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Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

CHAPTER I—CIVIL SERVICE COMMISSION

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

Section 17.1, *Appointments from existing registers*, issued on June 27, 1941 (6 F.R. 3577), is revoked.

Section 17.2, *Appointments pending registers*, issued on June 27, 1941 (6 F.R. 3577) is amended, effective as of August 15, 1941, to read as follows:

§ 17.2 *Procedure prior to the establishment of registers.* (a) In cases of special emergency, an attorney position (including junior attorney and law clerk—trainee positions) may be filled by temporary appointment without regard to the provisions of the Civil Service Act and Rules or of E.O. 8743, Apr. 23, 1941 (6 F.R. 2117), if prior express permission for such an appointment is given by the Board of Legal Examiners with the authorization of the Commission. Any person receiving such a temporary appointment, and all persons who have received temporary appointments under this section, shall be required to pass a noncompetitive examination prescribed by the Board. If a person receiving a temporary appointment shall fail to pass the noncompetitive examination, his appointment shall terminate within 30 days after notification by the Board to the department or agency in which he is employed, except that in cases of special emergency he may be retained, without acquiring civil-service status, for such longer period as the Board, in its discretion, deems necessary. Any person receiving a temporary appointment under this section who passes such noncompetitive examination shall be eligible for a classified status after the expiration of six months from the date of his appointment, if there has been compliance with the provisions of § 2.6, other than those provisions relating to examination.

(b) Subject to the provisions of (a), no person may be appointed to any attorney position unless he has passed a noncompetitive examination prescribed by the Board. Such an examination shall be given only to a person whose proposed appointment has been submitted to the Board by the appointing officer.

(c) The following qualifications shall be required:

(1) For appointment to Grade CAF 4, Graduation from a recognized law school as defined by the Commission, to wit, a law school authorized to confer the Bachelor or higher degree in law, which requires residence work.

(2) For appointment to Grade P1 and higher. Admission to the Bar and the following professional experience or its equivalent: P1, none; P2, one year; P3, eighteen months; above P3, three years. In judging the equivalent of professional experience, special qualifications shall be taken into consideration.

(d) The noncompetitive examination shall consist of two parts: (1) record evaluation; (2) oral examination; *Provided*, That the Board may in special cases waive the oral examination for appointments to grades above P5. The noncompetitive examination shall be conducted by or under the supervision of examining committees of three members to be appointed by the Chairman of the Board, and such committees shall determine the eligibility or ineligibility of the candidate.

(e) The determination of the examining committee shall be final, except that within fifteen days after notification of failure an unsuccessful candidate may petition the Board to review the determination. Such review is discretionary and will be granted only for good cause shown.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

August 6, 1941.

[F. R. Doc. 41-6045; Filed, August 15, 1941; 11:53 a. m.]

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In cases where a Tax and Insurance account has been established and notice of transfer of the property, death of the home owner, or notice of other similar matters affecting the account is received, it is assumed that the present Tax and Insurance account will continue in effect unless the Regional Manager, with the advice of the Regional Counsel, shall otherwise direct.

In foreclosure cases the regular monthly accruals will be continued and the balance in the Tax and Insurance account will not be transferred to the loan account until judgment, or sale, if such sale is not preceded by a judgment, unless otherwise directed by the Regional Counsel or the Loan Service Division.

(Effective date August 15, 1941.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-6028; Filed, August 15, 1941;
11:06 a. m.]

PART 407—TREASURY DIVISION

EXECUTION OF RELEASES AND SATISFACTIONS

Section 407.42 is added reading as follows:

§ 407.42 *Paid loan section.* Upon receipt of any satisfaction, release or other appropriate instruments (in connection with a loan paid in full, a loan to be recast under a new set of collateral instruments, a substitution of collateral, or a partial release) from Regional Counsel accompanied by his certificate that such instruments are in proper legal form for execution, and (on paid-in-full transactions) a statement of the account as certified by the Regional Accountant, the Regional Treasurer and the Assistant Regional Treasurer are each authorized and directed, individually, to execute such satisfaction, release or other appropriate instruments.

The Regional Treasurer shall expedite the release of those instruments and papers to which a borrower is entitled upon payment in full of an indebtedness, or upon the execution of a partial release. (Effective date August 15, 1941)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647, 12 U.S.C. 1463 (a), (k))

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-6026; Filed, August 15, 1941;
11:05 a. m.]

[Administrative Order No. 799]

PART 407, TREASURY DIVISION

LOANS PAID IN FULL

Sections 407.50-16¹ and 407.50-19² of part 407 are revoked, and the following sections are inserted and numbered as hereinbelow set out:

§ 407.42-2 *Form RO-95.* The Paid Loan Section shall determine through the Cashier that remittance paying account in full is either of such a nature that its collection is without question or that it has cleared, and after such determination shall promptly forward to the person entitled to receive same the release, canceled note and mortgage, and other papers as specified by the Regional Counsel, and shall enclose Form RO-95, in duplicate, properly filled out with return addressed franked envelope (triplicate copy of Form RO-95 shall be inserted in the loan file).

§ 407.42-5 *Borrower's settlement agent.* When the debtor who intends to pay a loan in full does not desire to transmit the necessary moneys to the Corporation in advance of obtaining a release, the settlement may be handled through an escrow agent: *Provided*, That the agent selected by the debtor is acceptable to the Corporation. No expense incurred by or fees due such escrow agent shall be paid by the Corporation.

Subject to approval by the Regional Manager, with the advice of Regional Counsel, any institution or individual of known responsibility such as a National Bank, a member bank of the Federal Reserve System, a member of the Federal Home Loan Bank System, a Title Company, or an attorney, shall be acceptable to act as an escrow agent, *Provided, however*, That whenever such an institution is available no individual shall be approved, such institution or individual to execute an Agreement, Form RO-TR-351, or Form RO-TR-351-A, regarding the payment of moneys due the Corporation. Form RO-TR-351 will be used generally, but where a number of cases are to be handled through any one escrow agent, Form RO-TR-351-A, Blanket Escrow Agreement, may be used if in the opinion of the Regional Treasurer the use of same is advantageous and justified. No release or cancellation of evidence of indebtedness shall be transmitted to such approved institution or individual until a properly executed agreement is on file in the Paid Loan Section.

After receipt of a properly executed Agreement, Form RO-TR-351, from the approved escrow agent, or upon receipt of a request from an approved escrow agent who has executed and filed a blanket escrow agreement, Form RO-TR-351-A, with the Regional Treasurer, the Regional Treasurer shall transmit by

¹ 4 F.R. 1765.
² 5 F.R. 1629.

registered mail to said agent the release, cancellation of evidence of indebtedness and any papers to which the borrower is entitled, as specified by the Regional Counsel, accompanied by Form RO-95-A or Form RO-95-A-1.

When the transaction pertains to a property located in a state, or political subdivision thereof, in which it is unnecessary to formally execute a release or satisfaction on either the mortgage (or other instrument in lieu thereof) or the note (or other instrument evidencing indebtedness) and the simple notation thereon of "Paid", "Canceled" or "Released" will suffice when satisfaction is by a separate instrument, the cancellation of such instruments need not be effected in the Regional Office and such instruments may be transmitted unmarked, accompanied by a separate instrument of release or satisfaction to the escrow agent with instructions to mark such instruments "Paid", "Released" or "Canceled" upon receipt of full payment of the indebtedness.

A remittance received from an escrow agent in such cases shall be considered as having been received by the Corporation on the date the remittance was mailed by the agent, as evidenced by the postmark on the envelope.

(Effective date August 15, 1941.)

(Above procedure promulgated by Treasurer with approval of General Counsel, General Manager, and Vice-Chairman pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-6027; Filed, August 16, 1941;
11:05 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

SUBCHAPTER Q—LEASES AND PERMITS ON RESTRICTED INDIAN LANDS

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING, AND BUSINESS

Section 171.23 of said Title, Chapter, Subchapter, and Part is amended to read as follows:

§ 171.23 *Fees.* When Indian land is leased (either by formal lease or revocable permit), subleased, or assigned (including renewals or extensions), for farming, farm-pasture or other agricultural purposes, or business purposes, fees shall be fixed as follows:

(a) *Total rental: (To be paid by lessee, permittee, sublessee, or assignee)*

| | Fee |
|--|--------|
| Not to exceed \$100.00----- | \$1.00 |
| \$101.00-\$250.00----- | 2.50 |
| \$251.00-\$500.00----- | 5.00 |
| For each additional \$500 or fraction thereof----- | 1.00 |

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease, subpermit, or assignment, the fee shall be based on the total amount yet to accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned or the instrument provides for the extension of the lease or period at the option of the occupant, and such an extension is made, then the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other non-cash rental leases or permits shall be based on (1) an estimate of the cash rental value of the acreage or (2) the estimated value of the lessors' share of the crops.

(b) Except in the case of lessors authorized to negotiate their own leases and collect the rentals therefor, as provided in § 171.4, each individual lessor or permitter shall pay a fee based on the income from each allotment under each lease or permit which the lessor or permitter owns or has an interest in, as follows:

Total annual rentals due individual lessors or permitters on each lease or permit

| | |
|------------------------|--------|
| \$26.00-\$50.00----- | \$0.50 |
| \$51.00-\$100.00----- | 1.00 |
| \$101.00-\$250.00----- | 2.50 |
| \$251.00-\$500.00----- | 5.00 |
| \$501.00-\$750.00----- | 7.50 |
| \$751.00 and over----- | 10.00 |

A minimum annual fee of 25 cents on income derived from each lease or permit shall be charged in each case when the individual annual rental from each allotment under a single lease or permit is less than \$26.00 per annum, except that in any case where the individual income accruing from each allotment under any lease or permit is less than 25 cents per annum, such lesser sum accruing shall constitute the total fee due from each such individual lessor or permitter. (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413)

Dated: July 31, 1941.

W. C. MENDENHALL,
*Acting Assistant
Secretary of the Interior.*

[F. R. Doc. 41-6011; Filed, August 15, 1941; 9:24 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-400]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 2 FOR PRELIMINARY, OR TEMPORARY RELIEF, AND PERMANENT ORDER PROVIDING FOR CHANGE IN MINIMUM PRICES ESTABLISHED FOR COALS OF ITS CODE MEMBERS WHEN SHIPPED BY TRUCK TO BEEHIVE COKE OVENS IN MARKET AREA 7

An original petition in this matter having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 2, requesting a change in minimum price for shipment by truck to beehive coke ovens in Market Area No. 7;

Temporary relief having been granted by Order of the Director dated December 30, 1940.¹

A hearing in this matter having been held on January 28, 1941, pursuant to an Order of the Director dated January 9, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof, in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, appearances being entered by District Board No. 2, the Hillman Coal and Coke Company and the Consumers' Counsel Division.

The parties to this proceeding having waived the preparation and filing of an Examiner's report, and the matter having thereupon been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law which are filed herewith;

Now, therefore, it is ordered:

1. Commencing forthwith § 322.21 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 2 for Truck Shipments is hereby amended by the addition of the following Price Exception:

When coal is sold for conversion into coke at beehive coke ovens in Market Area 7, the minimum price for all sizes of coal shall be \$2.00 per net ton f. o. b. the mine.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6022; Filed, August 15, 1941; 10:37 a. m.]

¹6 F.R. 52.

[Docket No. A-705]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

ORDER OF THE DIRECTOR GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 8, 9, AND 10 OF MINE INDEX NO. 525 OF THE CHARMCO SMOKELESS COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 7

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 7, seeking a reclassification from A to B of the coals of the Charmco No. 1 Mine (Mine Index No. 525) of the Charmco Smokeless Coal Company, Inc., a code member in District 7, in Size Groups 8, 9, and 10;

A hearing having been held on March 27, 1941, before a duly designated Examiner of the Division at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation or issuance of an Examiner's report having been waived and the record thereupon having been submitted to the Director for disposition; and

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith:

It is ordered, That § 327.11 (Low volatile coals: Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck, be, and it hereby is, amended by establishing the B classifications and corresponding minimum prices for the Charmco No. 1 Mine (Mine Index No. 525) coals of the Charmco Smokeless Coal Co., Inc., in Size Groups 8, 9, and 10, in lieu of the presently effective A classifications.

It is further ordered, That in all other respects the petition herein be, and it hereby is, denied.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6021; Filed, August 15, 1941; 10:37 a. m.]

[Docket No. A-569]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 3 AND 4 OF COALS PRODUCED BY ROSCOE SHACKELFORD

An original petition having been filed with the Bituminous Coal Division on January 8, 1941, by the Bituminous Coal