FEDERAL REGISTER

VOLUME 6 NUMBER 75

Washington, Thursday, April 17, 1941

The President

CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportations, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued thereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after April 15, 1941, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation 2413 of July 2, 1940,[1] entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

MACHINERY

[1] 5 F.R. 2467.

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

DONE at the city of Washington this 14" day of April, in the year of our Lord nineteen hundred and forty-one, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2475]

[F. R. Doc. 41-2757; Filed, April 16, 1941; 11:08 a. m.]

CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportations, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued thereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by

CONTENTS

THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

NOTICES

virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the National defense that on and after May 6, 1941, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation 2413 of July 2, 1940,[1] entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

(1) Vegetable fibers and manufactures
(2) Theobromine
(3) Caffein
(4) Sodium cyanide
(5) Calcium cyanide
(6) Casein

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

DONE at the city of Washington this 14'' day of April, in the year of our Lord nineteen hundred and forty-
[SEAL] one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2476]

[F. R. Doc. 41-2758; Filed, April 16, 1941; 11:08 a. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5214 OF OCTOBER 30, 1929, WITHDRAWING PUBLIC LANDS FOR NAVAL PURPOSES

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 5214 of October 30, 1929, withdrawing certain public lands in Alaska for naval purposes, is hereby revoked as to the following-described tract of land comprising part of the Cold Bay-Dolgoi Island Naval Reservation:

Beginning at corner No. 1 M. C. at line of mean high tide at north point of sand spit on south shore of Volcano Bay, Alaska Peninsula, Territory of Alaska, approximately 3600 feet east of the extreme westerly part of said bay, and N. 75°00' W. 4⅕ nautical miles from Arch Point Light in Latitude 55°13'26'' north, Longitude 162°01'24'' west. Thence from Corner No. 1 M. C. by meanders along the line of mean high tide on northwest shore of said sand spit S. 38°00' W. 1325 feet to corner No. 2 M. C. Thence S. 72°10' E. 880 feet to corner No. 3 M. C. Thence by meanders along the line of mean high tide on east shore of said sand spit N. 1°00' W. 1315 feet to point of beginning, containing not exceeding 18 acres.

Ingress and egress to and from the above-described tract of land shall be provided by the Secretary of the Navy under such regulations as he may prescribe.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 14, 1941.

[No. 8736]

[F. R. Doc. 41-2752; Filed, April 15, 1941; 12:18 p. m.]

[1] 5 F.R. 2467.

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.10 *Invitations for bids.*

* * * * *

(f) *Special conditions authorized to be included.*

* * * * *

(23) *Wire notice of shipments.* The following provision will be included in all future invitations for bids which require shipment of equipment or supplies to any activity or officer of the War Department:

In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. This provision is not to be substituted for any other requirement, such as mailing bills of lading. (R.S. 3709; 41 U.S.C. 5; 31 Stat. 905; 10 U.S.C. 1201) [Par. 10*p*, AR 5-140, as added by Proc. Cir. 22, Apr. 4, 1941]

* * * * *

§ 81.16 *Use of standard contract forms*—(a) *Conditions to be included.*

* * * * *

(g) *Wire notice of contract shipments.* The following provision will be included in all future contracts (or purchase orders) which require shipment of equipment or supplies to any activity or officer of the War Department:

In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. This provision is not to be

[1] §§ 81.10 (f) (23) and 81.16 (g) are added.

substituted for any other requirement, such as mailing bills of lading. (R.S. 3709; 41 U.S.C. 5; 31 Stat. 905; 10 U.S.C. 1201) [Par. 7*g*, AR 5-200, as added by Proc. Cir. 22, Apr. 4, 1941]

[SEAL] W. V. CARTER,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 41-2754; Filed, April 16, 1941; 9:39 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 106 of the Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

AMENDMENT OF THE AIR TRAFFIC RULES GOVERNING FLIGHT OVER CERTIFIED HIGH EXPLOSIVE DANGER AREAS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of April 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 15, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.333 to read as follows:

§ 60.333 *Certified danger areas.* Aircraft taking off or landing over any area certified by the Administrator as a danger area shall be operated in such manner as to permit at all times an emergency landing outside of such area in the event of complete power failure.

2. By amending § 60.351 (b) to read as follows:

§ 60.351 (b) An altitude over an area certified by the Administrator as a danger area sufficient to permit at all times an emergency landing outside of such danger area in the event of complete power failure but in no case less than 1,000 feet above the ground: *Provided*, That the restrictions of this subparagraph shall not apply to public aircraft previously authorized by the appropriate governmental agency to make specific flights below such minimums in the public interest.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-2756; Filed, April 16, 1941; 11:01 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—INVESTMENT COMPANY ACT OF 1940

RULE DESIGNATING CERTAIN SECURITIES AS EXEMPTED SECURITIES

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (c), 30 (f) and 38 (a) thereof, and deeming such action appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the provisions of the Act, the Securities and Exchange Commission hereby adopts § 270.30f-3 [Rule N-30F-3], to read as follows:

§ 270.30f-3 *Exemptions from section 30 (f).* (a) The following securities shall be exempted securities for the purposes of section 30 (f) [Sec. 30, 54 Stat. 836]:

(1) Securities held in the estate of a deceased person during a period of two years following the appointment and qualification of the executor or administrator.

(2) Securities held by a guardian or by a committee for an incompetent.

(3) Securities held by a receiver, trustee in bankruptcy, assignee for the benefit of creditors, conservator, liquidating agent, or other similar person duly authorized by law to administer the estate or assets of another person.

(4) Securities reacquired by or for account of the issuer and held by it or for its account. (Sec. 6, 54 Stat. 800; sec. 30, 54 Stat. 836; sec. 38, 54 Stat. 841) [Rule N-30F-3, effective April 16, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-2770; Filed, April 16, 1941; 11:52 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER III—BUREAU OF THE PUBLIC DEBT

[Dept. Circ. No. 657]

PART 312—FEDERAL SAVINGS AND LOAN ASSOCIATIONS AND FEDERAL CREDIT UNIONS AS FISCAL AGENTS OF THE UNITED STATES

The provisions of Part 312 [Treasury Department Circular No. 568 dated September 15, 1936] governing the employment of Federal Savings and Loan Associations and Federal Credit Unions as fiscal agents of the United States for the purposes of taking applications and forwarding remittances for, and making delivery of, United States Savings Bonds, for their members are hereby revoked, effective at the close of business April 30, 1941. (Sec. 22 (a) of the Second Liberty Bond Act, as amended by the Public Debt Act of 1941 (Public No. 7, 77th Congress))

PART 317—REGULATIONS GOVERNING AGENCIES FOR THE ISSUE OF DEFENSE SAVINGS BONDS SERIES E

§ 317.1 *Authority to designate issuing agents.* Section 22 (a) of the Second Liberty Bond Act, as amended by the Public Debt Act of 1941, (Public No. 7, 77th Congress), provides, in part, as follows:

22 (a). The Secretary of the Treasury, with the approval of the President, is authorized to issue, from time to time, through the Postal Service or otherwise, United States savings bonds * * *.

§ 317.2 *Designation of issuing agents.* All banks, trust companies and mutual savings banks incorporated by special law or organized under the general laws of the United States, the District of Columbia, or any State, all Federal Savings and Loan Associations and all other members of the Federal Home Loan Bank System, and all instrumentalities of the United States and other agencies which, by the laws of the United States, may be employed to act as fiscal or financial agents of the United States Government, are hereby designated, subject to the provisions of this circular, for employment as issuing agents for the sale and issue of United States Defense Savings Bonds of Series E, issued pursuant to Treasury Department Circular No. 653,[1] dated April 15, 1941. *Provided, however*, That no issuing agent shall perform or make any effort to perform any of the acts included in such employment, or advertise in any manner that it is authorized to perform such acts until it has been duly certified by the Federal Reserve Bank of the district as having qualified so to act.*

*§§ 317.1 to 317.6, inclusive, issued under the authority contained in sec. 22 (a) of the Second Liberty Bond Act, as amended by the Public Debt Act of 1941 (Public No. 7, 77th Congress).

§ 317.3 *Qualification of issuing agent*—(a) *Declaration of intent.* Any issuing agent designated hereunder, desiring to qualify for employment as such an agent, shall file an Application and Pledge Agreement on Form No. 384[2] with the Federal Reserve Bank of the district, and pledge collateral security of the amount and classes and at the rates set forth in paragraph (b) hereof: *Provided, however*, That each institution, other than a banking institution, organized under State law will be required to transmit with its Application and Pledge Agreement to qualify hereunder, a certification by the duly designated agent or representative of the appropriate Federal Supervising agency to the effect that the institution desiring to qualify possesses appropriate authority under relevant State law and its charter, to act as an issuing agent under the terms of this circular. The amount of the qualification shall be based upon the maturity value of the aggregate amount of Defense Sav-

[1] 6 F.R. 1966.
[2] Filed as part of the original document.

ings Bond Stock, Series E, which the issuing agent desires to have on hand at any one time.

(b) *Security required.* (1) Banking institutions which are, and continue to be, insured by the Federal Deposit Insurance Corporation may qualify to obtain an aggregate of Defense Savings Bond Stock, Series E, of not more than $6,500, maturity value, at any one time, without the pledge of collateral security. The amount of $6,500, maturity value, referred to represents $4,875, issue price, the latter amount approximating the Federal Deposit Insurance Corporation guaranty. If qualification is desired in excess of $6,500, maturity value, eligible collateral in the amount of 75% of the maturity value of such excess must be pledged.

(2) Designated issuing agents which are not insured by the Federal Deposit Insurance Corporation may qualify to obtain such stock by pledging eligible collateral (except as may be otherwise specifically authorized by the Secretary of the Treasury) in the amount of 75% of the approved qualification.

(3) Collateral security eligible for pledge hereunder shall consist of United States bonds or other direct public debt obligations of the United States, or obligations which are unconditionally guaranteed as to both principal and interest by the United States. All of such securities pledged must be in negotiable form and will be accepted at face value.

United States Savings Bonds of any issue registered in the name of the issuing agent pursuant to the provisions of Treasury Department circulars governing the registration thereof will, notwithstanding any provisions of such circulars restricting the pledge thereof, be eligible as collateral security hereunder and will be acceptable at the issue price of such bonds. In all such cases an irrevocable power of attorney shall be executed on behalf of the issuing agent by a duly authorized officer thereof authorizing the Secretary of the Treasury to request payment, and payment of the bond, or bonds, will, if it becomes necessary, be made upon such request at the then appropriate redemption value.

All of the foregoing security shall be pledged under the terms and conditions of the Application and Pledge Agreement, Form No. 384, and all collateral required to be pledged must be delivered to the Federal Reserve Bank of the district or, with the approval of such bank, to any branch thereof, before or upon delivery of the bond stock to the issuing agent.

Upon approval of the Application and Pledge Agreement, the Federal Reserve Bank will issue a certificate of qualification to the issuing agent on Form No. 385.[2] The Federal Reserve Bank, as fiscal agent of the United States, may certify, in whole or in part, the qualification applied for. If the qualification applied for is not certified, appropriate notice thereof will be transmitted to the issuing agent making application.*

§ 317.4 *Accounts, forms and details of operation.* (a) Each banking institution qualified as an issuing agent will be required to open and maintain or continue for the account of the Federal Reserve Bank of the district, as fiscal agent of the United States, a separate deposit account for the proceeds of all sales of Defense Savings Bonds, Series E, to be known as the "Series E, Bond Account." Each such issuing agent shall be required to remit the balance of such account or any part thereof and render reports of transactions in accordance with instructions issued directly by the Secretary of the Treasury or through the Federal Reserve Bank of the district, as fiscal agent. All remittances must be made in funds immediately available at the Federal Reserve Bank point.

Any incorporated bank or trust company qualified as a special depositary under the provisions of Treasury Circular No. 92, revised February 23, 1932, as supplemented, may be authorized by the Federal Reserve Bank of the district, as fiscal agent, to make payment by credit in the "War Loan Deposit Account" up to any amount for which it shall be qualified in excess of existing deposits.

(b) All other qualified issuing agents, except as they may be otherwise specifically authorized from time to time by the Secretary of the Treasury or the Federal Reserve Bank of the district as fiscal agent, shall remit daily to such Federal Reserve Bank the entire proceeds of sales of Defense Savings Bonds of Series E, received by such issuing agents, and shall render reports of transactions in accordance with instructions issued directly by the Secretary of the Treasury or through the Federal Reserve Bank of the district, as fiscal agent.

(c) Application forms, bond stock, report forms and all regulations and necessary instructions relating thereto will be furnished by the Federal Reserve Bank of the district as fiscal agent to qualified issuing agents.*

§ 317.5 *Termination or modification of the qualification of issuing agents.* The Secretary of the Treasury, or the Federal Reserve Bank of the district as fiscal agent, may modify or terminate the qualification of any issuing agent at any time, without previous demand or notice, and require the immediate surrender of any part, or all of the bond stock, held by such issuing agent for sale to the public and not theretofore issued or sold and any part or all of the proceeds due from such bond stock issued or sold.

Any qualified issuing agent which shall have fully complied with the terms of its employment may at any time request the Federal Reserve Bank of the district to modify or terminate its qualification.*

§ 317.6 *Miscellaneous.* No issuing agent shall have authority to sell any Defense Savings Bond hereunder otherwise than as provided in Treasury Department Circular No. 653. Issuing agents must follow all regulations and instructions issued directly by the Secretary of the Treasury or through the Federal Reserve Bank of the district as fiscal agent, covering the sale, issue, inscription and validation of the bonds and the disposition of registration stubs.

Great care must be exercised in the inscription of the bonds, both as to correctness and legibility of the name (or names) in which inscribed, the address (or addresses), the date as of which issued and, finally, the imprint of the dating stamp of the issuing agent.

Nothing herein shall be held to apply to the Post Office Department or the Postal Service.

As fiscal agents of the United States, Federal Reserve Banks are authorized to perform any necessary acts under this circular. The Secretary of the Treasury may, at any time, designate issuing agents other than those hereunder designated, the employment of which shall be subject to qualification as herein provided, except as may be otherwise specifically authorized by the Secretary. The Secretary of the Treasury may, at any time, withdraw this circular as a whole, or from time to time, supplement or amend any of the terms hereof, or of any amendments or supplements thereto, withdraw from sale, refuse to issue or to permit to be issued, any Defense Savings Bonds, Series E, and refuse to sell or permit to be sold, any such bonds to any person. Information in connection with any of the foregoing will be promptly furnished to issuing agents through the Federal Reserve Banks.*

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-2741; Filed, April 15, 1941; 11:48 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[No. M-4-c]

PART 925—NEOPRENE

Supplementary Order for the Distribution of Neoprene

§ 925.4 *Deliveries out of 5 percent reserve.* (a) Pursuant to § 925.1 (General Preference Order M-4[1]) the E. I. du Pont de Nemours & Co., Inc. being the sole producer of neoprene is hereby directed and ordered to deliver during the month of April 1941, in addition to the deliveries directed to be made in § 925.2 (M-4-a[1]) and 925.3 (M-4-b[2]), 5,000 pounds of neoprene to the Arrowhead Rubber Company and 200 pounds of neoprene to the Westinghouse Air Brake Company out of the 5 percent

[2] Filed as a part of the original document.

[1] 6 F.R. 1719.
[2] 6 F.R. 1797.

reserve directed to be set aside in § 925.2 (M–4–a).

(b) This Supplementary Order shall take effect on the 14th day of April 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public, No. 671, 76th Congress).

Issued this 14th day of April 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–2573; Filed, April 15, 1941; 1:12 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

[Supplement No. 1]

PRICE SCHEDULE NO. 5—BITUMINOUS COAL

Price Schedule No. 5, issued April 2, 1941,[1] established maximum prices on bituminous coal because of the substantial cessation of production resulting from failure of mine operators and employees to negotiate a wage agreement.

Numerous inquiries have been made regarding the application of Price Schedule No. 5 to districts and fields where substantial production of coal has been or will shortly be resumed, under an agreement between mine operators and employees which provides that any general wage agreement reached in the Appalachian Conference be made retroactive to April 1, 1941. In considering such inquiries we have consulted with representatives of the Bituminous Coal Division and other experts. The essential fact which has been brought to our attention is the unique position of the bituminous coal industry. Because of its depressed condition, federal legislation has been passed in order that bituminous coal prices might be kept up to a level at least sufficient to return to producers their average costs. Price Schedule No. 5 establishes as maximum prices the actual prices charged on March 28, 1941. We have been informed that, generally speaking, these maximum prices are approximately the same as the minimum prices fixed by the Bituminous Coal Division.

With maximum prices thus established at approximately these minima, it is apparent, if production is to go forward, that a determination must be made now regarding the application of Price Schedule No. 5 to newly mined coal. In making this determination, consideration has been given not only to the factors recited above but to the need for protecting consumers by preserving the March 28, 1941, price for coal heretofore mined, and carefully limiting any increase in price to increased costs. In addition, consideration has been given to the manner in which the industry has customarily treated similar problems arising under substantially similar conditions.

Accordingly, pursuant to and under the authority vested in me by Executive Order 8734,[2] it is directed that:

(1) Bituminous coal producers may (a) demand and receive for coal mined under retroactive wage agreements prices which do not exceed the maxima heretofore set, and (b) at the same time enter into a collateral agreement whereby the purchaser agrees that when Price Schedule No. 5 is revoked by this Office following substantial resumption of production, the purchaser will pay the producer a sum, to be agreed upon between the parties, not to exceed the increase in costs, at the normal rate of production, since March 28, 1941.

(2) Any person purchasing from a producer under such an agreement may, in delivering such coal upon resale, (a) demand and receive prices which do not exceed the maxima heretofore set, and (b) at the same time enter into a similar collateral agreement whereby the next purchaser agrees in his turn to pay the original purchaser such additional sum as the producer may obtain pursuant to the preceding paragraph.

(3) Similar agreements providing for the passing on of the additional sum obtained by the producer may be entered into by subsequent purchasers.

Issued this 16th day of April 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–2773; Filed, April 16, 1941; 11:57 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 241—WILDLIFE

REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF LAWS RELATING TO WILDLIFE

By virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 11, 35; 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), Part 241, Chapter II, Title 36 CFR (Regulations G–20, G–20–A, G–22, and Special Regulations—Big Levels, Virginia; Cherokee No. 1, Tennessee; and Cherokee No. 2, Georgia—of the Rules and Regulations governing the occupancy, use, protection and administration of the National Forests), is hereby amended to read as follows:

§ 241.1 *Cooperation in wildlife protection.* Officials of the Forest Service will cooperate with State, county, and Federal officials in the enforcement of all laws and regulations for the protection of wildlife.

Officials of the Forest Service who have been, or hereafter may be, lawfully appointed deputy game wardens under the laws of any State, will serve in such capacity with full power to enforce the State laws and regulations relating to fur-bearing and game animals, birds, and fish. Such officials will serve as State deputy game wardens without additional pay, except that they may accept the usual fees allowed by the respective States for issuing hunting and fishing licenses. All officials of the Forest Service are prohibited from accepting bounties, rewards, or parts of fines offered by any person, corporation or State for aid rendered in the enforcement of any Federal or State law relating to fur-bearing and game animals, birds, and fish. [Regulation W–1]

§ 241.2 *Cooperation in wildlife management.* The Chief of the Forest Service, through the Regional Foresters and Forest Supervisors, shall determine the extent to which National Forests or portions thereof may be devoted to wildlife production in combination with other uses and services of the National Forests, and, in cooperation with the Fish and Game Department or other constituted authority of the State concerned, he will formulate plans for securing and maintaining desirable populations of wildlife species, and he may enter into such general or specific cooperative agreements with appropriate State officials as are necessary and desirable for such purposes. Officials of the Forest Service will cooperate with State game officials in the planned and orderly removal in accordance with the requirements of State laws of the crop of game, fish, furbearers, and other wildlife on National Forest lands. [Regulation W–2]

§ 241.3 *Federal refuge regulations.* Until a cooperative agreement has been entered into between the Chief of the Forest Service and appropriate State officials for the regulation of game as provided in W–2 and the necessary implementing laws or regulations have been promulgated and taken effect in order to carry out such cooperative agreement the following regulation shall be effective.

(a) Any person desiring to hunt or take game or non-game animals, game or non-game birds, or fish, upon any National Forest lands or waters embraced within the boundaries of a military reservation or a national game or bird refuge, preserve, sanctuary, or reservation established by or under authority of an Act of Congress, shall procure in advance a permit from the Forest Supervisor. The permit shall be issued for a specified reason, shall fix the bag or creel limits, and shall prescribe such other conditions as the Regional Forester may consider necessary for carrying out the purposes for which such lands have been set aside or reserved.

[1] 6 F.R. 1770.

[2] 6 F.R. 1917.

(b) Officials of the Forest Service will cooperate with persons, firms, corporations, and State and county officials in the protection, management, and utlization of game and non-game animals, game and non-game birds, and fish, upon national forest lands of the character referred to in paragraph (a) hereof. The Chief of the Forest Service may authorize the acceptance of contributions from cooperators for the payment of expenses incurred in carrying out the provisions of this regulation.

(c) When necessary for the protection of the forest or the conservation of animal life on refuges under paragraphs (a) and (b), the Chief of the Forest Service may sell, barter, exchange, or donate game and non-game animals. When the interests of game conservation will be promoted thereby, the Chief of the Forest Service may accept donations of game and non-game animals, game and non-game birds, and fish, or the eggs of birds and fish. [Regulation W–3]

§ 241.4 *Big Levels Refuge, Virginia.* Fishing is hereby authorized within the Big Levels Game Refuge, Virginia, under permits issued by the Supervisor of the George Washington National Forest, in accordance with instructions received by him from the Chief of the Forest Service, Washington, D. C., which permits shall state the place and time of fishing, the fee, and the number and size of fish that may be taken. [Regulation W–4]

§ 241.5 *Cherokee Refuge No. 1, Tennessee.* Fishing is hereby authorized within National Game Refuge No. 1, Cherokee National Forest, Tennessee, under permits issued by the Supervisor of the Cherokee National Forest, in accordance with instructions received by him from the Chief of the Forest Service, Washington, D. C., which permits shall state the place and time of fishing, the fee, and the number and size of fish that may be taken. [Regulation W–5]

§ 241.6 *Cherokee Refuge No. 2, Georgia.* Fishing is hereby authorized within National Game Refuge No. 2, Cherokee National Forest, Georgia, under permits issued by the Supervisor of the Cherokee National Forest, in accordance with instructions received by him from the Chief of the Forest Service, Washington, D. C., which permits shall state the place and time of fishing, the fee, and the number and size of fish that may be taken. [Regulation W–6]

Done at Washington, D. C., this 15th day of April 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–2759; Filed, April 16, 1941; 11:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–180]

PETITION OF THE NORTHERN CAMBRIA RETAIL COAL PRODUCERS ASSOCIATION, ET AL., FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICE SCHEDULE FOR DISTRICT NO. 1 FOR TRUCK SHIPMENTS, FOR SHIPMENT OF COAL BY TRUCK IN THE NORTHERN CAMBRIA AREA, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONTINUING HEARING

District Board No. 1, an intervener, having moved that the hearing in the above-entitled matter, heretofore scheduled for April 16, 1941, should be continued until on or about May 20, 1941, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be continued from 10 o'clock in the forenoon of April 16, 1941, until 10 o'clock in the forenoon of May 20, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until May 15, 1941.

Dated: April 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–2760; Filed, April 16, 1941; 11:41 a. m.]

[Docket No. A–369]

PETITION OF DISTRICT BOARD 14 TO AMEND THE PRICE SCHEDULES FOR DISTRICT NO. 14 BY THE ESTABLISHMENT OF SIZE GROUPS 24 AND 25, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF POSTPONEMENT

The original petitioner having applied by telegram for a postponement for not less than six weeks of the hearing in the above-entitled matter, heretofore scheduled for April 16, 1941, and it appearing that there is no objection thereto,

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of April 16, 1941, until 10 o'clock in the forenoon of June 2, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until May 26, 1941.

Dated: April 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–2762; Filed, April 16, 1941; 11:41 a. m.]

[Docket No. A–697]

PETITION OF DISTRICT BOARD NO. 14 FOR PERMISSION TO THE CODE MEMBERS IN DISTRICT NO. 14 TO ALLOW FROM THE EFFECTIVE MINIMUM PRICES FOR THEIR DOMESTIC COALS CERTAIN SEASONAL DISCOUNTS UPON SHIPMENTS DURING THE MONTHS OF JUNE, JULY AND AUGUST, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF POSTPONEMENT

The original petitioner having applied by telegram for a postponement for not less than six weeks of the hearing in the above-entitled matter, heretofore scheduled for April 16, 1941, and it appearing that there is no objection thereto.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of April 16, 1941, until 10 o'clock in the forenoon of June 4, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until May 28, 1941.

Dated: April 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–2763; Filed, April 16, 1941; 11:41 a. m.]

[Docket No. A–773]

PETITION OF LUCKY STRIKE MINING COMPANY, FOR MINE INDEX NO. 57, DISTRICT NO. 11, TO MODIFY THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR TRUCK SHIPMENTS TO MARKET AREA 34 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The intervener, District No. 11, having moved that the hearing in the above-entitled matter heretofore scheduled for April 16, 1941, at Evansville, Indiana, should be postponed until the week of April 28, 1941, and the original petitioner having agreed to the postponement herein, and said intervener having shown good cause why such motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of April 16, 1941, at Evansville, Indiana, until 10 o'clock in the forenoon of May 13, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until May 8, 1941.

Dated: April 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-2761; Filed, April 16, 1941; 11:41 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 17, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Ericksen Textile Company, 626 North Locust Street, Momence, Illinois; Minnow Seines & Basketball Goals; 2 learners; 4 weeks for any one learner; 25 cents per hour; Sewing Machine Operator (Minnow Seines); May 29, 1941.

Stern Metal Works, 2428 North Third Street, Philadelphia, Pennsylvania; Sheet Metal Specialties of every description, mainly for Dental Laboratories; 2 learners; 12 weeks for any one learner; 25 cents per hour; Sheet Metal Working Occupations; October 30, 1941.

Signed at Washington, D. C., this 16th day of April 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-2772; Filed, April 16, 1941; 11:55 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective April 17, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Ackley Uniform Company, 704 Washington Street, St. Louis, Missouri; Apparel; Wash Uniforms; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

American Jacket Company, 617 North Eighth Street, St. Louis, Missouri; Apparel; Washable Service Garments—Men and Women—Aprons, Towels; 2 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Blue Bell Globe Manufacturing Company, 301 North Main Street, Abingdon, Illinois; Apparel; Overalls; 60 learners (75% of the applicable hourly minimum wage); August 14, 1941.

Bona-Fit Shirt Company, Inc., 427 East 19th Street, Paterson, New Jersey; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); April 17, 1942.

Boy Craft, Incorporated, Mahanoy City, Pennsylvania; Apparel; Shirts; 15 learners (75% of the applicable hourly minimum wage); July 31, 1941.

Bridgewater Garment Company, Main Street, Bridgewater, Virginia; Apparel; Pants & Breeches; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Brooklyn Handkerchief Company, 62 Schenectady Avenue, Brooklyn, New York; Apparel; Handkerchiefs; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Cambridge Cravats Company, 51 North Seventh Street, Philadelphia, Pennsylvania; Apparel; Men's Neckwear; 1 learner (75% of the applicable hourly minimum wage); April 17, 1942.

Catawissa Shirt Company, 208 South Third Street, Catawissa, Pennsylvania; Apparel; Men's Shirts; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Joseph Chromow and Company, 951 Broadway, Fall River, Massachusetts; Apparel; Ladies' & Children's Underwear; 30 learners (75% of the applicable hourly minimum wage); August 14, 1941.

Allen S. Drissel, Chalfont Road, Line Lexington, Pennsylvania; Apparel; Men's Separate Pants; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Evelyn B. Undergarment Company, 260 Stone Avenue, Brooklyn, New York; Apparel; Ladies' Underwear; 5 learners (75% of the applicable hourly minimum wage); July 10, 1941.

F. P. Clothing, Amoskeag Mill No. 1 South, Manchester, New Hampshire; Apparel; Men's Topcoats, Overcoats, Sack Coats; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

M. Fine & Sons Manufacturing Company, Inc., 15th & Main Street, New Albany, Indiana; Apparel; Work Shirts, Lumberjackets; 60 learners (75% of the applicable hourly minimum wage); July 24, 1941.

M. Fine & Sons Manufacturing Company, Inc., Paducah, Kentucky; Apparel; Shirts; 60 learners (75% of the applicable hourly minimum wage); July 31, 1941.

Fine Manufacturing Company, 212 South Parjdeas Street, Dallas, Texas; Apparel; Work Pants & Shirts; 3 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Glenmore Novelty Company, Inc., 700 Glenmore Avenue, Brooklyn, New York; Apparel; Boys' Wash Suits; 10 learners (75% of the applicable hourly minimum wage); August 14, 1941.

Gold Seal Garment Company, 288 Plymouth Avenue, Fall River, Massachusetts; Apparel; Summer Sportswear (Slack Suits, Slacks, etc.); 12 learners (75% of the applicable hourly minimum wage); August 14, 1941.

J. P. Dress Company, 259 First Street, Hoboken, New Jersey; Apparel; Ladies' Dresses; 5 learners (75% of the appli-

cable hourly minimum wage); April 17, 1942.

Juvenile Manufacturing Company, Inc., 327 North Flores Street, San Antonio, Texas; Apparel; Wash Suits; 28 learners (75% of the applicable hourly minimum wage); July 31, 1941.

Madewell Manufacturing Company, 1427 South 16th Street, Philadelphia, Pennsylvania; Apparel; Men's Shirts; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Marshall Clothing Manufacturing Company Plant #2, Butler, Indiana; Apparel; Bowling Shirts, Cotton & Satin Softball Pants, Jackets; 15 learners (75% of the applicable hourly minimum wage); August 14, 1941.

Maye Undergarment Company, Inc., 20 Wooster Street, New Haven, Connecticut; Apparel; Ladies' Underwear; 5 percent (75% of the applicable hourly minimum wage); April 17, 1942.

Model of Hollywood, 1240 South Main Street, Los Angeles, California; Apparel; Men's Sportswear, Loafer Coats, Pants; 2 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Night Comfort, Inc., 75 East Pottsville Street, Pine Grove, Pennsylvania; Apparel; Shirts & Sleeping Wear; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Pearlwear Company, Inc., 811 West Columbia Avenue, Philadelphia, Pennsylvania; Apparel; Dresses; 3 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Ratzes Dress, 1 Hoffman Street, Spring Valley, New York; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Rivoli Shirt Company, 395 James Street, Bridgeport, Connecticut; Apparel; Men's Shirts; 10 percent (75% of the applicable hourly minimum wage); July 10, 1941.

Roseman Garment Company, 307 West Van Buren Street, Chicago, Illinois; Apparel; House Coats, Pajamas, Gowns, Slips; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Sandess Manufacturing Company, 1027 Arch Street, Philadelphia, Pennsylvania; Apparel; Boys' Clothing; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

John W. Shaw Company, 329 North Main Street, Decatur, Illinois; Apparel; Cotton Wash Dresses; 15 learners (75% of the applicable hourly minimum wage); August 14, 1941.

Shrage & Pines, Fifth & Walnut Street, Mt. Carmel, Pennsylvania; Apparel; Boys' Shirts; 4 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Shulman & Hyman, 542 Palisade Avenue, Jersey City, New Jersey; Apparel; Children's Cloth Hats & Caps; 12 learners (75% of the applicable hourly minimum wage); July 10, 1941.

Siceloff Manufacturing Company, Inc., Pugh Street, Lexington, North Carolina; Apparel; Overalls, Dungarees, Work Pants; 5 percent (75% of the applicable hourly minimum wage); April 17, 1942.

Irving Sobel & Company, 2300 West Armitage Avenue, Chicago, Illinois; Apparel; Wash Frocks; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Star Garment Manufacturing Company, 211 East Fourth Street, St. Paul, Minnesota; Apparel; Leather & Sheep Lined Garments, Single Pants; 5 learners (75% of the applicable hourly minimum wage); April 17, 1942.

Tyson Shirt Company, 620 Corson Street, Norristown, Pennsylvania; Apparel; Dress & Army Shirts; 5 percent (75% of the applicable hourly minimum wage); April 17, 1942.

United Cotton Goods Company, Inc., Broadway and Hill Streets, Griffin, Georgia; Apparel; White Coats, Vests, Ladies' Uniforms, Towels, Napkins, Butcher Aprons; 1 learner (75% of the applicable hourly minimum wage); May 29, 1941.

Universal Hat & Cap Manufacturing Company, 231 South Green Street, Chicago, Illinois; Apparel; Cloth & Leather Headwear; 3 learners (75% of the applicable hourly minimum wage); October 17, 1941.

A. B. Zuckert Company, 108 North Water Street, Milwaukee, Wisconsin; Apparel; Raincoats; 10 percent (75% of the applicable hourly minimum wage); September 4, 1941.

Joseph B. Haber, Inc., 1335 Washington Avenue, Philadelphia, Pennsylvania; Knitted Wear; Sweaters & Bathing Suits; 3 learners; April 17, 1942.

Suffolk Knitting Company, 217 Jackson Street, Lowell, Massachusetts; Knitted Wear; Knitted Outerwear; 5 percent; April 17, 1942.

Abbeville Mills, Mill Street, Abbeville, South Carolina; Textile; Rayon; 3 percent; April 17, 1942.

Industrial Tape Mills Company, Trenton Avenue & Sergeant Street, Philadelphia, Pennsylvania; Textile; Cotton Narrow Fabrics; 3 learners; April 17, 1942.

J & C Cottons, Ellijay, Georgia; Textile; Cotton Yarn; 10 learners; July 10, 1941.

Southern Worsted Corporation, Greenville, South Carolina; Woolen; Worsted Cloth for Men's Wear; 3 percent; April 17, 1942.

Signed at Washington, D. C., this 16th day of April 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-2771; Filed, April 16, 1941; 11:55 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-25]

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR OLEOMARGARINE

It is proposed, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act [sec. 401, 52 Stat. 1046; 21 U.S.C., Sup. V., 341; sec. 701, 52 Stat. 1055; 21 U.S.C., Sup. V, 371], the Reorganization Act of 1939 [53 Stat. 561 ff.; 5 U.S.C., Sup. V, 133 ff.], and Reorganization Plan No. IV [5 F.R. 2421], and upon the basis of the evidence received at the above-entitled hearing, duly held pursuant to notice thereof issued by the Federal Security Administrator on October 11, 1940 (5 F.R. 4057-4058), that the following order be promulgated:

PROPOSED FINDINGS OF FACT

1. Oleomargarine is a food, plastic in form, which commonly consists principally of one or more of the following fats: (a) rendered fat obtained from cattle, sheep, swine, or goats, or from two or more of such types of animals, (b) vegetable food fat or oil or both, (c) stearin or oil derived from any such fat or oil. Such ingredients are sometimes hydrogenated. (R. pp. 14-19, 24-28, 227, 273, 633-634)

2. Oleomargarine sometimes contains a combination of two or more of the vegetable and animal fats named in paragraph 1, and the relative quantities of vegetable and animal fats used affect the properties of the product. Where such a combination is used, the product will retain some of the properties contributed by both the animal and vegetable fats if such fats are present in equal quantities by weight, or if the weight of neither fat exceeds the weight of the other by a ratio greater than 9 to 1. Such a combination in a ratio up to but not greater than 9 to 1 represents a common practice of the oleomargarine industry. (R. pp. 27-29, 487-490)

3. Oleomargarine is made by intimately mixing one of the five following articles with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. Congealing is effected, either with or without contact with water, and the congealed mixture is sometimes worked. The word "milk" as here used means cows' milk. (R. pp.

19–27, 29–31, 52–54, 78–85, 207–222, 228–229, 597–600, 612–614, 616–617, 632, 680–681)

4. The artificial flavoring diacetyl is sometimes used in oleomargarine to enhance its butter-like flavor. The diacetyl is added as such, or as starter distillate, or is produced during the preparation of the product as a result of the addition of citric acid or harmless citrates. The artificial flavoring augments, and is not in substitution for, the diacetyl which is obtained by the use of bacterial starters in the milk ingredient described in paragraph 3 above. (R. pp. 78–85, 87–91, 145–148, 278–279, 694, 703–704)

5. Butter, salt, and artificial coloring are sometimes used in the preparation of oleomargarine. (R. pp. 14, 31, 74–75, 154, 627, 640)

6. The following sometimes also are added and are suitable ingredients of the product in the quantities hereinafter stated:

(a) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, for the purpose of aiding emulsification and improving the pan-frying quality of the product, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or both, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, for the purpose of aiding emulsification, reducing leakage of moisture from the product, and improving its texture, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, for the purpose of aiding emulsification, reducing leakage of moisture from the product, and improving its texture and pan-frying quality, or (iv) a combination of (i) and (ii) in which the amount of neither exceeds that above stated, or (v) a combination of (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished product. (The weight of diglycerides in each of ingredients (ii), (iii) and (iv) is calculated at one-half actual weight.) (R. pp. 31–33, 57, 91–98, 100–103, 114–129, 135–145, 232–233, 237–244, 273–276, 287–288, 299–301, 316–330, 334–374, 378–394, 411–480, 491–501, 507–515, 526–530, 571–574, 576, 619–621)

(b) Vitamin A, added as a fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units per pound, in order that the oleomargarine, a product used by some consumers for the same purposes as butter, will have a Vitamin A content comparable to that of butter, which is, on the average, approximately 9,000 United States Pharmacopoeia Units per pound. (R. pp. 33, 46, 47, 75, 273–274, 279–280, 538–560, 683–688)

7. Present conditions of retail distribution of oleomargarine do not afford adequate refrigeration for the product. Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not exceeding .1 percent of the weight of the finished product, is therefore sometimes added as a chemical preservative to aid in retarding deterioration of the oleomargarine. (R. pp. 148–196, 230–231, 235–237, 276–278, 295–299)

8. The fat content of oleomargarine, including any milk fat used, commonly constitutes not less than 80 percent of the finished product, and a minimum fat content of 80 percent is recognized in the industry as proper and desirable. (R. pp. 33–38, 41, 67–74, 143)

9. The fat content of oleomargarine can be determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298, under "Indirect Method—Official"; and such method is recognized as an accurate and reliable method for determining the fat content of the product. (R. pp. 39–40)

10. Consumers are interested in knowing whether the fat used in oleomargarine is animal or vegetable fat or oil. Some consumers prefer oleomargarine which is made with vegetable fat or oil, and it is the practice in the industry, where the fat ingredient is wholly vegetable, to so indicate on the label. Oleomargarine made from animal fat or oil, if subject to Federal inspection, bears the inspection label of the Bureau of Animal Industry of the United States Department of Agriculture. If a combination of animal and vegetable fats or oils is used, and both are declared on the label, consumers assume that the ingredient named first is present in the larger quantity. (R. pp. 41–44, 291–292)

11. Vitamin A, when added to oleomargarine, imparts nutritive properties to the product which are not otherwise present to an appreciable extent. It is not a universal practice to add Vitamin A and consumers are interested in knowing when Vitamin A is contained in the product. (R. pp. 45, 75, 605–606)

12. The evidence does not establish (a) that the aliphatic amino acids glycine, glutamic acid, and aspartic acid, or any of them, are common or usual ingredients of oleomargarine, or that their use in the preparation of the product would be suitable, or (b) that monoglycerides or diglycerides of fat-forming fatty acids, or the two in combination, are common or usual ingredients of the product in quantities greater than .5 percent of the weight of the finished product (calculating the weight of diglycerides as one-half actual weight), or that their use in larger quantities would be suitable. (R. pp. 378–394, 427–428, 507–508, 525–526, 560–571, and references to record under paragraph 6 (b) above)

CONCLUSION AND PROPOSED REGULATION

The evidence adduced at the hearing, and the findings of fact above set forth, do not provide an adequate basis for a determination that the recognition in the definition and standard of identity for oleomargarine of the use of any glycine, glutamic acid, or aspartic acid, or of the use of any monoglycerides or diglycerides of fat-forming fatty acids in quantities larger than .5 percent of the weight of the finished product (calculating the weight of diglycerides at one-half actual weight), would promote honesty and fair dealing in the interest of consumers.

On the basis of the foregoing findings of fact, it is concluded that the following definition and standard of identity for oleomargarine would promote honesty and fair dealing in the interest of consumers, and such definition and standard of identity is therefore hereby promulgated:

§ 45.000 *Oleomargarine—Identity; label statement of optional ingredients.* (a) Oleomargarine is the plastic food prepared with one or more of the optional fat ingredients named under one of the following subparagraphs (1), (2), (3), or (4):

(1) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles.

(2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles.

(3) Any combination of ingredients named under subparagraphs (1) and (2) in such proportion that the weight of the ingredients named under (1) either equals the weight of the ingredients named under (2), or exceeds such weight by a ratio not greater than 9 to 1.

(4) Any combination of ingredients named under subparagraphs (1) and (2) in such proportion that the weight of the ingredients named under (2) exceeds the weight of the ingredients named under (1) by a ratio not greater than 9 to 1.

One of the five following articles is intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. (The term "milk" as used herein means cows' milk.) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked. In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(5) Artificial coloring.

(6) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(7) Vitamin A, added as fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units of Vitamin A per pound.

(8) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(9) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iv) a combination of (i) and (ii) in which the amount of neither exceeds that above stated, or (v) a combination of (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. (The weight of diglycerides in each of ingredients (ii), (iii), and (iv) is calculated at one-half actual weight.)

(10) Butter.

(11) Salt.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 289, or Fifth Edition, 1940, page 298, under "Indirect Method—Official".

(b) When any ingredient named under one of the following specified subparagraphs of paragraph (a) is used, the label shall, except as hereinafter provided, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1): "Prepared from Animal Fat", or "Made from Animal Fat".

Subparagraph (2): "Vegetable", or "Prepared from Vegetable Fat", or "Made from Vegetable Fat".

Subparagraph (3): "Prepared from Animal and Vegetable Fats", or "Made from Animal and Vegetable Fats".

Subparagraph (4): "Prepared from Vegetable and Animal Fats", or "Made from Vegetable and Animal Fats".

Subparagraph (5): "Artificially Colored", or "Artificial Coloring Added", or "With Added Artificial Coloring".

Subparagraph (6): "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative", or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative".

Subparagraph (7): "Vitamin A Added", or "With Added Vitamin A".

Subparagraph (8): "Artificially Flavored", or "Artificial Flavoring Added", or "With Added Artificial Flavoring".

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in subparagraphs (5), (6), (7), and (8) are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of Vitamin A may include the number of United States Pharmacopoeia Units which have been added.

Whenever the name "oleomargarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

Any interested person whose appearance was filed at the hearing may, within 10 days from the date of the publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue, Washington, D. C., exceptions to this proposed order. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain a specific reference to the page of the transcript of the testimony or to the exhibit on which such exception is based. Such exceptions may be accompanied with a memorandum brief in support thereof.

WAYNE COY,
Acting Federal Security Administrator.

APRIL 14, 1941.

[F. R. Doc. 41-2755; Filed, April 16, 1941; 10:59 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4059]

IN THE MATTER OF GENERAL ELECTRIC COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of April, A. D. 1941.

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 Miles J. Furnas, 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, April 22, 1941, at ten o'clock in the forenoon of that day (central standard time) in Court Room, Second Floor, Federal Building, Madison, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed promptly 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. 41-2764; Filed, April 16, 1941; 11:50 a. m.]

[Docket No. 4218]

IN THE MATTER OF DO-RAY LAMP COMPANY, INC., 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 14th day of April, A. D. 1941.

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 Miles J. Furnas, 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 Friday, April 25, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, 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. 41-2765; Filed, April 16, 1941; 11:51 a. m.]

[Docket No. 4234]

IN THE MATTER OF MEYER DORFMAN AND ARTHUR COHLER, INDIVIDUALS, TRADING UNDER THE NAME STETSON FELT MILLS

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 14th day of April, A. D. 1941.

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 Miles J. Furnas, 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 Thursday, April 24, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 430, Post Office Building, St. Paul, Minnesota.

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. 41-2766; Filed, April 16, 1941; 11:51 a. m.]

[Docket No. 4394]

IN THE MATTER OF FRANK G. HUNTINGTON, JOSEPH POSTERHOFER, HERMAN POSTERHOFER, AND LOUIS WALTON, TRADING AND DOING BUSINESS UNDER THE NAME EUCLID RUBBER & MANUFACTURING COMPANY

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 14th day of April, A. D. 1941.

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 Miles J. Furnas, 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 Monday, April 28, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 412, Federal Building, Cleveland, Ohio.

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. 41-2767; Filed, April 16, 1941; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1141]

IN THE MATTER OF THE DEXTER COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of April, A. D. 1941.

The Dexter Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $5 Par Value Common Stock from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, May 13, 1941, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2768; Filed, April 16, 1941; 11:52 a. m.]

[File Nos. 7-487—7-491]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO THE KANSAS POWER & LIGHT COMPANY FIRST MORTGAGE BONDS, 3½% SERIES, DUE JULY 1, 1969, PUBLIC SERVICE COMPANY OF INDIANA FIRST MORTGAGE BONDS, SERIES A, 4% DUE SEPTEMBER 1, 1969, CENTRAL ILLINOIS ELECTRIC & GAS COMPANY FIRST MORTGAGE BONDS, 3¾% SERIES, DUE JUNE 1, 1964, THE TOLEDO EDISON COMPANY FIRST MORTGAGE BONDS, 3½% SERIES, DUE JULY 1, 1968, AND BOSTON EDISON COMPANY FIRST MORTGAGE BONDS, SERIES A, 2¾% DUE DECEMBER 1, 1970

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of April, A.D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the abovementioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, April 28, 1941, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-2769; Filed, April 16, 1941; 11:52 a. m.]