respect of cabinet finish, provided the price is not thereby increased over the price of the existing model.*

§ 1336.54 *Reports.*—(a) *Current models.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration on Form 183:4 (1) the maximum prices, as determined by paragraph (a) of § 1336.51 hereof, the general specifications and description in effect on October 15, 1941, for each current model offered for sale during the period from July 15, 1941, to October 15, 1941, inclusive, and (2) the maximum prices, as determined by paragraph (b) of § 1336.51 hereof, and the general specifications and description in effect on the effective date of this Schedule for each current model first offered for sale after October 15, 1941. If the general specifications and description of any model are set forth in a catalog, a manufacturer may submit such catalog to the Office of Price Administration in lieu of any other specifications and description of such model.

(b) *Substitutions of component parts.* Not later than March 15, 1942, every manufacturer shall submit a report to the Office of Price Administration on Form 183:5 describing all substitutions of component parts made in any model between February 9, 1942, and February 28, 1942, inclusive, pursuant to § 1336.53 (d); and not later than the 10th day of May, July, September and November, 1942, and January 1943, shall submit a similar report covering two months immediately preceding the month in which each such report is made.

(c) *Changes of cabinet finish.* Within 10 days after taking any action authorized by § 1336.53 (e), every manufacturer shall submit to the Office of Price Administration on Form 183:6 a report describing the action taken.

(d) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of radio receiving sets and phonographs, outstanding on Feb-

ruary 8, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(e) *Discontinued models.* (1) On or before March 15, 1942, every manufacturer who has discontinued sale of any model of radio receiving set or phonograph offered for sale during the period from July 15, 1941, to January 31, 1942, inclusive, shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date of and reason for discontinuing production thereof, and the total number of completed units thereof produced during such period. A model shall be deemed discontinued when notice of discontinuance is given by the manufacturer to his customers.

(2) Within 30 days after any manufacturer discontinues sale of any model of radio receiving set or phonograph after January 31, 1942, he shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date and reason for discontinuing production thereof, and the total number of completed units produced from July 15, 1941, to the date of discontinuance.

(f) *Monthly output of radio receiving sets and phonographs.* On or before March 15, 1942, and on or before the 10th day of each month thereafter every manufacturer shall submit to the Office of Price Administration on Form 183:8 a report setting forth the total number of completed units of each model of radio receiving set and phonograph produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such model. If a report containing such information is required to be submitted to any other federal agency, a copy thereof may be filed with the Office of Price Administration at the time it is filed with such other agency instead of a separate report on Form 183:8.

(g) *Other reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.55 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio receiving sets or phonographs by deterioration of quality, or in connection with a purchase, sale, delivery or transfer of any radio receiving set or phonograph alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.56 *Records.* Every manufacturer making sales of radio receiving sets or phonographs on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the name and number or other designation of each unit,

the price received therefor and the quantity of each unit sold.*

§ 1336.57 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1336.56 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 183:9, containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 183:9 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio receiving sets or phonographs or of the hoarding or accumulation or unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.59 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1336.60 *Definitions.* (a) When used in this Schedule, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity.

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly of radio receiving sets or phonographs.

(3) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets.

(4) "Phonograph" means any device for the playing of records by the use of electrical amplification.

(5) "Model" means any radio receiving set or phonograph sold as a distinct item.

(6) "Current model" means any model offered for sale by the manufacturer during the period July 15, 1941, to February 9, 1942, inclusive.

(7) "Net price" means the amount billed or quoted for a sale, after deducting all discounts and allowances.

(8) "Net price exclusive of federal excise tax" means (i) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (ii) if such price as billed or quoted includes the tax, such price less the amount of the tax.

(9) "Cost-plus contract" means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.

(b) The definitions set forth in subparagraphs (3) and (4) of this § 1336.60 shall not include any equipment primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.61 This Schedule shall not be deemed to authorize the taking of any action prohibited by order of any other federal agency.*

§ 1336.62 *Effective date of this Schedule.* This Schedule shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-849; Filed, January 30, 1942;
11:48 a. m.]

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

PRICE SCHEDULE NO. 84—RADIO, RECEIVER AND PHONOGRAPH PARTS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, prices of parts for radios for domestic use have increased substantially and such increases have in many instances caused advances in prices of radio receiving sets. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply of radio parts is seriously threatened by shortages of critical materials needed for the production of armaments and by the prospect that much of the industry's capacity will be diverted to the production of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of suitable controls.

The various branches of the industry may be found to require separate treatment after full economic data is at hand. Pending completion of a comprehensive

study, it is essential to stabilize the price structure on a temporary basis.

Electrical phonographs employ many of the same parts as radios, and are frequently combined with radios in a combination unit. Phonograph parts are thus subject to price influences similar to those which affect radio parts, and are, therefore, included in this Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.101 *Maximum prices for radio receiving set and phonograph parts.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio or phonograph part at a price higher than the maximum price.

(a) *Parts sold and offered for sale between July 15, 1941, and October 15, 1941.* The maximum price, exclusive of federal excise tax, for any part offered during the period between July 15, 1941, and October 15, 1941, inclusive, for sale during such period, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such part was billed by the manufacturer for delivery during such period, or if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *New parts offered before October 15, 1941, for sale thereafter.* The maximum price, exclusive of federal excise tax, for a part offered before October 15, 1941, to be delivered for the first time after such date, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, quoted in writing by the manufacturer for such part before October 15, 1941.

(c) *Parts first offered for sale between October 16, 1941, and February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time during the period between October 16, 1941, and February 9, 1942, inclusive, for sale during or after such period, shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.103 (a), the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such part was billed by the manufacturer for a delivery made on or before February 9, 1942, (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery of such part to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(d) *Parts first offered for sale after February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time after February 9, 1942, for sale after such date

shall be the price approved by the Office of Price Administration on the basis of a report to it in accordance with § 1336.103 (b).

(e) *Parts sold pursuant to cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any part delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* After February 9, 1942, no part shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such contract will be approved unless it (i) is in writing, and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.*

* §§ 1336.101 to 1336.110, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 P.R., 1917, 4483.

§ 1336.102 *Less than maximum prices.* Lower prices than those set forth in this Schedule may be charged, demanded, paid or offered.*

§ 1336.103 *Reports—(a) Parts offered for sale before February 9, 1942.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration (1) his maximum prices, as determined by paragraphs (a) and (b) and sub-paragraph (c) (1) of § 1336.101, for all parts referred to in such paragraphs; and (2) all lists, catalogues or other materials describing or identifying such parts.

(b) *Parts first offered for sale after February 9, 1942.* A manufacturer wishing to obtain approval of the maximum price for a part referred to in § 1336.101 (d) shall submit to the Office of Price Administration an application for such approval containing a description of such part and stating the proposed price therefor. If within ten days after the mailing of such application, it has not been disapproved by the Office of Price Administration, the manufacturer may sell, offer for sale, deliver or transfer such part at the proposed price.

(c) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of parts, outstanding on February 9, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(d) *Other reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.104 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio or phonograph parts by deterioration of quality or in connection with a purchase, sale, delivery

or transfer of any radio or phonograph part alone or in conjunction with any other article or by subdividing and selling separately the components of an assembled unit, or by way of any service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.105 *Records.* Every manufacturer making sales of radio or phonograph parts on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each sale showing the date thereof, the name and address of the buyer, the name, the number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1336.106 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under Section 1336.105 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 184:1, containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 184:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio or phonograph parts, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.108 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom:

*Provided, That, no application under this Section will be considered unless filed by persons complying with this Schedule.**

§ 1336.109 *Definitions.* (a) When used in this Schedule, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity;

(2) "Manufacturer" means any person regularly engaged in the manufacture and sale of radio or phonograph parts;

(3) "Part" means any component, except a cabinet, of a radio receiving set or phonograph, whether such component is a separate unit or an assembly or combination of two or more units; including (particularly but not exclusively) parts built to the specifications of an individual purchaser.

(4) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets;

(5) "Phonograph" means any device for the playing of records by the use of electrical amplification;

(6) "Net price" means the amount billed or quoted for a sale, after deducting all discounts;

(7) "Net price exclusive of federal excise tax" means (1) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (2) if such price as billed or quoted includes the tax, such price less the amount of the tax;

(8) "Cost-plus contract means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.*

(b) The definitions set forth in subparagraphs (3), (4), and (5) of this section shall not include any equipment primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.110 *Effective date of this Schedule.* This Schedule shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-851; Filed, January 30, 1942;
11:51 a. m.]

PART 1349—ELECTRICAL GENERATION,
TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

PRICE SCHEDULE NO. 82—WIRE, CABLE AND
CABLE ACCESSORIES

The production of wire and cable products is essential both to this country's war program and to its civilian economy. Wire, cable and cable accessories are integral parts of every communication and power distribution system, ranging from far-flung utility operations to the more localized requirements of battleships, airplanes and tanks. Since January 1, 1941, prices of many types of wire and cable

have been increased between five and twenty-five percent. On October 29, 1941, therefore, manufacturers of these products were requested not to increase prices over the level prevailing on October 15, 1941, pending a further study of the industry.

After numerous conferences with representative members of the industry and a study of costs and other factors relevant to the production and sale of wire and cable products, it has been decided that the prices in effect on October 15, 1941, with the modifications contained herein, are fair and equitable and that the informal request should be supplanted by a formal Price Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1349.1 *Maximum prices for wire, cable and cable accessories.* (a) On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in paragraph (c) below, no manufacturer shall sell, offer to sell, deliver or transfer wire, cable or cable accessories and no person shall buy, offer to buy, or accept delivery of wire, cable or cable accessories at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1349.10 and 1349.11.*

*§§ 1349.1 to 1349.11 inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

(b) On and after January 29, 1942, regardless of the terms of any contract or other commitment, except as provided in paragraph (c) below, no person shall make a charge for rolling bars into rods or drawing wire therefrom in excess of the net charge made for similar operations on October 15, 1941, or on the latest date prior thereto on which such operation was performed.

(c) The provisions of this section shall not apply to any contract entered into by a manufacturer prior to November 1, 1941, nor to any contract entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal or the Procurement Division of the Treasury Department or any other agency of the United States prior to the effective date of this Schedule.

(d) Nothing in this section shall prevent the inclusion in any contract for the sale of wire, cable or cable accessories of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided, That* the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or set forth in a manufacturer's price list or discount sheet, purporting to establish automatic or other adjustment of the price of wire, cable or cable accessories, in the event of an increase in any cost or for any other reason shall be deemed a violation of this Schedule and of no effect.*

§ 1349.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1349.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wire, cable or cable accessories, or the rolling of bars into rods or the drawing of wire therefrom: (a) by way of any commission, service, transportation or other charge; (b) by way of any change in customary terms or conditions of sales or services, discounts, premiums, warranties or other privileges; (c) by tying-agreements or other trade understanding; or (d) by any other means, as a result of which the net price received by the manufacturer of such wire, cable or cable accessories will exceed the net price which would have been received by the manufacturer if such wire, cable or cable accessories had been sold or such operations had been performed on October 15, 1941.*

§ 1349.4 *Records and reports.* (a) Every manufacturer of wire, cable, or cable accessories making any sale after January 29, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the price on the date of sale, (4) the net price received, and (5) the quantity and description of the wire, cable or cable accessories sold.

(b) Every person rolling bars into rods or drawing wire therefrom, after January 29, 1942, for a manufacturer of wire, cable or cable accessories, where bars or rods are furnished by such manufacturer, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, showing (1) the date thereof, (2) the name and address of the manufacturer for whom the operation was performed, (3) the net charge, and (4) description of the size, quality and quantity of wire drawn or bars rolled.

(c) On or before February 20, 1942, every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., if it has not already done so, price lists and discount sheets setting forth prices and all extra charges, discounts and allowances applicable on October 15, 1941 to wire, cable and cable accessories offered for sale by such manufacturer.*

(d) If the maximum prices of wire, cable or cable accessories are to be determined in accordance with the provisions of Appendix B hereof, incorporated herein as § 1349.11, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the specifications of such wire, cable or cable accessories, the proposed price, price or cost estimate sheets employing costs existing on October 15, 1941, the proposed billing date, a statement that the procedures and standards employed in estimating costs and determining prices are the same as those employed on October 15, 1941, and the increase, if any, based

on lead content, all certified by an authorized agent of the manufacturer having knowledge of the facts. Such information shall be submitted by mail postmarked not less than twenty days before the proposed date of billing of such wire, cable or cable accessories, and such price shall be the maximum price unless an objection is made by the Office of Price Administration by mail postmarked not less than five days before such proposed billing date.

(e) Every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., any price lists or discount sheets issued subsequent to October 15, 1941, immediately after issuance and shall submit such information in the form of price data, cost data, profit and loss statements and balance sheets in such form and at such times as may be required by the Office of Price Administration.*

§ 1349.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see: (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of prices of wire, cable or cable accessories are urged to communicate with the Office of Price Administration.*

§ 1349.6 *Modification of the Price Schedule.* Persons claiming hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1349.7 *Products subject to the Schedule.* The term: (a) "wire, cable and cable accessories" means:

(1) *Rods* which shall include hot rolled black or cleaned rods for electrical uses.

Any copper, copperclad or copper alloy wire or assembly of wires used for conducting electricity, including the following types:

(2) *Bare wire* which shall include all sizes and shapes of bare and metallic coated wire in solid or stranded form.

(3) *Weatherproof wire* which shall include bare wire over which either two or three cotton braids or the equivalent have been applied in any form and saturated with a weather resistant or heat resistant compound.

(4) *Magnet wire* which shall include all sizes and shapes, whether round, flats or squares, of bare copper wire insulated with enamel, paper, silk and silk substitutes, cotton, asbestos, glass, Formex and combinations of these and similar materials, including high frequency or "Litz" wires, as commonly used in the winding of coils employed for electrical purposes.

(5) *Non-metallic sheathed cable* which shall include an assembly of one or more rubber insulated conductors, each of which may be fibrous covered or protected by a non-metallic armor, with or without an uninsulated ground wire, the entire assembly enclosed in a fibrous sheath, treated with moisture-resistant and flame-resistant finishes, such as Romex or Durax.

(6) *Paper power cable* which shall include solid or fluid types of cable, exclusive of communication cable, in which the conductor is insulated with paper and enclosed in a metallic sheath with or without fibrous or metallic armor coverings to be used for the transmission and distribution of electrical energy.

(7) *Rubber sheathed cord and cable* which shall include a stranded insulated conductor or conductors encased in a rubber or synthetic jacket applied or cured under pressure.

(8) *Rubber power cable* which shall include all types of rubber or synthetic insulated or jacketed, single or multiple conductor cables, exclusive of building wire, finished with a rubber or synthetic jacket, fibrous coverings or metallic sheath, with or without metallic armor including all types of Parkway and Service Entrance Cable but excluding building wire.

(9) *Building wire* which shall include single or multiple conductor rubber or synthetic insulated wires and cables, protected with metallic or non-metallic coverings as used for interior electrical wiring, including wire for use in armored cable.

(10) *Asbestos insulated power cable* which shall include wires and cables insulated with either impregnated asbestos or combinations of impregnated asbestos and other insulating materials, such as varnished cambric, rubber, and synthetics, with all types and kinds of finishes and outer coverings.

(11) *Varnished cambric insulated power cable* which shall include single and multiple conductors, insulated with all types of varnished cambric or combination rubber and varnished cambric, paper and varnished cambric and paper, rubber and varnished cambric, protected with metallic and non-metallic coverings.

(12) *Telephone and telegraph wire* which shall include single or multiple conductor rubber or synthetic insulated assemblies with or without a fibrous or metallic protective covering suitable for service conditions encountered in inside and outside communication circuits.

(13) *Telephone, telegraph or signal cable* which shall include paper or other fibrous insulated conductors in lead or lead-alloy sheath with or without non-metallic or metallic armor.

(14) *Special purpose communication or signal wire and cable* which shall include single or multiple conductors, rubber or synthetic insulated, with or without a fibrous or metallic protective covering.

(15) *Armored conductors* which shall include assemblies of one or more conductors, each insulated with a rubber or synthetic compound and covered with fibrous covering, the single or multiple conductor assemblies having an overall fibrous or lead covering enclosed in a metal armor of galvanized steel or other corrosion resistant metal strip of semi-interlocking construction, such as BX cable.

(16) *Shipboard cable* which shall include copper conductors insulated with rubber, asbestos, varnished cambric, synthetic material or other fibrous covering or any combination of such coverings and with or without a wire braid armor.

(17) *Flexible cord and cord sets—Flexible cords* which shall include single and multiple conductor wires consisting of flexible stranded bare wire, insulated with impregnated cotton, impregnated asbestos, rubber compounds or synthetics and finished with fibrous coverings, rubber or synthetic jackets suitable for use in the wiring of electric fixtures and as power supply for portable electrical appliances.

Cord sets which shall include any item or assembly of items of flexible cords cut to specified length or cut and equipped with soldered ends, eyelets, plugs, switches, or other similar appurtenances for use with electrical appliances or other electrical apparatus.

(18) *Cable accessories* which shall include (1) cable end sealing devices or parts thereof, including devices commonly known as potheads, cable terminals, cable terminators, and bells and junction boxes; (2) unit packages for splicing cable of one or more conductors and (3) miscellaneous materials used with joints for splicing cables of one or more conductors applicable to all cables of the solid insulated type for underground, aerial or submarine use.*

§ 1349.8 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture or fabrication of wire, cable or cable accessories resulting in the production of a finished form of wire, cable or cable accessory.

(c) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, or other allowances.

(d) "Extra charges" mean any additions to the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes cutting charges, freight charges or differentials, winding charges, charges for limited quantity, charges for reels, and charges for special specifications.

(e) "Discounts or other allowances" mean any deductions from the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes discounts based upon whether the purchaser is a wholesaler, jobber, dealer or contractor, the quantity and reel allowances.

(f) "Rolling bars into rods or drawing wire therefrom" includes any operation in the manufacture of rods from bars or of bare wire from bars or rods.

(g) "Net charge" means the toll charge made for rolling bars into rods or drawing wire therefrom, after adjustment for all applicable extra charges, discounts or other allowances.*

§ 1349.9 *Effective date of the Schedule.* This Schedule shall become effective on January 29, 1942.*

Issued this 29th day of January 1942.

LEON HENDERSON,
Administrator.

§ 1349.10 *Appendix A; maximum prices for wire, cable and cable accessories listed in price sheets.* (a) For all types of wire, cable and cable accessories listed in § 1349.7 hereof, except Weatherproof Wire, the prices of which can be determined from prices listed or methods of computation provided in price sheets in effect on October 15, 1941, maximum prices shall be the net prices of the manufacturer thereof on October 15, 1941. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by \$0.00325.

(b) Maximum prices for Weatherproof Wire shall be computed by applying the terms and conditions contained in each manufacturer's price list in effect on October 15, 1941, to a base price of 17.5 cents per pound for solid, soft, drawn, weatherproof copper wire and cable, shipped in less than carload lots.*

§ 1349.11 *Appendix B; maximum prices for wire, cable and cable accessories not covered by § 1349.10, Appendix A.* Maximum prices for wire, cable and cable accessories not covered by Appendix A hereof, incorporated herein as § 1349.10, including new products, shall be the net prices the manufacturer thereof would have charged on October 15, 1941 if such prices had been calculated upon costs existing on such date and by the use of procedures and standards em-

ployed in estimating costs and determining prices on such date. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by \$0.00325.*

[F. R. Doc. 42-832; Filed, January 29, 1942;
6:05 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS
AMENDMENT NO. 5 TO PRICE SCHEDULE NO.
58—WOOL AND WOOL TOPS AND YARNS

Paragraph (e) of § 1354.1 is hereby amended and § 1354.13 is hereby added to read as follows:

1354.1 *Maximum prices for wool and wool tops and yarns*

(e) On and after January 17, 1942,¹ notwithstanding the provisions of paragraphs (a) and (b) above, no person shall grasp (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C and D hereof, incorporated herein as §§ 1314.10 to 1314.13, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C and D: *Provided*, That contracts entered into prior to December 18, 1941 calling for a price higher than the maximum prices may be carried out at the contract price.

§ 1354.13 *Appendix D; maximum prices for domestic pulled wools.* The prices set forth below are maximum prices per pound f.o.b. shipping point. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Strictly combing pulled wools.*

Grade	Price per lb. choice white clean basis	
	Clean basis	Scoured
58s, 60s 3 inches & over.....	\$1.09	
56s, 58s 3 inches & over.....	1.07	
54s, 56s 3 inches & over.....	1.01	
50s, 54s 3 inches & over.....	.97	
50s, 44s 4 inches & over.....	.85	

(b) *Worsted type pulled wools.*

Grade	Price per lb. choice white	
	Clean basis	Scoured
64s, 1½ inches and over.....	\$1.14	\$1.20
62s, 1½ inches and over.....	1.12	1.17
60s, 1½ inches and over.....	1.09	1.14
58s, 2 inches and over.....	1.07	1.12
56s, 2 inches and over.....	1.03	1.08
54s, 2 inches and over.....	.99	1.00
50s, 2 inches and over.....	.92	.93
44s, 50s, 3 inches and over.....	.85	.93

¹ 6 F.R. 6551; 7 F.R. 226, 399, 400, 446.

² The maximum prices established in Appendix D are applicable to sales, offers of sale, deliveries or transfers on and after January 29, 1942.

(c) *Woolen type and lambs pulled wools.*

Grade	Price per lb. choice white	
	Clean basis	Scoured
64s, under 1½ inches.....	\$1.10	\$1.16
62s, under 1½ inches.....	1.07	1.13
60s, under 1½ inches.....	1.07	1.12
58s, under 2 inches.....	1.05	1.10
56s, under 2 inches.....	1.01	1.06
54s, under 2 inches.....	.94	.98
52s, under 2 inches.....	.90	.94
44s, 50s under 3 inches.....	.86	.91

(d) *Off-color pulled wools.*

Grade and description	Clean basis	Scoured
Super Grey 60s.....	\$1.00	\$1.05
Super Grey 58s.....	.95	1.00
Super Light Grey 56s.....	.95	1.00
Super Grey 56s, 58s.....	.92	.96
Average Grey 56s.....	.86	.90
Average Grey 50s, 48s.....	.82	.86
Shank Grey 44s, 50s.....	.66	.70
Black 60 and finer.....	1.03	1.03
Black 56s, 58s.....	.95	.99

(e) *Adjustments for inferior wool.*

The maximum prices for inferior wools of the types and grades set forth above shall be the maximum prices set forth above with the following adjustments:

(1) The maximum price for slightly tinged wool shall be 2¢ less than the applicable maximum price.

(2) The maximum price for yellow or heavily stained wools shall be 5¢ less than the applicable maximum price.

(3) The maximum price for seedy or burry wools which, in accordance with established trade practice, do not require carbonizing shall be 3¢ less than the applicable price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above.

(4) The maximum price for seedy or burry wools which, in accordance with established trade practice, require carbonizing shall be 10¢ less than the applicable maximum price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as the amount of such charges is set forth in the invoice or a similar document delivered to the purchaser.

(f) *Broker's commissions.* The maximum prices set forth above shall include all commissions and other charges: *Provided*, That where a purchaser employs a broker or other agent to make a purchase on his behalf, a commission of not to exceed 1% may be charged for such services and paid by such purchaser. Such commission shall be permissible only if (1) the wool is purchased at a price in compliance with this Schedule and (2) the commission is not split or divided with the seller or with an agent or employee of the seller. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 5 shall become effective January 29, 1942. Issued this 29th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-831; Filed, January 29, 1942; 5:05 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF THE INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY MOTOR CARRIER INDUSTRY OF PUERTO RICO¹

Whereas by Administrative Order No. 134,² dated December 9, 1941, the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, as amended, appointed an Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico, composed of residents of such island and residents of the United States outside of Puerto Rico, said administrative order directing the committee to proceed to investigate conditions in the Railroad and Property Motor Carrier Industry of Puerto Rico and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," except employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14; and

Whereas the Industry Committee on January 20, 1942, recommended a minimum wage rate for the Railroad and Property Motor Carrier Industry of Puerto Rico and duly adopted a report containing said recommendation and on January 26, 1942, filed its report with the Administrator in accordance with section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendation of the Industry Committee if he finds that the recommendation is made in accordance with law, is supported by the evidence adduced at the hearing before him and, taking into consideration the same factors as are required to be considered by the industry

¹To be held February 24, 1942, at Washington, D. C.

²By Administrative Order No. 135, dated December 24, 1941, Mr. Arthur F. Raper of Greensboro, Georgia, was appointed to serve as chairman of the committee instead of Mr. William Homer Spence who had resigned, and the date for convening the committee was changed from January 7, 1942 to January 8, 1942.

committee, will carry out the purposes of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given:

I. The Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico has made the following recommendation for the minimum wage rate to be paid to employees in the Railroad and Property Motor Carrier Industry of Puerto Rico:

Wages at a rate of not less than 20 cents per hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Railroad and Property Motor Carrier Industry of Puerto Rico, as defined in Administrative Order No. 134 dated December 9, 1941.

II. The definition of the Railroad and Property Motor Carrier Industry of Puerto Rico as set forth in Administrative Order No. 134 is as follows:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than \$25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce: *Provided*, That (a) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing, processing, wholesaling or other non-transportation activity, and (b) it does not perform any transportation functions for such company. The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

III. The full text of the report and recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue N.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Witt Building, 249 Peachtree Street NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the committee's report and recommendation, and of the dissenting statements filed by members of the committee, will be available for inspection at, and may be obtained by writing to the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico shall be approved or disapproved pursuant to section 8 of the Act, will be held on February 24, 1942, at 10:00 a. m., in Room 3229, United States Department of Labor Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Major Robert N. Campbell as presiding officer.

V. Any interested person supporting or opposing the recommendation of the Industry Committee for the Railroad and

Property Motor Carrier Industry of Puerto Rico may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person, if not later than February 20, 1942, he files with the Administrator by mail or otherwise at Washington, D. C., a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.

3. Whether such person proposes to appear for or against the recommendations of the committee.

4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document will be available for inspection by any interested person between the hours of 9:00 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division enumerated in paragraph III above:

Bulletin, Serial No. R-1294 entitled *Living Conditions of Workers in Puerto Rico*, a reprint from the *Monthly Labor Review*, April, 1941 of the Bureau of Labor Statistics, United States Department of Labor.

The record made at the public hearing before the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, in Washington, D. C., and in San Juan, Puerto Rico, and may be obtained at prescribed rates from the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C. The foregoing report and record will be offered in evidence at the public hearing herein referred to.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which shall be available at prescribed rates to any person upon request made to the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document, together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the

admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29 day of January, 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-844; Filed, January 30, 1942;
11:36 a. m.]

PRIMA FACIE DETERMINATION IN THE MATTER OF THE EXEMPTION OF THE MINING OF SAPPHIRES FROM SURFACE OR OPEN-CUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE WITHIN THE MEANING OF SECTION 7 (b) (3) OF THE ACT AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER

Whereas, an application has been filed by the American Gem Mines, Phillipsburg, Montana, for the exemption of the mining of sapphires from surface or open-cuts from the maximum hours provisions of the Fair Labor Standards Act as an industry of a seasonal nature within the meaning of section 7 (b) (3)

of the act and Part 526, as amended, of the regulations issued thereunder; and

Whereas, it appears from said application and upon further investigation that:

1. All or practically all of the sapphires produced in the United States are mined from surface or open-cuts in the State of Montana by hydraulic methods.

2. The mining of sapphires from surface or open-cuts by methods employing hydraulic mining is characterized by annually recurrent cessation of operations caused by freezing temperatures and water shortage.

3. Except for maintenance, repair and sales work, the mining of sapphires from surface or open-cuts by methods employing hydraulic mining in the State of Montana ceases completely at regularly recurring times of the year for a period of approximately six months or more because due to climatic or other natural conditions the materials employed by the industry are not available in the form in which they are handled or processed.

Now, therefore, upon consideration of the facts stated in the said application, and upon further investigation, the Administrator hereby determines that a *prima facie* case has been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the mining of sapphires from surface or open-cuts by methods employing hydraulic mining in the State of Montana.

In accordance with the procedure established by § 526.5 (b) (ii) of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

This application may be examined at Room 5307, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 12th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-843; Filed, January 30, 1942;
11:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4556]

IN THE MATTER OF THE CURTISS CANDY COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 29th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended)

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 17, 1942, at ten o'clock in the forenoon of that day (central standard time), Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately, to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-837; Filed, January 30, 1942;
11:10 a. m.]

[Docket No. 4626]

IN THE MATTER OF GRAND RAPIDS FACTORY SHOW ROOMS, INC., AND MORRIS ZISBLATT, MEYER ZISBLATT, SAM ZISBLATT AND LILLIAN ZISBLATT

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 11, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-838; Filed, January 30, 1942;
11:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 813-3, 813-4]

IN THE MATTER OF EXECUTIVES INVESTMENT TRUSTS AND ELFUN TRUSTS
ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1942.

Applications having been duly filed with the Commission by the above-entitled parties for an order, pursuant to section 6 (b) of the Investment Company Act of 1940, exempting the applicants from the provisions of that Act; and

It appearing to the Commission that said applications present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the applications of the above named parties be and the same hereby are consolidated;

It is further ordered, That a hearing on these matters be held on February 9, 1942, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On that day, the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Act and to trial examiners under the Commission's Rules of Practice.

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

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-845; Filed, January 30, 1942; 11:57 a. m.]

[File No. 70-103]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1942.

Notice is hereby given that a supplemental declaration and/or application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than February 16, 1942, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any

time thereafter such supplemental declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Arkansas-Missouri Power Corporation, a subsidiary of John E. Dwyer, Trustee of Inland Power & Light Corporation, a registered holding company, has negotiated with Harris Trust and Savings Bank (Chicago, Illinois) a reduction, effective January 23, 1942, from 3½% to 2¾% in the interest rate payable on \$180,000 principal amount of unsecured 3½% Serial Notes due July 23, 1942-January 23, 1945. The consideration for said reduction in interest rate was the payment on or about January 23, 1942, of the \$30,000 3½% Serial Note maturing July 23, 1945, which note has been paid.

Under date of July 18, 1940, the Commission permitted the original declaration herein, as amended, to become effective with respect to the issue and sale by the Company (among other securities) of \$300,000 principal amount of the subject notes to the said Harris Trust and Savings Bank, Chicago, Illinois, said notes being payable in ten semi-annual installments of \$30,000 each in the years 1941-1945. The Company has paid at maturity \$90,000 principal amount of said notes, in addition to the \$30,000 note maturing July 23, 1945, mentioned above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-846; Filed, January 30, 1942; 11:57 a. m.]

[File No. 70-489]

IN THE MATTER OF THE LACLEDE GAS LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Laclede Gas Light Company, a subsidiary of Ogden Corporation, which is a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Laclede Gas Light Company will offer to the holders of its outstanding and unpledged Refunding and Extension Mortgage 5% Gold Bonds, in the principal amount of \$10,000,000, which were originally due April 1, 1934, but of which

the major portion have been extended to April 1, 1942, to further extend said Bonds to April 1, 1947, interest on said Bonds to be payable after April 1, 1942 at a rate not in excess of 5% per annum.

The Laclede Gas Light Company also will offer to the holders of its outstanding Collateral Trust 6% notes, Series A and B, in the principal amount of \$3,000,000 due August 1, 1942, to extend said Notes to August 1, 1947, interest on said Notes to be payable after August 1, 1942 at a rate not in excess of 6% per annum.

The declaration or application recites that the company considers section 6 (b) of said Act as being applicable to such transactions.

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

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 12, 1942 at 10:00 o'clock, A. M., at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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

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

1. Whether the proposed extensions of said outstanding Bonds and Notes of The Laclede Gas Light Company are entitled to exemption from the provisions of section 6 (a) of said Act under the provisions of section 6 (b) of said Act.
2. Whether it is appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions upon said transactions.
3. Whether all actions proposed to be taken comply with the requirements of said Act and the rules, regulations, and orders promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-847; Filed, January 30, 1942; 11:57 a. m.]