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Washington, Friday, December 19, 1941

The President

EXECUTIVE ORDER

NAVY HOSPITAL AREA, COCO SOLO, CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, it is ordered as follows:

SECTION 1. Setting apart of reservation; boundaries. The following - described area of land in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as Navy Hospital Area, Coco Solo, and which shall be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order:

Beginning at monument marked N. H.-1 on Panama Canal drawing, M-6109-21, which monument is a 2½ inch galvanized iron pipe surrounded by a 12 inch concrete collar, the geographic position of which monument, referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 9°21' North plus 1100.4 feet and longitude 79°51' West plus 3934.5 feet from Greenwich. Monument N. H.-1 is 15 feet in a southerly direction from the centerline of the old Cativa Road.

Thence from said initial point, by metes and bounds.

S. 17°40'30" E., 376.0 feet to monument N. H.-2 which is a 2½ inch galvanized iron pipe surrounded by a 12 inch concrete collar. Monument N. H.-2 is 100 feet from the centerline of the Trans-Isthmian Highway; and on the northerly boundary of the Colon-Cativa Corridor;

Thence along the northerly boundary of the Colon-Cativa Corridor in a generally southwesterly direction through monuments N. H.-3 and N. H.-4 to monument N. H.-5 located on the east bank of the Coco Solo River, (all monuments are similar to the above). From monument N. H.-2 to N. H.-3 the line bears S. 63°09'45" W., 187.2 feet; from monument N. H.-3 to N. H.-4 the chord of the curve (radius of 5,829.6 feet) is S. 59°34'45" W., 728.7 feet, and from monument N. H.-4 to monument N. H.-5 the line bears S. 55°59'45" W., 626.1 feet.

Thence in a generally northerly direction along the East bank of the Coco Solo River to monument N. H.-6, similar to the above. From monument N. H.-5 to N. H.-6 the direct line bears N. 22°02'30" W., 1,346.8 feet.

N. 55°03'45" E., 929.2 feet, to monument N. H.-7, similar to the above, which is 15 feet in a southerly direction from the centerline of the old Cativa Road;

Thence in a generally southeasterly direction parallel to and 15 feet from the centerline of the old Cativa Road to the point of beginning. From N. H.-7 to N. H.-1 the direct line bears S. 56°45'30" E., 1,128.7 feet.

The above-described tract contains an area of 39.4 acres.

The directions of the lines refer to the true meridian.

The survey was made in May, 1941, by the Office Engineering Division, Section of Surveys, The Panama Canal, and is as shown on Panama Canal drawing No. M-6109-21 entitled "Boundary Map of Navy Hospital Area, Coco Solo, Canal Zone", on file in the Office of the Governor, The Panama Canal, and the Office of the Commandant, 15th Naval District.

SECTION 2. Conditions and limitations. The reservation made by section 1 of this order shall be subject to the following conditions and limitations:

(a) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The naval authorities shall bear all the costs of the transfer of such area, including the cost of surveys and of cancellation of any agricultural licenses or other permits which may be in force in the area.

(c) Personnel and equipment of The Panama Canal shall be permitted access to such area to carry out necessary Panama Canal operations in connection with drainage, sanitation, surveys, etc., in the area or vicinity.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 17, 1941.

[No. 8981]

[F. R. Doc. 41-9511; Filed, December 18, 1941;
10:38 a. m.]

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EXECUTIVE ORDER

CHANGING THE NAME OF THE ECONOMIC DEFENSE BOARD, ESTABLISHED BY EXECUTIVE ORDER NO. 8839 OF JULY 30, 1941, TO THE BOARD OF ECONOMIC WARFARE

By virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered as follows:

1. The name of the Economic Defense Board, established by Executive Order No. 8839¹ of July 30, 1941, is changed to the Board of Economic Warfare.

2. Executive Orders No. 8839 of July 30, 1941, No. 8900² of September 15, 1941, No. 8926³ of October 28, 1941, and No. 8942⁴ of November 19, 1941 are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 17, 1941.

[No. 8982]

[F. R. Doc. 41-9510; Filed, December 18, 1941;
10:38 a. m.]

¹ 6 F. R. 3823.
² 6 F. R. 4795.
³ 6 F. R. 5519.
⁴ 6 F. R. 5909.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 629]

PART 722—COTTON

SUBPART D—1942

1942 County Cotton Acreage Allotments

§ 722.402 *County cotton acreage allotments for 1942.* The county cotton acreage allotments established with respect to the marketing year beginning August 1, 1942, in accordance with the provisions of section 344 of the Agricultural Adjustment Act of 1938, as Amended, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act are as follows:

Counties and Cotton Acreage Allotment by Acres

Alabama: Autauga, 29,101; Baldwin, 5,753; Barbour, 39,929; Bibb, 11,602; Blount, 31,196; Bullock, 29,259; Butler, 30,561; Calhoun, 27,038; Chambers, 38,276; Cherokee, 34,673; Chilton, 25,387; Choctaw, 16,016; Clarke, 19,449; Clay, 17,904; Cleburne, 12,625; Coffee, 39,772; Colbert, 31,871; Conecuh, 26,564; Coosa, 11,135; Covington, 40,792; Crenshaw, 33,118; Cullman, 48,344; Dale, 24,431; Dallas, 66,193; De Kalb, 43,149; Elmore, 44,081; Escambia, 19,536; Etowah, 28,076; Fayette, 22,181; Franklin, 26,046; Geneva, 39,179; Greene, 28,792; Hale, 37,696; Henry, 33,365; Houston, 50,187; Jackson, 36,010; Jefferson, 8,726; Lamar, 26,824; Lauderdale, 46,467; Lawrence, 48,325; Lee, 38,026; Limestone, 61,093; Lowndes, 28,004; Macon, 40,166; Madison, 77,438; Marengo, 48,237; Marion, 24,887; Marshall, 48,917; Mobile, 6,505; Monroe, 38,098; Montgomery, 31,681; Morgan, 41,734; Perry, 38,464; Pickens, 36,419; Pike, 42,606; Randolph, 29,308; Russell, 30,952; St. Clair, 16,933; Shelby, 14,351; Sumter, 33,077; Talladega, 38,857; Tallapoosa, 29,573; Tuscaloosa, 36,916; Walker, 17,509; Washington, 5,448; Wilcox, 28,942; and Winston, 15,637.

Total county allotments: 2,129,407.

4 percent State reserve: 68,701.

State reserve for new growers: 17,175.

Total, Alabama: 2,215,283.

Arizona: Cochise, 12; Gila, 12; Graham, 12,858; Greenlee, 971; Maricopa, 111,090; Mohave, 18; Pima, 6,551; Pinal, 44,594; Santa Cruz, 564; and Yuma, 13,055.

Total county allotments: 189,725.

4 percent State reserve: 4,552.

State reserve for new growers: 1,138.

Total, Arizona: 195,415.

Arkansas: Arkansas, 14,645; Ashley, 37,448; Baxter, 2,848; Boone, 568; Bradley, 17,983; Calhoun, 14,848; Carroll, 1; Chicot, 49,942; Clark, 23,345; Clay, 39,667; Cleburne, 14,347; Cleveland, 23,444; Columbia, 52,268; Conway, 38,878; Craighead, 64,830; Crawford, 9,339; Crittenden, 99,316; Cross, 40,104; Dallas, 10,343; Desha, 45,825; Drew, 26,944; Faulkner, 45,250; Franklin, 10,181; Fulton, 6,558; Garland, 2,536; Grant, 9,289; Greene, 34,249; Hempstead, 44,846; Hot Spring, 9,508; Howard, 20,540; Independence, 23,996; Izard, 14,333; Jackson, 55,669; Jefferson, 81,006; Johnson, 9,515; Lafayette, 34,696; Lawrence, 33,358; Lee, 56,450; Lincoln, 47,919; Little River, 27,310; Logan, 22,977; Lonoke, 70,178; Marion, 2,950; Miller, 40,322; Mississippi, 179,566; Monroe, 40,847; Montgomery, 6,043; Nevada, 30,332; Newton, 712; Ouachita, 17,141; Perry, 10,542; Phillips, 68,832; Pike, 10,296; Poinsett, 51,300; Polk, 5,827; Pope, 33,289; Prairie, 17,347; Pulaski, 41,190; Randolph, 20,602; St. Francis, 66,979; Saline, 3,929; Scott, 9,017; Searcy, 1,985; Sebastian, 10,877; Sevier, 11,484; Sharp, 12,370; Stone, 3,180; Union, 27,028; Van Buren, 11,786; Washington, 80; White, 53,818; Woodruff, 43,424; and Yell, 33,040.

Total county allotments: 2,153,432.
4 percent State reserve: 70,349.
State reserve for new growers: 17,587.
Total, Arkansas: 2,241,368.

California: Fresno, 85,274; Imperial, 8,371; Kern, 75,839; Kings, 40,750; Madera, 50,126; Merced, 28,127; Riverside, 12,140; San Benito, 180; San Bernardino, 43; San Diego, 36; San Joaquin, 42; Stanislaus, 1,267; and Tulare, 89,470.

Total county allotments: 391,665.
4 percent State reserve: 8,872.
State reserve for new growers: 2,218.
Total, California: 402,755.

Florida: Alachua, 421; Baker, 188; Bay, 91; Bradford, 8; Calhoun, 655; Clay, 1; Columbia, 2,554; Dixie, 33; Escambia, 4,125; Flagler, 1; Gadsden, 305; Gilchrist, 42; Gulf, 5; Hamilton, 3,329; Holmes, 9,404; Jackson, 14,955; Jefferson, 3,101; Lafayette, 689; Leon, 4,428; Levy, 145; Liberty, 2; Marion, 18; Nassau, 5,693; Okaloosa, 4,813; Putnam, 3; Santa Rosa, 8,774; Sumter, 69; Suwanee, 3,877; Taylor, 156; Union, 41; Volusia, 1; Wakulla, 91; Walton, 5,059; and Washington, 2,420.

Total county allotments: 75,497.
4 percent State reserve: 2,537.
State reserve for new growers: 634.
Total, Florida: 78,668.

Georgia: Appling, 8,771; Atkinson, 2,875; Bacon, 4,763; Baker, 8,412; Baldwin, 8,582; Banks, 10,925; Barrow, 16,562; Bartow, 28,501; Ben Hill, 10,044; Berrien, 7,168; Bibb, 4,090; Bleckley, 13,832; Brantley, 237; Brooks, 15,070; Bryan, 1,194; Bulloch, 35,261; Burke, 63,982; Butts, 10,448; Calhoun, 10,687; Camden, 19; Candler, 12,349; Carroll, 44,036; Catoosa, 4,466; Charlton, 37; Chatham, 211; Chattahoochee, 3,129; Chattooga, 11,873; Cherokee, 13,237; Clarke, 7,626; Clay, 8,638; Clayton, 6,967; Clinch, 313; Cobb, 18,523; Coffee, 13,069;

Colquitt, 27,284; Columbia, 12,157; Cook, 5,239; Coweta, 20,636; Crawford, 7,379; Crisp, 18,551; Dade, 1,422; Dawson, 2,555; Decatur, 7,274; De Kalb, 6,995; Dodge, 32,650; Dooly, 34,031; Dougherty, 4,662; Douglas, 9,114; Early, 25,928; Echols, 379; Effingham, 4,237; Elbert, 21,990; Emanuel, 40,217; Evans, 6,468; Fayette, 13,072; Floyd, 24,337; Forsyth, 15,409; Franklin, 23,287; Fulton, 15,877; Gilmer, 566; Glascock, 8,515; Glynn, 10; Gordon, 20,055; Grady, 6,469; Greene, 11,084; Gwinnett, 29,312; Habersham, 3,393; Hall, 17,923; Hancock, 14,267; Haralson, 12,307; Harris, 9,383; Hart, 28,106; Heard, 13,661; Henry, 27,365; Houston, 15,082; Irwin, 16,384; Jackson, 28,397; Jasper, 10,865; Jeff Davis, 4,021; Jefferson, 35,208; Jenkins, 23,668; Johnson, 24,322; Jones, 4,599; Lamar, 9,437; Lanier, 1,255; Laurens, 54,720; Lee, 6,220; Liberty, 1,198; Lincoln, 9,894; Long, 1,317; Lowndes, 6,655; Lumpkin, 1,637; McDuffie, 14,736; McIntosh, 11; Macon, 27,917; Madison, 22,670; Marion, 9,533; Meriwether, 26,592; Miller, 9,836; Mitchell, 24,004; Monroe, 8,153; Montgomery, 12,659; Morgan, 20,585; Murray, 9,236; Muscogee, 3,778; Newton, 15,593; Oconee, 14,138; Oglethorpe, 20,405; Paulding, 14,036; Peach, 9,653; Pickens, 4,887; Pierce, 4,469; Pike, 16,900; Polk, 17,396; Pulaski, 15,406; Putnam, 6,426; Quitman, 4,170; Randolph, 20,095; Richmond, 10,733; Rockdale, 7,820; Schley, 8,950; Screven, 32,494; Seminole, 7,054; Spalding, 10,931; Stephens, 6,680; Stewart, 10,850; Sumter, 25,598; Talbot, 6,200; Taliaferro, 7,872; Tattnall, 10,109; Taylor, 14,885; Telfair, 15,106; Terrell, 21,016; Thomas, 11,356; Tift, 11,515; Toombs, 17,520; Treutlen, 12,063; Troup, 15,046; Turner, 11,869; Twiggs, 9,452; Upson, 7,475; Walker, 10,024; Walton, 32,476; Ware, 2,132; Warren, 20,618; Washington, 30,358; Wayne, 6,285; Webster, 6,092; Wheeler, 14,302; White, 2,971; Whitfield, 9,506; Wilcox, 25,153; Wilkes, 19,391; Wilkinson, 8,632; and Worth, 26,540.

Total county allotments: 2,104,700.
4 percent State reserve: 66,712.
State reserve for new growers: 16,678.
Total, Georgia: 2,188,090.

Illinois: Alexander, 3,390; Jackson, 2; Massac, 1; Pulaski, 1,556; and Randolph, 1.

Total county allotments: 4,950.
4 percent State reserve: 200.
State reserve for new growers: 50.
Total, Illinois: 5,200.

Kansas: Chautauqua, 39; Cowley, 3; and Montgomery, 688.

Total county allotments: 730.
4 percent State reserve: 29.
State reserve for new growers: 7.
Total, Kansas: 766.

Kentucky: Ballard, 23; Barren, 4; Calloway, 1,637; Carlisle, 643; Christian, —; Fulton, 10,144; Graves, 652; Hickman, 3,977; Hopkins, 1; McCracken, 30; Marshall, 724; Metcalfe, 4; and Trigg, 6.
Total county allotments: 17,845.
4 percent State reserve: 562.
State reserve for new growers: 140.
Total, Kentucky: 18,547.

Louisiana: Acadia, 24,627; Allen, 3,908; Ascension, 1,085; Assumption, 20; Avoyelles, 33,619; Beauregard, 2,915; Bienville, 42,927; Bossier, 42,623; Caddo, 71,570; Calcasieu, 4,793; Caldwell, 9,531; Cameron, 4,648; Catahoula, 17,054; Claiborne, 54,724; Concordia, 16,219; De Soto, 49,182; East Baton Rouge, 7,432; East Carroll, 31,709; East Feliciana, 13,318; Evangeline, 30,679; Franklin, 58,304; Grant, 9,650; Iberia, 2,167; Iberville, 1,030; Jackson, 13,379; Jefferson, 18; Jefferson Davis, 7,378; Lafayette, 30,062; Lafourche, 1,221; LaSalle, 2,413; Lincoln, 38,628; Livingston, 2,335; Madison, 24,455; Morehouse, 38,321; Natchitoches, 49,653; Orleans, 21; Ouachita, 22,550; Pointe Coupee, 16,522; Rapides, 27,169; Red River, 33,442; Richland, 50,036; Sabine, 20,953; St. Charles, 2; St. Helena, 5,742; St. James, 84; St. John the Baptist, 5; St. Landry, 56,245; St. Martin, 9,933; St. Mary, 215; St. Tammany, 2,076; Tangipahoa, 6,926; Tensas, 27,852; Terrebonne, 5; Union, 34,719; Vermilion, 18,913; Vernon, 8,391; Washington, 20,211; Webster, 36,691; West Baton Rouge, 1,313; West Carroll, 29,589; West Feliciana, 5,968; and Winn, 9,761.

Total, Louisiana: 1,235,220.
4 percent State reserve: 38,631.
State reserve for new growers: 9,658.
Total, Louisiana: 1,235,220.

Mississippi: Adams, 10,861; Alcorn, 20,671; Amite, 24,697; Attala, 26,620; Benton, 13,465; Bolivar, 166,082; Calhoun, 20,207; Carroll, 26,236; Chickasaw, 24,433; Choctaw, 10,797; Claiborne, 13,718; Clarke, 13,542; Clay, 18,632; Coahoma, 107,620; Copiah, 19,915; Covington, 23,377; De Soto, 51,182; Forrest, 5,158; Franklin, 9,722; George, 4,021; Greene, 3,005; Grenada, 18,739; Hancock, 414; Harrison, 504; Hinds, 54,779; Holmes, 59,650; Humphreys, 58,468; Issaquena, 20,010; Itawamba, 20,767; Jackson, 330; Jasper, 21,044; Jefferson, 13,924; Jefferson Davis, 26,370; Jones, 24,646; Kemper, 25,878; Lafayette, 23,668; Lamar, 8,758; Lauderdale, 21,154; Lawrence, 18,531; Leake, 27,860; Lee, 42,465; Leflore, 95,828; Lincoln, 24,702; Lowndes, 28,090; Madison, 54,513; Marion, 23,016; Marshall, 39,371; Monroe, 46,039; Montgomery, 17,773; Neshoba, 34,274; Newton, 27,896; Noxubee, 34,222; Oktibbeha, 13,133; Panola, 54,946; Pearl River, 4,155; Perry, 4,859; Pike, 22,237; Pontotoc, 28,341; Prentiss, 22,768; Quitman, 59,858; Rankin, 20,253; Scott, 21,270; Sharkey, 37,616; Simpson, 23,835; Smith, 22,276; Stone, 1,263; Sunflower, 162,313; Tallahatchie, 69,394; Tate, 32,292; Tippah, 24,646; Tishomingo, 15,665; Tunica, 61,943; Union, 26,053; Walthall, 27,067; Warren, 13,438; Washington, 108,881; Wayne, 13,346; Webster, 16,197; Wilkinson, 10,425; Winston, 22,425; Yazoo, 17,551; and Yazoo, 66,710.

Total county allotments: 2,552,800.
4 percent State reserve: 82,568.
State reserve for new growers: 20,642.
Total, Mississippi: 2,656,010.

Missouri: Barton, 2; Bollinger, 94; Butler, 11,793; Cape Girardeau, 124; Carter, 13; Dunklin, 83,342; Howell, 475;

Laclede, 1; Mississippi, 29,366; New Madrid, 88,412; Oregon, 1,035; Ozark, 592; Pemiscot, 109,441; Reynolds, 1; Ripley, 4,537; Scott, 17,494; Stoddard, 32,042; Taney, 200; and Wayne, 32.

Total county allotments: 378,996.

4 percent State reserve: 10,792.

State reserve for new growers: 2,698.

Total, Missouri: 392,486.

New Mexico: Chaves, 24,799; Curry, 987; De Baca, 73; Dona Ana, 35,561; Eddy, 24,544; Grant, 24; Harding, 184; Hidalgo, 340; Lea, 1,196; Luna, 1,737; Otero, 457; Quay, 3,142; Roosevelt, 16,244; Sierra, 696; and Socorro, 66.

Total county allotments: 110,050.

4 percent State reserve: 3,235.

State reserve for new growers: 809.

Total, New Mexico: 114,094.

North Carolina: Alamance, 971; Alexander, 3,292; Anson, 31,290; Beaufort, 5,435; Bertie, 8,086; Bladen, 6,695; Brunswick, 525; Burke, 1,010; Cabarrus, 13,649; Caldwell, 242; Camden, 2,481; Carteret, 862; Caswell, 106; Catawba, 12,078; Chatham, 5,210; Chowan, 4,442; Cleveland, 49,768; Columbus, 3,508; Craven, 2,518; Cumberland, 22,330; Currituck, 1,474; Davidson, 2,788; Davie, 5,087; Duplin, 9,724; Durham, 624; Edgecombe, 25,627; Forsyth, 430; Franklin, 18,167; Gaston, 14,795; Gates, 4,656; Granville, 1,998; Greene, 8,820; Guilford, 559; Halifax, 36,281; Harnett, 23,490; Hertford, 5,093; Hoke, 18,245; Hyde, 3,095; Iredell, 21,805; Johnston, 41,448; Jones, 2,843; Lee, 4,784; Lenoir, 9,476; Lincoln, 17,706; McDowell, 24; Martin, 5,955; Mecklenburg, 25,630; Montgomery, 4,647; Moore, 3,647; Nash, 22,444; New Hanover, 57; Northampton, 25,439; Onslow, 2,646; Orange, 1,160; Pamlico, 3,229; Pasquotank, 2,569; Pender, 2,002; Perquimans, 5,442; Person, 8; Pitt, 14,140; Polk, 4,892; Randolph, 979; Richmond, 14,506; Robeson, 51,255; Rockingham, 12; Rowan, 16,247; Rutherford, 23,628; Sampson, 35,169; Scotland, 24,670; Stanly, 9,091; Tyrrell, 851; Union, 40,819; Vance, 4,126; Wake, 17,833; Warren, 16,741; Washington, 1,975; Wayne, 24,023; Wilkes, 212; Wilson, 17,035; and Yadkin, 423.

Total county allotments: 877,039.

4 percent State reserve: 28,617.

State reserve for new growers: 7,154.

Total, North Carolina: 912,810.

Oklahoma: Adair, 274; Alfalfa, 68; Atoka, 13,682; Beckham, 87,628; Blaine, 25,815; Bryan, 45,581; Caddo, 104,059; Canadian, 20,744; Carter, 18,607; Cherokee, 4,257; Choctaw, 26,578; Cleveland, 14,223; Coal, 14,579; Comanche, 37,068; Cotton, 41,417; Craig, 777; Creek, 29,890; Custer, 33,174; Delaware, 93; Dewey, 17,459; Ellis, 3,830; Garfield, 316; Garvin, 43,177; Grady, 69,275; Grant, 55; Greer, 73,813; Harmon, 57,836; Harper, 55; Haskell, 20,270; Hughes, 30,644; Jackson, 99,499; Jefferson, 46,351; Johnston, 16,663; Kay, 552; Kingfisher, 8,353; Kiowa, 83,264; Latimer, 3,819; Le Flore, 32,835; Lincoln, 31,064; Logan, 18,171; Love, 22,656; McClain, 46,132; McCurtain, 37,089; McIntosh, 44,915; Major, 2,289; Marshall, 14,865; Mayes, 5,868; Murray, 9,599;

Muskogee, 51,571; Noble, 4,293; Nowata, 1,688; Okfuskee, 41,119; Oklahoma, 11,767; Okmulgee, 33,878; Osage, 8,316; Ottawa, 35; Pawnee, 7,895; Payne, 15,099; Pittsburg, 29,570; Pontotoc, 18,197; Pottawatomie, 27,243; Pushmataha, 7,009; Roger Mills, 44,706; Rogers, 5,518; Seminole, 21,307; Sequoyah, 18,949; Stephens, 39,634; Tillman, 103,322; Tulsa, 7,985; Wagoner, 29,019; Washington, 244; Washita, 101,294; Woods, 0; and Woodward, 1,313.

Total county allotments: 1,990,199.

4 percent State reserve: 72,273.

State reserve for new growers: 18,068.

Total, Oklahoma: 2,080,540.

South Carolina: Abbeville, 26,536; Aiken, 41,691; Allendale, 16,549; Anderson, 81,811; Bamberg, 22,146; Barnwell, 31,594; Beaufort, 1,696; Berkeley, 9,521; Calhoun, 24,331; Charleston, 1,981; Cherokee, 28,678; Chester, 27,329; Chesterfield, 43,708; Clarendon, 30,668; Colleton, 16,828; Darlington, 34,062; Dillon, 25,154; Dorchester, 13,113; Edgefield, 18,934; Fairfield, 18,029; Florence, 28,410; Georgetown, 1,720; Greenville, 49,203; Greenwood, 22,690; Hampton, 13,750; Horry, 2,965; Jasper, 3,490; Kershaw, 34,762; Lancaster, 21,992; Laurens, 44,540; Lee, 38,610; Lexington, 20,471; McCormick, 12,095; Marion, 11,291; Marlboro, 49,631; Newberry, 26,323; Oconee, 26,470; Orangeburg, 80,762; Pickens, 22,530; Richland, 17,879; Saluda, 19,043; Spartanburg, 75,765; Sumter, 44,525; Union, 21,485; Williamsburg, 25,609; and York, 38,976.

Total county allotments: 1,269,346.

4 percent State reserve: 40,658.

State reserve for new growers: 10,164.

Total, South Carolina: 1,320,168.

Tennessee: Bedford, 2,708; Benton, 5,515; Blount, 2; Bradley, 3,932; Cannon, 101; Carroll, 23,989; Chester, 13,961; Coffee, 2,314; Crockett, 27,863; Davidson, 26; Decatur, 7,784; De Kalb, 52; Dickson, 13; Dyer, 41,073; Fayette, 58,737; Franklin, 6,535; Gibson, 47,642; Giles, 15,315; Grundy, 202; Hamilton, 2,008; Hardeman, 25,450; Hardin, 13,192; Haywood, 47,096; Henderson, 23,128; Henry, 10,841; Hickman, 61; Humphreys, 118; Knox, 32; Lake, 27,528; Lauderdale, 33,920; Lawrence, 24,469; Lewis, 495; Lincoln, 15,187; Loudon, 15; McMinn, 4,003; McNairy, 23,815; Madison, 38,834; Marion, 773; Marshall, 822; Maury, 523; Meigs, 1,307; Monroe, 976; Moore, 196; Obion, 17,588; Overton, 8; Perry, 387; Polk, 4,001; Rhea, 29; Roane, 9; Rutherford, 12,451; Sequatchie, 12; Shelby, 70,868; Stewart, 36; Tipton, 50,359; Van Buren, 12; Warren, 1,286; Wayne, 4,627; Weakley, 13,327; White, 292; Williamson, 342; and Wilson, 206.

Total county allotments: 728,393.

4 percent State reserve: 23,512.

State reserve for new growers: 5,878.

Total, Tennessee: 757,783.

Texas: Anderson, 39,668; Andrews, 2,407; Angelina, 16,663; Aransas, 2,023; Archer, 8,046; Armstrong, 2,761; Atascosa, 28,506; Austin, 33,371; Bailey, 60,728; Bandera, 132; Bastrop, 39,775; Baylor, 27,110; Bee, 32,366; Bell, 121,133;

Bexar, 23,048; Blanco, 3,582; Borden, 14,153; Bosque, 40,043; Bowie, 53,576; Brazoria, 18,518; Brazos, 35,059; Brewster, 311; Briscoe, 24,328; Brooks, 6,185; Brown, 24,544; Burleson, 51,553; Burnet, 21,742; Caldwell, 53,180; Calhoun, 20,998; Callahan, 20,337; Cameron, 50,990; Camp, 14,985; Carson, 511; Cass, 57,649; Castro, 11,394; Chambers, 1,349; Cherokee, 52,573; Childress, 62,455; Clay, 41,181; Cochran, 42,419; Coke, 19,712; Coleman, 72,754; Collin, 125,543; Collingsworth, 78,136; Colorado, 27,280; Comal, 5,409; Comanche, 24,322; Concho, 41,016; Cooke, 38,941; Coryell, 67,990; Cottle, 66,331; Crockett, 5; Crosby, 87,419; Culbertson, 1; Dallas, 81,302; Dawson, 122,059; Deaf Smith, 566; Delta, 45,821; Denton, 60,977; De Witt, 51,919; Dickens, 58,166; Dimmit, 785; Donley, 42,708; Duval, 30,005; Eastland, 10,622; Ector, 341; Ellis, 177,380; El Paso, 30,278; Erath, 35,507; Falls, 124,582; Fannin, 103,895; Fayette, 57,108; Fisher, 97,423; Floyd, 48,001; Foard, 23,276; Fort Bend, 78,706; Franklin, 18,758; Freestone, 47,102; Frio, 4,133; Gaines, 16,951; Galveston, 290; Garza, 36,501; Gillespie, 6,285; Glasscock, 4,267; Goliad, 22,410; Gonzales, 54,650; Gray, 7,322; Grayson, 89,278; Gregg, 12,773; Grimes, 44,734; Guadalupe, 58,684; Hale, 74,429; Hall, 89,060; Hamilton, 34,402; Hansford, 11; Hardeman, 53,748; Hardin, 656; Harris, 16,992; Harrison, 66,682; Haskell, 102,338; Hays, 20,667; Hemphill, 9,781; Henderson, 46,827; Hidalgo, 79,555; Hill, 154,127; Hockley, 116,359; Hood, 10,250; Hopkins, 74,726; Houston, 64,445; Howard, 63,717; Hudspeth, 8,026; Hunt, 132,975; Hutchinson, 30; Irion, 1,163; Jack, 8,037; Jackson, 29,758; Jasper, 5,608; Jeff Davis, 1; Jefferson, 2,023; Jim Hogg, 7,452; Jim Wells, 42,100; Johnson, 67,273; Jones, 135,016; Karnes, 86,364; Kaufman, 114,974; Kendall, 430; Kenedy, 110; Kent, 27,867; Kerr, 277; Kimble, 1,672; King, 11,490; Kinney, 30; Kleberg, 13,186; Knox, 65,820; Lamar, 88,719; Lamb, 128,412; Lampasas, 14,520; La Salle, 7,139; Lavaca, 50,052; Lee, 25,006; Leon, 39,130; Liberty, 8,804; Limestone, 125,350; Lipscomb, 551; Live Oak, 34,850; Llano, 3,502; Loving, 45; Lubbock, 171,107; Lynn, 143,910; McCulloch, 45,932; McLennan, 150,772; McMullen, 3,581; Madison, 31,795; Marion, 14,855; Martin, 54,662; Mason, 5,823; Matagorda, 18,479; Maverick, 98; Medina, 3,890; Menard, 3,247; Midland, 23,205; Milam, 105,624; Mills, 14,769; Mitchell, 72,243; Montague, 24,221; Montgomery, 9,133; Moore, 100; Morris, 17,144; Motley, 40,439; Nacogdoches, 44,999; Navarro, 158,074; Newton, 2,634; Nolan, 46,043; Nueces, 147,955; Ochiltree, 68; Orange, 540; Palo Pinto, 8,077; Panola, 49,912; Parker, 14,008; Parmer, 17,879; Pecos, 5,745; Polk, 14,076; Presidio, 3,810; Rains, 20,081; Randall, 328; Reagan, 3; Real, 7; Red River, 67,492; Reeves, 5,495; Refugio, 18,935; Roberts, 42; Robertson, 69,658; Rockwall, 29,320; Runnels, 107,647; Rusk, 66,077; Sabine, 10,999; San Augustine, 18,416; San Jacinto, 10,693; San Patricio, 93,328; San Saba, 20,694; Schleicher, 9,900; Scurry, 72,588;

Shackelford, 7,776; Shelby, 47,727; Smith, 69,868; Somervell, 4,678; Starr, 21,580; Stephens, 3,800; Sterling, 845; Stonewall, 38,212; Sutton, 90; Swisher, 9,491; Tarrant, 24,347; Taylor, 68,180; Terrell, 36; Terry, 85,048; Throckmorton, 12,130; Titus, 26,638; Tom Green, 47,849; Travis, 63,669; Trinity, 14,291; Tyler, 3,759; Upshur, 37,603; Upton, 5; Uvalde, 2,165; Van Zandt, 79,612; Victoria, 34,595; Walker, 20,303; Waller, 15,123; Ward, 7,331; Washington, 52,008; Webb, 3,712; Wharton, 82,421; Wheeler, 53,150; Wichita, 27,076; Wilbarger, 67,460; Wil-lacy, 45,715; Williamson, 150,151; Wilson, 28,802; Wise, 19,645; Wood, 38,668; Yoakum, 8,964; Young, 28,796; Zapata, 3,193; and Zavala, 945.

Total county allotments: 9,336,319.

4 percent State reserve: 315,722.

State reserve for new growers: 78,931.

Total, Texas: 9,730,972.

Virginia: Amelia, 6; Brunswick, 6,941; Charlotte, 582; Chesterfield, 29; Din-widdie, 946; Greensville, 7,428; Halifax, 244; Isle of Wight, 2,314; Lunenburg, 1,160; Mecklenburg, 7,337; Middlesex, 2; Nansemond, 5,427; New Kent, 48; Nor-folk, 1,027; Northampton, 1; Nottaway, 176; Pittsylvania, 22; Prince Edward, 8; Prince George, 233; Princess Anne, 262; Southampton, 12,643; Surry, 320; and Sussex, 3,123.

Total county allotments: 50,279.

4 percent State reserve: 1,587.

State reserve for new growers: 397.

Total, Virginia: 52,263.

(Sec. 344, 52 Stat. 57, 203, 586, 53 Stat. 853; 7 U.S.C., Sup. 1344 (a)-1344 (e))

Done at Washington, D. C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.¹

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

[F. R. Doc. 41-9490; Filed, December 17, 1941; 11:21 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 310²—COMPENSATION AND REMUNERATION

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority contained in section 12 of the Act of June 25, 1938

¹ Table I—Apportionment of the 1942 national allotment for cotton among the several States, and Table II—Summary of 1942 State cotton acreage allotments, were filed with the original document.

² 5 F.R. 2111.

(52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362) as amended by the Acts of June 20, 1939, 53 Stat. 845, and Public No. 833, 76th Congress, 3d Session, approved October 10, 1940, the Railroad Retirement Board, by Board Order 41-520 dated December 11, 1941, effective November 1, 1940, adopts § 310.60 and amends Section 325.04 of the Regulations under the Railroad Unemployment Insurance Act, as follows:

§ 310.60 *Subsidiary remuneration; statutory provision.* Section 1 (k) of the Railroad Unemployment Insurance Act, as amended October 10, 1940 (see § 325.01 of the Regulations), provides that:

For the purpose of this subsection, the term "subsidiary remuneration" means, with respect to any employee, remuneration not in excess of an average of one dollar a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (i) requires substantially less than full time as determined by generally prevailing standards, and (ii) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation.

(Sec. 1 (k), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (k); amended by sec. 6, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

§ 325.04 *Registration period; statutory provision.* Section 1 (h) of the Railroad Unemployment Insurance Act, as amended October 10, 1940, provides that:

The term "registration period" means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office.

(Sec. 1 (h), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (h); amended by sec. 4, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); amended by sec. 3, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary to the Board.

DECEMBER 17, 1941.

[F. R. Doc. 41-9507; Filed, December 18, 1941; 9:45 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Resolution, December 11, 1941]

PART 403—PROPERTY MANAGEMENT DIVISION

PLANS AND TERMS OF SALE

Amending Part 403, Chapter IV, Title 24 of the Code of Federal Regulations.

The seventh paragraph of § 403.10¹ is amended to read as follows:

§ 403.10 *Refund of sales deposits.* * * *

When the Corporation has contracted to sell real estate and the contract purchaser has deposited funds with the Corporation in connection with such contract and the sale fails of consummation, or prior to the time for closing of the sale the purchaser requests to be relieved of his obligations under the agreement for sale and requests the return of his deposit or of a portion thereof, then the Regional Manager, after obtaining the advice of the Regional Counsel as to the legal rights or obligations of the Corporation in the matter, may authorize the retention or the refund by the Corporation of such deposit or any portion thereof and may also authorize reimbursement of the contract purchaser for any expenses incurred by him in connection with the transaction as he may determine to be in the best interests of the Corporation. The Corporation shall in any event retain an amount sufficient to cover any expense incurred by it in connection with the transaction unless the Regional Counsel advises that in his opinion the Corporation does not have the legal right to retain any portion of such deposit. The direction that the Corporation retain any such deposit or any portion thereof shall not prevent the Regional Manager from later directing a refund thereof where additional facts are disclosed or changed conditions are shown which in the opinion of the Regional Manager justify the refund as being in the best interest of the Corporation.

(Effective December 11, 1941)

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

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-9512; Filed, December 18, 1941; 10:53 a. m.]

¹ 5 F.R. 1091; 6 F.R. 1047, 1099.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1136]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE LOGAN NO. 6 MINE (MINE INDEX NO. 287) OF THE JOHNSTOWN COAL AND COKE COMPANY, A CODE MEMBER IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Logan No. 6 Mine (Mine Index No. 287) of the Johnstown Coal and Coke Company, a code member in District No. 1.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having

been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 18, 1941.

[SEAL]

H. A. GRAY,
Director.

[Docket No. A-1149]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commenting forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Coleman Station, Pennsylvania, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Stoyestown, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 100 shall be applicable to all shipments of the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, from Coleman Station, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.					
								1	2	3	4	5
287	Johnstown Coal & Coke Co.	Logan #6....	34	D	Lloydell, Pa....	PRR...	49	E	E	E	E	E

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

Code member index	Mine index No.	Mine	Sub. district No.	County	Seam	All lump coal double screened, top size 2' and over				
						1	2	3	4	5
Johnstown Coal & Coke Co.....	287	Logan #6....	34	Cambria....	D	250	225	225	215	205

of Docket No. A-1149 relating to such coals as Docket No. A-1149 Part II and granting in part temporary relief and scheduling a hearing therein.
Dated: November 17, 1941.
H. A. GRAY,
Director.

Mine Index Nos. 93, 329, 76, and 976, respectively, and for the mixing of the coals of the Cherry Run #1 Mine, the Cherry Run #2 Mine, the Cherry Run #3 Mine, the Cherry Run #4 Mine, Mine Index Nos. 88, 688, 3189, and 3187, respectively, for the reasons set forth in the Order designating that part

Index No. 397, from an additional shipping point, and for the mixing of the coals of the Chickasaw, Mohican, Cadogan #1, and Cadogan #2 Mines,

(60) days from the date of this Order, unless it shall otherwise be ordered. No temporary relief is granted herein for the establishment of price classifications and minimum prices effective for the coals of the Albert Stripping Mine, Mine Index No. 1006, and the Potomac #4 & #6 Mine, Mine

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
957	American Mining Company, The (Marion W. Carrier)	Defender	5	A	Conifer, Pa.	P&S	119	(†)	(†)	(†)	(†)	(†)
3182	Bearn, Charles W.	Susan #1	8	B	Winburne, Pa.	NYC	44	(†)	(†)	(†)	(†)	(†)
3183	Biclow Run Coal Mining Company (Arthur Barreclough)	Bigelow Run #1	14	A	Osceola Mills, Pa.	PRR	45	(†)	(†)	(†)	(†)	(†)
3163	Brown, Earl M. 1	Goshen Twp. #1	8	D	Clearfield, Pa.	B&O	113	(†)	(†)	(†)	(†)	(†)
3164	Brown, Earl M. 1	Goshen Twp. #2	8	D	Clearfield, Pa.	B&O	113	(†)	(†)	(†)	(†)	(†)
907	Carrier & Son (W. W. Carrier)	Harlan #3	1	A	Harlan Station, Pa.	LEFF&C	31	(†)	(†)	(†)	(†)	(†)
907	Carrier & Son (W. W. Carrier)	Harlan #4	5	A	Harlan Station, Pa.	LEFF&C	31	(†)	(†)	(†)	(†)	(†)
488	Chambers, Roy A. (Roy A. Chambers Coal Co.)	No. 13	9	B	Clarence, Pa.	PRR	43	(†)	(†)	(†)	(†)	(†)
488	Chambers, Roy A. (Roy A. Chambers Coal Co.)	Cherry Run #2	9	C	Mechanics, Pa.	PRR	43	(†)	(†)	(†)	(†)	(†)
3187	Cherry Run Coal Mining Co. (H. J. O'Brien)	Cherry Run #3A	9	A	Snow Shoe, Pa.	PRR	49	(†)	(†)	(†)	(†)	(†)
3187	Cherry Run Coal Mining Co. (A. A. Groce)	Cherry Run #4	9	A	Snow Shoe, Pa.	PRR	49	(†)	(†)	(†)	(†)	(†)
3190	Culbertson, D. B. (The Culbertson Coal Co.)	Harvey #2	4	B	New Bethlehem, Pa.	PRR	75	(†)	(†)	(†)	(†)	(†)
3191	Culbertson, D. B. (The Culbertson Coal Co.)	Harvey #3	4	E	New Bethlehem, Pa.	PRR	75	(†)	(†)	(†)	(†)	(†)
3168	Geyze & Williams (Henry Gleyze)	Pleasant Hill	21	E	Houtzdale, Pa.	PRR	45	(†)	(†)	(†)	(†)	(†)
3162	Hawk Run Coal Mining Co.	Coaldale #26	8	A	Hawk Run, Pa.	NYC	44	(†)	(†)	(†)	(†)	(†)
3193	McClain, Harry C. (McClain Coal Co.)	McClain #1	39	Barnett	Saxton, Pa.	H&BT	43	(†)	(†)	(†)	(†)	(†)
3193	McClain, Harry C. (McClain Coal Co.)	McClain #2	39	Fulton	Saxton, Pa.	H&BT	43	(†)	(†)	(†)	(†)	(†)
2353	Moranduzzo, Albert & Lewis	Basil Petete	37	C	Reidsville, Pa.	B&O	100	(†)	(†)	(†)	(†)	(†)
1826	Pennsylvania Coal & Supply Co., The (N. H. Myers)	Pennsy #12	4	B	Reidsville, Pa.	NYC	30	(†)	(†)	(†)	(†)	(†)
3194	Ridge Mining Company (H. L. Binnix)	Ridge #4	18	E	Dean, Pa.	PRR	52	(†)	(†)	(†)	(†)	(†)
3195	Ridge Mining Company (H. L. Binnix)	Ridge #5	18	E	Dean, Pa.	PRR	52	(†)	(†)	(†)	(†)	(†)
3188	Rounsley Coal Co. (R. W. Rounsley)	Rounsley #2	21	E	Houtzdale, Pa.	PRR	45	(†)	(†)	(†)	(†)	(†)
960	Ruth Coal Co. (Arthur Martin)	Ruth #1	14	B	Osceola Mills, Pa.	PRR	45	(†)	(†)	(†)	(†)	(†)
999	Salisbury Construction Co. (T. J. Cramblett)	Big Vein #2	41	B	Meyersdale, Pa.	W.M.d.	102	(†)	(†)	(†)	(†)	(†)
3156	Sherry, D. F.	Sandy #1 B	6	B	Sabula, Pa.	PRR	120	(†)	(†)	(†)	(†)	(†)
3156	Sherry, D. F.	Sandy #1 D	6	D	Sabula, Pa.	PRR	120	(†)	(†)	(†)	(†)	(†)
2384	Sylvan Grove Mine (Gust F. Anderson)	Sylvan Grove	8	B	Rolling Stone, Pa.	NYC	44	(†)	(†)	(†)	(†)	(†)
3179	Walker, L. M.	Foster	11	E	Dayton, Pa.	B&O	112	(†)	(†)	(†)	(†)	(†)

* Indicates coal in this size group previously classified and priced.
† Indicates no classifications effective for these size groups.

‡ If coals of the following groups: Mine Index Nos. 3163 and 3164; 3194 and 3195; and 1972 and 3188 are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

[Docket No. A-1076]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 324.8 (Numerical list of mines) is amended by adding thereto Supplement R-II, § 324.2 (Seasonal discounts) is amended by adding thereto Supplement R-III, § 324.9 (Recapitulation of price classifications) is amended by adding thereto Supplement R-IV, § 324.11 (Special prices)—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-V, and § 324.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

FOR TRUCK SHIPMENTS
§ 321.24 General prices—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Segm	All lump coal double screened, top size 24" and over	Double screened, top size 24" and under	Run of mine, modified R/M	24" and under, slack	34" and under, slack
						1	2	3	4	5
American Mining Company, The (Marion W. Carrier)	957	Defender	5	Jefferson	A		210			
Bearn, Charles W.	3181	Anderson	8	Clearfield	B		225			
Bignow Run Coal Mining Company (Arthur Barraclough)	3182	Susan #1	8	Clearfield	B		225			
Bons, John	3183	Bignow Run #1	14	Centre	A		210			
Brown, Earl M.	3184	Bons	2	Elk	B		210	205		
Brown, Earl M.	3163	Goshen Twp. #1	8	Clearfield	D		225	215		
Carrier & Son (W. W. Carrier)	996	Goshen Twp. #2	8	Clearfield	D		225	215		
Carrier & Son (W. W. Carrier)	997	Harlan #3	1	Clarion	A		235	210	200	190
Chambers, Roy A. (Roy A. Chambers Coal Co.)	998	Harlan #4	5	Jefferson	A'		210	200	190	
Cherry Run Coal Mining Co. (H. J. O'Brien)	688	No. 13	9	Centre	B		215			
Cherry Run Coal Mng. Co. (A. A. Groe)	3189	Cherry Run #2	9	Clearfield	C'		255	(*)	220	210
Cherry Run Coal Mng. Co. (A. A. Groe)	3187	Cherry Run #3A	9	Clearfield	C		250	225	215	205
Culbertson Coal Co. (The Culbertson Coal Co.)	3190	Cherry Run #4	9	Centre	A		255	230	220	210
Culbertson Coal Co. (The Culbertson Coal Co.)	3191	Harvey #2	4	Clarion	B		240	215	200	190
English Center Coal Co. (Joseph G. Saricks)	3197	Harvey #3	4	Clarion	E		240	215	200	190
Eshbaugh & Sweitzer Coal Co. (Clair J. Sweitzer)	3198	Bitumen #1	3	Clinton	B			235		
Garman Coal Co. (Arthur Garman)	3155	Twin Oak #2	4	Clarion	D & E		240	215	200	190
Gleyze & Williams (Henry Gleyze)	3168	Garman	29	Cambria	B			220		
Gustafson, Frederick A. Co.	3185	Pleasant Hill	21	Clearfield	E			220		
Hickson & Dinsmore (Thomas Hickson)	959	Meridith	2	Elk	B			210		
McClain, Harry O. (McClain Coal Co.)	3192	Coaldale #26	8	Centre	A			(*)	200	190
McClain, Harry O. (McClain Coal Co.)	3193	Cushman #1	8	Centre	B			210		
Moranduzzo, Albert & Lewis	2353	McCain #1	39	Huntingdon	Barnett			240		
Morrone, Joseph R.	3158	McCain #2	39	Huntingdon	Fulton			240		
Reed, Geo. H.	959	Basil Petete	37	Somerset	C'			(*)	215	205
Ridge Mining Company (H. L. Binnix)	3194	Morrone	22	Indiana	E			220		
Ridge Mining Company (H. L. Binnix)	3195	Reed	10	Armstrong	E			215		
Rounsey Coal Co. (R. W. Martin)	3188	Ridge #4	18	Cambria	E			220		
Ruth Coal Co. (Arthur Ruth)	960	Ridge #5	18	Cambria	E			220		
Salisbury Construction Co. (T. J. Creamblet)	999	Rounsey #2	21	Clearfield	E			220		
Sherry, D. F.	3156	Ruth #1	14	Clearfield	B			215		
Sherry, D. F.	3196	Big Vein #2	41	Somerset	Pittsburgh			220		
Walker, L. M.	3179	Sandy #1R	6	Clearfield	B			220		
Younkin, Maurice	3186	Sandy #1D	6	Clearfield	D			225		
		Foster	11	Armstrong	E			215		
		Younkin	40	Somerset	E			210		

* Indicates coal in this size group previously classified and priced. [F. R. Doc. 41-9476; Filed, December 17, 1941; 11:16 a. m.]

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for All Shipments Except Truck for the coals of the Shuttleworth James Coal Company, Shuttleworth James Mine, Mine Index No. 2430, for the reason that prices were established for the coals of this mine by the Order dated November 26, 1940, 5 F.R. 4757, in Docket No. A-362.

No relief is granted herein for the coals of B. F. Slack, Slack Mine, Mine Index No. 929, for Truck Shipments for the reason that prices were established for this mine in General Docket No. 15 and appear in § 324.24 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 4 For Truck Shipments.

No relief is granted herein for the coals of Fred S. Geer, Inc., Jimtown Mine, Mine Index No. 299, Irish Ridge Coal Co., Irish Ridge-Deep Mine, Mine Index No. 234, Irish Ridge Coal Co., Irish-Ridge-Strip Mine, Mine Index No. 247, George Lantz, Lantz Coal Co. Mine, Mine Index No. 2465, and Mineral City Coal Co., Black Mine, Mine Index No. 278, for All Shipments Except Truck, for the reasons set forth in the Order designating that portion of Docket No. A-1076, Part II, and granting temporary relief in part therein.

Dated: November 18, 1941.

H. A. GRAY,
Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-1

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.																		
									1	2	3	4	5	6	7	8	9	10	11	12							
2733	Black Lump Coal Co. (Charles Smith)	Black Lump	6	6	Deep	Moxehala	NYC	33	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	
575	Eiberfeld Coal Co. (R. F. Eiberfeld)	Eiberfeld	8	8	Deep	Pomeroy	C&O	23	O	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
501	Godoway & Sons, Charles	Godway No. 2	1	8	Deep	Easton	B&O	12	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
277	Jacobs, H. C.	H. C. Jacobs	4	6	Deep	Coshocton	W&L E	55	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
240	Thorne, David	#108	5	6	Deep	Carrington	NYC	57	K	K	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
289	Victory Coal Co. (L. H. Peters)	Victory	4	6	Deep	Dover	B&O, PRR	57	O	O	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
290	Wild Cherry Coal Company (Raymond Gill)	Wild Cherry	2	7	Deep	Byesville	PRR	10	R	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

¹ Subject to Exception No. 4, § 324.1 (b) in the Schedule of Effective Minimum Prices for District No. 4

§ 324.8 Numerical list of mines—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
240	#108	Thorne, David	Hooking	27	NYC	5
575	Eiberfeld	Eiberfeld Coal Co. (R. F. Eiberfeld)	Pomeroy	23	C&O	8
277	H. C. Jacobs	Jacobs, H. C.	Middle	55	W&L E	4
260	Victory	Victory Coal Co. (L. H. Peters)	Middle	57	B&O, PRR	4
280	Wild Cherry	Wild Cherry Coal Company (Raymond Gill)	Cambridge	16	PRR	2
301	Godoway No. 2	Godoway & Sons, Charles	Ohio No. 8	12	B&O	1
2733	Black Lump	Black Lump Coal Co. (Charles Smith)	Crooksville	33	NYC	6

No. 248—2

§ 324.2 Seasonal discounts¹—Supplement R-III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—			
					April	May	June	July
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167	Add Mine Index No. 301	30	20	10	---
Cambridge	16		11, 160	Add Mine Index No. 290	30	20	10	---
Hooking	21, 22, 26, 27, 28		1, 7, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add Mine Index No. 240	50	40	30	20 10
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add Mine Index No. 275	50	40	30	20 10
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add Mine Index No. 2733	30	20	10	---
Middle	53, 54, 57		49, 50, 67, 94, 152	Add Mine Index No. 289	30	20	10	---
	55, 56		9, 24, 32, 52, 135	Add Mine Index No. 277	30	20	10	---

¹ Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas— Supplement I

Table with columns: Code member index, Mine, Mine Index No., Beam, Base sizes (6' x 4' egg, 7' x 4' egg, 8' x 4' egg, 2' x 4' egg, 2' x 4' egg, 1 1/2' x 4' egg, 1 1/4' x 4' egg, 1 1/2' x 4' egg, 2' x 0 slack, 2 1/2' x 0 slack). Rows include SUB-DISTRICT No. 1-EASTERN OHIO, BELMONT COUNTY, Godoway & Sons, Charles, etc.

§ 324.9 Recapitulation of price classifications¹—Supplement R-IV

Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9, § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d). J

Table with columns: Freight origin districts, Freight origin group Nos., Additional freight origin group Nos., Mine Index Nos., Additional mine index Nos. Rows include Ohio No. 8, Cambridge, Hocking, Pomeroy, Crooksville, Middle.

¹ Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a)]

Table with columns: Name of railroad, Mine index Nos., Additional mine index Nos. Rows include Baltimore & Ohio Railroad Co., Chesapeake & Ohio Railway Co., New York Central System, Pennsylvania Railroad Co., Wheeling & Lake Erie Railway Co., Akron, Canton & Youngstown Railway Co., Ann Arbor Railroad Co., Canadian National Railways, Grand Trunk Railway System, Canadian Pacific Railway Co., Detroit and Mackinac Railway Company, Detroit and Toledo Shore Line Railroad Co., Erie Railroad, Nickel Plate Road (New York Chicago & St. Louis Railroad Co.), Pere Marquette Railway Co.

¹ Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel¹—Supplement R-V

[Railroad fuel price for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 93, 96, 103, 104, 106, 116, 121, 124, 125, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162, 61, 70, 72, 75, 76, 82, 86, 14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 120, 131, 138, 140, 141, 6, 16, 22, 27, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 177, 187, 188, 11, 26, 31, 42, 43, 49, 50, 53, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 62, 165, 169	Add mine index No. 295. Add mine index Nos. 283, 748, 796, 2904. Add mine index Nos. 725, 727, 1030. Add mine index Nos. 1030, 2755.
Wheeling & Lake Erie Railway Co.	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add mine index No. 2755.
Akron, Canton & Youngstown Railway Co.	Ann Arbor Railroad Co.	Ann Arbor Railroad Co.
Canadian National Railways and Grand Trunk Railway System.	Canadian Pacific Railway Co.	Canadian Pacific Railway Co.
Detroit and Mackinac Railway Company.	Detroit and Mackinac Railway Company.	Detroit and Mackinac Railway Company.
Ernie Railroad	Ernie Railroad	Ernie Railroad
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)	Pere Marquette Railway Co.	Pere Marquette Railway Co.
From all mine index Nos. except those shown below.		
From all mine index Nos. 283, 295, 725, 727, 748, 796, 1030, 2755, 2904.		
From all mine index Nos. except those shown below.		
From all mine index Nos. 283, 295, 725, 727, 748, 796, 1030, 2755, 2904.		

§ 324.8 Numerical list of mines—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Sub-dist. No.
283	Daisy Mae	Wolfe, McCollester & McCollester (Chas. J. Wolfe), Pittenger Coal Co. (Olyde Pittenger)	Hocking	22	C&O	5
295	Cyclone	Eckley Mine (John Eckley)	Jackson	41	B&O	7
725	Parsons Brothers	Parsons Brothers	Middle	52	NYC	3
727	Stalder	Little Valley Coal Co. (William Stalder)	Hocking	22	C&O	5
796	Shelton Brothers	Shelton Brothers (Elmer Shelton)	Hocking	22	C&O	5
1030	Young's	Young, Glenn (Young & Son)	Crooksville	93	NYC, PRR	6
2755	H. R. Jennings #2	Jennings, Harold	Middle	58	PRR, W&L.E.	4
2904	Chris. H. Wolfe	Wolfe, Chris. H.	Hocking	22	C&O	5

§ 324.2 Seasonal discounts¹—Supplement R-III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Mine index Nos.	Additional freight origin group Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					April	May	June	July	
Hocking	21, 22, 26, 27, 28	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add 93	Add mine index Nos. 283, 748, 796, 2904.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165		Add mine index No. 1030.	30	20	10	---	---
Jackson	41, 42, 43	2, 131, 134		Add mine index Nos. 725, 727.	50	40	30	20	10
Middle	52	6, 158, 172	Add 58	Add mine index No. 295.	30	20	10	---	---
	55, 56	9, 24, 32, 52, 135	Add 58	Add mine index No. 2755.	30	20	10	---	---

¹ Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 Recapitulation of price classifications¹—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (d), § 324.11 (e), and Vessel Fuel, § 324.11 (f)]

Freight origin districts	Freight origin group Nos.	Mine index Nos.	Additional freight origin Nos.	Additional mine index Nos.
Hocking	21, 22, 26, 27, 28	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171		Add Mine Index Nos. 283, 748, 796, 2904.
Crooksville	31, 32, 33, 34, 36	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add 93	Add Mine Index No. 1030.
Jackson	41, 42, 43	2, 131, 134		Add Mine Index No. 295.
Middle	52	6, 158, 172		Add Mine Index Nos. 725, 727.
	55, 56	9, 24, 32, 52, 135	Add 58	Add Mine Index No. 2755.

¹ Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS
§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Base sizes							
		6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 4" lump	1 1/2" lump, 1 1/2" x 4" egg	Mine run, nut and pea	2" x 0 slack	3/4" x 0 slack
SUBDISTRICT NO. 1—EASTERN OHIO									
HARRISON COUNTY									
Fay, C. C. (Fay Collieries Company)	396	8	275	265	250	225	220	210	190
SUBDISTRICT NO. 2—CAMBRIDGE									
GUERNSEY COUNTY									
McManaway Coal Co. (William McManaway)	296	7	270	260	245	220	220	200	190
NOBLE COUNTY									
Van Fossen, Frank	292	8	270	260	245	220	220	200	190
Young Coal Co. (J. C. Young)	294	8	270	260	245	220	220	200	190

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg, 1 1/2" x 1 1/2" lump, 1 1/2" x 4" egg	Mine run, nut and pea	2" x 0 slack	3/4" x 0 slack	
SUBDISTRICT NO. 4—MIDDLE COLUMBIANA COUNTY											
Shearer, George	Roush	304	6	300	290	275	250	245	235	205	195
COSHOCTON COUNTY											
Cannon, Leroy (Leroy Cannon Coal Co.)	Leroy Cannon #2	307	6	280	270	260	235	230	195	165	155
Daniels, Daniels	Daniels	298	6	280	270	260	235	230	195	165	155
Roberts, Fred W.	Kauffman	308	6	280	270	26	235	230	195	165	155
MARIONING COUNTY											
East Fairfield Coal Company, The	North Lima	309	4	300	290	275	250	245	235	205	195
SUMMIT COUNTY											
Bacon Mining Company (Harry L. Bord)	Boettler	2901	4	275	265	260	225	220	220	190	180
TUSCARAWAS COUNTY											
Rothacher, Ralph & George (Ralph Rothacher)	Rothacher	2906	6	275	265	250	235	235	220	190	180
SUBDISTRICT NO. 5—HOCKING ATHENS COUNTY											
Waltzheimer, Paul H. (Key Stone Mine)	Key Stone	293	6	295	285	275	250	245	195	165	155
HOCKING COUNTY											
Wolle, Chris. H.	Chris. H. Wolf	2904	6	295	285	275	250	245	195	165	155

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg, 1 1/2" x 1 1/2" lump, 1 1/2" x 4" egg	Mine run, nut and pea	2" x 0 slack	3/4" x 0 slack	
SUB-DISTRICT NO. 6—CROOKSVILLE PERRY COUNTY											
Rose, Arthur E. (Rose Coal Company)	Rose	311	5	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 7—JACKSON JACKSON COUNTY											
Elkins, Thomas	Peckins #3	297	4	295	285	275	250	245	195	175	165
Pittenger Coal Co. (Clyde Pittenger)	Cyclone	295	4	295	285	275	250	245	195	175	165
LAWRENCE COUNTY											
Edwards, Edward	E. E.	2908	4	295	285	275	250	245	195	175	165
McComas, J. A.	Rapsburg	291	8	295	285	275	250	245	195	155	145
SUBDISTRICT NO. 8—POMEROY GALLIA COUNTY											
B. & E. Coal Company (E. D. Blanchard)	B. & E. Coal Co.	2902	8	295	285	275	250	245	195	140	140
Wheaton & Cremeans (H. D. Wheaton)	Wheaton & Cremeans	2905	8	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Luck Coal Co. (E. L. Luckadoo)	Lucky	2907	8	295	285	275	250	245	195	140	140
Peacock Coal Co.	Black Betsy	310	8A	295	285	275	250	245	195	140	140

[F. R. Doc. 41-9492; Filed, December 17, 1941; 11:18 a. m.]

[Docket No. A-1146]
PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party,

requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final dis-

position of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary

relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated November 25, 1941.
[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.											
								1	2	3	4	5	6	7	8	9	10		
271	Charmco Smokeless Coal Co., Inc.	Charmco #2	1	Fire Creek	McRoss, W. Va.	C&O, NYC	19	D	C	A	A	B	B	B	B	B	B	B	B
561	Jones, S. E. (Jones Coal Co., Inc.)	Little Sewell	1	Poca, 6	Rupert, W. Va.	C&O, NYC	17	B	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
270	Price Fork Coal Co. (W. C. Miller)	Price Fork	1	Sewell	Quinwood, W. Va.	C&O, NYC	19	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

*Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area—Supplement T

Code member index	Mine index No.	Mine name	Subdistrict No.	County	Seam	Screenings					
						1	2	3	4	5	6
525	Charmco Smokeless Coal Co., Inc.	Charmco #1	1	Greenbrier	Fire Creek	200	250 (*)	250 (*)	250 (*)	250 (*)	250 (*)
271	Charmco Smokeless Coal Co., Inc.	Charmco #2	1	Greenbrier	Fire Creek	200	250 (*)	250 (*)	250 (*)	250 (*)	250 (*)
5	Gadley Mountain Coal Company	Ansted	2	Fayette	No. 2 Gas	315	250 (*)	250 (*)	250 (*)	250 (*)	250 (*)
270	Price Fork Coal Co. (W. C. Miller)	Price Fork	1	Greenbrier	Sewell	280	215	215	215	215	215
269	Treadway, Allen	Dempsey	2	Fayette	Little Eagle	280	215	215	215	215	215

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9481; Filed, December 17, 1941; 11:18 a. m.]

[Docket No. A-991]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MATTER OF THE PETITION OF DISTRICT BOARD 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT CERTAIN MINES IN PIKE COUNTY, KENTUCKY, IN THE BIG SANDY-ELKHORN SUBDISTRICT IN DISTRICT 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE

This is a matter instituted upon an original petition filed on July 30, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision in the classifications, effective minimum prices and designations for the coals of certain mines in Pike County, Kentucky, Big Sandy-Elkhorn Subdistrict, in District 8.

A petition of intervention was filed by District Board 2. Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, that investigation conducted since the hearings in General Docket No. 15 had revealed that

certain revisions in classifications, effective minimum prices, and designations listed in the instant petition were necessary in order to correct errors in previous designations and preserve the existing fair competitive opportunities of certain mines in Pike County, Kentucky, Big Sandy-Elkhorn Subdistrict of District 8.

Based upon a consideration of the record, the undersigned finds and concludes that the revision of such classifications, effective minimum prices and designations as set forth in supplements R and T annexed hereto is necessary in order to effectuate the purpose of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth therein comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 328.11 (Alphabetical list of code members) is amended by adding thereto supplement R, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: November 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

ADJUSTMENTS IN CLASSIFICATIONS FOR RAIL SHIPMENTS, ELKHORN SEAMS—PIKE COUNTY, KY., AUXIER SEAMS—PIKE COUNTY, KY. NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin No.	Price classifications by size group Nos.																	
						For destinations other than Great Lakes						For Great Lakes cargo only											
						1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 21	18, 19, 20, 21	22	23	24	25	26	27	28	
2926	Belcher, Elmer	Belcher	1	Auxier**	63	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()
536	Johnson, F. M. (Famous Elkhorn Coal Co.)	Bradford	1	Elkhorn	61	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()
1247	Rockhouse Elkhorn Coal Company	Janney	1	L. Elkhorn	61	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()
387	Shelby Steam Coal Company, Inc.	Ratiff	1	Elkhorn No. 1	61	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()
3631	Stewart, D. M. #	Harless Creek	1	U. Elkhorn	61	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()
538	Stewart Elkhorn Coal Co. (J. E. Bowman)	Stewart No. 1	1	L. Elkhorn	61	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()	()

*Indicates previously classified these size groups.

**Indicates change in seam designation.

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine	Mine index No.	Seam	Code member index	Mine	Mine index No.	Seam	Base sizes									
								1	2	3	4	5	6	7	8		
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN PIKE COUNTY, KY.								Lump over 4' x 6' egg	Lump 3' and under egg 3' x 6'	Lump 3' and under egg 2' x 4'	Lump 3' and under egg 2' x 6'	Stove 2' and under	Stove 2' and under	Straight mine run	2' and under slack	3' and under slack	
Anderson & Mullins Coal Co. (Harvey Mullins)	Anderson	2496	Elkhorn	2496	Elkhorn	2496	Elkhorn No. 2	275	255	220	230	215	210	170	165		
Baker, John	Thompson	1232	Elkhorn No. 2	275	255	220	230	215	210	170	165						
Barrowman, David (Spencer Gap Coal Company)	Beaver	2543	U. Elkhorn	275	255	220	230	215	210	170	165						
Bartley, W. M.	Bartley	1233	Elkhorn No. 1*	275	255	220	230	215	210	170	165						
Bentley, Harrison	Bentley	1235	Elkhorn	275	255	220	230	215	210	170	165						
Butler, Cleve	Butler	1240	L. Elkhorn	275	255	220	230	215	210	170	165						
Ferguson Creek Coal Co.	Ferguson Creek	1242	Elkhorn No. 2**	275	255	220	230	215	210	170	165						
Fuller, L. R.	Fuller	1243	L. Elkhorn	275	255	220	230	215	210	170	165						
Gibson, Bruce	John Kendrick	1248	Elkhorn No. 2**	275	255	220	230	215	210	170	165						
Hobbs, Zaley	Cline	2853	U. Elkhorn	275	255	220	230	215	210	170	165						
Huffman Coal Company, T. H.	T. N. Huffman	1244	Elkhorn No. 2	275	255	220	230	215	210	170	165						
Huffman, W. D.	Jake Thompson	1245	Elkhorn No. 2**	275	255	220	230	215	210	170	165						
Hunt, Paris	Hunt	1246	L. Elkhorn	275	255	220	230	215	210	170	165						
Johnson, F. M. (Famous Elkhorn Coal Co.)	Bradford	536	Elkhorn No. 2	275	255	220	230	215	210	170	165						
Johnson, F. M. (Famous Elkhorn Coal Company)	Famous	2544	Elkhorn	275	255	220	230	215	210	170	165						
Kinney, J.	Kinney	1249	Elkhorn No. 2	275	255	220	230	215	210	170	165						
Lee, Willie	Elkhorn No. 1	1250	Elkhorn	275	255	220	230	215	210	170	165						
Major Elkhorn Coal Co.	Major	45	Elkhorn No. 2 & 3*	275	255	220	230	215	210	170	165						
Prater, Dock	Prater	1251	Elkhorn**	275	255	220	230	215	210	170	165						
Purity Cannel Coal Co.	Purity Cannel	1252	Elkhorn	275	255	220	230	215	210	170	165						
Quincy, David W. (Kentucky & Virginia Coal Company)	Big Sandy	2545	Elkhorn No. 1**	275	255	220	230	215	210	170	165						
Ratiff & Collins (Ransom Ratiff, Ltd.)	Syck	1253	Elkhorn No. 3**	275	255	220	230	215	210	170	165						
	Ratiff	1254	Elkhorn	275	255	220	230	215	210	170	165						

*Indicates no classification effective for these size groups.

**Indicates change in price classification from previous price classification for the respective size groups.

†Indicates change in seam designation.

‡Indicates change in mine name.

[F. R. Doc. 41-9464; Filed, December 17, 1941; 11:19 a. m.]

Price Group No. 13 to Price Group No. 12. 3. § 330.25 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments is supplemented to include the price classifications and minimum prices for Mine Index Nos. 58, 1131 and 1353 for Size Groups 17 to 27, inclusive, set forth in the schedule marked supplement T, annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: November 21, 1941.

[SEAL] H. A. GRAY, Director.

granting temporary relief and conditionally providing for final relief and supplementing the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments, is amended, and the price of \$1.70 established therein for Size Group No. 7 for the coals of the Schuyler Mine (Mine Index No. 1353) of the Schuyler Coal Corp., c/o W. H. Moseley, for truck shipments, is deleted, and the price for Size Group 7 for these coals for truck shipments set forth in the schedule marked supplement T, annexed hereto and hereby made a part hereof, is inserted in lieu thereof.

It is further ordered, That commencing forthwith and pending final disposition of the above-entitled matter, temporary relief be and the same hereby is granted as follows:

- The price group designated in § 330.2 (Mine index numbers) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck for Mine Index No. 1353 be and the same hereby is changed from Price Group No. 25 to Price Group No. 24.
- The price group designated in § 330.2 (Mine index numbers) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck for Mine Index No. 58 be and the same hereby is changed from

was established for these coals in the Order granting temporary relief and conditionally providing for final relief in Docket A-491, dated January 15, 1941, as the result of an inadvertent error; and that this error should be corrected as prayed for by petitioner.

Minimum prices are sought for the coals of Mine Index Nos. 58 and 1353, in Size Groups 17 through 25 for all shipments except truck. The relief requested may be readily granted by transferring these mines from the present price groups to different price groups which include mines producing analogous washed coals.

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted, as follows: Commencing fifteen (15) days from the date hereof, the Order dated January 15, 1941, 6 F.R. 672, in Docket No. A-491,

[Docket No. A-1142] PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10 ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR WASHED COALS OF CERTAIN MINES IN DISTRICT NO. 10 AND FOR A CHANGE IN PRICE FOR THE COALS OF MINE INDEX NO. 1353 IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices in Size Groups 17-25, inclusive, (washed coals) for certain mines in District 10 and further requesting a change in price in Size Group 7 for the coals of Mine Index No. 1353 in District 10 for truck shipment.

The original petition in Docket A-491 sought a price of \$1.85 in Size Group 7 for the coals of Mine Index No. 1353 for truck shipment, alleging that this was the price heretofore established in this size group for analogous and comparable coals. It appears that the price of \$1.70

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

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

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29		
SECTION No. 5 SCHUYLER COUNTY Schuyler Coal Corporation c/o W. H. Moseley	1353	Schuyler	5																															
SECTION No. 9 MARION COUNTY Marion County Coal Mining Corp., Inc.	58	Glenridge	6																															
WASHINGTON COUNTY Darnstadt Coal Company	1131	Darnstadt	6																															

¹ Effective fifteen days from the date hereof.

forth and hereby made a part hereof. It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before

H. A. GRAY,
Director.

above-entitled matters raise similar and related issues; and The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with this Division in the above-entitled matters; and The Director deeming his action necessary in order to effectuate the purposes of the Act; It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 331.10 (Special prices: Railroad locomotive fuel) is amended by adding thereto Supplement R-II, and § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set

[Dockets Nos. A-1152 and A-1153]
PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 11
ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENT; AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AT THE DEEP ROCK MINE (MINE INDEX NO. 153) OF THE DEEP ROCK COAL COMPANY IN DISTRICT NO. 11 FOR RAIL SHIPMENT

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and It appearing to the Director that the

the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order. Dated: November 21, 1941.

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

§ 331.5 Alphabetical list of code members—Supplement R-I

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group	Railroad	Shipping point
153	Deep Rock Coal Company (Matthew Dean).	Deep Rock..	III	BC	83	1	PRR....	Seeleyville, Indiana.

1 Mine Index No. 153 shall be included in Price Group I and shall take the same f. o. b. mine prices as other mines in Price Group I in Price Schedule No. 1, District No. 11. For All Shipments Except Truck. It shall also take the same adjustments m. i. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 33 of the Brazil-Clinton Subdistrict having the same freight rate. § 331.10 Special prices: Railroad locomotive fuel—Supplement R-II. Mine Index No. 153 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11 For All Shipments Except Truck as are shown for Mine Index Nos. 85, 83, 121 and 748.

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	Seam
Gardner, Henry and James Fiscus (Henry Gardner).....	170	Purox.....	B
Hall & Williams (Clarence H. Hall).....	173	Hall & Williams.....	V
Kellems, John T.....	165	Fugitt.....	V
Hawn, Glen.....	174	Fox Tail.....	VI
Gainey & Young (Henry Young).....	171	Morgan Rib.....	B
Helliger, James.....	169	Heiliger.....	B
Tucker, John.....	168	Victory Rib.....	B
Prince, Carl.....	172	Prince.....	V
Walton Coal Co. (Ray Walton).....	176	Walton.....	VI
Wathen, Otto S.....	175	Farrall.....	V

Prices and size group Nos.

Mine index No.	Prices										Seam																				
	1	2	3	4	5	6	7	8	9	10, 11, 12																					
310	285	265	255	250	245	215	215	195	185	155	145	80	50	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
260	245	240	230	225	220	180	185	175	170	150	140	85	55	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
250	245	240	230	225	220	180	185	175	170	150	140	85	55	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
240	235	230	220	215	210	170	175	170	165	135	125	70	40	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
310	285	265	255	250	245	215	215	195	185	155	145	80	50	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
310	285	265	255	250	245	215	215	195	185	155	145	80	50	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
250	245	240	230	225	220	180	185	175	170	150	140	85	55	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
275	270	265	230	225	220	180	185	175	170	135	125	70	40	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
275	270	265	255	250	245	215	215	195	185	165	155	110	80	15	16	17	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34

[F. R. Doc. 41-9480; Filed, December 17, 1941; 11:18 a. m.]

in the original petition, because the coals of this mine are alleged to be analogous and comparable to other coals produced in the Milldale seam for which coals the price of \$2.30 in Size Group 23 has been established by an order granting permanent relief in Docket No. A-296. Dated: November 18, 1941. H. A. GRAY, Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 General Prices—Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
141	Drake & Cato (C. R. Drake)	New Mine 1	1	Black Creek	31
356	Mahaffey, A. Z.	Utah #2	1	Black Creek	31
1313	Young, Joe	Joe Young 1	1	Black Creek	31
JEFFERSON COUNTY, ALA.					
1174	Colburn, W. J.	Colburn No. 1 1/2	1	Black Creek	101
1317	Colburn, W. J.	Colburn No. 2 1/2	1	Black Creek	101
1318	Colburn, W. J.	Colburn No. 3 1/2	1	Black Creek	101
1319	Colburn, W. J.	Colburn No. 9 1/2	1	Black Creek	101
1320	Colburn, W. J.	Colburn No. 10 1/2	1	Black Creek	101
1321	Colburn, W. J.	Colburn No. 11 1/2	1	Black Creek	101
1322	Colburn, W. J.	Colburn No. 12 1/2	1	Black Creek	101
1323	Colburn, W. J.	Colburn No. 13 1/2	1	Black Creek	101
1324	Colburn, W. J.	Colburn No. 14 1/2	1	Black Creek	101
1325	Colburn, W. J.	Colburn No. 15 1/2	1	Black Creek	101
1326	Colburn, W. J.	Colburn No. 16 1/2	1	Black Creek	101
WALKER COUNTY, ALA.					
1256	Big Ridge Coal Co. (Rufus Wilson)	No. 1 Opening	1	America	120
641	Newton & Frost (R. L. Newton)	Ferguson 4	1	Corona	120
668	Winn, D. F.	Winn 5	1	America	120

1 These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76. Shipping Point: Warrior, Ala. Railroad: L&N.
2 These mines shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 18.
3 These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.
4 These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
5 These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.
6 Shipping Point: Glen Allen, Ala. Railroad: SL&SF.
7 This mine shall have the same price in size group 1 on all price tables as listed for mine with Index Number 56.
8 This mine shall have a price in size group 13 on all price tables, 20¢ under the price listed in size group 12 for mine with Index Number 56.
9 This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 56.
10 This mine shall have a price in size groups 7, 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 17 and 18, respectively, for mine with Index Number 56.
11 Shipping Point: Oakman, Ala. Railroad: Southern Ry.
12 This mine shall have the same prices in size groups 1 and 24 on all price tables as listed for mine with Index Number 56.
13 Shipping Point: Cordova, Ala. Railroad: Southern Ry.

(45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No price classifications and no minimum prices are established herein for the coals of the Southerland Mine (Mine Index No. 2) of Thomas & Tedford for truck shipment, because the records of the Division indicate that the present owners are successors to D. H. Southerland. Prices were established for this mine in the Schedule of Effective Minimum Prices for District No. 13 For Truck Shipment when the mine was owned by D. H. Southerland.

Price classifications and minimum prices for the coals of Mine Index No. 356 of A. Z. Mahaffey for rail shipment are established under the mine name Utah #2 instead of the mine name A. Z. Mahaffey, because the records of the Division indicate that Utah #2 is the correct name for this mine.

No price classifications and no minimum prices are established herein for the coals of the Grady T. Whaley mine of Grady T. Whaley for all shipments except truck, because no code acceptance has been received by the Division for this mine.

No price classifications and no minimum prices are established herein for the coals of the Sipsey Mine (Mine Index No. 1306) of DeBardleben Coal Corporation for rail shipment, because prices for this mine have been established in Docket No. A-1128.

The price of \$2.30 has been established in Size Group 23 for the coals of the Pierce & Durrett Mine (Mine Index No. 1283) of Pierce & Durrett Bros. for truck shipment, instead of \$2.20 as requested

[Docket No. A-1138]
PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (General prices) is amended by adding thereto supplement R, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto supplement T-I, and § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof. It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-1
FOR TRUCK SHIPMENTS

Code number index	Mine	Sub-district	Mine index No.	Seam	Lump: over 2' Egg: Top size over 6' 1	Egg: Top size 6' and under 2	Lump: 2' and under 3	Nat: Top size 3' and under bot. size 1/2' 7		Chestnut: Top size 3' and under bot. size 1/2' and under 8		Chestnut: Top size 1 1/2' and under bot. size 1/2' and under 9		Run of mine modified R/M 13		Resultants: 3' and under 17		Screenings: 1 1/2' and under 18		Indus-trial coal 24, 25, 26	
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw				
ALABAMA																					
BIBB COUNTY																					
Tait & Blair (G. G. Tait)	Big Bonanza	2	1335	Gould	365	365	340	335	315	315	315	290	300	275	275	260	190	250	175	275	
BLOUNT COUNTY																					
Cooper, Floyd	Cooper's	2	1309	Black Creek	355	355	340	345	325	310	300	285	295	285	285	275	265	265	250	285	
Ferrin & Horsley (W. E. Horsley)	Roek Creek	2	165	Inland	280	280	275	295	275	270	250	280	270	280	280	235	200	230	180	280	
Young, Joe	Joe Young	2	1313	Black Creek	355	355	340	345	325	310	300	285	295	285	275	275	275	265	250	285	
JEFFERSON COUNTY																					
Cranford Cahaba Coal Co.	Upper Helena No. 1	2	1316	Upper Helena	280	280	275	295	275	270	250	280	270	280	280	235	200	230	180	280	
Jenkins, Charlie	Jenkins	2	1315	Helena	365	365	340	335	315	315	290	275	300	275	275	260	190	250	175	275	
Sellers, Matt	Sellers Coal Co.	2	1312	Helena	365	365	340	335	315	315	290	275	300	275	275	260	190	240	175	275	
MARION COUNTY																					
Beasley, Lander G.	L. G. Beasley	2	1308	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Bell & Bell (Clarence & Millas Bell)	Bell	2	1356	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 2	2	1317	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 3	2	1318	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 9	2	1319	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 10	2	1320	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 11	2	1321	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 12	2	1322	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 13	2	1323	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 14	2	1324	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 15	2	1325	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 16	2	1326	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 17	2	1327	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 18	2	1328	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 19	2	1329	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 20	2	1330	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 21	2	1331	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 22	2	1332	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 23	2	1333	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Colburn, W. J.	Colburn No. 24	2	1334	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
TUSCALOOSA COUNTY																					
Pierce & Durrett Bros.	Pierce & Durrett	2	1283	Milldale	345	355	340	345	325	310	300	285	295	285	285	275	265	265	230	285	
WALKER COUNTY																					
Headrick, A. L.	Abe Coal Co.	2	1337	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
Johnson Bros. (John M. Johnson)	Johnson	2	1338	Mary Lee	275	275	275	295	275	280	290	225	270	250	225	235	200	230	180	225	
Robertis, L. T.	Robert's Place	2	1311	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	
WINSTON COUNTY																					
White, J. R.	White	2	781	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	265	225	290	

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine Index No.	Subdistrict	Seam	Lump, over 2" and top size over 5" and under 2" and under	Lump, 2" and under	Nut, top size 2" and under; bottom size 1" and under	Stoker, top size 1 1/2" and under; bottom size 1/2" and under	Stoker, top size 3/4" and under; bottom size 3/8" and under	Straight and modified M/R	Resultants, 6" and under	Resultants, 4" and under	Screens, 1 1/2" and under	Screens, 1" and under	Screens, 3/4" and under	Screens, 1/2" and under	Industrial coal
TENNESSEE—GEORGIA																	
MARION COUNTY, TENN.																	
Griffith Coal Co. (H. A. Griffith)	Griffith No. 2	1,339	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
Hundiker, C. F.	Hundiker No. 1	1,340	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
Trussell, Oscar	Trussell No. 3	1,341	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
Trussell, Oscar	Trussell No. 4	1,342	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
Trussell, Oscar	Trussell No. 5	1,343	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
RHEA COUNTY, TENN.																	
Sackrider, H. A.	Watts Bar Coal Mine	1,346	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
SEQUATCHIE COUNTY, TENN.																	
Goforth, J. H.	Stone Coal Bank No. 2	1,344	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200
Presnell, Earl N.	Stone Coal Bank No. 3	1,345	4	Sewanee	315	305	260	250	245	235	235	235	205	205	200	165	200

* For sizes included see Size Group Table, § 333.6.

TITLE 32—NATIONAL DEFENSE
CHAPTER VI—SELECTIVE SERVICE SYSTEM
(No. 37)

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A¹ to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 150A,² entitled "Order to Report for Physical Examination by the Armed Forces Prior to Induction," effective immediately upon the filing hereof with the Division of the Federal Register.

¹ 5 F.R. 3785.

² Filed with original document.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 16, 1941.

[F. R. Doc. 41-9505; Filed, December 17, 1941; 3:50 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT
SUBCHAPTER B—PRIORITIES DIVISION

PART 958—REPAIRS, MAINTENANCE AND SUPPLIES

Revocation of Preference Rating Order No. P-22 Amended

Section 958.1 (Preference Rating Order No. P-22 Amended)¹ is hereby re-

¹ 6 F.R. 5332, 5726.

voked. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 18th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9544; Filed, December 18, 1941; 11:27 a. m.]

PART 958—REPAIRS, MAINTENANCE, AND OPERATING SUPPLIES

Preference Rating Order No. P-100

§ 958.2 Preference Rating Order No. P-100. For the purpose of facilitating the acquisition of Material for (1) the maintenance and repair of the property

and equipment of producers as herein-after defined, and (2) the continued operation of the property and equipment of such producers, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Office of Production Management certifies specific quantities of such material to which the preference rating herein assigned may be applied, or until the Office of Production Management may specifically limit production by any type of producer or withdraw any type of Material from use by such producer, or until the Office of Production Management may issue an order specifically relating to the maintenance, repair and operation of the property and equipment of any type of producer.

(a) *Statement of policy.* It is the purpose of this Order to effectuate the policy of the Supply Priorities and Allocations Board in maintaining governmental, chartable, and industrial

property located in the United States, its territories and possessions, including the Philippine Islands, upon an adequate operating basis, without expansion or improvement of facilities except where duly authorized or approved. The terms and conditions of this Order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) "Producer" means:

(i) Any governmental unit;

(ii) Any individual, partnership, association, corporation, or other form of enterprise engaged in one or more of the following capacities to the extent that it is so engaged or so acts:

(a) Manufacturing, processing, or fabricating;

(b) Warehousing—maintaining warehouses for storage or distribution of any Material;

(c) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers;

(d) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States;

(e) Carriers—urban, suburban, and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motor truck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals;

(f) Educational institutions (including vocational training);

(g) Printers and publishers;

(h) Radio—commercial broadcasting and communication;

(i) Telephone and telegraph communication, including wire services;

(j) Hospitals, clinics, and sanatoriums;

(k) Petroleum and Natural Gas—discovery, development and depletion of pools of petroleum and associated hydrocarbons, and derivatives thereof, and transportation of petroleum, associated hydrocarbons and derivatives thereof;

(l) Irrigation systems, whether publicly or privately owned; toll bridges and toll canals.

(iii) Any person using tools or equipment to repair or maintain the property of any Producer as defined in (b) (1) (i) and (ii)

(2) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(3) Subject to subparagraph (6), "Maintenance" means the upkeep of a Producer's property and equipment in sound working condition.

(4) Subject to subparagraph (6), "Repair" means the restoration of a Producer's property and equipment to a sound working condition when such property or equipment has been rendered

unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar causes.

(5) Subject to subparagraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business including, but not limited to, lubricants, catalysts, small perishable tools, and ferrous material necessary for the fabrication of containers: *Provided*, it shall not include

(i) Any Material which is physically incorporated, in whole or in part, into any material which the producer manufactures, distributes, sells, stores or transports; or

(ii) Any material that is to be used as fuel; or

(iii) Any non-ferrous material to be used as packaging supplies.

(6) The terms "Maintenance," "Repairs", and "Operating Supplies" do not include the following:

(i) The replacement of an item carried on the Producer's books as a fixed asset;

(ii) Material which would not be carried on the Producer's books as Maintenance, Repairs, Operating Supplies, or the equivalent, in the Producer's established method of bookkeeping;

(iii) Material for the improvement of a Producer's property or equipment through the replacement of Material in the existing installation, unless such equipment is beyond economic repair;

(iv) Material for additions to, or expansions of, such property or equipment.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to a Producer or another Supplier.

(c) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A-10 is hereby assigned:

(1) To deliveries, to a producer, of Material required by him as Operating Supplies or for the Maintenance or Repair of his property or equipment;

(2) To deliveries to any Supplier, who has received purchase orders rated under this Order from a Producer or from another Supplier, of Material which will be delivered by him or by another Supplier to the Producer to fill such rated orders, or which will be physically incorporated into Material which will be so delivered; or which will be used within the limitations of paragraph (f) (2) hereof, to replace in such Supplier's inventory Material delivered to fill orders rated pursuant to this Order or pursuant to Preference Rating Order No. P-22, as heretofore amended.

Provided, That when any General Preference ("E" or "M") Order assigns a specific preference rating to deliveries of any particular Material to be used by a particular industry or for a specific purpose, such preference rating shall control

and the A-10 rating hereby assigned may not be applied: *And provided further*, That the preference rating hereby assigned may not be applied to deliveries of any Material to be used for purposes prohibited by any Order or Regulation issued by the Director of Priorities.

(d) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by:

(1) A Producer;

(2) Any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (c) and have been rated pursuant to this Order.

(e) *Application of preference rating.*

(1) A Producer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material manually signed by a responsible official duly designated for such purpose by such Producer or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A-10 under Preference Rating Order P-100 with the terms of which I am familiar.

Name of Producer or Supplier

Signature of Designated Official

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Producers and each Supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(1) *Restrictions on use of rating—(1) Restrictions on producer and supplier.* No Producer or Supplier may apply the rating hereby assigned to obtain scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on supplier.* (i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inven-

tory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may defer application of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(g) *Restrictions on withdrawals and inventory.* (1) Except as provided in paragraph (g) (3) and (4), no Producer who has applied the ratings assigned hereby shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of Material to be used for these purposes have been reduced to a practicable working minimum. Such practicable minimum shall in no event exceed one hundred ten percent (110%) of the maximum dollar volume of Material to be used as Operating Supplies and for Repairs and Maintenance in inventory and stores during the corresponding calendar quarter of 1940.

(2) Except as provided in paragraph (g) (3) and (4), no producer who has applied the ratings assigned hereby shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed one hundred ten percent (110%) of the aggregate dollar volume of the withdrawals of such Material during the corresponding quarter of 1940, or, at the Producer's option, twenty-seven and one-half percent (27½%) of the aggregate dollar volume of the withdrawals of such Material during the calendar year 1940.

(3) From time to time the Director of Priorities may determine that certain Producers or classes of Producers are exempt, in whole or in part, from the restrictions contained in paragraph (g) (1) and (2).

(4) Restrictions contained in paragraph (g) (1) and (2) shall not apply to any Producers during any Calendar Quarterly Period in which

(i) the total volume of his purchases of Material for Maintenance, Repairs and Operating Supplies does not exceed five thousand dollars (\$5,000); and

(ii) the total volume of his withdrawals of Material for such purposes does not exceed five thousand dollars (\$5,000).

(h) *Audits and reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each such Producer or Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(i) *Utilities and mines excepted.* This Order is not applicable to any Utility defined as a Producer in Preference Rating Order No. P-46 (§ 978.1) as amended from time to time, nor to any Operator as defined in Preference Rating Order No. P-56 (§ 982.1). The Director of Priorities may from time to time specifically except further classes of Producers from this Order by specific direction.

(j) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order, or wilfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 A of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, but no applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(l) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 18th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9545; Filed, December 18, 1941;
11:27 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 38—GLYCERINE

Sections 1335.405 and 1335.410 of Price Schedule No. 38¹ are hereby amended to read as follows:

§ 1335.405 *Affirmations of compliance.* On or before December 20, 1941, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has sold glycerine in containers of 500 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 138:2 containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 138:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.

§ 1335.410 *Appendix A; maximum prices for glycerine.* The following maximum prices are established for glycerine:

(a) Refined glycerine

	Per pound delivered
(1) C. P. glycerine (98% glycerol):	
(i) Tank cars.....	\$0.18½
(ii) Drums, car-load lots.....	.18¾
(iii) Drums, less than car-load lots.....	.19¼
(2) C. P. glycerine (U. S. P. 95% glycerol):	
(i) Tank cars.....	.18
(ii) Drums, car-load lots.....	.18¼
(iii) Drums, less than car-load lots.....	.18¾
(3) Dynamite:	
(i) Tank cars.....	.18
(ii) Drums, car-load lots.....	.18¼
(iii) Drums, less than car-load lots.....	.18¾
(4) High gravity:	
(i) Tank cars.....	.18
(ii) Drums, car-load lots.....	.18¼
(iii) Drums, less than car-load lots.....	.18¾
(5) Yellow distilled:	
(i) Tank cars.....	.18
(ii) Drums, car-load lots.....	.18¼
(iii) Drums, less than car-load lots.....	.18¾

The above prices established for refined glycerine in this paragraph (a) are applicable to deliveries in Zones A and C. For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2¢ per pound.

(b) Crude glycerine

	Per pound delivered
(1) Soap lye (basis 80% glycerol):	
(i) Tank cars.....	\$0.11½
(ii) Drums, car-load lots.....	.11½
(iii) Drums, less than car-load lots.....	.11½
(2) Saponification (basis 88% glycerol) to refiners:	
(i) Tank cars.....	.12¾
(ii) Drums, car-load lots.....	.12¾
(iii) Drums, less than car-load lots.....	.12¾

¹ 6 F.R. 5488.

Per pound f. o. b. point
of manufacture

(3) Saponification (basis 88% glycerol) for individual uses:

- (i) Tank cars.....\$0.12¾
(ii) Drums, car-load lots......13¾
(iii) Drums, less than car-load lots..14¾

(4) *Crude glycerine of glycerol percentages other than those listed above.* Maximum prices for crude glycerine of any glycerol percentages other than those listed above, shall be the maximum prices set forth above for the respective grade, use and quantity, increased or decreased in proportion to the increase or decrease in the percentage of glycerol content.

(c) *Excess freight.* Where the transportation charge on a shipment of crude glycerine from point of manufacture to point of refining exceeds the transportation charge which would be applicable on the same shipment from the same point of manufacture by the same mode of transportation to another point of refining, the amount of such excess may be added to the delivered prices set forth in paragraph (b) above. Such excess shall be shown as a separate item in all records and invoices.

(d) *Definitions as used in this Appendix A.* When used in this Appendix A, the term:

(1) Zone "A" means All points east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(2) Zone "B" means The territory between Zone A and Zone C, as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath, Nevada; Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) Zone "C" means the territory west of Zone "B". (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 effective December 18, 1941.

Issued this 18th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9509; Filed, December 18, 1941;
10:02 a. m.]

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

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign coun-

tries. At the same time there is every likelihood of an increase in the wool requirements of the armed forces of the United States. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool, wool tops, yarns, waste, and wool by-products and substantially increase the cost of living of the civilian customer. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, revised schedules covering wool and wool products will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

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

§ 1354.1 *Maximum prices for wool and wool tops and yarns.* (a) On and after December 18, 1941, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein; except that contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 6, 1941, inclusive, of wool or wool tops or yarns of the same class, kind, type, condition and grade, to a purchaser of the same general class.

(2) If during said period, no such sale or delivery was made, the maximum price shall be the price contracted or received by the seller for the last sale or delivery made prior to October 1, 1941, of wool or wool tops or yarns of the same class, kind, type, condition and grade, to a purchaser of the same general class, except that in the case of a sale of wool by or for the account of an individual grower the maximum price shall be the highest market price in the same market during said period of wool of the same class, kind, condition and grade to purchasers of the same general class.

(3) In all other cases, the maximum price shall be the highest market price during the said period of wool or wool tops or yarns of the same class, kind, type, condition and grade, to purchasers of the same general class.

(c) The maximum prices determined in accordance with paragraph (b) above shall be the maximum prices for all transactions except for grease wool and wool tops futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. For such contracts, the maximum prices shall be the highest prices for December deliveries on said Exchange during the period between October 1, 1941, and December 6, 1941: *Provided*, That contracts entered into on

said Exchange prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out, at the contract price. Such maximum prices are as follows:

Wool Top Futures.....	Cents
Grease Wool Futures.....	127.8
	95.5

(d) Sales at retail are excepted from the operation of this Schedule.*

*§§ 1354.1 to 1354.9, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1354.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1354.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or wool tops or yarns, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1354.4 *Records and reports.* Every person making sales of wool or wool tops or yarns after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold. Every such person shall also on or before January 10, 1942, have available for the Office of Price Administration a record of his prices for all sales and deliveries of wool and wool products during the period from October 1, 1941, to December 6, 1941.

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

§ 1354.5 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold wool or wool tops or yarns, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 158:1 containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 158:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1354.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or wool tops or yarns, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1354.7 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1354.8 *Definitions.* When used in this Schedule, the term:

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

(b) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama and vicuna, and shall include noils, wool waste, clips and rags and reworked wool of all grades and mixtures;

(c) "Wool tops" means tops made wholly or in part of wool;

(d) "Yarns" means yarns containing 10% or more wool by fiber weight;

(e) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1354.9 *Effective date of the schedule.* This Schedule shall become effective December 18, 1941.*

Issued this 17th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9506; Filed, December 17, 1941;
4:14 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 83-A]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENSION OF CERTAIN REQUIREMENTS GOVERNING RADIOTELEGRAPH OPERATORS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of December 1941;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as qualified operators of stations on board cargo vessels of the United States which are subject to the provisions of Part II, Title III of the Communications Act of 1934, as amended; and

It appearing that the Commission by Order No. 83, suspended for the period July 9, 1941 to January 9, 1942, the requirement of six months' previous service contained in sec. 353 (b) of said Act and subparagraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations; and

It appearing further that a shortage of radiotelegraph operators possessing six months' previous service will continue to exist for a period of six months from January 9, 1942, and, accordingly, further suspension of the foregoing requirement is necessary;

It is ordered, That the aforesaid requirements contained in sec. 353 (b) of the Communications Act of 1934, as amended, and in subparagraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations be, and the same are hereby, suspended for a period of six months beginning January 9, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9508; Filed, December 18, 1941;
9:56 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1218]

IN THE MATTER OF THE REVISION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY NORTH WESTERN FUEL COMPANY SO AS TO PERMIT THE PERFORMANCE OF CERTAIN OUTSTANDING CONTRACTS AND SPOT ORDERS IN ACCORDANCE WITH THEIR TERMS, PURSUANT TO SECTION 4 II (b) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

North Western Fuel Company, a registered distributor, by an application dated December 9, 1941, applied for review and

16 F.R. 3407.

revision of the minimum prices of coal which it is under obligation to supply to its regular customers, or is to deliver in fulfillment of certain existing spot orders and contracts. In support of its application, North Western Fuel Company states that shipments to the consumers in question are customarily made from the dock of Central West Coal Company (a division of the North Western Fuel Company) at Menominee, Michigan, and that by reason of damage to a bridge serving that dock at Menominee, it has been forced to discontinue deliveries therefrom. Until repairs are concluded, which it is estimated will take three months, North Western Fuel Company requests permission to make deliveries to these purchasers from other docks at such prices that the purchaser will pay no more for the coal delivered than it would pay for coal delivered from Menominee. As the freight rates from the other docks are higher than from Menominee, this involves reduction of the effective minimum price f. o. b. dock by the amount of the freight rate differential. This application is on file at the office of the Division at 734 15th Street NW., Washington, D. C., and is hereby made a part of the official docket in this proceeding.

It is ordered, That a hearing in the above-entitled matter, under the applicable provisions of the Bituminous Coal Act of 1937, be held on February 2, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

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

Notice of such hearing is hereby given to all persons or entities having an interest in these proceedings and eligible to become a party herein. Any person, desiring to be admitted as a party to this proceeding, may file a petition of intervention, setting forth clearly and concisely the facts on the basis of which the relief requested by North Western Fuel Company 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 January 28, 1942. So far as practicable, 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 shall apply to the proceeding herein.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically referred to herein, other matters necessarily incidental and related thereto, which may be raised by the petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the request made by North Western Fuel Company.

The matter concerned herewith is in regard to revision of the minimum prices now effective for sales or deliveries of coal by North Western Fuel Company from certain docks at Milwaukee and Superior, Wisconsin, and Duluth, Minnesota, or from other docks located on the west bank of Lake Michigan or the south bank of Lake Superior, to certain purchasers in Market Areas 42, 43, and 44 in fulfillment of contracts or spot orders previously entered into.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9515; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. 1674-FD]

IN THE MATTER OF TAGGART COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8905, RESPONDENT

ORDER FOR RESTORATION OF REGISTRATION

The Director having entered an Order in the above-entitled matter dated November 15, 1941, suspending the registration of the respondent, Taggart Coal Sales Company, as a distributor, Registration No. 8905, for a period of thirty (30) days from the date of said Order; and

Said Order having been served upon the respondent on November 22, 1941; and

The Taggart Coal Sales Company, respondent herein, having duly filed with the Division on December 11, 1941, an affidavit dated December 9, 1941, pursuant to the provisions of said Order dated November 15, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of the Taggart Coal Sales Company sufficiently complies with the provisions of said Order dated November 15, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of the Taggart Coal Sales

Company, as a distributor be and it hereby is restored.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9516; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. 1783-FD]

IN THE MATTER OF HORNING-ROSS COAL COMPANY (WALTER F. HORNING), REGISTERED DISTRIBUTOR, REGISTRATION NO. 4507, RESPONDENT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Director having entered an Order in the above-entitled matter dated November 14, 1941, suspending the registration of the defendant, Horning-Ross Coal Company (Walter F. Horning), as a distributor, Registration No. 4507, for a period of thirty (30) days from the date of said Order; and

Said Order having been served upon the defendant on November 18, 1941; and The Horning-Ross Coal Company (Walter F. Horning), defendant herein, having duly filed with the Division on December 10, 1941, an affidavit dated December 8, 1941, pursuant to the provisions of said Order dated November 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of the Horning-Ross Coal Company (Walter F. Horning) sufficiently complies with the provisions of said Order dated November 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors;

Now, therefore, it is ordered, That the registration of the Horning-Ross Coal Company (Walter F. Horning), as a distributor, be and it hereby is reinstated, as of December 15, 1941.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9517; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1709-FD]

IN THE MATTER OF PRINCESS PAT COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 2, 1941, having been filed herein on June 29, 1941, by the Bituminous Coal Producers Board for District No. 4, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Princess Pat Coal Company, Pomeroy, Ohio, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of the Princess Pat Coal Company, both dated November 6, 1941, after a hearing held in the above-entitled matter on September 17, 1941, at Pomeroy, Ohio, pursuant to an Order of the Acting Director dated July 12, 1941; and

Scott Dana Folmer doing business as Princess Pat Coal Company having filed with the Division pursuant to section 5 (c) of the Act, an application dated December 3, 1941, for restoration of code membership; and

It appearing from said application that Scott Dana Folmer doing business as Princess Pat Coal Company, on November 17, 1941, paid to the Collector of Internal Revenue at Columbus, Ohio, the sum of seventy-nine dollars and forty-seven cents (\$79.47), as provided in said Order of November 6, 1941, as a condition precedent to restoration of his code membership;

It is, therefore, ordered, That said application of Scott Dana Folmer doing business as Princess Pat Coal Company, dated December 3, 1941, for restoration of his code membership be granted and that the code membership of Scott Dana Folmer doing business as Princess Pat Coal Company, be and it hereby is restored as of November 17, 1941.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9518; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1768-FD]

IN THE MATTER OF URBANDALE COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 21, 1941, having been filed herein by the Bituminous Coal Producers' Board for District No. 12, on June 25, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Urbandale Coal Company, Des Moines, Iowa, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director, on October 31, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of the Urbandale Coal Company, after a hearing held in the above-entitled matter on September 17, 1941, at Des Moines, Iowa, pursuant to an Order of the Acting Director dated July 21, 1941; and said Order of Revocation having been duly served upon the Urbandale Coal Company on November 10, 1941; and

Said Urbandale Coal Company, having filed with the Division as provided in section 5 (c) of the Act, its application dated December 4, 1941, for restoration of code membership; and

It appearing from said application that the Urbandale Coal Company, on November 14, 1941, paid to the Collector of Internal Revenue at Des Moines, Iowa, the sum of one hundred fifty-eight dollars and six cents (\$158.06), as provided in said Order of October 31, 1941, as a condition precedent to restoration of its code membership;

Now, therefore, it is ordered, That said application of the Urbandale Coal Company, dated December 4, 1941, for restoration of its code membership be granted and that the code membership of the Urbandale Coal Company, be and it hereby is restored as of November 14, 1941.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9519; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1688-FD]

IN THE MATTER OF PATIK COAL COMPANY
(F. T. PATIK), DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated May 10, 1941, having been filed herein by the Bituminous Coal Producer's Board for District No. 12, on May 17, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Patik Coal Company (F. T. Patik), Oskaloosa, Iowa, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director, on October 22, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of Patik Coal Company (F. T. Patik), after a hearing held in the above-entitled matter on September 8, 1941, at Oskaloosa, Iowa, pursuant to an Order of the Acting Director dated July 21, 1941; and said Order of Revocation having been duly served upon the Patik Coal Company (F. T. Patik) on October 30, 1941; and

Said Patik Coal Company (F. T. Patik), having filed with the Division, as provided in section 5 (c) of the Act, its application dated December 10, 1941, for restoration of code membership; and

It appearing from said application that the Patik Coal Company (F. T. Patik), on December 10, 1941, paid to the Collector of Internal Revenue at Des Moines, Iowa, the sum of eight hundred thirty dollars and twenty-five cents (\$830.25), as provided in said Order of October 22, 1941, as a condition precedent to restoration of its code membership;

Now, therefore, it is ordered, That said application of the Patik Coal Company

(F. T. Patik), dated December 10, 1941, for restoration of its code membership be granted and that the code membership of the Patik Coal Company (F. T. Patik), be and it hereby is restored as of December 10, 1941.

Dated, December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9520, Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1556-FD]

IN THE MATTER OF Q. C. TAYLOR,
DEFENDANT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Fairmont, West Virginia, on March 19, 1941, pursuant to the Order of the Director dated February 13, 1941, and subsequently postponed by action of the Director dated March 17, 1941, to a date and a hearing room to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on January 22, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia.

It is further ordered, That Charles S. Mitchell be and he hereby is designated to preside at such hearing vice Floyd McGown; and

It is further ordered, That the Notice of and Order for Hearing herein dated February 13, 1941, shall in all other respects remain in full force and effect.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9513; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. B-57]

IN THE MATTER OF CHARLY KOLARICH,
CODE MEMBER, DEFENDANT

AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

A complaint dated September 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 30, 1941, by Bituminous Coal Producers Board for District No. 22, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and

An amendment to said complaint alleging certain additional wilful violations by the defendant of the Bituminous Coal Code or rules and regulations there-

under as set forth hereinafter in paragraph numbered "2", having been duly filed on November 4, 1941; and

Said original complaint having been noticed for hearing on January 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana, by order of the Director dated November 22, 1941;

It is ordered, That the said Notice of and Order for Hearing dated November 22, 1941 be and the same hereby is amended by adding thereto at the end thereof an additional paragraph reading as follows:

2. That said defendant wilfully violated the provisions of the Code and the effective minimum prices by selling to various persons from January 2, to March 6, 1941, both dates inclusive, (a) approximately 52.3 tons of 4½" lump coal produced at said mine for delivery by truck at \$3.75 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$4.00 per net ton f. o. b. the mine, and (b) approximately 57 tons of 4½" x 1¼" stove coal at \$3.00 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$3.50 per net ton f. o. b. the mine.

It is further ordered, That, except as hereinabove specifically amended, said Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9514; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. 1815-FD]

IN THE MATTER OF FRANK H. McDONALD,
DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 3, complainant, alleging wilful violation by Frank H. McDonald, a code member in District 3, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 3 for Truck Shipment and with intent to violate the same and in violation thereof, sold for truck shipments between December 17, 1940 and January 15, 1941, inclusive, approximately 184 tons of mine run coal (Size Group 5) produced at defendant's McDonald Mine in District 3 at delivered prices lower than the effective minimum f. o. b. mine price for such coal;

Pursuant to an order of the Director and after due notice to all interested parties, a hearing having been held in this matter before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the above proceeding dated November 18, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Frank H. McDonald, be and the same is hereby revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Frank H. McDonald, to code membership in the Code, he shall pay to the United States a tax in the amount of \$147.25, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 17, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9521; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1810-FD]

IN THE MATTER OF R. D. ALLMAN,
DEFENDANT

ORDER APPROVING AND ADOPTING WITH MODIFICATION, THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on August 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by Bituminous Coal Producers Board for District 3, alleging that R. D. Allman, a code member in District 3, defendant, had wilfully violated the provisions of

the Bituminous Coal Code or rules and regulations thereunder by selling for shipment by truck 64 tons of double screened coal 2" down to 3/4" (Size Group 6), produced at the defendant's mine (Mine Index No. 505) in District 3, and delivered the same by truck to the Lewis County Court at prices lower than the effective minimum f. o. b. mine price for such coal, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Clarksburg, West Virginia, on September 24, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated November 10, 1941, recommending that the defendant's code membership be revoked and cancelled.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report, and supporting briefs; the defendant has filed exceptions to the Examiner's Proposed Findings of Fact and Proposed Conclusions of Law.

The defendant excepted to the proposed finding by the Examiner that the coal in question was a mixture of 1 1/4" slack nut and dust, falling within Size Group 6, and priced at \$1.78 per net ton f. o. b. the mine, contending that the evidence shows the coal was a mixture of 3/4" slack and 1/4" nut and dust falling in Size Group 7 and priced at \$1.68 per net ton f. o. b. the mine.

The Record indicates that witness Tharp testified concerning the size of the coal involved. Tharp testified that he purchased the coal for the county, and, as the fireman of the furnace where it was consumed, he saw and handled the coal, and that it was a mixture of 1 1/4" slack, nut, and dust. The defendant testified that the coal was a mixture of 3/4" slack, 1/4" nut, and dust. The defendant also testified that the coal passed through a 1" screen. Witness Payne, a compliance agent, testified that he saw certain coals at the court house which were pointed out to him as defendant's coal and which approximated 2" down to 3/4" in size. There is thus sharp conflict in the testimony of the three witnesses. Should we disregard the testimony of witness Payne, there remains the conflict between the testimony of Tharp and the defendant. There are certain well-defined criteria helpful in resolving conflicts in testimony. Among these are the opportunity of the presiding officer to observe the demeanor of the witness; the interest of the witness; the facilities and opportunities of the witness for observation; and, the disposition of the witness toward fairness, accuracy, and impartiality. Witness Tharp was disinterested.

He was an employee of the county and had the duty of purchasing its fuel and physically tending the furnaces. His testimony respecting the size of the coal in question is unequivocal. He saw and actually handled the coal as well as purchasing it. The demeanor of the witnesses was under the direct observation and scrutiny of the Examiner. His conclusion as to the facts testified to by witnesses must be afforded considerable weight. On the basis of the foregoing and on the basis of the record, I conclude that the Examiner's proposed findings as to size are correct and that the exception thereto should be denied.

The Examiner found that 64 tons of coal were involved and that the amount of tax, based on 64 tons at \$1.78 per ton f. o. b. the mine, required that there be paid by the defendant as a condition to reinstatement of code membership \$44.43. The defendant excepted to the finding that 64 tons were involved, contending that the tonnage should be only 32 tons and the tax reduced accordingly. On reviewing the record I find that the complaint was limited to sales made during October and November 1940. During this period defendant sold 32 tons of coal to the county court. At the hearing an attempt was made to amend the complaint to include similar sales made during December 1940 and January 1941. The record fails to disclose that defendant agreed to this amendment. Accordingly, I find that this exception is well taken and should be sustained. I find, therefore, that the tonnage in question was 32 tons and the amount of tax required to be paid by the defendant as a condition to his reinstatement to membership in the Code as provided in section 5 (c) of the Act is \$22.21.

The undersigned having determined, after a consideration of the record and the defendant's exceptions, that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as hereinabove modified, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the exception of the defendant that the tonnage of coal involved should be reduced from 64 to 32 tons and the penalty reduced accordingly, be and the same hereby is sustained, and in all other respects the exceptions of the defendant should be, and hereby are, denied.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as herein amended, be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That pursuant to Section 5 (b) of the Act, the code membership of the defendant, R. D. Allman, be and it is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant to mem-

bership in the code, the defendant shall pay to the United States a tax in the amount of \$22.21, as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9522; Filed, December 18, 1941;
11:18 a. m.]

[Docket No. A-279]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 20 FOR SHIPMENT INTO MARKET AREAS 47-50, 52-60, 64-68, 76, 77, 200-208, 210, 211, 213, 216, 217, 219, 224, 234, 237-241 and 243-254

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 20, requesting that the Schedule of Effective Minimum Prices for District No. 20 for All Shipments be amended with respect to Market Areas 47-50, 52-60, 64-68, 76, 77, 200-208, 210, 211, 213, 216, 217, 219, 224, 234, 237-241, and 243-254, so as to include 10" x 3" coal as an alternative size to 8" x 3" stove coal in Size Group 5, and eliminate such 10" x 3" coal as an alternative size in Size Group 3.

Answers to the petition were filed by District Boards 17 and 19 and an intervening petition was filed by District Board 22, opposing the request for relief.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held before Thurlow G. Lewis,¹ a duly designated Examiner of the Division, at a hearing room of the Division in Salt Lake City, Utah.

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of the petitioner, by District Boards 17, 19 and 22, and by the Consumers' Counsel Division.

The Examiner, C. Rollin Larrabee, on November 12, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations, recommending that the relief requested by the petitioner be denied.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions

¹By Order of the Director dated October 2, 1941, the undersigned, C. Rollin Larrabee, was designated to prepare and submit to the Director Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of an appropriate order in the premises and to perform all other duties delegated to Thurlow G. Lewis in this matter.

of Law, and Recommendations of the Examiner, and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9523; Filed, December 18, 1941;
11:19 a. m.]

[Docket No. A-893]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR A CHANGE IN THE BOUNDARY LINES OF MARKET AREAS 26 AND 30, AND AMENDMENT OF PRICE EXCEPTION 4 ON PAGE 40 OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR ALL SHIPMENTS EXCEPT TRUCK, OR, IN THE ALTERNATIVE, FOR F. A. S. PRICES FROM DISTRICT NO. 8 FOR THE KIEFFER PAPER MILLS, BROWNSTOWN, INDIANA, IN MARKET AREA 30

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on May 28, 1941, by the Office of the Bituminous Coal Consumers' Counsel, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition, as amended, requests: (1) extension of the boundary line of Market Area 26 to include both Brownstown and Vallonia, Indiana, now in Market Area 30, or, in the alternative, to include only Brownstown; (2) amendment of the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck by reducing the minimum price, f. o. b. the mine, of coals in Size Groups 18 to 22, inclusive, for shipment to Brownstown, Indiana, by 25 cents per net ton¹ if the requested boundary change is not made, and by reducing the minimum f. o. b. mine price of such coals by 17 cents per net ton for ex-river deliveries to Brownstown, Indiana; and (3) the granting of such other relief as the cause may require.

¹The wording of the prayer for a reduction of 25¢ per net ton is not restricted to high-volatile coals, though it is obvious that it was intended to be so restricted to remove the differential between Market Areas 26 and 30, as to Brownstown.

District Boards 2, 7, 8, and 11 and the Island Creek Coal Company, a code member in District 8, intervened. In its amended petition of intervention, the Island Creek Coal Company requests relief for shipments to the Kieffer Paper Mills ("Kieffer"), in Ewing (a part of Brownstown), Indiana, if the prayers of petitioner are denied.

Pursuant to Orders of the Director and Acting Director, a hearing in this matter was held on August 25, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which appearances were entered by the Petitioner, District Board 11, and the Island Creek Coal Company.

District Board 11 filed a brief on September 23, 1941, advocating denial of the relief sought.

Thereafter, the Examiner made his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation, dated September 30, 1941, recommending that the relief prayed for be denied.

On October 15, 1941, the petitioner filed Exceptions to the Report of the Examiner and brief in support thereof.

The petitioner seeks to reduce the f. o. b. mine prices of District 8 high-volatile screenings 42 cents per net ton for delivery ex-river to Brownstown, so as to remove the existing differentials between Market Areas 26 and 30. Relief which would result in a 25-cent reduction of the f. o. b. mine prices per net ton of such coal for delivery to Vallonia is also requested. Intervenor Island Creek Coal Company asks a 25-cent reduction as to Kieffer, in the event the prayers of the petitioner are denied.

The first so-called Exception to the recommendation of the Examiner that relief be denied is taken to the alleged issuance of the Examiner's Report before the final time for filing briefs and constitutes a request that the matter be resubmitted to the Examiner for a further report in light of the Petitioner's Exceptions. At the hearing, the Examiner ordered that briefs might be filed within eight days from the furnishing to the parties of copies of Division Exhibit No. 3. Although the other parties made no complaint of a failure to receive copies of this Exhibit more than 8 days before the Examiner's Report was issued on September 30, 1941, the petitioner claims that its copy was received on September 25, 1941, only 5 days before the Examiner's Report was issued. For this reason, the petitioner requests the return of the Examiner's Report to him for any revision he may desire to make, in which case the petitioner requests that its Brief in support of its Exceptions be considered as a Brief before the Examiner.

Any delayed receipt of Division Exhibit No. 3 by the petitioner appears in no

way to prejudice the case of this petitioner before the undersigned. Although the Examiner did not have the benefit of a brief by the petitioner before his Report was issued, the undersigned now has before him petitioner's Exceptions and Brief. This Brief has been given due consideration by the undersigned. Since the undersigned is unable to agree that points made in petitioner's brief escaped the attention of the Examiner, he concludes that there is no occasion to resubmit the case to the Examiner and accordingly the request for resubmission of the matter to the Examiner is denied.

Although not embodied in petitioner's Brief as an exception, the position of petitioner that the findings in General Docket No. 15 insufficiently considered certain local situations in Market Area 30 is set out in the introductory statement preceding the specific exceptions. By the Order in that Docket, the f. o. b. mine prices of District 8's screenings were reduced 25 cents per ton under their home market prices for movement to Market Areas 22-28, inclusive. In Market Area 30, bordering the aforesaid Market Areas in Indiana on the west, however, this reduction was made only as to shipments to South Bend, on the ground that practically the entire steam distribution was concentrated in South Bend, as appeared from an examination of the freight rate structures and distribution data. Fixing the f. o. b. mine price of District 8 screenings, for delivery to parts of Market Area 30 other than South Bend, the same as that for the home market was found by the Director to reflect properly relative market values and preserve existing fair competitive opportunities. The 17-cents ex-river allowance for shipments to said points was based on like considerations. The contention of the petitioner that sufficient consideration was not given by the Examiner in General Docket No. 15 to the situation at Brownstown is supported by insufficient facts on which to base a finding that the Order in General Docket No. 15 was wrong in these respects.

The petitioner takes exception (Exception No. 2) to the failure of the Examiner to find that Kieffer competes with paper plants in Market Areas 23 and 24, which enjoy favorable differentials with regard to f. o. b. mine prices of District 8 screenings. The Examiner's Report did find a lack of competition between consumers in Market Areas 26 and 30; and the tenor of the petition goes to the competitive situation between Brownstown in Market Area 30, and Seymour in Market Area 26. For this reason the position might be tenable that the requested finding is immaterial to the issues here involved. However, in view of the claimed deprivation of the right of petitioner to file a brief before the Examiner, the exception is sustained, and a finding with respect to the competition between Kieffer and paper companies in Market Area 23 and 24 will be made.

Any competition of Kieffer with paper manufacturers in other Market Areas in Indiana appears to be confined to sales of chip, comprising less than 30 percent of the output of Kieffer. And even this competition exists only when the paper firms in Market Areas 23 and 24 do not use their chip in the fabrication of their own products. It appears from the evidence that most of these companies now themselves use all chip produced at their plants. This limited competition affords no proof of discrimination in minimum prices between Market Area 30 and the market areas in which the other paper companies have their plants, especially in the absence of any adequate showing of the coals used by the other companies or their fuel costs, f. o. b. the mine and delivered, as compared with those of Kieffer, both before and after October 1, 1940. No evidence of shifts in coal purchases or paper sales by these companies, after October 1, 1940, was adduced. In fact, there is no showing that the present price differentials existing between these territories were not the same prior to the effective date of the minimum price schedule. From all that appears, were any change in the existing differentials to be made, it might be as proper to raise the f. o. b. mine prices of District 8 screenings for shipments to the other market areas as to lower those for Market Area 30. Because of the paucity of the evidence, there might be a danger of disrupting a proper coordination of prices as between Districts 8 and 11 by changing these differentials. I find that there is no showing of such a competitive situation between Kieffer and paper companies in Market Areas 23 and 24 as would justify the granting of the relief requested.

Exception No. 3 is based on the failure of the Examiner to find that the price differentials between Market Area 30 and the other market areas in District 11 do not have due regard to the interests of the consuming public. No sufficient evidence was presented upon which such a finding could be predicated. The mere fact that a coal is priced higher for delivery into one market area than into another does not in itself demonstrate a disregard of consumer interest. For this reason, Exception No. 3 is without merit, and, therefore, is denied.

Exception No. 4 is addressed to the alleged finding of the Examiner that a reduction in the minimum prices would not benefit Kieffer unless the market prices were reduced. This statement was, in reality, a recital by the Examiner of an uncontested statement made by the petitioner's only witness. What the Examiner found in that connection was the very obvious fact that, since the evidence shows that the current f. o. b. mine price of Island Creek coal sold to Kieffer is more than the minimum price thereof and less than the price of such coal moved to Seymour in Market Area 26, the relief requested as to lowering the minimum prices would have no effect on the price paid for coal by Kieffer under the mar-

ket prices currently in effect. This finding is relevant, not on the proposition that adjustment of minimum prices should cease when prices rise above the minima, as argued by the petitioner, but on the question of any loss of competitive opportunity through the discriminatory operation of the price schedule. That consumers in Market Area 26 are buying District 8's screenings at prices above the minimum prices but less than the current prices in market areas enjoying minimum price differentials tends to discount any contention that Market Area 30 minimum prices here involved are operating discriminatorily as to Market Area 30. Accordingly, exception No. 4 by petitioner is overruled.

Exception No. 5 is taken to the Conclusion of Law of the Examiner that "denial of relief is required in order to effectuate the purposes of sections 4 II (a) and (b) of the Act, and to comply in all respects with the standards thereof." The facts set out by the Examiner in his Proposed Findings of Fact amply support this conclusion. Accordingly, Exception No. 5 is overruled as being without merit.

Exception No. 6 is addressed to certain statements of the Examiner regarding the 17-cents ex-river allowance for District 8 screenings for shipment to certain market areas in District 11, not including Marketing Area 30. These include the statement that this Price Exception should not be amended for the accommodation of one mine selling to one industrial plant in the absence of a strong showing of discrimination. This statement is based on the lack of evidence as to any producer other than the Island Creek Coal Company and any consumer other than Kieffer. Petitioner's Exception is based on the prayer of the petition for relief as to all District 8 high-volatile mines shipping into Brownstown. But evidence in support thereof is singularly lacking. Petitioner fails to point out any evidence discounting the Examiner's Finding of Fact. Exception No. 6 also criticizes two other statements of the Examiner with reference to this Price Exception as seemingly immaterial or irrelevant. I find no merit in Exception No. 6. It is hereby overruled.

Exception No. 7 is based on the finding that there is no evidence upon which to grant relief to Vallonia or to Brownstown in its entirety. The argument of petitioner in support of this Exception points out no evidence whatsoever to justify the relief sought as to Vallonia or as to Brownstown in its entirety. Exception No. 7, therefore, is overruled.

Now, therefore, it is ordered, That the Exceptions of Petitioner Office of the Bituminous Coal Consumers' Counsel to the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, other than Exception No. 2, be and they hereby are severally overruled;

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner as supple-

mented herein be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director; and

It is further ordered, That the relief prayed for in the petition, as amended, of the Bituminous Coal Consumers' Counsel and the petition, as amended, of intervention of the Island Creek Coal Company be and it hereby is denied.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9524; Filed, December 18, 1941;
11:19 a. m.]

[Docket No. A-1158]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

[Docket No. A-1158, Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PRAIRIE CREEK COAL COMPANY NO. 1 MINE (MINE INDEX NO. 540) AND FOR THE COALS OF THE NEW BLUE VALLEY COAL COMPANY, BLUE VALLEY MINE (MINE INDEX NO. 562)

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1158, PART II, FROM DOCKET NO. A-1158 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1158, PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1158, PART II

The original petition in the above-entitled matter filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 14.

As indicated in a separate order issued in Docket No. A-1158, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) and for the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562).

Petitions of intervention were filed in this matter on November 24, 1941 by the Prairie Creek Coal Company and on November 27, 1941 by the New Blue Valley Coal Company.

The petition of intervention filed by the Prairie Creek Coal Company alleges that the price classifications of "C" and

"O" and the minimum prices of \$3.85 per ton and \$3.15 per ton proposed by District Board No. 14 for the coals of the Prairie Creek Coal Company's No. 1 Mine, Mine Index No. 540, in Size Groups 3 and 18 respectively, are improper and requests that in lieu thereof price classifications "E" and "Q" and minimum prices of \$3.55 per ton and \$2.70 per ton, respectively, be established. This intervenor represents that it would be handicapped in the sale of its coal by the establishment of the price classifications and minimum prices proposed by District Board No. 14 and that such prices are much in excess of those heretofore established for similar coals produced at other mines in the same vicinity.

The petition of intervention of the New Blue Valley Coal Company alleges that the price classifications and minimum prices proposed by District Board No. 14 for the coals of the Blue Valley Mine, Mine Index No. 562, are improper and, if established, would not afford to this intervenor fair competitive marketing opportunities with competing producers in District No. 14, who are producing and marketing similar coal. This intervenor requests that certain lower prices be established for its coals and that the formal hearing of the subject matter be held at Fort Smith, Arkansas.

It appears that temporary relief as to the coals of the Prairie Creek Coal Company's No. 1 Mine and for the coals of the New Blue Valley Coal Company's Blue Valley Mine, should be granted substantially as prayed for by the original petitioner, but that permanent price classifications and minimum prices should not be established for such coals without a hearing. Furthermore, the exigencies presently devolving upon the Division make it impractical at this time to schedule such hearing at a place other than in Washington, D. C.

Now, therefore, it is ordered, That the portion of Docket No. A-1158 relating to the coals of the Prairie Creek Coal Company's Mine No. 1 (Mine Index No. 540), and to the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562), be and the same hereby is severed from the remainder of Docket No. A-1158 and designated as Docket No. A-1158 Part II.

It is further ordered, That a hearing in Docket No. A-1158 Part II under the applicable provisions of said Act and the rules of the Division be held on January 21, 1942 at 10 o'clock in the forenoon of that day 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 Joseph A. Huston or any other officer or officers of

the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, 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 proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in 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 January 16, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) and the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562), for shipments to all market areas.

It is further ordered, That temporary relief, pending final disposition of Docket No. A-1158 Part II, is hereby granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 14, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices set forth below for the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) and the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562).

District No. 14 (rail)—Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel*

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.
562	New Blue Valley Coal Co., The (Marshall Whitecotton).	Blue Valley.....	2	Hartman, Ark..	MP.....	33
540	Prairie Creek Coal Co. (Arthur L. Rains).	No. 1.....	5	Midland, Ark..	SL-SF & MV...	18

Price classification by size group

Size group No.....	3	4	6	7	8	14	15	16	18
Mine index No. 562.....	J	K	K	K	B	B	B	O	
Mine index No. 540.....	C				B			O	

District No. 14 (truck shipments)*

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County
562	New Blue Valley Coal Co., The (Marshall Whitecotton)...	Blue Valley.....	2	Johnson, Ark.
540	Prairie Creek Coal Co. (Arthur L. Rains).....	No. 1.....	5	Sebastian, Ark.

Prices and size group numbers

Size group No.....	3	4	6	7	8	14	15	16	18
Mine index No. 562.....	405	405	405	405	135	115	105	315	
Mine index No. 540.....	385				135			315	

NOTE: The foregoing temporary price classifications and minimum prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedules of Effective Minimum Prices for District No. 14, for All Shipments Except Truck and for Truck Shipments.

The original petition requests for the coals of Mine Index No. 562 that price classifications and minimum prices be established for rail shipments originating at both Hartman and Coal Hill, Arkansas. However, Coal Hill is not on any railroad and the price classifications and minimum prices for such coals for rail shipment temporarily established by this order are applicable to such coals only when they originate for rail shipment at Hartman, Arkansas.

The original petition also requests that for the coals of Mine Index No. 540, for rail shipment, price classifications and minimum prices be established for shipment from both Midland and Excelsior, Arkansas. However, such coals would have to be moved either through or around Midland a distance of some miles in order to be loaded at Excelsior. No reason having been shown for such movement, the price classifications and minimum prices for such coals, for rail shipment, temporarily established by this order are applicable only to loadings at Midland, Arkansas.

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: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9525; Filed, December 18, 1941; 11:19 a. m.]

[Docket No. A-849]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR COALS OF THE WYCO MINE (MINE INDEX NO. 207) OF THE GULF SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT 7

MEMORANDUM OPINION CONCERNING PETITION FOR RECONSIDERATION AND ORDER DENYING REQUEST FOR VACATION OF ORDER OF THE DIRECTOR DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on May 1, 1941, by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested that the effective price classifications established for the coals of the Wyco Mine (Mine Index No. 207) of the Gulf Smokeless Coal Company, a code member in District 7, be reduced from "F" to "G" in Size Group 2 and from "E" to "F" in Size Group 3, such classifications to be established at levels five cents below the classifications presently established.

By Order of the Acting Director, dated July 22, 1941, this docket was consolidated with Docket No. A-848 and, pursuant to orders and notices duly issued, a consolidated hearing in this matter was held on July 28, 1941, before Joseph D. Dermody, a duly designated Examiner of the Division, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The original petitioner appeared. The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the Director.

On November 14, 1941, the Director issued Findings of Fact, Conclusions of Law and rendered an Opinion in this matter and entered an Order in accordance therewith, denying the requested relief.

In a petition filed on December 5, 1941, the petitioner requests that the Order of the Director entered in this proceeding on November 14, 1941, denying relief, be reconsidered and that upon reconsideration, the Director enter an Order vacating the Order denying relief and enter an Order granting the requested relief. The principal reasons assigned by the petitioner in support of its petition for reconsideration are that the Director failed to give sufficient weight to certain evidence of record regarding the ash content of the Wyco Mine coals and the evidence regarding their market history. The evidence regarding these factors was considered by the Director, who found that it was not sufficient to warrant the granting of the relief requested. The undersigned has however, reconsidered the record in connection with the allegations contained in the petition for reconsideration, and is of the opinion that the Findings of Fact and Conclusions of Law of the Director are adequately supported by the record and that all evidence of material value was given proper consideration.

While the evidence of record does not justify the granting of the relief requested, the undersigned is of the opinion that the petitioner should not be precluded from requesting a reopening of the hearing in this matter to present additional evidence. Such a motion for a reopening of the hearing, if accompanied by affidavits to the effect that petitioner has additional evidence to support its claim for relief, will be entertained by the undersigned.

I, therefore, conclude that the Findings of Fact, Conclusions of Law, Opinion and Order issued herein on November 14, 1941, are proper and should remain unchanged, and that the petitioner's request for a vacation of the Order Denying Relief and for the entry of an Order granting the requested relief, should be denied.

Now, therefore, it is ordered, That the petition filed herein by the petitioner on

December 5, 1941, be, and it hereby is, denied.

Nothing contained herein shall preclude the petitioner from requesting a reopening of the hearing in this matter in order to present additional evidence in support of its claims for relief.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9526; Filed, December 18, 1941;
11:20 a. m.]

[Docket No. A-573]

PETITION OF CONSUMERS' COUNSEL DIVISION FOR FREE ALONGSIDE PRICES FROM DISTRICTS 8 AND 10 FOR THE HOSKINS COAL AND DOCK CORPORATION

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on January 9, 1941, by the Consumers' Counsel Division on behalf of the Hoskins Coal and Dock Corporation ("Hoskins"), a retail coal dealer in Chicago, Illinois, pursuant to the provisions of section 3-A Special River Price Instructions and Exceptions in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, and pursuant to a similar provision in the District 8 Price Schedule. The petition seeks a final order granting Hoskins the privilege of purchasing coals from producers in Districts 8¹ and 10 at the minimum f. o. b. mine prices for free alongside delivery.

Petitions of intervention were filed by District Boards 10 and 11, and by six code member producers in District 10. In addition, an appearance was entered by District Board 8.

A hearing was held on February 18, 1941, before Travis Williams, a duly designated Examiner of the Division. Appearances were noted for the original petitioner, the interveners, and District Board 8. On June 12, 1941, the Examiner filed a Report, Proposed Findings of Fact, Conclusions of Law and Recommendations, in which he recommended that the requested relief be denied.

Following the Director's Order of November 10, 1941, granting temporary relief in Docket No. A-227² the Bituminous Coal Consumers' Counsel renewed its earlier motion for temporary relief in this matter.

Hoskins introduced evidence to the effect that it is engaged in the sale of coal at retail in the Chicago area. It

¹At the hearing the original petition was amended to eliminate the relief requested as to District 8.

²This order granted to Truax-Traer Coal Company and United Electric Coal Companies, code member producers in District 10, the right to sell a specified tonnage of coal at f. a. s. prices to six named retail dealers in Chicago. Hoskins was not among these six.

owns or controls three retail yards equipped with dock facilities, where it has, in the past, received coal transported by barge on the Illinois River.³ These yards are located at 441 East North Water Street, 901 North Halstead Street, and 92nd and Harbor Avenue. The dock at 901 North Halstead Street was acquired by Hoskins in 1937 exclusively for river shipments. This dock has no rail connection.

Improvements for navigation purposes in the Illinois River had reached a point of development by the year 1937 that enabled coals to be transported by barge. Desiring to receive coals from the Fulton-Peoria field in District 10, Hoskins, in 1937, expended large sums in the acquisition and development of dock facilities at Liverpool on the Illinois River and also acquired and organized trucking facilities by which coals could be trucked from nearby mines to the Liverpool dock.

What was said in the Director's Opinion and Order of November 10, 1941, in Docket No. A-227, so far as it relates to the transportation of coal by river from the Fulton-Peoria field to Chicago, is applicable here. In summary, it appears that there is a fair inference from the evidence that coal may be transported by Hoskins from the mines in question to Chicago free alongside at a lower transportation cost than when moving by rail.

Availing itself of its dock facilities at Liverpool and its truck transportation equipment, Hoskins purchased 27,375 tons in 1938; 62,107 tons in 1939; and 20,555 tons during the first nine months in 1940, aggregating 110,037 tons. Of this total, 106,021 tons were purchased from the Little Sister Mine (Mine Index No. 37) of the Central State Collieries, Inc.; approximately 3,733 tons from the Buckheart Creek Mine (Mine Index No. 661) of the Buckheart Creek Coal company; and 283 tons from miscellaneous truck mines. These coals were transported by Hoskins by truck to Liverpool, and by barge to the three Chicago yards hereinabove described.

The witness for Hoskins testified that since minimum prices became effective October 1, 1940, Hoskins had been unable to move coals by river to these yards because of the minimum price and, with the exception of negligible quantities, had moved no coals by river since October 1, 1940. This witness further testified that operations at the docks in Chicago had been seriously impaired and that operations at the Liverpool dock, including Hoskins' truck and barge facilities, were at a complete standstill.

On the basis of the record here, it appears that a satisfactory showing has been made by the petitioner for the granting of temporary relief; that the failure to grant such relief will result in irreparable injury to Hoskins; and that

³Hoskins also operates two other yards which have never received coals moving by river.

no prejudice to the interveners will arise if temporary relief is granted. The reasons which prompted the granting of temporary relief in Docket No. A-227 are present here, as are all the reasons for studying the consequences of that relief.

However, like that relief granted in Docket No. A-227, the temporary relief to be granted should be limited as to the quantity of coal which may be shipped to an amount equal as nearly as practicable to past shipments. The evidence shows that during the 24-month period from October 1, 1938 to October 1, 1940, Hoskins shipped by river to Chicago, 110,037 net tons of coal. On this basis, Hoskins' purchases testified to average just over 4,500 tons per month. The temporary relief should, therefore, be limited to 54,000 tons annually. Such limitation will preserve for Hoskins the approximate level of shipment attained by it in the past and will not unduly prejudice the interveners or either of them.

The effect of the relief to be granted can be ascertained only if the tonnage permitted to be shipped at f. a. s. prices is shipped in the normal manner and over a representative period. Therefore, it will be a condition of this order that no more than 4,500 tons may be shipped in any one month except that any tonnages authorized to be shipped in any one month which have not been shipped, may be added to the shipments for a subsequent month.

In proportion to purchases made in the past, the 4,500 tons monthly should be purchased as follows: 4,300 tons from Central States Collieries, Inc., and 200 tons from Buckheart Creek Coal Company. However, since the Buckheart Creek Mine of the Buckheart Creek Coal Company is a truck mine and has no f. a. s. prices, it seems reasonable to allow Hoskins to purchase from the Little Sister Mine the quantity of coal previously purchased from both mines. It may be that Hoskins may encounter some difficulty in purchasing these quantities from this mine. In such event, it may petition for a modification of this formula. Since this relief, like that in Docket No. A-227, is somewhat experimental, modifications may well be expected, if a need therefor is shown.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, as follows:

Under the section (page 53) "Prices for River (free alongside deliveries) and Ex-River Shipments, Special River Price Instructions and Exceptions," "Special Cases (e)," add the following provision:

Central States Collieries, Inc., [Little Sister Mine (Mine Index No. 87)] may sell coal for barge delivery free alongside at the minimum f. o. b. mine prices for free alongside delivery when shipped

from the mines by truck to the Liverpool dock and reloaded into barges on the Illinois River for transshipment on the Illinois River to Hoskins Coal and Dock Company, retail coal dealer, at its yards at 441 East North Water Street, 901 North Halstead Street, and 92nd and Harbor Avenue, Chicago, Illinois, for resale at retail by such dealer, within the switching limits of the City of Chicago, Illinois. *Provided*, That the aggregate tonnage, which may be sold under this provision by Central States Collieries, Inc., shall not exceed 54,000 net tons in any calendar year.

Provided, however, That the relief herein granted shall apply only to coal shipped from the mines subsequent to the date hereof, and

Provided further, That Central States Collieries, Inc., shall, during any one month, sell to Hoskins Coal and Dock Corporation for shipment at f. a. s. prices here authorized no more than 4,500 tons of coal in any one month except that any tonnages authorized to be shipped in any one month which have not been shipped, may be shipped in any subsequent month in addition to the amount initially allowed to be shipped during that month;

Provided further, That Central States Collieries, Inc., offering for sale, selling or reselling any coal pursuant to this provision shall submit to the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C., within five (5) days after such offer, sale or resale, a complete description of such offer, sale or resale as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C., shall be in addition to that required for filing with the field office.

Each report or description required herein, shall be duly verified and marked for incorporation in this docket as part of the record in these proceedings; and

Provided further, That Hoskins Coal and Dock Corporation shall file with the Division a statement at the end of each month setting forth the amount of coal purchased from Central States Collieries, Inc., at f. a. s. prices and the prices at which such coal was sold at retail; and

It may be required from time to time that there shall be made available for inspection for representatives of the Bituminous Coal Division at all reasonable times and places, all books, records, correspondence or other documents pertaining to the offer for sale, sale, delivery, or other transactions of and involving such coals.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regula-

tions Governing Practice and Procedure for the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9527; Filed, December 18, 1941;
11:20 a. m.]

[Docket No. A-1170]

PETITION OF DISTRICT BOARD NO. 6 FOR CHANGE IN SHIPPING POINT OF WALNUT GROVE MINE, MINE INDEX NO. 108, IN DISTRICT NO. 6, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting a change in the shipping point of the Walnut Grove Mine, Mine Index No. 108, of Matt Buday, in District No. 6, from Wellsburg, West Virginia, on Pennsylvania Railroad to Wellsburg (McKinleyville), West Virginia, on the said railroad, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled proceeding, temporary relief is granted as follows: Commencing forthwith, the price classification and minimum prices effective for the coals of the Walnut Grove Mine, Mine Index No. 108, of Matt Buday, for rail shipments, shall be applicable only for shipments on Pennsylvania Railroad from Wellsburg (McKinleyville), West Virginia, and shall no longer be applicable for shipments on Pennsylvania Railroad from Wellsburg, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 30 shall be applicable for all shipments of the coals of the said mine from Wellsburg (McKinleyville), West Virginia, on Pennsylvania Railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the tempo-

rary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9528; Filed, December 18, 1941;
11:20 a. m.]

[Docket No. A-1181]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A TEMPORARY PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE COALS OF A MINE OF THE LINTON-SUMMIT COAL COMPANY IN DISTRICT NO. 11, FOR TRUCK SHIPMENT

ORDER GRANTING TEMPORARY RELIEF AND CANCELLING HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, was filed on November 27, 1941, with this Division by the above-named party, requesting the establishment of a temporary minimum price f. o. b. the mine of \$1.80 per ton in Size Group 7 for 2,500 tons of coal for truck shipment to be produced during the construction work on a new Fourth Vein mine to be opened and operated by the Linton-Summit Coal Company located in Cass Township, Sullivan County, Indiana, in the Linton-Sullivan Subdistrict of District No. 11. By an Order dated December 8, 1941, the matter was set down for hearing on January 9, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.

Subsequently, on December 9, 1941, the original petitioner filed a supplemental petition alleging that the code member had no way of disposing of the coal produced in the construction work on the new mine; that further construction and development work would be interfered with and delayed until the temporary relief sought was granted, unless the code member resorted to wasting the coal. The supplemental petition further alleged that all parties of interest enumerated in the original petition were consulted and requested to communicate with the Division if they did not oppose the relief sought.

Many code members who compete with the Linton-Summit Coal Company have indicated that they do not object to the relief sought on its behalf in this proceeding. No opposition to the granting of the temporary relief has been indicated.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, is supplemented to include a minimum price of \$1.80 for 2,500 tons of coal in Size Group 7 to be produced from a Fourth Vein mine now under construction in Cass Township, Sullivan County, Indiana, in the Linton-Sullivan Subdistrict of District No. 11, by the Linton-Summit Coal Company.

It is further ordered, That the hearing in the above-entitled matter heretofore scheduled for January 9, 1942, be and the same hereby is cancelled.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, 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: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9529; Filed, December 18, 1941;
11:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 134]

APPOINTMENT OF INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended June 26, 1940, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the Railroad and Property Carrier Industry of Puerto Rico (as such industry is defined in paragraph 2 hereof) an industry committee composed of the following representatives:

For the public. William Homer Spencer, Chairman, Chicago, Illinois; Martin Travieso, San Juan, Puerto Rico.

For the employees. Vicente Geigel Polanco, San Juan, Puerto Rico; Jorge Font Saldana, Santurce, Puerto Rico.

For the employers. Manuel I. Vallecillo, Rio Piedras, Puerto Rico; Reinaldo Ramirez, San Juan, Puerto Rico.

2. For the purpose of this order, the "Railroad and Property Carrier Industry of Puerto Rico" means:

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

The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

3. The industry committee herein created shall meet on January 7, 1942, at 9:30 A. M. in the Auditorium of the Chamber of Commerce of Puerto Rico, San Juan, Puerto Rico, and in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and, rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 9th day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9547; Filed, December 18, 1941;
11:45 a. m.]

NOTICE OF PUBLIC HEARING BEFORE THE INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO FOR THE PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR SUCH INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, as amended June 26, 1940, and with § 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby

given to all interested persons that a public hearing will be held beginning at 10 A. M., January 7, 1942, in the Auditorium of the Chamber of Commerce of Puerto Rico, San Juan, Puerto Rico, for the purpose of receiving evidence to be considered by the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico in determining the highest minimum wage rates in such industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

The term "Railroad and Property Carrier Industry of Puerto Rico" is defined in Administrative Order No. 134, signed December 9, 1941, as follows:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than \$25,000 annually or which derives at least 10 per cent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce: *Provided*, That (a) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing, processing, wholesaling, or other non-transportation activity, and (b) it does not perform any transportation functions for such company.

The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

The Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico was created by Administrative Order No. 134, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938 as amended and Rules and Regulations promulgated thereunder, with the duty of investigating conditions in such industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14.

¹ *Supra*.

Any person, who in the opinion of the Committee or its duly authorized subcommittee has an interest in the proceedings may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with the Wage and Hour Division, U. S. Department of Labor, El Banco Popular Building, San Juan, Puerto Rico, prior to December 24, 1941, a Notice of Intention to Appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom, or organization which, he is representing.

(3) A brief description of the material intended to be presented.

(4) The approximate length of time which his presentation will consume.

All testimony will be taken under oath and witnesses will be subject to reasonable cross examination by any interested person present.

Persons who cannot appear may submit written briefs and documentary or statistical material which will be considered by the committee. *Twenty copies* of such material should be furnished in care of the Wage and Hour Division, San Juan, Puerto Rico, not later than December 31, 1941.

Witnesses appearing before the Committee should also provide, if practicable, *twenty copies* of all briefs and documentary or statistical material to be presented to the Committee. At least *six copies* of such material must be presented to be accepted as exhibits for the record.

Signed at Chicago, Illinois, this 15th day of December 1941.

W. H. SPENCER,
Chairman, Industry Committee
for the Railroad and Property
Carrier Industry of Puerto Rico.

[F. R. Doc. 41-9546; Filed, December 18, 1941;
11:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 148]

INCREASED RAILWAY RATES, FARES, AND CHARGES, 1942

IN THE MATTER OF THE PETITION OF RAILROADS TO INCREASE THEIR RATES, FARES, AND CHARGES

DECEMBER 18, 1941.

The above-entitled proceeding is assigned for hearing at Hotel Morrison, Chicago, Illinois, before Commissioners Aitchison, Mahaffie, and Splawn, January 5, 1942, at 10:00 o'clock a. m.

Oral argument before the Commission at its offices in Washington will be held as soon after the conclusion of the oral testimony as possible, beginning at a date

to be announced at the conclusion of the oral hearing. Briefs and written arguments will not be expected.

Attention is called to the appendix hereto, which contains special instructions and rules of procedure to be followed by parties who may appear herein. By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX

Protestants: Petitions of intervention unnecessary. Persons appearing in opposition to the petition herein, or in opposition to any similar petitions of other carriers than those filing the original petition, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and so as to avoid unnecessary extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits Rules XIII and XXI of the rules of practice should be followed. Pertinent excerpts from those rules are copied below. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should have sufficient copies thereof to supply opposing counsel, the Commissioners on the bench, and the official reporter. However, in the interest of conservation of time, it is suggested that such statements be prepared and offered in the manner indicated in the following paragraph, as verified statements, instead of being submitted orally by a witness on the stand.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should send 15 copies to the Commission and 75 copies to R. V. Fletcher, counsel for the applicants, Transportation Bldg., Washington, D. C. prior to January 1, 1942. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement within three days following the receipt of such statement in evidence. If no such notice is given within that time, it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Copies of such statements must also be furnished to other interested parties who specifically request them. Such statements should conform to Rules XIII and XXI of the rules of practice in respect of style, mimeographing, printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded.

The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate the arrangements necessary by sending notice to the Commission at Washington of their intention, so as to reach the Commission prior to January 1, 1942, which shall state the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, Ex Parte No. 148.

Rule XIII, Rules of Practice (in Part)

(c) 1. (*Tariffs; offer of matter contained in schedules.*) In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. (*Reference in exhibits to tariff authority, routes, and distances.*) All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedules as provided by this rule.

(d) (*Copies of exhibits furnished opposing counsel.*) When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding Commissioner or Examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) (*Size, form, and identification of exhibits; relevancy, materiality; not argumentative.*) All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding 12½ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably 1½ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the

same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

Rule XXI (In Part)

(b) (*Size, acceptable copies and legibility of typewritten papers.*) If typewritten they must, unless otherwise specifically provided, be on paper not more than 8½ inches wide or 12 inches long weighing not less than 16 pounds to the ream, folio base, 17 by 22 inches, with left-hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double-spaced, except that long quotations should be single-spaced and indented. Mimeographed, multigraphed, planographed, or photographed copies will be accepted as typewritten, but carbon copies, hectographed copies, white-line blue prints, or copies prepared by similar processes will not be so accepted. All copies must be clearly legible.

[F. R. Doc. 41-9551; Filed, December 18, 1941; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY, HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND CENTRAL U. S. UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

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

The proposed transactions are part of a general program for the acquisition by Pennsylvania Electric Company, a subsidiary of Central U. S. Utilities Company, a registered holding company, of the assets of The Clarion River Power Company, a subsidiary of Pennsylvania Electric Company, Erie Lighting Company, a subsidiary of Pennsylvania Electric Company, Solar Electric Company, a subsidiary of Central U. S. Utilities Company, Youghiogheny Hydro-Electric Corporation, a subsidiary of Central U. S. Utilities Company, Associated Maryland Electric Power Corporation, a subsidiary of Central U. S. Utilities Company, and the issuance by Pennsylvania Electric Company of \$32,500,000 principal amount of First Mortgage Bonds and \$3,400,000 par value of Preferred Stock, the proceeds of which will be used in part for redemption or retirement of all the long term indebtedness and bank loans presently outstanding and to be assumed by the company. Pennsylvania Electric Company also proposes to reclassify its common stock and make certain accounting and other adjustments. For this purpose it is proposed that:

(1) Pennsylvania Electric Company is to authorize the change and conversion of its presently authorized stock into 250,000 shares of \$100 par new Preferred Stock and 1,500,000 shares of \$25 par Common Stock and thereupon exchange 800,000 shares of the new \$25 par Common Stock for the 856,875 shares of no par Common Stock now held by Central U. S. Utilities Company;

(2) Central U. S. Utilities Company is to surrender certain securities of Pennsylvania Electric Company and of its subsidiary, Erie Lighting Company, and acknowledge satisfaction of open account indebtedness of Pennsylvania Electric Company in exchange for the indicated number of new shares of Common Stock of Pennsylvania Electric Company to be issued by such company;

(3) Pennsylvania Electric Company is to acquire the assets subject to liabilities of Logan Light, Heat & Power Company, a subsidiary of NY PA NJ Utilities Company, an associate of Central U. S. Utilities Company;

(4) Youghiogheny Hydro-Electric Corporation is to acquire the fixed assets of Associated Maryland Electric Power Corporation;

(5) Pennsylvania Electric Company is to acquire the assets subject to liabilities of The Clarion River Power Company in consideration of a credit in the amount of \$5,184,075.83 on the open account indebtedness owed Pennsylvania Electric Company by The Clarion River Power Company;

(6) Pennsylvania Electric Company is to acquire the assets subject to liabilities of Erie Lighting Company in consideration for the surrender for cancellation of the preference and common stock of Erie Lighting Company held by Pennsylvania Electric Company;

(7) Pennsylvania Electric Company is to acquire the assets subject to liabilities (exclusive of the open account indebtedness and accrued interest owing to Central U. S. Utilities Company) of Solar Electric Company, issuing in consideration therefor 6,894 shares of new Common Stock of Pennsylvania Electric Company;

(8) Pennsylvania Electric Company is to acquire the fixed assets of Youghiogheny Hydro-Electric Corporation including the fixed assets of Associated Maryland Electric Power Corporation, issuing in consideration therefor 184,488 shares of new Common Stock of Pennsylvania Electric Company;

(9) Pennsylvania Electric Company is to issue and sell at public sale, in compliance with Rule U-50, promulgated under the Public Utility Holding Company Act of 1935, the following securities:

\$32,500,000 principal amount of First Mortgage Bonds, 34,000 shares of \$100 par Cumulative Preferred Stock.

(10) Based on the assumption of the issuance of call notices by January 30, 1942, Pennsylvania Electric Company is to apply the proceeds from the sale of the bonds and Preferred Stock: to reacquire, pay, redeem or otherwise retire all the outstanding long term indebtedness of Pennsylvania Electric Company and Erie Lighting Company and the bank loan of Pennsylvania Electric Company, to pay estimated expenses of consummating proposed transactions and refinancing and to have cash in the amount of \$3,087,700.03 available for construction expenditures;

(11) Solar Electric Company and Youghiogheny Hydro-Electric Corporation are to dissolve and will transfer to Central U. S. Utilities Company the new Common stock of Pennsylvania Electric Company acquired through the sale of their assets in consideration for the surrender for cancellation of their own Common Stocks;

(12) Associated Maryland Electric Power Corporation is to dissolve and will transfer its remaining assets to Central U. S. Utilities Company in consideration for the surrender for cancellation of its own Common Stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9542; Filed, December 18, 1941; 11:27 a. m.]

[File No. 70-437]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY, AND STANDARD GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATION PURSUANT TO SECTION 10 AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 17th day of December, A. D. 1941.

Standard Gas and Electric Company, a registered holding company, and its subsidiary public utility company, Mountain States Power Company, having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, regarding (a) the proposed sale by Mountain States Power Company to Montana-Dakota Utilities Co. of certain existing electric utility properties located in and near Forsyth, Montana; (b) the proposed acquisition by Mountain States Power Company from Montana Utilities Co. of the latter company's purchase money notes in the face amount of \$80,000 each in payment of the electric utility properties to be sold by Mountain States Power Company; and (c) the proposed sale by Mountain States Power Company to certain commercial banks of said purchase money notes at face amount and without recourse;

Said application and declaration by Mountain States Power Company having been filed on November 17, 1941, and said declaration by Standard Gas and Electric Company having been filed on December 6, 1941, and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

It appearing to the Commission that no application is required to be filed by Mountain States Power Company regarding its sale of said purchase money notes;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application of Mountain States Power Company pursuant to section 10 of said Act and to permit to become effective said declaration of Standard Gas and Electric Company pursuant to section 12 (d) of said Act, and finding with respect to said application of Mountain States pursuant to section 10 that no adverse findings are necessary under section 10 (d) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act and finding with respect to the declaration of Standard Gas and Electric Company pursuant to section 12 of said Act that no adverse findings are necessary under said section as implemented by Rule U-44 under the Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted, forthwith and that the

aforesaid declaration be and the same hereby is permitted to become effective, forthwith.

By the Commission, Commissioner Healy being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9543; Filed, December 18, 1941; 11:27 a. m.]

[File No. 70-463]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

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

NY PA NJ Utilities Company, a registered holding company and subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to effect the following transactions, which together constitute a program under which NY PA NJ Utilities Company will acquire a large amount of its own outstanding bonds and debentures and certain securities of some of its subsidiaries now held by other companies in the system of said Trustees of Associated Gas and Electric Corporation:

1. NY PA NJ Utilities Company proposes to acquire from Shinn & Co., a subsidiary of said Trustees of Associated Gas and Electric Corporation, all the outstanding common stock of The General Finance Corporation:

2. NY PA NJ Utilities Company then proposes to liquidate The General Finance Corporation, acquiring the assets thereof, subject to its liabilities;

3. Upon the acquisition of such assets, which includes all the common stock of Metropolitan Investing Company, NY PA NJ Utilities Company proposes to liquidate Metropolitan Investing Company and acquire all of its assets, subject to its liabilities;

4. NY PA NJ Utilities Company proposes to acquire from its subsidiary, Northern Pennsylvania Power Company, certain bonds and debentures of The Mohawk Valley Company;

5. NY PA NJ Utilities Company proposes to acquire by cancellation, or otherwise, from said Trustees of Associated Gas and Electric Corporation, certain bonds and debentures of its subsidiaries now owned by Associated Utilities Corporation, a subsidiary of said Trustees;

6. NY PA NJ Utilities Company proposes to acquire from Canadea Power Corporation, its subsidiary, certain bonds of the Metropolitan Edison Corporation, also one of its subsidiaries, now owned by Canadea Power Corporation;

7. NY PA NJ Utilities Company proposes to acquire from Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation, which in turn is a subsidiary of NY PA NJ Utilities Company, certain bonds of Associated Electric Company, a direct subsidiary of said Trustees of Associated Gas and Electric Corporation;

8. NY PA NJ Utilities proposes to acquire from New York State Electric & Gas Corporation, the 2,725 shares of preferred stock of Staten Island Edison Corporation;

9. NY PA NJ Utilities Company proposes to acquire from Staten Island Edison Corporation certain bonds of Associated Electric Company and of The Mohawk Valley Company, now held by Staten Island Edison Corporation;

10. NY PA NJ proposes to acquire from Metropolitan Edison Company certain bonds of Associated Electric Company, including bonds which Metropolitan Edison Company proposes to acquire from Staten Island Edison Corporation;

11. NY PA NJ Utilities Company proposes to acquire from Associated Electric Company and Central U. S. Utilities Company, a registered holding company and subsidiary of Associated Electric Company, certain bonds and debentures of its subsidiaries and of itself now held by such companies.

The applicant-declarant represents that the effects of the proposed transaction will be to facilitate such further steps as may be necessary or desirable for it to take in order to simplify its subholding company system and to provide for its funded and other indebtedness and to reduce materially the number of

cross-holdings of securities among companies in its system and in that of the Trustees of Associated Gas and Electric Corporation.

Before NY PA NJ Utilities Company will be able to effectuate its proposed transactions, it will be necessary for various subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation and such Trustees to file applications and/or declarations with the Commission. The present filing is concerned only with such transactions as NY PA NJ Utilities Company proposes to take.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9548; Filed, December 18, 1941;
11:48 a. m.]

[File No. 70-461]

IN THE MATTER OF STATEN ISLAND EDISON
CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

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

Staten Island Edison Corporation, subsidiary of New York State Electric & Gas Corporation, and indirect subsidiary

of NY PA NJ Utilities Company, a registered holding company, and of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to sell \$3,015,000, principal amount, of Associated Electric Company 4½% Gold Bonds, Refunding Series, due 1956, now owned by it, to NY PA NJ Utilities Company.

The present filing is made in connection with the application-declaration of NY PA NJ Utilities Company (File No. 70-463) and is part of the program by which NY PA NJ Utilities Company will acquire certain securities held by its subsidiaries, and thereby, among other possible effects, reduce the number of cross-holdings of securities among companies in the NY PA NJ Utilities Company system and in that of the Trustees of Associated Gas and Electric Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9549; Filed, December 18, 1941;
11:48 a. m.]

[File No. 70-462]

IN THE MATTER OF NORTHERN PENNSYLVANIA
POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which

are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Northern Pennsylvania Power Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to declare and pay a dividend in kind on its common stock, to its parent, NY PA NJ Utilities Company, in the following treasury securities:

(a) \$406,100, principal amount, of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981; and

(b) \$53,300, principal amount, of The Mohawk Valley Company 6% Gold Debentures, due 2031.

The present filing is made in connection with the application-declaration of NY PA NJ Utilities Company (File No. 70-463) and is part of the program by which NY PA NJ Utilities Company proposes to acquire certain of its own outstanding bonds and debentures and certain securities of its subsidiaries and thereby, among other possible effects, to facilitate such further steps as may be necessary or desirable for NY PA NJ Utilities Company to take in order to simplify its sub-holding company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9550; Filed, December 18, 1941;
11:48 a. m.]

UNITED STATES CIVIL SERVICE
COMMISSION.

CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS MONDAY, DECEMBER
15, 1941

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 serv-

ice, 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.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico.....	1,137	51
2. Virgin Islands.....	15	1
3. Hawaii.....	257	23
4. Alaska.....	44	14
5. California.....	4,201	1,390
6. Louisiana.....	1,438	651
7. Michigan.....	3,196	1,510
8. Texas.....	3,901	2,045
9. Arizona.....	304	163
10. Georgia.....	1,900	1,128
11. South Carolina.....	1,155	701
12. Kentucky.....	1,731	1,078
13. Alabama.....	1,723	1,104
14. Mississippi.....	1,328	884
15. Ohio.....	4,201	2,878
16. North Carolina.....	2,172	1,511
17. New Mexico.....	323	230
18. Arkansas.....	1,186	863
19. New Jersey.....	2,530	1,860
20. Tennessee.....	1,773	1,451
21. Florida.....	1,154	962
22. Nevada.....	67	56
23. Indiana.....	2,085	1,779

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
24. Illinois.....	4,803	4,222
25. Oregon.....	663	583
26. Delaware.....	162	143
27. Connecticut.....	1,039	956
28. Wisconsin.....	1,908	1,760
29. Idaho.....	319	295
30. Pennsylvania.....	6,021	5,768
31. Rhode Island.....	434	422
32. Vermont.....	218	212
33. Washington.....	1,056	1,093
IN EXCESS		
34. West Virginia.....	1,157	1,185
35. New Hampshire.....	299	310
36. Massachusetts.....	2,625	2,741
37. Missouri.....	2,302	2,470
38. Maine.....	515	557
39. Oklahoma.....	1,421	1,558
40. Utah.....	335	383
41. Colorado.....	683	812
42. Wyoming.....	152	184
43. Minnesota.....	1,698	2,067
44. Iowa.....	1,544	1,883
45. New York.....	8,197	10,291
46. Montana.....	340	466
47. Kansas.....	1,095	1,545
48. North Dakota.....	390	589
49. Virginia.....	1,629	2,507
50. South Dakota.....	391	606

State	Number of positions to which entitled	Number of positions occupied
IN EXCESS—Continued		
51. Nebraska.....	800	1,429
52. Maryland.....	1,108	2,694
53. District of Columbia.....	403	9,464
GAINS		
By Appointment.....		1,080
By Transfer.....		35
Total.....		1,115
LOSSES		
By Separation.....		164
By Transfer.....		92
Total.....		256
Total Appointments.....		81,528

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,000.

By direction of the Commission.
 [SEAL] L. A. MOYER,
 Executive Director,
 and Chief Examiner.

[F. R. Doc. 41-9504; Filed, December 17, 1941; 2:47 p. m.]