The President

PERU—Suspension of Tonnage Duties
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 423 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U.S.C., title 46, sec. 141), provides, in part, as follows:

Upon satisfactory proof being given to the President of a foreign country, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued so far as respects the vessels of such foreign country, the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Peru and the produce, manufactures, or merchandise imported in said vessels into the United States from Peru or from any other foreign country; the suspension to take effect from October 1, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

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

DONE at the City of Washington this 17th day of October in the year [19]40, of our Lord nineteen hundred and forty, 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. 2433]

[FR Doc. 40-4427; Filed, October 10, 1940; 10:34 a.m.]

ARMISTICE DAY—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on November 11, 1918, the nations then at war laid down their weapons and turned their thoughts to the hoped-for dawn of an era of peace and order; and

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), requests the President of the United States to issue a proclamation calling for the display of the flag of the United States on all Government buildings on November 11 and for the observance of the day with appropriate ceremonies, and the act of May 13, 1938 (52 Stat. 351) designates the 11th day of November of each year as a legal public holiday; and

WHEREAS observance of the anniversary of the armistice of 1918 will direct our minds to the scene of the world then as now not only for peace but also for peace with understanding, not only for a

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of the United States of America to be

Done at the City of Washington this 17th day of October, in the year of our
Lord nineteen hundred and [fourty, 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. 2433]

[F. R. Doc. 40-4428; Filed, October 19, 1940; 10:34 a. m.]

EXECUTIVE ORDER

SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Selective Training and Service
Act of 1940, approved September 16, 1940, I hereby prescribe Volume Six of regula-
tions governing the administration of said Act, such regulations to be known as the
Selective Service Regulations:

VOLUME SIX—PHYSICAL STANDARDS

SECTION XLVI—GENERAL INFORMATION AND
INSTRUCTIONS

Physical standards governing

Class I-A: Available; fit for general military service

Class I-B: Available; fit only for limited military service

Class I-D: Studied for general military service; available not later than July 1, 1941.

Class I-E: Studied for general military service; available not later than July 1, 1942.

Class I-F: Categorically; available only for civilian work of national importance

Conscientious objectors opposed to combatant and noncombatant service.

Class IV: Physically, mentally, or morally unfit.

Recall after delivery to induction station.

Recall after separation from the land and naval forces.

Malignant.

Service for medical advisory board.

Records: Confidential records.

Records: Making entries.

Correspondence: Official letters.

Correspondence: Furnishing necessary personal information.

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Malignant.

Service for medical advisory board.

Records: Confidential records.

Records: Making entries.

Correspondence: Official letters.

Correspondence: Furnishing necessary personal information.
prehend the physical, psychic, and nervous aspects, except where such construction would be unreasonable.

604. Classification on physical qualifications. Local boards under Selective Service Regulations have original jurisdiction with respect to all registrants subject to appeal. Local boards shall classify a registrant, based on his physical qualifications, in:

a. Class I-A as qualified for general military service, provided the registrant comes within the standards of general military service. Certain college students qualified for general military service are placed in Class I-D; certain conscientious objectors, in Class IV-E.

b. Class IV-F as totally and permanently disqualified for military service, provided the registrant comes within the standards of unconditional rejection.

c. Class I-B as qualified for limited military service provided the registrant does not come within the standards of unconditional acceptance or unconditional rejection. Certain college students qualified for limited military service are placed in Class I-E; certain conscientious objectors, in Class IV-E.

605. Application of physical standards. It will be noted that physical standards prescribed for various organs or parts are stated in terms of decreasing availability for military service as follows:

a. Deviations from normal function or structure acceptable for general military service (I-A).

b. Deviations from normal function or structure acceptable for limited military service (I-B).

c. Deviations from normal function or structure causing unconditional rejection for any military service (IV-F).

It will frequently become necessary, in determining whether an observed deviation from the normal is acceptable, to consider the limitations stated under physical standards for Class I-A but also the causes for classification in Classes I-B or IV-F. It is therefore suggested that medical examiners note the character and degree of all deviations from normal function or structure and then consult the appropriate sections of Army Standards (or, when applicable, Navy Standards) to determine by elimination the class under which each deviation is listed.

606. Scope of examination. In all cases the examining physician shall make a complete examination of the registrant, and record all minor defects as well as disqualifying defects. Medical Advisory Boards, or a member or members thereof, shall make such examination as is necessary to determine the matter whether the registrant has been declared to be reportable by law. The examining physician shall be especially careful in the examination of registrants who suffer from defects of vision; defects of hearing, and with chronic discharge from the ears; toxic conditions associated with abnormal conditions of the thyroid gland; valvular disease of the heart; tuberculosis; epilepsy; mental and nervous disease or deficiency; emotional instability; and defects of the feet. When in doubt about these or other conditions, the examining physician of the local board shall request reference to a medical advisory board for examination.

607. Arrangements for examination. The physical examination should be made in a large well-lighted room. A quiet communicating room should be used for the examination of the heart, lungs, and hearing. The temperature of the room should be regulated in cold weather to prevent the registrant from becoming chilled. The conduct of the examination in the rooms of the local board is not mandatory; the examination may be held in the office of the examining physician.

608. Examining groups. In localities where additional examining physicians have been appointed to assist the designated examining physician of the local board, as provided in Volume One, "Organization and Administration," or in municipalities where several local boards and their examining physicians are located within reasonable distance, the formation of an examining group or groups for the conduct of physical examinations is authorized and encouraged. The Report of Physical Examination, Form 200, of each registrant shall be signed by the examining physician of the local board for which the examination is made, as prescribed in paragraph 621.

609. Supplies and equipment. The list of supplies and equipment shown below, or their equivalents, is believed to represent a minimum required for an examining physician for the physical examination of registrants. The items of equipment are usually owned by physicians and will be provided only on special request to State headquarters. For procuring equipment and supplies, see paragraphs 528 and 539.

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<tr>
<th>Item</th>
<th>Unit</th>
<th>Number</th>
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610. Laboratory and other special examinations. In localities where there is no provision for serological and other laboratory examinations the examining physician should consult municipal or State health authorities, the United States Public Health Service, or other Federal agencies. (Also see pars. 528 and 529.)

611. Anesthetics. No anesthetic may be given to a registrant without his voluntary consent for the purpose of examination or to aid in the diagnosis of defects. This consent shall be in writing, signed by the registrant, and filed with his record.

612. Finality of military examination. The final decision as to the acceptance or rejection of men selected under these regulations rests with the examining physicians at induction stations of the land and naval forces. Physical examinations of registrants should be therefore made as close to the date of induction as practicable.

613. Limited service. The results of examination of a registrant found to be below the standard for full military service (Class I-A) shall be carefully evaluated to determine his ability to perform limited military service (Class I-B).

When a registrant is believed to be fit for limited military service, a card shall be made on the Report of Physical Examination (Form 200), stating concisely his physical limitation in terms such as, "cannot march," "cannot do heavy work," "insufficient vision for fine work," or "can do limited work.

614. Reports of disease. Examining physicians, additional examining physicians, and members of Medical Advisory Boards shall report to the appropriate civil authority, in the required manner and form, those diseases which are found during the physical examination made under these regulations, and which have been declared to be reportable by law.

615. Venereal disease. a. Whenever the history or the physical examination of a registrant indicates the possibility of venereal disease, the matter shall be thoroughly investigated, and additional examinations and laboratory tests as are deemed necessary to determine the presence of disqualifying sequelae or of contagiousness. A serological test for syphilis shall be made on every registrant as part of his physical examination. The blood specimen shall be taken by the examining physician in containers furnished by the State Health officer and forwarded to the State Laboratory or other laboratory designated by State Selective Service Headquarters, together with the accomplished forms prescribed within the State for such purpose. A second serological test shall be completed promptly and prior to his call for induction on every registrant whose first test is reported positive. The dates and results of such examinations and tests shall be noted on the Report of Physical Examination (Form 200).

b. A diagnosis of syphilis shall not be made on the basis of a single positive
serological test in the absence of definite clinical manifestations of the disease.

2. A diagnosis of latent syphilis shall be made on a registrant who has no clinical manifestations of the disease, but whose blood serum has been found positive by a second serological test performed under these regulations and within three months of the first positive serological examination.

d. Syphilis shall be considered contagious only in the presence of skin or mucous-membrane lesions manifested within five years from the date of infection.

SECTION XLVI—EXCERPTS FROM OTHER VOLUMES OF SELECTIVE SERVICE REGULATIONS

Examination

The examining physician shall examine for a registrant any defect which would render the registrant's physical qualifications so impaired as to disallow him for service in the Army of the United States.

Physicians

The examining physicians shall take the prescribed oath (Form 21), which shall be sent to the Governor for filing. No examiner who is clause (a) a. A diagnosis shall be made by a physician who is not related to the registrant, unless the President, upon recommendation of the Governor, finds that no other examining physician is available.

b. The local board shall deliver the prepared forms to the examining physician no later than five years from the date of infection.

c. The examining physician shall examine the registrant, in accordance with Volume Six, "Physical Standards."

b. The examining physician shall fill out the appropriate parts of the Report of Physical Examination (Form 200), in duplicate. Unless in doubt about the registrant's physical qualifications, the examining physician shall enter his findings as to the registrant's qualification for military service.

c. When in doubt about the registrant's physical examination, the examining physician shall request the local board to recommend the registrant to a medical advisory board. (See par. 335.) Upon receiving the report of the medical advisory board, the examining physician shall enter his findings, as in b above.

d. How sent. After proper entries are made on both copies of the Report of Physical Examination (Form 200), the original Form 200 and any other evidence on the registrant's physical condition shall be sent to the medical advisory board. The duplicate Form 200 remains in the registrant's record book. The local board shall direct the registrant to the medical advisory board. He shall be given necessary transportation, meals, and lodging for the travel and for the time, not exceeding 3 days, that he will be before the medical advisory board. (See Volume Five, "Finance.")

c. Action by medical advisory board. The full board, or one or more of its members, as may be necessary in the particular case, shall act on the case. The board, or one or more members, shall examine the registrant, record the findings on the Form 200, and return the Form 200 to the local board.

d. Delay by medical advisory board. If the medical advisory board delays its examination of a registrant more than 3 days to await correction of a temporary defect, it shall return the registrant's Form 200 to the local board, with a statement (attached to the Form 200 but not written upon it) of the cause of delay and the time when the registrant should appear.

b. The local board shall direct the registrant when and how to report to the medical advisory board. He shall be given necessary transportation, meals, and lodging for the travel and for the time, not exceeding 3 days, that he will be before the medical advisory board. (See Volume Five, "Finance.")

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However, if the local board believes the defect corrected, it may send him back earlier; or if it believes more delay is needed, it may set a later date; or if it decides that further examination is unnecessary, it shall classify him in accordance with the rules governing reclassification (section XXX) and shall not forward the appeal to the appeal board.

e. Completing Form 200. All entries made by the medical advisory board on the original Form 200 will be copied by the local board onto the duplicate Form 200 in the registrant's file.

341. Transmitting duplicate of Form 200 to Governor. As soon as the time allowed for appeal of the registrant's classification has elapsed, or as soon as the board of appeal has acted on the appeal (sec. XXXID, the duplicate of the Report of Physical Examination (Form 200) shall be sent to the Governor for forwarding to the Director of Selective Service.

APPEALS

371. Time allowed for appeal. a. Unless the time thereafter is extended by the local board, an appeal from any appealable local board classification (other than an appeal by a registrant classified in Class I-B or Class I-E who claims a lower classification) shall be made within five days after the local board has mailed to the registrant his notice of classification (Form 57), as distinguished from a notice of continuance of classification (Form 56), or, if the registrant has requested an opportunity to appear in person before the local board pursuant to paragraph 368, within five days after the day set for the registrant's appearance, whichever is the later. The five days are counted as beginning on the day after the notice of classification is mailed or, if the registrant has requested an opportunity to appear in person before the local board pursuant to paragraph 368, on the day after the day set for the registrant's appearance, whichever is the later.

b. Unless the time thereafter is extended by the local board, an appeal from any appealable local board classification by a registrant classified in Class I-B or Class I-E who claims a lower classification shall be made within five days after the local board has mailed to the registrant a notice advising the registrant that the land or naval forces have called for induction registrants in such class and that such registrant has an opportunity to appear and to make an appeal to the board of appeal (par. 369). If the registrant has requested an opportunity to appear in person before the local board pursuant to paragraph 368, the appeal shall be made within five days after the day set for the registrant's appearance. The five days are counted as beginning on the day after such notice is mailed to the registrant or, if the registrant has requested an opportunity to appear in person before the local board pursuant to paragraph 368, on the day after such appearance.

c. An appeal can be taken by the Director of Selective Service or by the State Director of Selective Service at any time from any determination of the local board.

372. How appeal to board of appeal is made. a. If the person appealing wishes the board of review to determine whether the registrant is classified in Class I-B or Class I-E, it shall classify the registrant in Class I-A.

b. If the person appealing wishes the board of review to make any other determination, it shall forward the appeal to the board of appeal.

c. If the appeal is taken by the Director of Selective Service, it shall be transferred to the board of appeal.

TRANSMITTING FOR CLASSIFICATION

382. Registrants transferred for classification. After returning the questionnaire, a registrant can be transferred to another local board for classification or for physical examination. He may be transferred if he is to be so far from his local board as to make complying with the standards a hardship. The registrant shall be transferred for classification if a majority of a local board or—when a physical examination is required—if the examining physician cannot act on the registrant's case because disqualified (Volume One, "Organization and Administration"), or if a majority of the local board, or the physician, withdraws from consideration of the registrant's classification because of any conflicting interest, bias, or other reason.

383. Procedure upon transfer for classification. a. The local board from which the registrant is transferred shall prepare, in triplicate, an Order of Transfer (Form 200) and shall send one copy of the order of transfer to the registrant. The board shall send to the local board to which the registrant is transferred all papers pertaining to the registrant except the classification made by the local board. The order of transfer shall be returned by the local board to which the registrant is transferred.

b. The local board to which the registrant is transferred shall classify the registrant. It shall mail the proper copy of the Order of Transfer (Form 200) to the registrant and transmit for transfer a copy of the Report of Physical Examination (Form 200). The local board shall accept and enter on its Classification Record the board to which he was transferred.

class in accordance with paragraph 347 and who after physical examination is found fit only for limited military service according to the standards prescribed in Volume Six, "Physical Standards," and who is not classified in Class I-D.

344. Class I-B: Available; fit only for limited military service. In Class I-B shall be placed every registrant who after physical examination is found fit only for limited military service according to the standards prescribed in Volume Six, "Physical Standards," and who is not classified in Class I-E. Men in Class I-B, unless reclassified, shall not be inducted until such time as they may be acceptable to, and called by, the land or naval forces for training and service.

345. Class I-D: Student fit for general military service; available not later than July 1, 1941. In Class I-D shall be placed every college or university student who meets all of the conditions specified in paragraph 347 and who after physical examination is found fit for general military service, according to the standards prescribed in Volume Six, "Physical Standards." Class I-E: Student fit only for limited military service; available not later than July 1, 1941. In Class I-E shall be placed every college or university student who meets all of the conditions specified in paragraph 347 and who after physical examination is found fit only for limited military service, according to the standards prescribed in Volume VI, "Physical Standards."

361. Class IV-E: Conscientious objector available only for civilian work of national importance. In Class IV-E shall be placed conscientious objectors who are classified in Class IV-E for civilian work of national importance in accordance with paragraph 365.

386. Class I-A: Available; fit for general military service. In Class I-A shall be placed every registrant who after physical examination is found fit for general military service, according to the standards prescribed in Volume Six, "Physical Standards," and who is not classified in Class I-D.

343. Class I-B: Available; fit only for limited military service. In Class I-B shall be placed every registrant who after physical examination is found fit only for limited military service according to the standards prescribed in Volume Six, "Physical Standards," and who is not classified in Class I-E. Men in Class I-B, unless reclassified, shall not be inducted until such time as they may be acceptable to, and called by, the land or naval forces for training and service.
365. Conscientious objectors opposed to combatant and noncombatant services. If the local board finds that a registrant, who but for his conscientious objection to both combatant and noncombatant service, would have been placed in Class I-A, Class I-B, Class I-D, or Class I-E, is, by reason of his religious training and belief, opposed to both combatant and noncombatant service, he shall be placed in Class IV-E. Registrants in Class IV-E shall be liable to be assigned to work of national importance under civilian direction under such rules and regulations as may be later prescribed.

362. Class IV-F: Physically, mentally, or morally unfit. a. In Class IV-F shall be placed registrants who are found to be physically, mentally, or morally unfit for military service; habitual criminals or persons convicted of treason, or any crime which under the laws of the jurisdiction in which they were convicted is a felony and which the local board determines renders the registrant morally unfit for service.

b. The local board may put a registrant in Class IV-F without physical examination if he has an obvious physical or mental disability which permanently disqualifies him for any form of military service.

c. The local board shall put a registrant in Class IV-F if he, upon being discharged from the Regular Army, Navy, or Marine Corps, received any one of the following:

- Dishonorable discharge—Army, Navy, or Marine Corps
- Bad-conduct discharge—Navy or Marine Corps
- Discharge, not honorable Army (blue)
- Undesirable discharge—Navy or Marine Corps

434. Reclassification after delivery to induction station. a. Upon receiving notice from the induction station that a selected man has been inducted the local board shall transfer him to Class I-C.

b. Upon receiving notice from the induction station that a selected man has been found not acceptable because physically or mentally disqualified, the local board shall reclassify him into Class I-B or Class IV-F. In determining whether the man should be placed in Class I-B or Class IV-F, the board shall consider the induction record (AGO Form 221) and the opinion of its examining physician.

c. Upon receiving notice from the induction station that a selected man has been found not acceptable because morally disqualified, the local board shall reclassify him into Class IV-F.

d. A registrant reclassified in b or c above shall not be again placed in Class I-A unless the condition causing his rejection at the induction station entirely and permanently disappears.

e. A registrant reclassified as in b or c above shall be mailed the notices prescribed, and shall be entitled to the appeals authorized, by Volume Three, "Classification and Selection."

433. Reclassification after separation from the land and naval forces. a. Upon receiving a report (par. 429e) that a registered man has been reported as being a deserter or has been separated from the land and naval forces other than by death, the local board shall reclassify him. A man so reclassified shall be mailed the notices prescribed, and shall be entitled to the appeals authorized, by Volume Three, "Classification and Selection."

b. Upon receiving a report (par. 429e) that a registrant has been separated from the land and naval forces by death, the local board shall transfer him to Class I-C.

c. The local board shall note that fact in the Classification Record, on the registrant's cover sheet, and on his registration card.

MALINGERERS

340. Malingering. a. If a registrant claims an ailment or defect which the local board cannot detect, or if the local board believes him to be feigning the ailment or defect, it shall attach a statement of the facts and its opinion to both copies of Form 200.

b. If the local board believes that a registrant's disqualifying physical defects are self-inflicted or purposely caused to avoid military service the board shall immediately prepare in duplicate a full statement of the facts and the board's recommendations. The original of this statement, with the original Report of Physical Examination (Form 200) shall be sent to the Governor, and the duplicate filed with the duplicate Form 200 in the cover sheet. If the registrant is capable of any duty at all, and the local board recommends his induction, the Governor shall transmit the record to the Director of Selective Service, or may direct that the registrant be reported to a United States district attorney for prosecution.

ADMINISTRATIVE MATTERS

538. Supplies and services for examining physician. a. The chairman of each local board is authorized to request the State procurement officer for selective service to furnish such supplies as may be required by the examining physician of such board (CSS Form 259).

b. When it is not practicable for the State procurement officer to furnish the necessary supplies, he may authorize the chairman of the local board to purchase them.

c. The chairman of each local board may authorize such special examinations and laboratory tests as he deems necessary and shall cause to be forwarded to the State procurement officer for payment the bill for such examinations and tests after affixing his approval. Such bill or invoice shall contain the following certificate by the person or laboratory rendering such services: I certify that the above bill is correct and just; that payment therefor has not been received; that the rates charged were in effect at the time the services were rendered; and that such rates are not in excess of those charged the general public for similar services.

539. Services for medical advisory board. The chairman of a medical advisory board shall authorize such special examinations and laboratory tests as he may deem necessary and shall cause to be forwarded to the State procurement officer for payment the bill for such examinations and tests after affixing his approval. The bill or statement shall contain the following certificate by the person or laboratory rendering such services: I certify that the above bill is correct and just; that payment therefor has not been received; that the rates charged were in effect at the time the services were rendered; and that such rates are not in excess of those charged the general public for similar services.

165. Records: Confidential records. a. All records pertaining to the physical condition of a registrant, and all answers on the questionnaire (Form 40) under the subject "Dependency" (except the names and addresses of claimed dependents), and to the questions on previous military service, shall be confidential and shall not be disclosed without the consent of the registrant, except as provided in subdivisions c and d below. The fact that a claim for deferment has been made on account of dependency or physical unfitness, and the classification of the registrant, are not confidential.

b. Without limiting any other rights he may have, a registrant shall be entitled to know of all entries on his own record, including his questionnaire (Form 40) of medical examination and tests after affixing his approval. The bill or statement shall contain the following certificate by the person or laboratory rendering such services: I certify that the above bill is correct and just; that payment therefor has not been received; that the rates charged were in effect at the time the services were rendered; and that such rates are not in excess of those charged the general public for similar services.

166. Records: Making entries. Selective service agencies shall make entries on records with typewriter, black ink, or rubber stamp. Red ink shall be used only as specifically directed.
right-hand corner, "Penalty for private use to avoid payment of postage, §309."

When printed envelopes furnished by the Director of Selective Service are not available, these inscriptions may be written, typed, or rubber stamped on a plain envelope.

153. Correspondence: Personal messages. No personal inquiries or messages shall be sent by official envelope, telegram, etc. Messages regarding leave of absence, payment of salary or expense account, etc., fall under this prohibition.

154. Correspondence: File. Each Selective service agency shall keep a file of correspondence received and sent.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

October 18, 1940.

[No. 8570]

[F. R. Doc. 40-4451; Filed, October 19, 1940; 11:57 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[F.C.A. 207]

PART 71—LOAN POLICIES

DIVISION OF LENDING AUTHORITY BETWEEN THE CENTRAL BANK FOR COOPERATIVES AND THE DISTRICT BANKS FOR COOPERATIVES

Amendment

Section 71.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 71.3 Division of lending authority between the Central Bank for Cooperatives and the District Banks for Cooperatives.

Except with the written approval of the Cooperative Bank Commissioner, the lending limits of each district bank for cooperatives are hereby fixed, as to each borrower, so that at any one time:

1. Facility loans may not exceed 10 percent of a bank’s capital and surplus;
2. Operating loans may not exceed 15 percent of a bank’s capital and surplus;
3. Commodity loans may not exceed 25 percent of a bank’s capital and surplus;
4. The sum of facility loans and operating capital loans may not exceed 15 percent of a bank’s capital and surplus;
5. The sum of facility loans, operating capital loans, and commodity loans may not exceed 25 percent of a bank’s capital and surplus.

The district bank shall request the Central Bank for Cooperatives to participate in the extension of credit for amounts which exceed the lending limits set forth above, and, except when otherwise agreed, such participation shall take place in the following order: First, commodity loans; second, operating capital loans; and third, facility loans.

Nothing contained in this section shall be construed to prevent the district bank for cooperatives from requesting the Central Bank for Cooperatives to participate in the extension of credit to any borrower before its lending limits are reached. (Sec. 38, 48 Stat. 25; 12 U.S.C. 1134)

[FR.A Order No. 296, October 17, 1940]

[SEAL] A. G. BLACK, GOVERNOR.

[F. R. Doc. 40-4438; Filed, October 21, 1940; 11:24 a.m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARD AND LIVE POULTRY MARKETS

NOTICE UNDER PACKERS AND STOCKYARDS ACT

October 18, 1940.

To Joe Tobin, Tom Ormsheimer and William Diesies, doing business as Gordon Sales Company, at Gordon, Nebraska.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Gordon Sales Company at Gordon, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 308 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] Grover B. Hill, Assistant Secretary of Agriculture.

[F. R. Doc. 40-4421; Filed, October 18, 1940; 3:07 p.m.]

TITLE 20—EMPLOYEES’ BENEFITS

CHAPTER III—SOCIAL SECURITY BOARD

[Reg. 3, as amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

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Sec.

403.706 Initial determination.
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(3) Termination of benefits.
(4) Parent’s dependency.
(5) Revision of wage records.

(b) Notice of initial determination.
(c) Effect of initial determination.

1 Modifies list posted stockyards 9 CFR 204.1.
for a hearing with respect to such decision, and, if a hearing is held, shall, on the basis of evidence adduced at such hearing, affirm, modify, or reverse its findings of fact and such decision. The Board is further authorized, on its own motion, to hold such investigations and to conduct such investigations and other proceedings as it may deem necessary or proper for the proper administration of this title. In the course of any hearing, investigation, or other proceeding, it may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Board even though inadmissible under the rules of evidence applicable to court procedure.

SECTION 205 (c) OF THE ACT

(1) On the basis of information obtained by or submitted to the Board, and after such verification thereof as it deems necessary, the Board shall establish and maintain records of the amounts of wages paid to each individual and of the periods in which such wages were paid, and the periods of payment shall be conclusive for purposes of this title, except as hereinafter provided.

(2) After the expiration of the fourth calendar year following any year in which such wages were paid or are alleged to have been paid, or any revision of such entry, the Board shall make findings and determinations as to whether a reduction or increase is to be made, the amount of such reduction or increase, and the periods of payment to which such reduction or increase shall be made.

(3) If, prior to the expiration of such fourth year, it is brought to the attention of the Board that any entry of such wages in such records is erroneous, or that any item of such wages has been omitted from the records, the Board may correct such entry or include such omitted item in its records, as the case may be. Written notice of any revision of any such entry, which is adverse to the interests of any individual, shall be given to such individual, in any case where such individual has previously been notified by the Board of the amount of wages and of the period or periods of payment to which such wages were paid, or, after his death shall afford the wife, child, or parent of such individual, or, if such individual is entitled, is no longer required, the extent to which it should be made, and, if such reduction or increase is no longer required, the extent to which it should be modified; or

(iv) as to whether a deduction or the record thereof shall be made to the extent to which it should be modified; or

(v) as to whether an overpayment or an underpayment is to be made, the amount of any omitted item to be included, and the amount and periods of payment to be made, the amount and periods of payment to be made.

The determination as to revision, after the expiration of such fourth year, shall be made when evidence of such wages and of the period or periods of payment to which such wages were paid, or any revision of any such entry, shall be made, and, if such reduction or increase is no longer required, the extent to which it should be modified; or

(vi) as to whether a reduction or increase is to be made, and, if such reduction or increase is no longer required, the extent to which it should be modified; or

(vii) as to whether a deduction or the record thereof shall be made to the extent to which it should be modified; or

(viii) as to whether an overpayment or an underpayment is to be made, the amount of any omitted item to be included, and the amount and periods of payment to be made, the amount and periods of payment to be made.
The Bureau shall also reconsider an initial determination relating to the revision of the Board's record of an individual's wages (see § 403.706 (a) (5)), if, prior to the filing of a request for a hearing, a written request for reconsideration is filed, as provided in paragraph (b) of this section, by the widow, child, or parent of such individual after his death.

(b) Time and place of filing request for reconsideration. The request for reconsideration shall be made in writing and filed at an office of the Bureau. The request for reconsideration, unless the determination to be reconsidered is with respect to the revision of the Board's wage records (see § 403.706 (a) (5)), must be filed within 6 months from the date of mailing notice of the initial determination, except as is provided in § 403.711 (a). The request for reconsideration of an initial determination as for reconsideration of the Board's wage records may be filed at any time after the mailing of notice of such determination, but, if the request is filed more than 60 days after the fourth calendar year following the year in which the wages in question were paid, or are alleged to have been paid, the determination shall not be reconsidered except for the purpose of revising the wage records in accordance with section 205 (a) (4) of the Act. (See § 403.703)

(c) Parties to the reconsideration. The parties to the reconsideration shall be the person who was the party to the initial determination (see § 403.706 (a)) and any other individual (see paragraph (a) of this section), if there be such, upon whose request the initial determination is reconsidered.

(d) Notice of reconsideration. If the request for reconsideration is filed by an individual other than the party to the initial determination, the Bureau shall, before revising the initial determination adversely to the interests of such party, mail a written notice to such party, at his last known address, informing him that the initial determination is being reconsidered, and the Bureau shall give such party a reasonable opportunity to present such evidence or contentions, as he may desire, relative to the determination.

(e) Reconsidered determination. The Bureau shall, when a request for reconsideration has been filed, as provided in paragraphs (a) and (b) of this section, reconsider the initial determination in question and the findings upon which it was based, and, upon the basis of the evidence considered in connection with the initial determination and such other evidence as is submitted by the parties or otherwise obtained, the Bureau shall make a reconsidered determination affirming or revising, in whole or in part, the findings and determination in question.

(f) Notice of reconsidered determination. Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses.

The notice of the reconsidered determination shall state the basis for such determination and inform the parties of their right to a hearing. (See § 403.709)

(g) Effect of reconsidered determination. The reconsidered determination shall be final and binding upon all parties to the reconsideration unless a hearing is requested in accordance with § 403.708 or unless such determination is revised in accordance with § 403.711 (b).*

§ 403.709. Hearing—(a) Right to hearing. Any party designated in paragraph (c) of this section shall be entitled to a hearing with respect to any matter designated in § 403.706 (a), after an initial or reconsidered determination has been made by the Bureau (see §§ 403.708-403.709), if such party files, as provided in paragraph (b) of this section, a written request for a hearing.

(b) Time and place of filing request for hearing. The request for hearing shall be made in writing and filed at an office of the Bureau, with a referee, or with the Appeals Council of the Social Security Board. If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), the matter is not with respect to the revision of the Board's wage records, the request for hearing must be filed within 6 months from the date of mailing notice of the initial determination, except as is provided in § 403.711 (a). If a request for reconsideration has been filed and the matter to be heard is not with respect to the revision of the Board's wage records, the request for hearing may not be filed at any time prior to the mailing of notice of the reconsidered determination, except as is provided in § 403.711 (a). If the request for reconsideration has been filed and the matter to be heard is with respect to the revision of the Board's wage records, the request for hearing may be filed at any time after the mailing of notice of the initial or reconsidered determination, but if a request for reconsideration has been filed, as is provided in § 403.711 (a), the request for hearing must be filed within 3 months after the date of mailing notice of the reconsidered determination, except as is provided in § 403.711 (a).

§ 403.708. Reconsideration—(a) Right to reconsideration. The Bureau shall reconsider an initial determination if, prior to the filing of a request for a hearing (see § 403.709 (a), (b), and (c)), a written request for reconsideration is filed, as provided in paragraph (b) of this section, by the party to the initial determination (see § 403.706 (a)).

The Bureau shall reconsider an initial determination (see § 403.708 (a) (1)–(4), unless the determination is with respect to the revision of the Board's wage records, if, prior to the filing of a request for a hearing, a written request for reconsideration is filed, as provided in paragraph (b) of this section, by any individual who makes a showing in writing that there is with respect to benefits or a lump sum may be prejudiced by such determination.

*Statutory authority for §§ 403.708–403.715 is same as indicated in note to § 403.4 (5 F.R. 1850).
The hearing for the receipt of additional evidence at any time prior to the mailing of notice of the decision in the case. Reasonable notice of the hearing to be given to the parties of any change in the time or place of hearing or of an adjournment or a reopening of the hearing.

(f) Subpenas. When reasonably necessary for the full presentation of a case, the referee, a member of the Appeals Council, or other duly authorized employee of the Board, may, either upon his own motion or upon the request of a party, issue subpenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are material and relevant to any matter in issue at the hearing. Parties who desire the issuance of a subpena shall, within 5 days prior to the time fixed for the hearing, file with the referee or a field office of the Bureau a written request therefor designating the witness or document to be produced, and the address or location thereof, with sufficient particularity to permit such witness or document to be found. The request for a subpena shall state the pertinent facts which the party expects to establish by such witness or document, and as to whether such facts may reasonably be established by other evidence without the use of a subpena.

Subpenas, as provided for above, shall be issued in the name of the Board, and the Board shall pay the cost of issuance and the mileage of the witnesses so subpoenaed as provided in section 205 (d) of the Act.

(g) Conduct of hearing and evidence. Hearings shall be open to the parties and to such other persons as the referee deems necessary and proper. The referee shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to the issues. If the referee believes that there is relevant and material evidence not been presented at the hearing, the referee may adjourn the hearing, or at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence.

Evidence may be received at the hearing even though inadmissible under rules of evidence applicable to court procedure. However, if the request for the hearing was filed more than 60 days after the fourth calendar year following any year in which wages were paid or are alleged to have been paid an individual, the records of the Board as to the wages of such individual for any such year shall be conclusive and no evidence other than the Board's wage records shall be introduced with respect to the wages for any such year except evidence with respect to the Board's wage records with tax returns or portions of tax returns (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or the Federal Insurance Contributions Act or under regulations made under authority thereof.

Witnesses at the hearing shall testify under oath or affirmation, unless they are excused by the referee for cause. The referee may examine the witnesses or allow the parties or their representatives to do so. If the referee conducts the examination of a witness, he shall allow the parties to suggest matters as to which they desire the witness to be questioned, and the referee shall question the witness with respect to such matters if they are relevant and material to the issues.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral arguments or for the filing of briefs or other written statements of contentions. Where there is more than one party to the hearing, copies of any brief or other written statements of contentions, shall be in a sufficient number that they may be made available to any party requesting a copy and to such other parties as the referee may designate.

The order in which evidence and contentions shall be presented and the procedure at the hearing generally, except as expressly provided in these regulations, shall be in the discretion of the referee and shall be of such nature as to afford the parties a reasonable opportunity for a fair hearing.

A complete stenographic record of the proceedings at the hearing shall be made. The record shall be transcribed where the case is certified to or reviewed by the Appeals Council (see paragraph (k) of this section and § 403.710 (a) and (b)) and on such other occasions as the referee may direct.

(h) Joint hearings. When two or more hearings are to be held, and the same or substantially similar evidence is relevant and material to the matters in issue at each such hearing, the referee may fix the same time and place for each hearing and consider such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, but a separate decision shall be made in each case.

(i) Waiver of right to appear and present evidence. If all parties waive their right to appear and present evidence and contentions at a hearing, it shall not be necessary for the referee to give notice of and conduct a hearing, as provided in this section. The waiver of the right to appear and present evidence and contentions shall be made in writing and filed with the referee. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in such case.

Where all of the parties have filed a waiver of the right to appear and present evidence at a hearing before the referee, the referee may, nevertheless, give notice of a time and place and conduct a hearing.
as provided in this section if he believes that such action is reasonably necessary in order to ascertain the facts in issue.

Where such waiver has been filed by all parties, and a hearing is not held, the referee shall make a record of the evidence in the case and, upon request by a party or by the Appeals Council, transmit a transcript of such evidence to the parties. A copy of the decision of the referee shall be mailed to the parties at their last known addresses.

(1) Effect of referee's decision or revision by the Bureau. The referee's decision or the revised determination of the Bureau, provided for in paragraph (b) of this section, is binding upon all parties to the hearing unless it is reviewed by the Appeals Council (see § 403.711 (b)) or unless it is revised in accordance with § 403.711 (b). If a party's request for review of the referee's decision or the revised determination of the Bureau is denied (see § 403.711 (b)), such decision or revised determination shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States, as is provided in section 205 (g) of this Act, or unless the decision or revision is revised in accordance with § 403.711 (b).*

§ 403.710 Appeals Council proceedings on certification and review-(a) Procedure before Appeals Council on certification by the referee. The Appeals Council of the Social Security Board shall, when a case has been certified to it by a referee without decision (see § 403.709 (b)), mail notice of such action to the parties at their last known addresses. A copy of the transcript of evidence adduced at the hearing shall be made available to the parties or, where the hearing before the referee has been waived (see § 403.709 (d)), copies of the documents which are the evidence in the case.

When a case has been certified to the Appeals Council for decision, the parties shall be given a reasonable opportunity to appear before the Appeals Council for the purpose of presenting oral argument. The parties shall also be given, upon their request, a reasonable opportunity to file briefs or other written statements of contentions. Where there is more than one party, copies of such a brief or written statement shall be filed in a sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council.

Evidence in addition to the evidence adduced at the hearing before the referee, or the documents before the referee where the hearing is waived, may not be presented except where it appears to the Appeals Council that additional, material evidence is available which may affect its decision. If it appears that such additional evidence is available, the Appeals Council shall designate a referee or member of the Council before whom the evidence shall be introduced. Before additional evidence may be presented, as above provided, notice shall be mailed to the parties and, if the evidence is introduced before a referee or a member of the Appeals Council, a transcript of such evidence shall be made available to the parties.

The decision of the Appeals Council, when a case has been certified to it by a referee, shall be made in accordance with the provisions of paragraph (d) of this section.

(b) Review of referee's decision or Bureau's revised determination. If a referee has made a decision or the Bureau has revised its determination, as provided in § 403.709 (b), any party thereon may request the Appeals Council to review such decision or revised determination. The request for review shall be made in writing and filed with an office of the Bureau, a referee, or the Appeals Council. The request for review shall be filed within 30 days from the date of mailing of the notice of the referee's decision or the Bureau's revised determination, except as is provided in § 403.711 (a).

The Appeals Council may, in its discretion, decline a party's request for review of a referee's decision or the Bureau's revised determination, or the Appeals Council may, within 90 days from the date of mailing of notice of such decision or revised determination, review such decision or revised determination on its own motion. Notice of the action by the Appeals Council in determining to review on its own motion or granting or declining a party's request for review shall be mailed to the parties at their last known addresses.

(c) Procedure before Appeals Council on review of referee's decision or Bureau's revised determination. Whenever the Appeals Council determines to review a referee's decision or the revised determination of the Bureau, the Council shall make a copy of the transcript of evidence adduced at the hearing available to the parties or, where the hearing before the referee has been waived, copies of the documents upon which the referee's decision was based. The parties shall be given, upon their request, a reasonable opportunity to file briefs or other written statements of contentions. Copies of such brief or other written statement shall be filed in a sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

Evidence in addition to the evidence adduced at the hearing before the referee, or the documents before the referee where the hearing is waived, may not be presented except where it appears to the Appeals Council that additional, material evidence is available which may affect its decision. If it appears that such additional evidence is available, the Appeals Council shall designate a referee or member of the Council before whom the evidence shall be introduced. Before additional evidence may be presented, as above provided, notice shall be mailed to the parties and, if the evidence is introduced before a referee or a member of the Council, a transcript of such evidence shall be made available to the parties.
tional evidence may be presented, as
above provided, notice shall be mailed to
the parties, unless such notice is waived,
at their last known addresses, that evi-
dence will be received with respect to
certain matters, and the parties shall be
given a reasonable opportunity to present
evidence which is relevant and material
to such matters. When the additional
evidence is introduced before a referee
or a member of the Appeals Council, a
transcript of such evidence shall be made
available to the parties.

Determination by Appeals Council or re-
manding of case. If a case is certified
by the Appeals Council or the Bureau's
revised determination, as provided in
this section, the Appeals Council shall,
except as hereafter stated, make a decision.
If, in the proceedings before the referee,
there has been a sub-
stantial failure to comply with the pro-
visions of § 403.709 governing the hear-
ing, the Appeals Council will, where such
action is reasonably necessary for the
achievement of the purposes provided
therefor, either upon the request of the
defendant, or upon its own motion, send
the record to a referee for further hearing
and decision in accordance with such section.

The decision of the Appeals Council,
where the case is not remanded to the
referee, shall be based upon the evidence
adduced at the hearing or, where the
hearing before the referee was waived
(see § 403.709 (d)), the documents upon
which the referee's decision was based,
and such further evidence as the Appeals
Council may receive, as provided in
paragraphs (a) and (c) of this section.

The decision shall be made in writing and
contain findings of fact and a state-
ment of reasons. A copy of the decision shall
be mailed to the parties at their last
known addresses.

(e) Effect of Appeals Council's decision or refusal to review. The decision of the
Appeals Council, whether affirming,
reversing, revising, or remanding the
determination or decision of the Bureau
where the request for review of such
determination or revised determination
is denied (see paragraph (b) of this sec-
tion), shall be final and binding upon all
the parties to the hearing unless a civil
action is filed in a district court of the
United States, as provided in section 205
(g) of the Act, or unless the decision is
revised in accordance with § 403.711 (b).*

§ 403.711 Extension of time and revi-
sion—(a) Extension of time. If a party
to an initial determination desires to file
a request for reconsideration, or a request
for review of the Bureau's decision or
revised determination, the time for filing
such request shall be extended (see § 403.708 (b)), if such party may file
a petition with the Bureau for an exten-
sion of time for filing the request for
consideration. Such petition shall be in
writing and shall state the reasons why the
request for reconsideration was not filed within
the required time. For good cause shown
the Bureau may extend the time for fil-
ing the request for reconsideration.

If a party to an initial determination,
a reconsidered determination, a revised
determination of the Bureau made after
a hearing (see § 403.709 (b)), a decision
of a referee, or a decision of the Appeals
Council desires to file a request for hear-
ing or review or commence a civil action
in a district court, as the case may be,
after the time has passed for filing such
request or civil action (see §§ 403.708 (b)
and 410.710 (b) and section 205 (g) of
the Act), such party may file a petition
with the Appeals Council for the exten-
sion of time for filing such request or
action. Such petition shall be in writing
and shall state the reasons why the re-
quest or action was not filed within the
time required by the Act. The Appeals
Council may extend the time for filing the
request or action.

(b) Revision for error. An initial de-
termination or reconsidered determina-
tion of the Bureau, provided for in
§§ 403.708 (a) and 403.710 (e), or a de-
termination of the Bureau which has
been revised by it when the case has been
remanded, as provided for in § 403.709
(k), may be revised by the Bureau, either
upon the Bureau's own motion or upon
the petition of any party when it clearly
appears that there was an error of fact
or law in such determination or that such
determination was procured by misrepre-
sentation or fraud. However, no deter-
nation as to the wages of an individ-
ual will be revised, except for the pur-
poses provided in section 205 (c) (4)
of the Act, after the fourth calendar
year following the year in which the wages
were paid or are alleged to have been
paid, unless a party's petition for such
revision was filed prior to the expiration
of such fourth year and 60 days there-
after.

Any decision of a referee or the Ap-
ppeals Council, provided for in §§ 403.709
(k) and 403.710 (d), may be revised by
the Appeals Council, either upon the mo-
tion of the Appeals Council or upon the
petition of any party when it clearly
appears that there was an error of fact
or law in such decision or that such
decision was procured by fraud or misrepre-
sentation. However, no decision as to
the wages of an individual will be re-
vised, except for the purposes provided
in section 205 (c) (4) of the Act, after
the fourth calendar year following the
year in which wages were paid or are
alleged to have been paid, unless a par-
ty's petition for such revision was filed
prior to the expiration of such fourth
year and 60 days thereafter.

When a determination or decision is
revised, after the time provided
paragraph (a) for filing such revision shall
be mailed to the parties to such determina-
tion or decision at their last known addre-
ses. The notice of revision, which is
mailed to the parties, shall state the basis
for the revision and inform the parties of
their right to a hearing, as provided
herein. The revision of the determina-
tion or decision shall be final and bind-
ing upon all such parties unless such a
party, within 60 days after the date of
mailing notice of the revision, files a
written request for a hearing. Upon the
filing of such a request, a hearing with
respect to such revision shall be held and
decision made in accordance with the
provisions of § 403.709.*

Section 205 (j) of the Act
Upon final decision of the Board, or upon
final judgment of any court of competent
jurisdiction, that any person is entitled
to any payment or payment under this title,
the Board shall certify to the Managing
Trustee the name and address of the person
so entitled to receive such payment or pay-
ments, the amount of such payment or pay-
ments, and the time at which such payment
or payments should be made under any of
the bankruptcy or insolvency law.

§ 403.712 Certification of payments—
(a) Determination or decision providing
definite amount. Whenever a determina-
tion or decision has been made under any of
§§ 403.705 to 403.711, inclusive, to the
effect that a payment or payments under
title II of the Act should be made to
any person, the Board, except as hereafter
provided, may certify to the Man-
aging Trustee of the Board of Trustees
of the Federal Old-Age and Survivors
Insurance Trust Fund the name and ad-
dress of the person to be paid (see
§ 403.705), the amount of the payment
or payments, and the time at which such
payment or payments should be made.

When a determination or decision, as
above-described, has been made, the
Board may withhold certification to the
Managing Trustee, or if certification has
been made, may notify the Managing
Trustee to withhold payment, to the ex-
tent and during such time that the pay-
ment or payments, to be made pursuant
to such determination or decision, are
in question by reason of the fact that

(1) a reconsideration, hearing, or re-
view, is being conducted, or a civil action
has been filed in a district court of the
United States, with respect to such de-
termination or decision; or

(2) an application or request is pend-
ing without respect to the payment of ben-
cfits or a lump sum to another person and
such application or request is incon-
sistent, in whole or in part, with the
payment or payments under such de-
termination or decision;

Provided, however, That certification or
payment shall not be withheld, under the
above circumstances, unless, in the
opinion of the Board, the request or application
described in (1) and (2) above, evidence is
section 206 of the act

the board may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys as hereinafter provided, representing claimants before the board, and may require all agents or other persons, before being recognized as representatives of claimants that they shall be able and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases.

an attorney in good standing who is admitted to practice before the highest court of the state, territory, district, or insular possession of his residence or before the supreme court of the united states or the inferior federal courts, shall be entitled to represent claimants before the board and may require any such attorney to perform the duties of an agent or other person, as hereinbefore provided.

the board may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the board under this title, and any agreement in violation of such rules and regulations shall be void. any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten (by word, circular, letter, or advertisement) any claimant or prospective claimant or beneficiary with respect to benefits, lump sums, or wage records;

§ 403.713 representation of parties

(a) Appointment of representatives. a party to an initial determination, reconsideration, hearing, or review, as provided for in §§ 403.705—403.711, may appoint as his representative in such proceeding any individual who is qualified under paragraph (b) of this section to act as a representative. notice of the appointment of a representative shall be made in writing, signed by the party appointing or in which the party is acknowledged by the representative appointed. the notice of appointment shall be filed at an office of the bureau or with a referee or with the appeals council of the social security board.

(b) qualifications of representatives. any individual who may be charged or received shall be determined in each case by the bureau, a referee, or the appeals council, and no fee shall be charged or received in excess thereof.

(c) authority of representatives. a representative, appointed and qualified as provided in paragraphs (a) and (b) of this section, may make or give, on behalf of the party he represents, any request or notice relative to the proceedings except that such representative may not execute an application for benefits or a lump sum, a request for reconsideration, hearing, or review, unless he is a person designated in section 403.701 (c) as authorized to execute the application for benefits or a lump sum. a representative shall be entitled to present evidence and contentions in any proceedings affecting the party he represents and to obtain information with respect to the claim of such party to the same extent as such party. notice to any party of any action, determination, or decision, or request to any party for the production of evidence, may be sent to the representative of such party, and such notice or request shall be of the same effect and as if sent to the party represented.

(d) fees for services. fees for the services of a representative, appointed and qualified in accordance with paragraphs (a) and (b) of this section, may be charged and received from the party represented only as is provided in this paragraph.

a fee in an amount not greater than $10.00 may be charged and received by an attorney who is admitted to practice before the highest court, or an inferior court of a state, territory, district, or insular possession, or before the supreme court of the united states or an inferior federal court, and who is not otherwise prohibited from charging or receiving any fee in excess of the amount provided for in paragraph (d);

(e) rules governing the representation and advising of claimants and parties. no attorney or other person shall:

1. with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten (by word, circular, letter, or advertisement) any claimant or prospective claimant or beneficiary with respect to benefits, lump sums, or wage records;

2. knowingly charge or collect, directly or indirectly, or make any agreement, directly or indirectly, to charge or collect, any fee in connection with any claim except under the circumstances stated in paragraph (d) of this section and in excess of the amount provided for in paragraph (d); or

3. knowingly make or participate in the making or representation of any false statement, representation, or claim as to the amount of wages paid an individual, or the time of payment, or as to any material fact affecting the right of any person to benefits or a lump sum, or the amount thereof;

4. make any fee except as may be authorized by regulations now or hereafter prescribed by the board, any information furnished or disclosed to him by the board relating to the claim or prospective claim of another person.

(f) proceedings for suspension or disbarment. whenever the board has knowledge or information that an attorney or other individual has violated any of the provisions of section 206, a written statement of the board's charges shall be mailed to such attorney or other individual at his last known address, together with a notice to file an answer, within 30 days from the date of mailing, as to why such attorney or other individual should not be prohibited from acting as a representative and from charging and receiving fees for services, as is provided in the preceding paragraphs of this section.

the board may, for such a cause, extend the time within which the answer may be filed. no answer will be accepted unless it is made in writing under oath and is filed within the 30-day period or such extended time as the board may allow.
At the expiration of the time within which an answer may be filed, a time and place shall be fixed for a hearing with respect to such charges, and notice thereof shall be mailed, not less than 15 days prior to the time fixed for the hearing, to the attorney or other individual at his last known address.

The hearing shall be conducted by the Board or its authorized representative. Witnesses shall be sworn and evidence recorded. If the attorney or other individual has filed an answer as above provided, he may present evidence in support of his statements in such answer. If he has filed no answer, he shall have no right to present evidence, but he may appear at the hearing for the purpose of presenting to the Board or its authorized representative his contentions with regard to the sufficiency of the evidence or proceedings as the basis for his disbarment or suspension. Upon the basis of the evidence adduced at the hearing, the Board, or its authorized representative, shall determine whether or not the charges have been sustained. If it is determined that the charge or charges have been sustained, such attorney or other individual shall not be qualified to act as a representative and shall not be qualified to charge or receive any fee for services, as provided in this section. Such disqualification, however, to act as a representative to charge and receive fees may be limited to a specified period of time.

Such determination shall be made in writing and a copy shall be mailed to the attorney or individual affected.* § 403.714 Definitions—(a) Bureau. The term Bureau as used in §§ 403.708 to 403.713, inclusive, of these regulations means those officers and employees of the Bureau of Old-Age and Survivors Insurance who have been authorized by the Social Security Board to perform the functions referred to in said sections.

RULES AND REGULATIONS

SECTION 205 (a) OF THE ACT

The Board shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

SECTION 1103 OF THE ACT

The Secretary of the Treasury, the Secretary of Labor, and the Social Security Board, respectively, shall make and publish such rules and regulations, not inconsistent with this Act, as may be necessary or proper to the proper administration of the functions with which each is charged under this Act.

§ 403.715 Promulgation of regulations. In pursuance of sections 205 (a) and 1103 of the Act, the foregoing regulations are hereby prescribed.

The original petition, although not as complete as it might have been, was sufficient to present the issues involved. The petitioner, however, should serve and file, on or before October 22, an amended petition setting forth with particularity the information required by §§ 301.102 (b) (1) (i) and 301.102 (b) (1) (ii) of the Rules. In the event such an amendment is not duly served and filed within the time specified, District Board 1 may renew its motion to dismiss the original petition herein.

At the informal conference petitioner contended that it could not continue in business if the temporary relief were denied and that the coal produced at Arrow Mine No. 6 was generally inferior analytically to other coals having a C classification. It affirmatively appeared that no substantial effort had been made to sell this coal at the effective minimum and that the temporary relief was, among other things, requested for the purpose of submitting a bid on a potential order for 100,000 tons of coal, although petitioner's production never exceeded 60,000 tons. A representative of District Board 1 opposed the granting of temporary relief on the ground that the analytical values would not justify the relief; that numerous similar petitions would be filed by Code members in District 1, whose situation might be analogous to that of the petitioner; that the matter of the classification for Arrow Mine No. 6 had been the subject of considerable discussion in General Docket 15; that any temporary cessation of production was the result of general market conditions; that persons in interest had not been notified of the conference and that the petitioner would enjoy competitive advantages not heretofore had.

While it does not appear how many producers would be affected by the granting of the temporary relief requested in connection with Arrow Mine No. 6, to believe that a considerable number of producers would be affected thereby. In view of the highly controversial nature of the issues involved in connection with the relief requested for this mine, the petitioner's avowed intent to seek business, not herefore enjoyed, if such relief is granted, and the petitioner's failure to show that it would suffer irreparable injury if the temporary relief is denied, the Director is of the opinion that the effective price classifications for Arrow Mine No. 6 should not, at this time be changed.

It appears that the establishment of price classifications of D for Arrow Mine No. 5 and Arrow Mine No. 6, when mixed on a 50-50 basis, is proper and that the objections which the District Board advanced in opposition to changes in classifications for Arrow Mines No. 5 and 6 do not similarly apply to the establishment of such new classifications. The Director is of the opinion that pending the final disposition of the petition herein, the

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Accordingly, it is so ordered.

Dated: October 18, 1940.

[H. A. Gray, Director.]

[F. R. Doc. 49-4229; Filed, October 18, 1940; 3:35 p.m.]

[Petition No. A-70]

Petition of Bituminous Coal Producers Board for District No. 15, Filed Pursuant to Section 4 (d) of the Bituminous Coal Act of 1937, praying for Changes in Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck, Price Schedule No. 1, District No. 15, Appendix A-15, Established by the Bituminous Coal Division — Prices Into the State of Iowa (Except Council Bluffs and Sioux City), Market Areas No. 47 Through 50, 52 Through 68, and 76, Pages 34 to 41, Inclusive, of the Schedule

MEMORANDUM OPINION AND ORDER CONCERNING PETITION FOR TEMPORARY RELIEF

The original petition in the above-entitled matter prays that a temporary order granting the relief requested be issued pending final disposition of the matter.

The Director, by order dated October 5, 1940, has scheduled a final hearing in this matter to be held on October 30, 1940, at 10 a.m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.

An informal conference, upon notice to interested parties, was held on October 9, 1940, pursuant to the Rules and Regulations Governing Practice and Procedure in 4 (d) Proceedings, for the purpose of affording interested parties the opportunity of expressing their views concerning the temporary relief prayed for.

Represented at the conference were the original petitioner, District Board No. 10, District Board No. 12, and Consumers' Counsel Division.

The original petitioner requests a modification of the effective minimum prices established for District No. 15 coals, for all shipments except truck, for movement into the Iowa Market Areas, except Council Bluffs and Sioux City. Exceptant contends that the alleged average differential of $1.20 per ton between the minimum prices established for District No. 15 coals and the minimum prices established for the base group coals of District No. 10 is insufficient and therefore should be increased in order to preserve the existing fair competitive opportunities of the Code members in District No. 15. The requested relief involves the coordination of minimum prices for coals which are competitive in the Iowa Market Areas.

Coals from several of the producing districts compete in these market areas, and the distribution figures for 1937 show that District No. 15 coals are less significant in these market areas than several of the competing districts; and the original petitioner has not made a showing that irreparable injury will occur to designated or individual Code members if the temporary relief prayed for is not granted. The granting of temporary relief as requested by the petitioner was opposed, at the informal conference, by District Board No. 10 upon the ground that the relief sought is so wide in scope and involves so many basic considerations that have been thoroughly considered in General Docket No. 15, that the matter is peculiarly one for disposition upon the basis of evidence presented at a final hearing. It appears that the issues involved are highly controversial and might affect many producers located in the various producing districts which compete in the Iowa Market Areas. The competitive relationships of the coals competing in the Iowa Market Areas were carefully considered in General Docket No. 15.

In view of the foregoing and the fact that the matter has been set for final hearing, on October 30, 1940, in which all interested parties will be afforded an opportunity to participate, the Director is of the opinion that the temporary relief prayed for should not be granted.

Accordingly, it is so ordered.

Dated: October 17, 1940.

[H. A. Gray, Director.]

[F. R. Doc. 49-4226; Filed, October 18, 1940; 3:35 p.m.]

[Petition No. A-103]

Petition of Hatfield-Campbell Creek Coal Company for Modification of Effective Minimum Prices Pursuant to Section 4 (d) of the Bituminous Coal Act of 1937

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING, IN PART, TEMPORARY RELIEF

A petition dated October 4, 1940, pursuant to the provisions of section 4 (d)
(d) of the Bituminous Coal Act of 1937, having been filed by The Hatfield-Campbell Creek Coal Company with the Bituminous Coal Division of the Department of the Interior; and

Petitioner having requested temporary relief pending final disposition of the petition; and

An informal conference, after notice to interested parties having been held for the purpose of affording interested parties the opportunity of expressing their views with respect to the temporary relief requested; and

The Director having considered said petition and the views expressed at said conference, and there having been no opposition to the granting of temporary relief as hereinafter provided:

Now, therefore, it is ordered, That a hearing in respect to the subject matter of such petition be held on November 26, 1940, at 10 a m. at a hearing room of the Bituminous Coal Division, 4th Floor, Post Road, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGowan or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit memoranda or other records to the Director for his consideration and action.

It is further ordered, That a reasonable showing therefor having been made, pending final disposition of the petition in the above entitled proceedings, that temporary relief be and the same hereby is granted to the effect that effective at the prices now prevailing in the District, petitioner's coals are reduced by an amount sufficient to enable petitioner to compete as follows:

1. With the Wyatt Coal Company for sales of coal to Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; Fuel Process Company, South Charleston, Kanawha County, West Virginia.

2. With the Winifred Colliers for sales of coal to Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia; E. I. duPont de Nemours & Company, Belle, Kanawha County, West Virginia.


All persons are hereby notified that the hearing in the above entitled matter and orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters incidental and related thereto, whether raised by amendment of the petition, petitions of intervention or otherwise, and all persons are cautioned to be guided in their answers accordingly.

It is further ordered, That a reasonable showing therefor having been made, pending final disposition of the petition in the above entitled proceedings, that temporary relief be and the same hereby is granted to the effect that effective at the prices now prevailing in the District, petitioner's coals are reduced by an amount sufficient to enable petitioner to compete as follows:

1. With the Wyatt Coal Company for sales of coal to Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; Fuel Process Company, South Charleston, Kanawha County, West Virginia.

2. With the Winifred Colliers for sales of coal to Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia; E. I. duPont de Nemours & Company, Belle, Kanawha County, West Virginia.


4. With Truax-Trayer Coal Company for sales of coal to Barium Reduction Corporation, South Charleston, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; E. I. duPont de Nemours & Company, Belle, Kanawha County, West Virginia.

5. With Cedar Grove Colliers, Inc., for sales of coal to E. I. duPont de Nemours & Company, Belle, Kanawha County, West Virginia; Carbide and Carbon Chemicals Corporation, South Charleston, Kanawha County, West Virginia; Belle Alkali Company, Belle, Kanawha County, West Virginia; Westvaco Chlorine Products Company, Inc., South Charleston, Kanawha County, West Virginia.


It is further ordered, That petitioner shall file with the Division, on the first of each month, a report showing the size, quality and price of each ton of coal sold during the preceding month to any of the above mentioned purchasers.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 17, 1940.

H. A. Gray,
Director.

[F. D. Doc. 40-4424; Filed, October 18, 1940; 3:55 p. m.]

[Docket No. A-111]

PETITION OF DISTRICT BOARD 8 FOR RECLASSIFICATION OF THE AMERICAN ROLLING MILL COMPANY

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING, IN PART, TEMPORARY RELIEF

A petition, accompanied by a request for temporary relief, pursuant to the provisions of sections 2 and 4 II (d) of the Bituminous Coal Act of 1937 (hereinafter referred to as the Act), having been filed by District Board 8, with the Bituminous Coal Division of the Department of the Interior (hereinafter referred to as the Division), requesting that coal from the Nellis Mine of the American Rolling Mill Company, a producer in District 8, be reduced in classification in Size Groups 11-14 from "B" to "F", Size Groups 15-17 from "B" to "E", Size Groups 18-21 from "F" to "J", Size Groups 25 and 26 from "S" to "C", and Size Group 27 from "D" to "D", and requesting the granting of temporary relief pending the disposition of the petition; and

An informal conference having been held on notice to interested persons on October 17, 1940, at which conference petitioner withdrew its request for a temporary order granting reductions in Size Groups 11 to 21 and 27 and at which conference there was no opposition to the request for temporary relief; and

The Director having considered the petition and the views expressed in its support by the petitioner and the American Rolling Mill Company,

Now, therefore, it is ordered, That the petition for temporary relief is granted,
Washington, before the Bituminous Coal Division in Market Area is amended the original petition herein, the Schedule and that pending the final disposition before November which the relief in the original petitions setting forth the facts on the basis of Section 4 of the Bituminous Coal Act of 1937 having been filed by District Board No. 10 with this Division; it is further ordered, That a hearing in respect of the subject matter of such petition be held on November 13, 1940 at 10 a.m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendations of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other party therein and to such persons or entities having an interest in this proceeding and eligible to become a party therein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 8, 1940.

Dated: October 18, 1940.

[Seal] H. A. Gray, Director.

[FR. Dc. No. 40-4410; Filed, October 19, 1940; 11:48 a.m.] No. 206-4

ORDER GRANTING TEMPORARY RELIEF

A petition dated September 30, 1940 pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937 having been filed by District Board No. 10 with this Division;

It is ordered, That a hearing in respect of the subject matter of such petition be held on November 13, 1940 at 10 a.m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other party therein and to such persons or entities having an interest in this proceeding and eligible to become a party therein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 1, 1940.

The matter concerned herewith is in regard to a petition filed by the Bituminous Coal Producers Board for District No. 10 requesting the establishment of price classifications for certain mines to be made necessary by the initiation of the operation of washing and cleaning facilities at these mines.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the matters specifically alleged in the petition of District Board No. 10 other matters incidental and related thereto whether raised by amendment of the petition, petitions of intervention or otherwise.

It is further ordered, That, a reasonable showing of necessity therefor having been made, pending the final disposition of the petition in the above-entitled proceeding, commencing forthwith, (1) the price group designation for shipment by rail for Mine Index Nos. 108 and 124 in District No. 10 be changed from Price Group No. 2 to Price Group No. 1; (2) the prices for shipment by truck from Mine Index Nos. 108 and 124 in District No. 10 to all market areas for Size Groups 17 to 25, inclusive, be the same as those shown for the same size groups of other mines in Franklin County already having prices for such size groups; (3) the coal in Size Groups 19 and 22 of Mine Index Nos. 118, 119, 120, and 121 in District No. 10 have the same price for shipment by truck to all market areas as those shown for the same size groups of other mines in Franklin County already having prices for such size groups.

Notice is hereby given, that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 18, 1940.

[Seal] H. A. Gray, Director.

[FR. Dc. No. 40-4410; Filed, October 19, 1940; 11:48 a.m.]
Stat. 1033, 43 U.S. Code, sec. 315 m-1, 2, 3, 4), commonly known as the Pierce Act, not including lands withdrawn by Executive Order of November 26, 1934 (No. 6910), within the following described legal subdivisions:

**COLORADO**

**Sixth Principal Meridian**

T. 6 S., R. 20 W., that part north of the Colorado River:

T. 51/2 S., R. 93 W., sec. 1, all;

T. 6 S., R. 105 W., sec. 36, all;

T. 7 S., R. 105 W., all;

and within the following legal subdivisions, heretofore included in Colorado Grazing Districts Nos. 1 and 3:

**COLORADO GRAZING DISTRICT NO. 1**

**Sixth Principal Meridian**

T. 5 S., R. 88 W., sec. 31, all;

T. 5 S., R. 89 W., sec. 4 to 9, sec. 16 to 21, and secs. 25 to 30, inclusive;

T. 31, that part north of the Colorado River;

secs. 2 to 36, inclusive;

T. 6 S., R. 89 W., that part north of the Colorado River;

T. 11 S., R. 89 W., that part north of the Colorado River;

T. 5 S., R. 90 W., that part north of the Colorado River;

T. 4 S., R. 91 W., secs. 31 to 36, inclusive;

T. 5 S., R. 91 W., that part north of the Colorado River;

T. 6 S., R. 91 W., that part north of the Colorado River;

T. 4 and 5 S., R. 92 W., all;

T. 6 S., R. 92 W., that part north of the Colorado River;

T. 4 S., R. 93 W., that part north of the Colorado River;

T. 4 S., R. 94 W., secs. 1 to 9, inclusive;

sec. 4, SE1/4;

secs. 10 to 15, inclusive;

sec. 16, SE1/4;

sec. 31, SE1/4;

secs. 22 to 27, inclusive;

sec. 34, SE1/4;

secs. 35 and 36;

T. 5 S., R. 94 W., all;

T. 6 S., R. 94 W., that part north of the Colorado River;

T. 4 S., R. 95 W., secs. 31 and 32;

T. 5 S., R. 95 W., secs. 1 to 9, inclusive;

sec. 4, SE1/4;

secs. 5 to 36, inclusive;

T. 6 S., R. 95 W., those parts north of the Colorado River;

T. 5 S., R. 96 W., secs. 25 to 36, inclusive;

T. 6 S., R. 96 W., all;

T. 7 S., R. 99 W., those parts north of the Colorado River;

T. 5 S., R. 99 W., all;

T. 7 S., R. 99 W., secs. 25 and 26;

T. 8 S., R. 99 W., all;

T. 8 S., R. 97 W., all;

T. 8 S., 97 W., all;

T. 8 S., R. 97 W., those parts north of the Colorado River;

T. 9 S., R. 89 W., secs. 3 to 10, sec. 14 to 23, and secs. 26 to 35, inclusive;

T. 10 S., R. 89 W., secs. 1 to 6 and secs. 11 to 14, inclusive;

T. 8 S., R. 88 W., secs. 3 to 10, sec. 15 to 23, and secs. 26 to 33, inclusive;

T. 9 S., R. 88 W., secs. 1 to 9 and secs. 10 to 36, inclusive;

T. 10 S., R. 88 W., secs. 1, 2, and 3;

T. 7 S., R. 67 W., secs. 1 to 11, sec. 14 to 23, and secs. 26 to 35, inclusive;

T. 8 S., R. 66 W., all;

T. 9 S., R. 67 W., all;

T. 7 S., R. 67 W., secs. 1, 12, 13, 24, and 25;

T. 6 S., R. 68 W., all;

T. 6 S., R. 69 W., those parts south of the Colorado River;

T. 7 S., R. 69 W., secs. 1 to 16, sec. 22 to 27, and secs. 28 to 30, inclusive;

T. 8 S., R. 68 W., secs. 1 and 2, sec. 11 to 14, inclusive, and secs. 23, 26, 27, and 36;

T. 5 S., R. 94 W., that part south of the Colorado River;

T. 5 S., R. 89 W., all;

T. 7 S., R. 90 W., all;

T. 9 S., R. 88 W., all;

T. 8 S., R. 89 W., secs. 1 to 9, inclusive;

T. 8 S., R. 89 W., secs. 1 to 8, inclusive;
T. 15 S., R. 102 W., secs. 1 to 15, inclusive; sec. 16, N.; sec. 17, N.; sec. 18, N.; sec. 19, N.;
T. 10 S., R. 103 W., that part south of the Colorado River;
Tps. 11 to 14 S., inclusive, R. 103 W., all;
Tps. 10 and 11 S., R. 104 W., those parts southeast of the Colorado River;
Tps. 12 to 16 S., inclusive, R. 104 W., all.

The Principal Meridian
T. 1 N., R. 2 W., that part south of the Colorado River and outside of the Colorado National Monument;
T. 1 N., R. 3 W., that part south of the Colorado River;
T. 1 S., R. 1 W., that part south of the Colorado River and outside of the Colorado National Monument;
T. 3 S., R. 1 W., all (fractional);
T. 1 S., R. 1 E., that part south of the Colorado River;
T. 2 S., R. 1 E., all;
T. 1 S., R. 2 E., that part south of the Colorado River;
Tps. 2 and 3 S., R. 2 E., all;
T. 4 S., R. 3 E., all.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the Federal Register.

A. J. WINTZ,
Acting Secretary of the Interior.
October 12, 1940.

[F. R. Doc. 40-4428: Filed, October 19, 1940; 9:26 a.m.]

COLORADO GRAZING DISTRICT No. 3
MODIFICATION
Correction
The land description in F.R. Doc. 40-4199 (filed, October 7, 1940 at 10:11 a.m.), appearing at page 3954 of the issue for Tuesday, October 8, 1940, is corrected by changing the first two lines to read as follows:
T. 40 N., R. 3 E.,
Secs. 23 to 28 and secs. 33 to 36, inclusive;

DEPARTMENT OF AGRICULTURE.
Surplus Marketing Administration.
DAIRY DIVISION
[Docket No. A-145 O-145]
NOTICE OF HEARING ON PROPOSAL TO AMEND TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER NO. 47 REGULATING HANDLING OF MILK IN FALL RIVER, MASSACHUSETTS, MARKETING AREA
Whereas pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 76d Congress, as amended and as renacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, the Secretary tentatively approved, on April 25, 1940, a marketing agreement and thereafter issued an order 1 regulating the handling of milk in the Fall River, Massachusetts, marketing area, effective June 1, 1940; and
Whereas various interested parties have proposed certain amendments to said tentatively approved marketing agreement and said order; and
Whereas the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend said tentatively approved marketing agreement and said order; and
Whereas under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders:
Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposal to amend the tentatively approved marketing agreement and Order No. 47 regulating the handling of milk in the Fall River, Massachusetts, marketing area, beginning at 10:00 a.m., e. s. t., on October 28, 1940, in the Watuppa Grange Hall, Westport, Massachusetts.
This public hearing is for the purpose of receiving evidence with respect to proposals to (1) increase the Class I price from $3.35 to $3.55 or $3.65 per hundredweight for milk of 3.7 percent butterfat content, (2) provide for milk service payments to qualified cooperative associations, (3) provide that the order shall apply to producer-handlers as well as to handlers, (4) revise the butterfat differential, (5) revise the base rating provisions, and (6) revise the provisions relative to milk transferred to and from other markets.
Copies of the proposed amendments to said tentatively approved marketing agreement and said order may be obtained from the Hearing Clerk, Office of the Solicitor, Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL]
CLAUSE R. WICKARD,
Secretary of Agriculture.
October 19, 1940,
Washington, D. C.

[F. R. Doc. 40-4437; Filed, October 21, 1940; 11:11 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
The undersigned is hereby given that Special Certificates authorizing the employment of learns at hourly wages lower than the minimum 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) to the employers listed below effective October 22, 1940.

1 F. R. 2079.

©CFR 803.1-5020.
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 October 22, 1940. The Certificate may be cancelled in the manner provided in the Regulations as indicated in the Certificate. 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

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

Carroll Silk Hosiery Mills, Inc., Pulaski, Virginia; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

East Shore Hosiery Mills, Inc., Berkeley, Maryland; Hosiery; Full-Fashioned; 5 learners; June 22, 1941.

East Shore Hosiery Mills, Inc., Berkeley, Maryland; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

Gray-Line Hosiery Company, Chambersburg, Pennsylvania; Hosiery; Full-Fashioned; 6 learners; June 22, 1941.

Herbert Hosiery Mills, Inc., Penn Street at Arch Street, Norristown, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; June 22, 1941.

Holeproof Hosiery Company, Milwaukee, Wisconsin; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

Infants Socks, Inc., Fond Du Lac, Wisconsin; Hosiery; Seamless; 5 percent; October 22, 1941.

Larkwood Silk Hosiery Mills, Inc., Charlotte, North Carolina; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

Morganton Full Fashioned Hosiery Company, Morganton, North Carolina; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

Newfield Textile Mills, Newfield, New Jersey; Hosiery; Full-Fashioned; 5 learners; October 22, 1941.

Phoenix Hosiery Company, Milwaukee, Wisconsin; Hosiery; Seamless & Full-Fashioned; 5 percent; October 22, 1941.

Spalding Knitting Mills, Griffin, Georgia; Hosiery; Seamless; 5 percent; October 22, 1941.

Tip-Top Hosiery Mills, Inc., Asheboro, North Carolina; Hosiery; Seamless; 5 learners; October 22, 1941.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

Diamond Full Fashion Hosiery Company, Inc., High Point, North Carolina; Hosiery; Full-Fashioned; 5 learners; October 22, 1941.

Morristown Knitting Mills, Inc., Danbridge, Tennessee; Hosiery; Seamless; 80 learners; June 22, 1941.

Morristown Knitting Mills, Inc., White Pine, Tennessee; Hosiery; Seamless; 5 percent; October 22, 1941.

Morristown Knitting Mills, Inc., Morristown, Tennessee; Hosiery; Seamless; 5 percent; October 22, 1941.

Orange Knitting Mills, Orange, Virginia; Hosiery; Full-Fashioned; 25 learners; June 22, 1941.

Paul Knitting Mills, Pulaski, Virginia; Hosiery; Seamless; 5 percent; October 22, 1941.

Van Raalte Company, Athens, Tennessee; Hosiery; Full-Fashioned; 15 learners; June 22, 1941.

Van Raalte Company, Inc., Athens, Tennessee; Hosiery; Full-Fashioned; 5 percent; October 22, 1941.

A. & M. Brand Incorporated, 55 Minor Street, New Haven, Connecticut; Apparel; Children's Dresses; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

Allen Underwear Manufacturing Company, Inc., 165 Bellefonte Avenue, Hawley, Pennsylvania; Apparel; Ladies Underwear; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

C. A. Baltz and Sons, Salem, New York; Apparel; Pajamas; 20 learners (75% of the applicable hourly minimum wage); February 12, 1941.

Blauer Manufacturing Company, Inc., 169 Bridge Street, Cambridge, Massachusetts; Apparel; Sportswear, (Gabardine Coats, Golf Jackets); 5 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Boman Sportswear Incorporated, 21 E. Main Street, Johnstown, New York; Apparel; Leather Sport Clothing, Gabardine & Poplin Jackets, Sheep Lined Clothing; 5 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Bowdard Frocks, Inc., 510 1st Avenue, North, Minneapolis, Minn.; Apparel; Dresses, Housecoats, Smocks; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

Brand Brothers, Inc., 55 Minor Street, New Haven, Connecticut; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Chic Manufacturing Company, 1001 S. Adams Street, Pecora, Illinois; Apparel; Cotten Dresses; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

Cohen, Goldman and Company, Inc., Queen & Pasteur Streets, New Bern, North Carolina; Apparel; Men's Suits and Separate Trousers; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

Enterprise & Century Underwear Company, Inc., N. Main Street, South Norwalk, Connecticut; Apparel; Ladies' Underwear; 25 learners (75% of the applicable hourly minimum wage); February 18, 1941.

The Flossie Dress Company, 705 Atlantic Street, Stamford, Connecticut; Apparel; Children's Wear; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

Freedman-Broadhead Company, Quakertown, Pennsylvania; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

General Sportswear Company, Inc., 23 Market Street, Ellenville, New York; Apparel; Gym Suits, Pajisuits, Coveralls; 5 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Gopher Sportswear Company, 52 North Third Street, Minneapolis, Minnesota; Apparel; Dresses; 3 learners (75% of the applicable hourly minimum wage); October 22, 1941.

William Haberman Corporation, 1 Virginia Avenue, New York; Apparel; Overcoats and Topcoats; 12
Dodge, Iowa; Apparel; minimum wage); February 18, 1941.

E. H. South Company, Barthol, Ohio; Apparel; Men's and Boys' Single Pants; 4 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Southland Manufacturing Company, Inc., 2nd & Greenfield Streets, Wilmington, North Carolina; Apparel; Shirts; 5 learners (75% of the applicable hourly minimum wage); October 22, 1941.

J. H. Stern Garment Company, Seven Valleys, Pennsylvania; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Lawcraft Studios, Inc., 1045 East General Dodge Avenue, Saginaw, Michigan; Apparel; Corsets and Brasieries; 4 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Union Underwear Company, Inc., Frankfort, Kentucky; Apparel; Men's and Boys' Underwear; 5 percent (75% of the applicable hourly minimum wage); October 22, 1941.

Louis Garment Manufacturing Company, 1401 First Avenue, North, Minneapolis, Minnesota; Apparel; Sportswear and Outerwear; Leather and Sheep-lined Garments; 3 learners (75% of the applicable hourly minimum wage); October 22, 1941.

Lord Hot Company, 640 S. Broadway, Los Angeles, California; Millinery; Custom-Made; 5 learners; October 22, 1941.

Simpson Millinery Company, 489 Market Street, San Francisco, California; Millinery; Custom-Made; 4 learners; October 22, 1941.

Alabama Bedspread Company, Scottsboro, Alabama; Textile; Chenille Bedspreads; 50 learners; April 8, 1941.

The Boysill Company, Inc., 118 East Airline Avenue, Gastonia, North Carolina; Textile; Twisted Bedspreads and Rugs; 50 learners; March 18, 1941.

Buffalo Woven Label Works, Inc., 567 Washington Street, Buffalo, New York; Textile; Woven Labels; 3 learners; October 22, 1941.

National Shipping Supply Company, 1835 Main Street, Kansas City, Missouri; Textile; Cotton; 3 learners; February 18, 1941.

Essex-Leather Products Company, Newark, New Jersey; Glove; Work Gloves; 15 learners; April 22, 1941.

Smoler Brothers, Inc., 310 E. Colfax Avenue, South Bend, Indiana; Apparel; Wash Dresses; 30 learners (75% of the applicable hourly minimum wage); August 22, 1941.

Muller and Rass, 820 Mission Street, San Francisco, California; Millinery; Custom-Made; 2 learners; October 11, 1941.
EXTENSION OF CLOSING DATE FOR SUBMISSION OF WRITTEN BRIEFS IN THE MATTER OF MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 15 FOR THE EMBROIDERIES INDUSTRY

Whereas, certain persons, who appeared at the public hearing on September 30, 1940 in connection with minimum wage rates recommended by Industry Committee No. 15, for the Embroideries Industry, have presented reasonable ground for the extension of time from October 21, 1940 until November 1, 1940 in which written briefs bearing on the issues before the Administrator on this matter may be filed;

Therefore, notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, in the Department of Labor Building, Washington, D. C., from persons who appeared at the hearing of September 30, 1940, on the recommendations of Industry Committee No. 15 concerning minimum wage rates for the Embroideries Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each brief shall be submitted to him before 4:30 P. M., Friday, November 1, 1940.

Signed at Washington, D. C., this 21st day of October 1940.

GUSTAV PECK, Authorized Representative of the Administrator.

[F. R. Doc. 40-4442; Filed, October 21, 1940; 11:55 a.m.]

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

IN THE MATTER OF INLAID OPTICAL CORPORATION

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1940.


It is ordered, That Lewis C. Russell, 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, November 4, 1940, at ten o'clock in the forenoon of that day (eastern standard time), at the St. George Hotel, Brooklyn, New York.

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

By the Commission.

[seal] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-4433; Filed, October 21, 1940; 10:13 a.m.]

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

IN THE MATTER OF T. A. WARD, CAIRN WARD AND WILMA WARD, INDIVIDUALLY AND TRADING AS MINETREE BROKERAGE COMPANY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1940.


It is ordered, That John L. Horner, 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, October 25, 1940, at ten o'clock in the forenoon of that day (central standard time), in the Circuit Court Room, County Court House, Poplar Bluff, Missouri.

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 examiner will then close the case and make his report upon the evidence.

By the Commission:

[seal] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-4435; Filed, October 21, 1940; 10:13 a.m.]

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

IN THE MATTER OF LUCIAN V. SEGAL, AN INDIVIDUAL TRADING AS SEGAL OPTICAL COMPANY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1940.

It is ordered, That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law; it is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 6, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in the St. George Hotel, Brooklyn, New York.

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

By the Commission.

[SEAL]

Otis B. Johnson,
Secretary.

[F. R. Doc. 40-4439; Filed, October 21, 1940; 11:38 a.m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPOINTMENT AT CLOSE OF BUSINESS TUESDAY, OCTOBER 15, 1940

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

By appointment.

By transfer.

By correction.

IN ARREARS—Continued

IN ARREARS

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GAINS

By appointment.

By transfer.

By correction.

Total.

LOSSES

By separation.

By transfer.

Total.

Total appointments.

Note.—Number of employees occupying appointment positions who are credited from the apportionment are credited to the Attorney General’s Office of August 21, 1939, 17 C.F.R. 21.

By direction of the Commission.

[SEAL]

L. A. Moyer,
Executive Director
and Chief Examiner.

[F. R. Doc. 40-4439; Filed, October 21, 1940; 9:21 a.m.]