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Washington, Tuesday, December 21, 1937

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

IDAHO GRAZING DISTRICT No. 2 MODIFICATION

DECEMBER 13, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of November 3, 1936,¹ establishing Idaho Grazing District No. 2 is hereby revoked as far as it affects the following-described lands:

BOISE MERIDIAN

- T. 4 N., R. 17 E.,
sec. 1, lots 1, 2, and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 4 N., R. 18 E.,
sec. 6, lots 2, 3, 4, 5, and 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

CHARLES WEST,
Acting Secretary of the Interior.

[F. R. Doc. 37-3699; Filed, December 18, 1937; 9:47 a. m.]

National Bituminous Coal Commission.

At a Regular Session of the National Bituminous Coal Commission Held at its offices in Washington, D. C., on the 16th day of December, 1937.

[Docket No. 19-FD.]

INVESTIGATION OF THE NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF IOWA AND THE EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

It appearing that by Orders No. 2 and 26,² the Commission, upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Iowa and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 16th day of December, 1937, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

¹ 1 F. R. 1743.

² 2 F. R. 1266, 1540 (DI).

Now, therefore, it is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Iowa directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Iowa in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Therefore, *It is further ordered:*

1. That on and after the 3rd day of January, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Iowa, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Iowa.

2. That any producer of bituminous coal in intrastate commerce within the State of Iowa, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Sections 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Iowa, who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Iowa known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 37-3706; Filed, December 18, 1937; 12:26 p. m.]



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[Order No. 139]

AN ORDER PRESCRIBING AND ESTABLISHING MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NUMBERS 15, 16, 17, 18, 19, 20, 22 AND 23, PURSUANT TO SECTION 4, PART II, OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders Nos. 9 and 25¹ directed all District Boards to propose reasonable rules and regulations incidental to the sale and distribution of coal of code members produced within their respective districts, and to coordinate such marketing rules and regulations in the manner therein provided, and submit same to the Commission; and the said District Boards having proposed such rules and regulations, as directed, and the District Boards having coordinated the rules and regulations as proposed by them, with certain exceptions, which exceptions were submitted to the Commission, together with coordination agreements, and statements of the reasons therefor having been submitted to the Commission at a hearing; the Commission having given due consideration to the marketing rules and regulations as proposed and coordinated by the District Boards, as well as to the exceptions made thereto, and all other evidence and pertinent data submitted to it, and having conformed said marketing rules and regulations to the standards as set forth in Section 4, Part II of the Bituminous Coal Act of 1937,

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public. No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Marketing Rules and Regulations, incidental to the sale and distribution of coals of Code Members within Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, as set forth in the document so captioned, and filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are established and prescribed as the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members in said Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, and said Marketing Rules and Regulations shall be and become effective at 12:01 A. M. on the 3d day of January, 1938.

2. That any Code Member or District Board or Member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the Marketing Rules and Regulations may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

¹ 2 F. R. 1313, 1521 (DI).

3. That the Secretary of the Commission shall forthwith mail copies of this order and the Marketing Rules and Regulations incidental to the sale and distribution of coals of Code Members of Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, to the Consumers' Counsel, the Secretaries of Bituminous Coal Producers' Boards for Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, and to all Code Members within said Districts, shall cause copies of this order and said Marketing Rules and Regulations and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause a copy of this order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary.*

MARKETING RULES AND REGULATIONS, INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NUMBERS 15, 16, 17, 18, 19, 20, 22 AND 23

Marketing Rules and Regulations, Incidental to the Sale and Distribution of Coals of Code Members within Districts Numbers 15, 16, 17, 18, 19, 20, 22 and 23, as set forth herein have been prescribed and established by Order of the Commission, subject to such modification and revision as the Commission may establish by further Orders.

F. WITCHER McCULLOUGH, *Secretary.*

Dated December 16, 1937

SECTION I—DEFINITIONS

1. The term "person" as used herein, includes individuals, firms, associations, partnerships, corporations, trusts, trustees, co-operatives, receivers and trustees in bankruptcy and in other legal proceedings, and any other recognized forms of business organizations.

2. A "Sales Agent" is a person who as agent, in law or in fact, sells coal for or on behalf of a code member.

3. A "commission" is the total of all compensations and allowances for services received by a sales agent from a code member for the sale of coal.

4. A "Wholesaler" is a person who purchases coal for resale and who resells such coal in lots of not less than a cargo or railroad carload, without physically handling such coal.

5. A "Farmers' Cooperative Organization" is a bona fide and legitimate cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, and composed of local farmers' co-operative organizations, and which purchases coal for resale and resells it in lots of not less than a cargo or railroad carload to its member farmers' organizations, without physically handling such coal.

6. A "wholesale discount" is the total of all allowances or reductions from minimum or other prices allowed to a wholesaler or farmers' organization by a code member or his sales agent.

7. "Retailing" is the selling of coal in lots of less than a cargo or railroad carload.

8. A "spot order" is a legal obligation for the sale and purchase of coal, the delivery of which is stipulated to be made within not more than thirty (30) days from the date upon which the order was accepted.

9. A "contract" is a legal obligation for the sale and purchase of coal, the deliveries of which are stipulated to be made during a period longer than that specified for a spot order.

10. A "commitment" is a contract or spot order after a quotation is accepted or an option is exercised and not reduced to writing.

11. A "quotation" is an offer for the sale of coal at a price which the offerer may withdraw prior to its being acted upon by the offeree.

12. An "option" is an offer for the sale of coal at a price to be accepted within a time certain, during which time the offerer may not withdraw the offer without consent of the offeree.

13. "Coal Commission" as used herein, shall mean the National Bituminous Coal Commission established under the provisions of the Bituminous Coal Act of 1937.

14. "Act" as used herein, shall mean the Bituminous Coal Act of 1937.

15. "District Board" as used herein, shall mean any District Board established under the provisions of Section 4, Part I (a) of the Act.

16. "Statistical Bureau" shall mean, unless otherwise specifically stated, the statistical bureau of the Commission for the district in which the coal involved in any transaction is produced, or the district in which is located a mine of a code member affected by any order or regulation.

17. "Minimum Price" shall mean a minimum price established and made effective by the Coal Commission.

18. "Maximum Price" shall mean a maximum price established and made effective by the Coal Commission.

19. "Registration and Register" as used herein, shall refer to registration with the Coal Commission pursuant to rules and regulations prescribed by the Commission for the administration of Section 4 of the Act.

SECTION II—SALES AGENTS

1. All appointments of sales agents by code members or their agents or authorized representatives, and the terms and conditions of such appointments shall be subject to the Marketing Rules and Regulations from time to time established by the Coal Commission.

2. Each code member shall be responsible for the compliance by all his sales agents and agents and employees of sales agents with the provisions of the Bituminous Coal Code and of all rules and regulations, promulgations and determinations of the Coal Commission.

3. All contracts for the appointment of sales agents by code members or by agents or authorized representatives of code members shall be in writing. Certified copies of all such agency contracts entered into and in effect prior to the effective date of these rules and regulations shall be filed by the code member with the statistical bureau or bureaus for the district in which the code member produces coal, on or before January 31, 1938.

Certified copies of all contracts appointing sales agents made subsequent to the effective date of these rules and regulations, shall be similarly filed by the code member within ten (10) days after the date upon which such contracts have been entered into.

4. As to all coal sold by a code member otherwise than through a sales agent or through sales representatives regularly employed as salesmen by the code member, such code member shall, not later than the tenth day of each calendar month, file with the statistical bureau, a list of all his sales representatives and all wholesalers through whom, directly or indirectly, any such coal was sold, with a statement (as to sales representatives) of the duration and character of their employment, the tonnage sold by each such sales representative and wholesaler, and the amount of compensation or discounts paid to and allowed by them.

Each code member shall file monthly similar information obtained from his sales agents with the statistical bureau, concerning sales of coal made by the sales agents' representatives other than salesmen regularly employed.

5. A list showing the names and addresses of sales agents and the code members for whom such agents act shall be published by the Coal Commission from time to time.

6. All agency contracts and other information filed by code members in conformity with the foregoing regulations, other than the names and addresses of sales agents, shall be held by the Coal Commission as the confidential records of said parties and shall not be made public without the consent of the code member from whom the same shall have been obtained, except where such disclosure is required in any pro-

ceeding before the Coal Commission by way of enforcement of the Act or upon the order of any court of competent jurisdiction.

7. On and after February 1, 1938, no code member shall pay any commission or make any allowance to any sales agent unless the contract of agency shall have been filed with the Coal Commission as hereinbefore required and unless the sales agent shall have agreed in writing with the code member to conform to and observe the minimum prices and Marketing Rules and Regulations established by the Coal Commission and shall have conformed to the Fair Trade Practice provisions of the Code, as well as to these Marketing Rules and Regulations and all other proper orders of the Coal Commission.

SECTION III—REGISTRATION OF WHOLESALERS

I. From and after the date hereinafter provided no code member or sales agent of a code member shall pay or allow any discount from minimum or other prices to any wholesaler as herein defined unless such wholesaler shall be registered with the Coal Commission at the time of the sale.

II. Wholesalers of coal desiring to qualify themselves so as to be entitled to receive from code members or their sales agents discounts from minimum prices established by the Coal Commission shall make application to be designated as Registered Wholesalers.

III. The form of application to be filed for approval as a Registered Wholesaler shall among other things set forth:

- (a) The name of the applicant.
- (b) The address of his principal place of business together with the address of each branch office maintained.
- (c) The form of organization of applicant's business, whether corporate, partnership, individual or any other form.
- (d) The names and addresses of all officers, directors, managers and other parties in interest, including in the case of a corporation, the names of all stockholders, bondholders and other persons having a substantial interest.
- (e) The total tonnage of bituminous coal handled by the applicant in the years 1934; 1935; 1936 and the first six (6) months of 1937, together with a schedule of tonnage handled in 1936 and in the first six (6) months of 1937 for each code member.

Also a list showing the names and addresses of any person to whom the wholesaler sold more than ten percent of the coal of any code member handled by applicant in the year 1936.

(f) A statement of the applicant's affiliation, if any, with any coal producer, whether or not a code member, or any transporter, processor, distributor or consumer of coal.

(g) Each application must be accompanied by duplicate copies of the "Terms of Registration" hereinafter set forth, each properly signed and acknowledged.

A. On behalf of corporations, by a principal officer or officers of the corporation duly authorized to act.

B. On behalf of a partnership, by one or more of the partners duly authorized for that purpose.

C. On behalf of an individual, by the applicant or his attorney duly empowered for that purpose.

D. In the case of any other form of business organization, by a person or persons legally authorized to execute an application on behalf of the applicant."

IV. Each such application shall be accompanied by the following agreement, executed in duplicate and properly signed and acknowledged on behalf of applicant.

Terms of Registration

The undersigned wholesaler agrees upon being registered as a "Registered Wholesaler" by the Coal Commission and

thereby becoming entitled to discounts authorized by the Coal Commission:

(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery, and to sell coal produced only by code members.

(2) To comply with the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 relating to unfair methods of competition.

(3) To accept no discount on coal unless such coal is purchased for bona fide resale in conformity with these rules and regulations and the orders of the Coal Commission.

(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, a copy of every resale contract or order; a copy of each invoice to wholesaler's vendee, together with copies of each credit memorandum and such other information concerning the sale and distribution of coal as the Coal Commission may require.

(6) To include in every spot order and contract made or entered into by the Registered Wholesaler, the following provision:

This contract (or order) is made and accepted subject to the Marketing Rules and Regulations established by the National Bituminous Coal Commission and now in effect, and particularly to the terms of registration of wholesalers as set forth herein.

V. After receipt of any such application, the Coal Commission upon a determination that the applicant is a bona fide wholesaler agreeing to conform to its Marketing Rules and Regulations, shall register such person as a Registered Wholesaler and shall issue to the applicant a certificate of registration accordingly. The Coal Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Wholesalers, which list shall be amended from time to time as the Coal Commission may direct, to show additions, withdrawals or removals.

VI. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Wholesaler has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Wholesaler.

The registration of any such wholesaler, may be suspended by the Coal Commission after hearing, held upon twenty (20) days written notice by mail to the wholesaler, and upon proof of failure or refusal to comply with any duty or requirement imposed upon the wholesaler by reason of his registration with the Coal Commission, the registration of the offending wholesaler may be suspended for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in the districts in which the Registered Wholesaler has been purchasing coal for resale shall be duly notified by the Coal Commission of any suspension, including the effective date and the period thereof.

SECTION IV—FARMERS' COOPERATIVE ORGANIZATIONS

I. Farmers' Cooperative Organizations as hereinbefore defined shall, in order to obtain the privileges granted by the second paragraph of Number 13, subsection (1) of Part II—Marketing—of Section 4 of the Act, be registered with the Coal Commission as herein required and no code member or his sales agent shall pay or allow any discount from minimum prices to any farmers' cooperative organization on or after the first day of February 1938, unless such

farmers' cooperative organization shall be so registered at the time of the sale.

II. Each such farmers' cooperative organization desiring to obtain such privileges and discounts shall make application to the Coal Commission for registration as bona fide and legitimate farmers' cooperative organization. Such application shall among other things set forth:

(1) The name and Post Office address of the applicant, date of organization and the names and addresses of the officers and directors, if any.

(2) The names of the local farmers' cooperatives which are members of applicant organization.

(3) The form of organization of applicant's business, with a reference to the law or laws under which such organization was formed.

(4) A statement of the purpose for which such organization is formed, as set forth in its Charter or Articles of Association.

(5) A statement of the qualifications for membership in such organization, as set forth in its Charter or Articles of Association, together with a specific statement as to whether membership is actually limited to bona fide local farmers' cooperatives.

(6) A statement of the terms and conditions under which such organization grants rebates, discounts, patronage dividends or other similar benefits to its members and the amount of rate thereof.

(7) A statement setting forth the territories in which applicant operates or proposes to operate.

(8) A statement showing the tonnages of bituminous coal purchased and resold by applicant in the calendar years 1934; 1935; 1936 and the first six (6) months of 1937.

III. Each such application shall have attached thereto duplicate copies of the following agreement, duly authorized, executed and acknowledged on behalf of applicant:

The undersigned Farmers' Cooperative Organization agrees, upon being registered as a Farmers' Cooperative Organization by the Coal Commission and thereby becoming entitled to discounts authorized by the Commission:

(1) Not to sell, deliver, resell or offer for sale any coal at a price less than the minimum price nor greater than the maximum price established by the Coal Commission for such coal and in effect on the date of delivery.

(2) To comply with the provisions of Section 4, Part II (i) of the Bituminous Coal Act of 1937 relating to Unfair Methods of Competition.

(3) To accept no discount on coal from a code member unless such coal is purchased for bona fide resale in conformity with the rules and regulations and orders of the Coal Commission.

(4) To abide by the Marketing Rules and Regulations from time to time established by the Coal Commission governing the sale and distribution of coal.

(5) To furnish or cause to be furnished to the Coal Commission at any time upon its direction, such information as to sales of coal made by applicant as the Coal Commission may require.

IV. After receipt of any such application the Coal Commission, upon a determination that the applicant is a bona fide and legitimate farmers' cooperative organization as defined in said Act and in these regulations, shall register such applicant as a Registered Farmers' Cooperative Organization and shall issue to the applicant a certificate of Registration accordingly. The Commission shall promptly notify each District Board of such registration and shall publish from time to time for the information of code members, a list of Registered Farmers' Cooperative Organizations, which list shall be amended from time to time as the Coal Commission may direct in order to show additions, withdrawals or removals.

V. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a Registered Farmers' Cooperative Organization has violated the rules and regulations prescribed by the Coal Commission governing the resale of coal by such Registered Farmers' Cooperative Organization.

The registration of any such Registered Farmers' Cooperative Organization may be revoked by the Coal Commission after hearing, held upon twenty (20) days written notice by mail, upon proof that such Registered Farmers' Cooperative Organization no longer complies with the requirements of the Act and of the Coal Commission, and in case of failure or refusal to comply with any duty or requirement imposed upon the Registered Farmers' Cooperative Organization by reason of its Registration with the Coal Commission having been established, the Coal Commission may suspend the Registration for such period of time as the Coal Commission in its discretion may deem proper. Each District Board and all code members in which the Registered Farmers' Cooperative Organization has been purchasing coal for resale shall be notified by the Coal Commission of any revocation or suspension, including the effective date and the period of any suspension.

SECTION V—DISCOUNTS AND ALLOWANCES

Section 4, Part II, subsection (i) of the Act provides:

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of the code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: Provided, however, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of any organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly, a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

1. Effective February 1, 1938, no code member or sales agent of a code member shall allow or pay, directly or indirectly, any compensation for the selling of coal, whether by way of commission or allowance, to any sales agent whose contract of agency shall not have been filed with the Coal Commission.

2. Effective January 15, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization who shall not have filed an application for registration with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

3. Effective February 1, 1938, no code member or sales agent of a code member shall pay or allow any discount to any wholesaler or farmers' cooperative organization which shall not be registered with the Coal Commission in the manner provided in Sections III and IV of these Marketing Rules and Regulations.

4. No discount from minimum or other prices shall be paid or allowed on coal sold to any person for retailing by him.

5. Subject to further order of the Coal Commission, the amount of commission to be paid by the code member to his sales agent and the amount of the discount to be allowed to a Registered Wholesaler or Registered Farmers' Cooperative Organization by a code member or his sales agent shall be fixed by agreement of the parties subject, however, to review as to the reasonableness of such commission or discount by the Coal Commission upon complaint or upon its own motion. In every case reviewed by the Coal Commission, the code member, sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall have the burden of establishing that the commission paid or discount allowed was a reasonable charge commensurate with the service actually rendered and did not exceed the fair cost of the service plus a reasonable profit on the transaction involved, and that the commission or discount so allowed was in conformity with the provisions of the Bituminous Coal Code and the Marketing Rules and Regulations of the Coal Commission.

6. No commission shall be paid to a sales agent or discount allowed to a wholesaler by a code member, where the coal is delivered or resold to any person who controls in whole or in part the sales agent or wholesaler.

SECTION VI—QUOTATIONS, OPTIONS AND CONTRACTS

I. No code member or sales agent of a code member and no wholesaler or farmers' cooperative organization, registered or proposing to register, shall at any time prior to the first day of February, 1938, enter into any agreement or order for the sale or delivery of coal for a period in excess of

thirty (30) days from the date of such agreement or order, and no coal shall be sold for delivery at prices less than the minimum prices in effect at the time of delivery: Provided, however, that contracts for periods not exceeding one (1) year at prices not less than the minimum prices established by the Coal Commission, in effect at the time of delivery, may be made with agencies of the Federal Government or with such agencies of State or local Governments as are required by law to purchase coal for periods in excess of thirty (30) days. In the case of governmental agencies options may be given for a period not exceeding forty-five (45) days. Prior to February 1, 1938, no option for the sale of coal may be given, except as herein specifically provided.

II. On and after the first day of February, 1938, code members or sales agents of code members and wholesalers or farmers' cooperative organizations registered with the Commission may enter into contracts for the sale or delivery of coal at prices not less than the minimum price in effect at the time of the making of the contract, upon the following conditions:

A. No contract for the sale of coal shall provide for delivery over a period in excess of twelve (12) months except by special permission from the Coal Commission upon a showing of the necessity of meeting long term contract competition of oil, gas or other fuels or forms of power, or for such other reasons as the Commission may deem sufficient.

B. No contract for the sale of coal shall provide for shipments to commence at a date later than ninety (90) days from the date upon which such contract was entered into.

C. All contracts shall be in writing, shall specify the date of execution, the effective date and expiration date, and shall further specify the number of cars or tonnage to be shipped thereunder. Contracts may also be made either (a) calling for a buyer's entire requirements or a stated percentage of his requirements, showing the maximum tonnage to be shipped thereunder, or (b) covering a buyer's requirements and specifying the tonnage to be shipped with an allowable overshipment or undershipment of not exceeding ten (10) percent of the tonnage specified.

D. Every contract shall express the entire agreement between the parties and no modification thereof shall be made except by a written agreement which shall conform to all the requirements set forth in these Rules and Regulations.

E. No contract shall be made for the delivery of coal for retailing at less than minimum prices in effect at the time of shipment.

F. Each contract shall contain the following provisions, the meaning and effect of which shall not be changed or altered by any other provision of the contract:

1. This contract and the performance of all provisions thereof are expressly subject to the Bituminous Coal Act of 1937 and the lawful orders and regulations issued thereunder by the National Bituminous Coal Commission.

2. If the price herein named is f. o. b. any point other than the originating mine, such price shall be increased or decreased by the amount and at the time of any change in the published freight rate included in such price and becoming effective during the period of the contract.

3. No shipment consigned to any destination point may be reconsigned en route or otherwise without the consent of the seller. In case of any reconsignment the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery to the destination to which such shipment is actually delivered.

4. The coal shipped pursuant to this contract is sold and purchased upon the condition that it shall be used in the plant or plants and at the destination named

herein and for the use stated herein and is not to be sold or diverted by the buyer to other destinations or uses without the consent of the seller. In case of diversion the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery at such other destinations and for the use to which actually applied.

5. In event the cost of producing coal is increased or decreased in any district or minimum price area because of any change in wage rates or working conditions by reason of general agreements between the coal producers and mine employees of the district or area, or by State or Federal governmental taxes or regulations directly affecting costs of production, in such event the contract price herein named shall be increased or decreased by the amount determined and established by the Coal Commission as the weighted average increase or reduction in the cost of producing coal in the district or price area and which the Coal Commission shall by appropriate order direct to be added to or deducted from the prices named in all contracts for coals produced by code members within the district or area.

III. In any case where a contract is made by a sales agent of a code member or by a Registered Wholesaler or Registered Farmers' Cooperative Organization, such sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall not exercise the rights of the seller as defined in items F 3 and F 4 of Rule II of this section VI without first securing the consent in writing of the code member producing such coal.

IV. On and after February 1, 1938, quotations and options for the sale of coal may be given for a period not exceeding fourteen (14) days. If the minimum price is increased beyond the quoted price within such fourteen (14) days any quotation or option not accepted or exercised prior to the effective date of the price change shall, without notice, be considered withdrawn and no longer effective. Every quotation or option shall contain a provision to the foregoing effect and shall further stipulate that any contract or spot order entered into thereunder shall be subject to these Marketing Rules and Regulations.

The provisions of this Rule IV shall not apply to sealed bids on business of the United States Government or States or Political subdivisions thereof where coal is purchased for the performance of governmental functions, in which cases quotations and options at not less than the minimum price in effect at the time the bid is filed may be given for a period not exceeding forty-five (45) days from the final filing date of bids.

SECTION VII—SPOT ORDERS

1. Spot orders shall be acknowledged or accepted in writing within five (5) business days from the date of their receipt.

2. Every acceptance of a spot order shall contain the following clauses:

(a) "If the price herein named is f. o. b. any point other than the originating mine, such price shall be increased or decreased by the amount and at the time of any change in the published freight rate included in such price and becoming effective during the period of the order.

(b) "No shipment consigned to any destination point may be reconsigned en route or otherwise without the consent of the seller. In case of any reconsignment the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery to the destination to which such shipment is actually delivered.

(c) "The coal shipped pursuant to this order is sold and purchased upon the condition that it shall be used in the plant or plants and at the destination named herein and for the use stated herein and is not to be sold or diverted by the buyer to other destinations or uses without the

consent of the seller. In case of diversion the seller shall charge and the buyer shall pay not less than the minimum price prescribed for such coal for delivery at such other destinations and for the use to which actually applied.

(d) "If shipments called for by this order are not completed within thirty (30) days from the date of this order, the unfilled portion of the order shall be cancelled and no delivery of such tonnage shall be made."

3. In any case where a sale is made by a sales agent of a code member or by a Registered Wholesaler or Registered Farmers' Cooperative Organization, such sales agent or Registered Wholesaler or Registered Farmers' Cooperative Organization shall not exercise the rights of the seller as defined in items 2 (b) and 2 (c) of this section without first securing the consent in writing of the code member producing such coal.

4. All terms and conditions of a sale of coal must be fully and expressly set forth either in the order or in the acceptance. Any modification must be made in writing and filed in the same manner as an order.

SECTION VIII—USE OF COAL ANALYSES

1. No analysis of coal shall be utilized by a code member, sales agent, sales representative or wholesaler, or farmers' cooperative organization making a resale, in selling or offering for sale any coal produced by the code member, unless such code member shall have previously filed with the Statistical Bureau of the Coal Commission and the District Board for the district in which the coal is produced, copies of such analysis, together with a certificate setting forth the time and manner of obtaining the sample analyzed, the name and address of the person or firm making the analysis and stating that such analysis is truly representative of the grade and size of coal as regularly produced by the code member. Each such analysis shall be not less than a proximate analysis showing ash, volatile matter, fixed carbon, sulphur and British Thermal Units and ash softening temperature. Each analysis shall further show whether made on an "as received" or moisture "free" basis and if on an "as received" basis, the analysis shall include moisture content.

2. All analyses so filed shall be subject to inspection at the office of the Statistical Bureau at any time during office hours by any interested person, and may be used by the District Board and the Coal Commission in determining from time to time proper classifications of the coals produced by the code member.

3. Any analysis of the coal of a code member made by or on behalf of a consumer and accepted by the code member as the basis for an adjustment of price under any contract or order shall be filed by the code member with the proper Statistical Bureau and District Board, within ten (10) days after such adjustment is made and shall be subject to the provisions of Rule No. 2 herein.

4. No agreement or order for the sale of coal produced by a code member, made upon a premium and penalty basis, shall be entered into or accepted by a code member or wholesaler unless the analysis upon which the premium and penalty clause is based has been previously filed as required in Rule No. 1. Such analysis shall be accompanied by a statement setting forth in full the terms of the premium and penalty provisions of the proposed contract or order.

5. In the case of premium and penalty agreements entered into prior to the effective date of these regulations, and claimed to be continuing in effect, the code member, sales agent or wholesaler, party to the agreement, shall file a statement containing the information required under Rule No. 4, within fifteen (15) days from such effective date.

SECTION IX—TERMS OF PAYMENT

The price and fair trade practice provisions of the Act shall not be evaded or violated by a code member, his sales agent or any Registered Wholesaler or Registered Farmers' Cooperative Organization through the use of terms of pay-

ment, and in no instance shall terms of payment be more favorable than the following:

1. On rail shipments the date of payment of invoices for coal sold shall be on or before the 20th day of the month following shipment.

2. On railroad locomotive fuel, the date of payment shall be on or before the 25th of the month following the date of shipment.

3. Payment shall be made in full and on a net cash basis. No portion of the invoice price may be withheld by agreement by reason of any unadjusted claim of the buyer nor shall any portion be withheld or deposited in escrow by reason of any alleged agreement relating to the constitutionality of any provision of the Act or the validity of any order of the Coal Commission.

4. Where payment is made by note, trade acceptance or other form of indebtedness, the seller shall charge and the buyer shall pay interest at the current market rate.

5. Freight on rail shipments shall not be paid by a code member, his sales agent or a Registered Wholesaler or Registered Farmers' Cooperative Organization, except to prepay stations as published in current railway tariffs or to the United States Government, States or political subdivisions thereof. Where freight is thus prepaid, the amount thereof shall immediately upon receipt of freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment.

SECTION X—CRUSHING AND PULVERIZING COAL

1. Each code member who maintains and operates at his mine or at any facility used in preparing coals for market, any crushing or pulverizing device, shall register such device with the Statistical Bureau of the Coal Commission, on or before the Twentieth (20th) day of January, 1938, on forms submitted by the Coal Commission.

2. Such forms shall include the following:

1. Name and address of code member.
2. Name of mine or facility at which device is located.
3. Name and style or type of crushing or pulverizing device.
4. Hourly capacity of device.
5. Sizes of coal which device can crush or pulverize.
6. Sizes of coal resulting from crushing or pulverizing.
7. Number of tons crushed in 1936 and in each month of 1937.
8. Cost per ton of crushing or pulverizing in 1936.

3. Beginning with the month of January 1938, each code member shall on or before the tenth (10th) day of each succeeding month, file with the Statistical Bureau on forms to be provided by the Coal Commission, a statement verified by affidavit, setting forth the following information for the preceding calendar month:

- (a) Number of tons of each size crushed or pulverized.
- (b) Number of tons of each size resulting from crushing or pulverizing.

SECTION XI—MISCELLANEOUS

1. No deduction or allowance shall be granted from invoice prices by any code member or sales agent, wholesaler or farmers' cooperative organization to any purchaser for advertising.

2. The price and fair trade practice provisions of the Act shall not be evaded by any payment or allowance by a code member to any purchaser or purchaser's representative covering advertising and the amount of expenditures for advertising shall be subject to review by the Coal Commission as to the good faith of the transaction.

3. Where coal is refused by a consignee in transit or at destination, the code member may, and in the case where the coal was sold by a Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization of the code member, such Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization with the approval

of the code member may sell the same at the best obtainable price; provided, that in each case the code member, the Sales Agent, the Registered Wholesaler or the Registered Farmers' Cooperative Organization shall before making such resale first notify the statistical bureau and afford a reasonable opportunity to make inspection of such coal before the resale; and provided further, that in each case the code member shall file with the statistical bureau, within five (5) days from the date of such resale a statement giving the name and address of the consignee and the reasons for the refusal, the name and address of the purchaser upon resale and the price received by the seller upon resale, a copy of the carrier's notice of refusal or notice of reconsignment and such other pertinent facts as may be offered in proof of the necessity of such resale and that in making such resale, the provisions of the Code and the Marketing Rules and Regulations of the Coal Commission other than as to price have not been violated or evaded.

4. All code members and all Registered Wholesalers and Registered Farmers' Cooperative Organizations shall promptly furnish to the statistical bureau of the Coal Commission for the District in which the coal originated, full reports of all reconsignments and shall authorize the carrier making such reconsignments to furnish complete information thereon to such statistical bureau.

5. No allowance shall be made for any shipment of coal of substandard preparation or quality unless formal claim duly executed by or on behalf of the buyer and verified by affidavit, setting forth the amount claimed by way of allowance and reasons for the claim is filed with the code member or Sales Agent or Registered Wholesaler or Registered Farmers' Cooperative Organization within five (5) days after the receipt of the coal and unless, before the coal on which such allowance is claimed is used or disposed of, reasonable opportunity is afforded the Coal Commission through its duly designated representative to make inspection of such coal.

The code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization with whom such claim for allowance is filed shall immediately notify the statistical bureau and the District Board, furnishing an authentic copy of the buyer's claim together with a statement of the producers views as to the validity of the claim.

No allowance or adjustment for such inferior coal shall be made or deducted from the sales price by the code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization without first receiving authorization therefor from the duly designated representative of the Coal Commission.

Within five (5) days from the date of granting any such allowance as approved by the representative of the Commission the code member, Sales Agent, Registered Wholesaler or Registered Farmers' Cooperative Organization shall file formal report with the statistical bureau setting forth:

- A. The name and address of the consignee and the reason for the allowance.
- B. The amount of allowance or adjustment made.
- C. A statement that the adjustment has not been made with the purpose or intent of evading the price or fair trade practice provisions of the Act.

6. The screening of mine run or re-screening of other grades of coal sold and billed as such for the buyer's account for the purpose of keeping the resultant products separate in the shipment thereof is prohibited. All coal must be sold and invoiced under the designation shown therefor in the price schedule published by the Coal Commission.

7. All coal confiscated or lost in transit shall be invoiced to the carrier at the market value of the coal but in no event at less than the minimum price therefor, established by the Coal Commission.

8. No substitution may be made upon any spot order or contract, of any grade or size of coal taking a minimum

price higher than the price specified in such order or contract, except upon the following conditions:

(a) The proposed substitution shall not be an express or implied condition of the order or contract.

(b) The coal substituted must be coal which the code member has already produced and loaded into transportation facilities and which cannot be sold promptly by the exercise of the usual sales effort, such substitution to be limited to a specific tonnage for shipment on a specific order and from a specific mine.

(c) The substitution must be reasonably necessary as an emergency measure in order to continue operation of the mine of the code member.

(d) The substitution shall be acceptable to the purchaser of the coal, and shall not be made with the purpose or effect of conferring any advantage on the purchaser or securing any preference or advantage for the code member over his competitors.

(e) Such substitution may be made only with the approval of a duly designated representative of the Commission and in each instance formal application therefor shall be made upon forms provided by the Commission and permits shall be issued prescribing the conditions of substitution in each case approved.

The producer may make request and receive approval for substitution by telephone or telegraph from the duly designated representative of the statistical bureau of the Coal Commission for the district in which coal originates, provided the representative of the Coal Commission is satisfied that an immediate emergency exists. In such a case, the producer shall immediately confirm the request in writing on the prescribed form, and the designated agent of the Commission shall immediately upon receipt of such written request confirm his approval by issuing the permit prescribed by the Commission.

(f) Substitution will be allowed by producers on orders for railroad locomotive fuel without prior approval of the Commission; provided, however, the producer immediately shall file the form prescribed by the Commission with the statistical bureau of the district in which the coal originates. No substitution for lump or double screen coal ordered by the railroads for locomotive fuel shall be made without the prior approval in the manner heretofore provided, from the duly designated representative of the Commission.

(g) Copies of substitution permits shall be mailed daily to the office of the District Board and weekly summaries of substitution permits shall be mailed to all District Boards within the Price Area. The Commission may from time to time publish the essential facts as to all substitution permits granted.

(h) In each case of coal shipped under a substitution permit each invoice shall specifically show the permit number and the size and grade of coal substituted.

9. Failure to file information required by the within Marketing Rules and Regulations or the filing of false information, wilfully made, will subject the party failing to file the information required or the party so filing, to the penalties of the Act and other penalties imposed by law.

10. These Marketing Rules and Regulations are subject to revision and amendment by further order of the Coal Commission.

[F. R. Doc. 37-3707; Filed, December 18, 1937; 12:27 p. m.]

[Order No. 140]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 15 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an

agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56² of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 67³ the weighted average of the total costs of the tonnage for Minimum Price Area 5 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the District Board in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district; equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 112⁴ determined and established the initial classifications of coals of Code Members within said District Number 15; the District Board for District Number 15 having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 115⁵ and the Commission having acted in lieu of said District Board under the authority of Section 6 (g) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number 15, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

¹ 2 F. R. 1477 (DI).

² 2 F. R. 2573 (DI).

³ 2 F. R. 2873 (DI).

⁴ 2 F. R. 3203 (DI).

⁵ 2 F. R. 3230 (DI).

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number 15, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number 15 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 15, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 15, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 15 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 15 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 5 and to Code Members within District Number 15, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the

Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

PRICE SCHEDULE 1—DISTRICT No. 15

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 15, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective, January 3, 1938.

Issued, December 16, 1937.

F. W. McCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies F. O. B. transportation facilities at mines, on all coal produced by Code Members in the District shown on the title page hereof.
2. All Prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.
3. If any size is made for which a price is not designated herein, such shall be sold at the price applicable to the next larger size.
4. All size designations herein are for round hole screen. When other types of screens are used the round hole equivalent shall control the size.
5. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.
6. All Prices herein are per net ton of 2,000 pounds F. O. B. transportation facilities at the mines unless otherwise designated.
7. When coal is subjected to any chemical, oil, or waxing process, an additional charge of not less than 10¢ per net ton shall be made.
8. The term "delivered cost" as used herein shall be construed to mean the authorized minimum price F. O. B. railroad transportation facilities at the mine plus the effective railroad freight rate.

SUBSTITUTION CLAUSE

The substitution on any order of a grade or size of coal taking a minimum price higher than the grade or size ordered is not authorized or permitted.

PRICE INDEX OF CODE MEMBER MINES

Minimum prices as published in the following schedules apply to all grades of coal sold or otherwise disposed of except as to such permitted reductions as are indicated in this price index.

Any Code Member mine not listed in this index shall observe the schedule of prices applicable on all sizes to the Production Group in which the mine is located.

NOTE.—Reductions permitted are indicated by minus the amount under the size coal on which the reduction from schedule may be made. Where no amount appears schedule price applies.

See following List of Code Member Mines.

Price Index of Code Member Mines

Name	Producing Group No.	Name of mine	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chestnut 1 1/4" x 3/4"	Mine Run	3" x 0" and 2" x 0"	Special Stoker 1" x 3/16"	Sergs. 1 1/4" x 1 1/2"	Sergs. 1 1/4" x 0"
Alston Coal Company	1	Alston 1										
Apex Coal Company	1	Apex 1										
Arma Coal Company	1	Sheridan #21										
Atkinson Coal Co.	1	Atkinson #4										
The Ben Hur Coal Co.	1	Peerless										
Brennan Coal Co.	1	Brennan										
Clemens Coal Co.	1	No. 22										
Clemens Coal Co.	1	No. 23										
Commercial Fuel Co.	1	No. 1										
Commercial Fuel Co.	1	No. 2										

¹Schedule applies on all sizes.

Price Index of Code Member Mines—Continued

Name	Pro- ducing Group No.	Name of mine	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chestnut 1 1/4" x 3/4"	Mine Run	3" x 0" and 2" x 0"	Special Stoker 1" x 5/16"	Sergs. 1 1/4" x 1/8"	Sergs. 1 1/4" x 0"
Cornell Coal Co.	1	Cornell ¹										
Crescent Coal Co.	1	Crescent ¹										
DeGasperi Coal Co.	1	DeGasperi ¹										
Diamond Coal Co.	1	Mulberry #2 ¹										
Dittman-Wachter Coal Co.	1	No. 2 ¹										
Eagle-Cherokee Coal Mng. Co.	1	Eagle ¹										
Gubbio Coal Co.	1	Guffio ¹										
H. & H. Coal Mining Co.	1	H. & H. ¹										
Robert Holt.	1	Holt No. 1 ¹										
Imperial Fuel Co.	1	Imperial ¹										

¹ Schedule applies on all sizes.

Name	Pro- ducing Group No.	Name of mine	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chest- nut 1 1/4" x 3/4"	Mine Run	3" x 0" and 2" x 0"	Special Stoker 1" x 5/16"	1 1/4" x 1/8"	Sergs. 1 1/4" x 0"	Washed Sergs. 1 1/4" x 0"
Kelly-Carter Coal Co.	1	Kelly-Carter ¹											
Herman Kruger.	1												
Lone Star Coal Co.	1	Lone Star ¹											
Machine Coal Co.	1	Machine ¹											
Menghini Coal Co.	1	Menghini ¹											
Mineral Products Co.	1	Plant No. 1 ¹											
Mulberry-Cherokee Coal Co.	1	Mulberry-Cherokee ¹											
Paterson Coal Co.	1	No. 1 ¹											
Pioneer Coal Co.	1	Pioneer ¹											
Pittsburg & Midway Coal Mining Company.	1	No. 15 ¹											
Pittsburg & Midway Coal Mining Company.	1	No. 17 ¹											
Royal-Cherokee Coal Co.	1	Mulberry #2 ¹											
South Radley Coal Company.	1	Newland & Haynie ¹											
Umbria Coal Company.	1	Umbria ¹											
United Coal Co.	1	Mackie J. ¹											
Victor Fuel Coal Company.	1	Victor ¹											
Western Coal & Mining Co.	1	No. 22 ¹											
Western Coal & Mining Co.	1	No. 24 ¹											
West Union Coal Company.	1	West Union ¹											

¹ Schedule applies on all sizes.

Name	Pro- ducing Group No.	Name of mine	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chestnut 1 1/4" x 3/4"	Mine Run	3" x 0" and 2" x 0"	Special Stoker 1" x 5/16"	Sergs. 1 1/4" x 1/8"	Sergs. 1 1/4" x 0"
Crowe Coal Co.	2	Reliance ¹										
Crowe-Brady Coal Company.	2	Crowe-Brady ¹		-10¢	-10¢	-10¢						
Crowe-Fulton-Spangler Coal Company.	2	Crowe-Fulton Spangler.		-10¢	-10¢	-10¢						
Hamilton Coal Co.	2	Foster ¹		-10¢	-10¢	-10¢						
Hume-Sinclair Coal Mng. Co.	2	Tiger ¹										
Mound City Coal Co.	2	No. 1 ¹		-10¢	-10¢	-10¢						
Panther Creek Coal Co.	2	Panther Creek ¹										
The Robinson Coal Co.	2	Mohawk ¹		-10¢	-10¢	-10¢						
Tobo Coal Co.	2	Tobo ¹		-10¢	-10¢	-10¢						
Windsor Coal Co., Inc.	2	Windsor ¹		-10¢	-10¢	-10¢						
Baiotto Coal & Mining Co.	3	Baiotto ¹	-5¢									
Binkley Mining Co. of Mo.	3	Bee-Veer ¹										
Bradley Coal Co.	3	Bradley ¹										
Bucklin Coal Co.	3	Bucklin ¹										
Charlton River Coal Co.	3	Charlton River ¹	-5¢									
Hill Coal Company.	3	Hill ¹										
Home Coal Co. of Macon.	3	No. 1 ¹										
Huntsville-Sinclair Mng. Co.	3	Mark Twain ¹										
K. C. Midland Coal & Mng. Co.	3	Midland #8 ¹	-5¢									
Lovell Coal Co.	3	Busy Bee ¹										

¹ Schedule applies on all sizes.

Name	Pro- ducing Group No.	Name of mine	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chest- nut 1 1/4" x 3/4"	Mine Run	3" x 0" and 2" x 0"	Special Stoker 1" x 5/16"	Sergs. 1 1/4" x 1/8"	Sergs. 1 1/4" x 0"	Washed Sergs. 1 1/4" x 0"
Marriott-Reed Coal Co.	3	Marriott-Reed ¹											
Monteau Coal Co.	3	No. 11 ¹											
Ol' Elliott Producers Assn.	3	Ol' Elliott ¹											
Riverside Coal Co.	3	Riverside ¹	-5¢										
Dec J. Vanlaningham.	3	Ewing & Vanlaning- ham ¹											
Camden Coal Co.	4	No. 2 ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Crescent Coal Co.	4	Crescent Lake ¹											
Elmira Coal Co.	4	Elmira ¹											
Hubbell-Hamilton Coal Co.	4	No. 14 ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Mercantile Coal & Mng. Co.	4	No. 17 ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Mosby Coal & Mining Co.	4	Mosby ¹											
Pickering Coal Co.	4	No. 12 ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Geo. Pickering Dev. Co.	4	No. 11 ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Ray County Coal Co.	4	No. 23 ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Rayville Coal Co.	4	Rayville ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Rice Coal Co.	4	Rice ¹											
Vibbard Mining Co.	4	Vibbard ¹	-5¢	-5¢	-5¢	-5¢		-5¢					
Domestic Coal Co.	5	Imperial ¹											
Farmers Coal Mining Co.	5	No. 7 ¹											
Farmers Coal Mining Co.	5	No. 10 ¹											

¹ Schedule applies on all sizes.

Price Index of Code Member Mines—Continued

Name	Pro- ducing Group No.	Name of mine	Lump	Nut 3" x 2"	Nut 3" x 1½"	Nut 2" x 1½"	Chestnut 1½" x ¾"	Mine Run	3" x 0" and 2" x 0"	Special Stoker 1" x ¾"	Scrags. 1½" x ¾"	Scrags. 1½" x 0"
Jellicoe & Hotmer Coal Co., Inc.	5	No. 1 or Daisy ¹										
Jellicoe & Hotmer Coal Co., Inc.	5	No. 2 or Hartman ¹										
Jellicoe & Hotmer Coal Co., Inc.	5	No. 3 ¹										
Western Coal & Mining Co.	5	West ¹										
Western Coal & Mining Co.	5	Woodrow ¹										
Wilson Mining Co.	5	Wilson ¹										
Central Coal Co.	6	Central ¹										
Kansas Coal Co.	6	No. 6 ¹										
Miners Fuel Co.	6	Miners Fuel Co. ¹										
Osage City Coal Co.	6	No. 30 ¹										

¹ Schedule applies on all sizes.

Name	Produc- ing Group No.	Name of mine	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 2½" x 1½"	Chestnut 1½" x ¾"	Mine Run	Nut-Run 2½" x 0"	Special Stoker 1" x ¾"	Scrags. 1½" x 0"
Blanco Mining Co.	7	No. 3 ¹									
Dow Pioneer Coal Co.	7	No. 10 ¹									
McAlester Coal Mining Co.	7	Banner ¹									
Mullen Coal Co.	7	Julian ¹									
Samples Coal Mining Co.	7	No. 4 ¹									
A. L. Sukenis.	7	No. 4 ¹									
Victor Coal Co.	7	Adamson #7 ¹									
L. C. Flener.	8	Flener ¹									
Hartshorne Coal Co.	8	No. 1 ¹									
Hartshorne Valley Coal Corp.	8	Hartshorne Valley ¹									
Mud Creek Coal Co.	8	Mud Creek ¹									
Pocahontas Producers Coal Co.	8	Pocahontas ¹									
Jerry Riedt.	8	Kala-Inla #1 ¹									
Jerry Riedt.	8	Kala-Inla #4 ¹									
Acme Coal & Mining Co.	10	Acme ¹									
Atlas Coal Corp.	10	Atlas ¹									
Ben Hur Coal Co.	10	Sun ¹									
Ben Hur Coal Co.	10	Blackstone ¹									
The Coalton Coal Co.	10	Coalton ¹									

¹ Schedule applies on all sizes.

Name	Produc- ing Group No.	Name of mine	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 2½" x 1½"	Chestnut 1½" x ¾"	Mine Run	Nut-Run 2½" x 0"	Special Stoker 1" x ¾"	Scrags. 1½" x 0"
McGennis Coal Company	10	McGennis ¹									
Purity Mining Company	10	P. & M. ¹									
The Starr Coal Co.	10	Starr ¹									
Warden-Pullen Coal Co.	10	Warden ¹									
Acme Coal Co.	11	Acme ¹									
Adamson Coal Mining Co.	11	Adamson ¹									
Claremore Coal & Coke Co.	11	Sequoia ¹									
Hickory Coal Co.	11	Old Hickory ¹									
Independent Coal Co.	11	Independent ¹									
Jenks Coal Co.	11	Jenks ¹									
Seneca Coal & Coke Co.	11	No. 2 ¹									
Seneca Coal & Coke Co.	11	No. 4 ¹									
Geo. McAlpine.	12	McAlpine ¹									
Frank C. Perry & Bruma Perry	12	Perry ¹									
The Home Riverside Coal Mines	13	No. 1 ¹									

¹ Schedule applies on all sizes.

PRODUCING GROUPS DEFINED

Group No. 1.—All mines located in Cherokee, Crawford, Bourbon, Neosho, Labette, and Wilson Counties, Kansas; and Barton, Jasper, Dade, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri.

Group No. 2.—All mines located in Linn County, Kansas; and Bates, Henry, St. Clair and Johnson Counties; and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri.

Group No. 3.—All mines located in Boone, Callaway, Audrain, Randolph, Macon, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, and Ralls Counties, in Missouri.

Group No. 4.—All mines located in Ray, Clay, Caldwell, Daviess, Clinton, and Carroll Counties in Missouri.

Group No. 5.—All mines located in Lafayette County, Missouri.

Group No. 6.—All mines located in Osage, Franklin, and Coffey Counties, Kansas.

Group No. 7.—All mines operating in the genuine McAlester seam in Pittsburg, and Latimer Counties, Oklahoma.

Group No. 8.—All mines operating in the Wilburton-Hartshorne seams in Pittsburg and Latimer Counties, Oklahoma.

Group No. 9.—All mines located in Coal County, Oklahoma.

Group No. 10.—All mines located in Okmulgee County, Oklahoma.

Group No. 11.—All mines located in Tulsa, Wagoner, Rogers, Nowata and Craig Counties, Oklahoma.

Group No. 12.—All mines located in Muskogee County, Oklahoma.

Group No. 13.—All mines located in Johnson, Leavenworth, and Wyandotte Counties, Kansas.

Part I—Domestic and Commercial Coal Price Schedule

Prices apply:

(a) On all sales in retailing of coal.

(b) On all sales of coal to consumers using coal principally for space heating.

(c) On all other sales except as provided for in Part II and Railroad Locomotive Fuel Schedule.

Production Group No. 1.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below *
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chestnut 1 1/4" x 3/4"	Mine Run	2" x 0" and 3" x 0"	Special Stoker 1" x 3/8"	Sergs. 1 1/4" x 1/4" 1 1/4" x 3/8"	Sergs. 1 1/4" x 0"
33, 34, 100, 101	(a)	235	250	235	220	195	215	185	200	(c)	110
104, 105, 109, 110	(a-2)	250	265	245	220	205	215	195	210	(c)	125
106, 107, 108	(a-2)	265	280	265	235	210	215	200	215	(c)	130
111		260	275	260	245	220	215	210	200	(c) 178	140
112	(a-2)	240	255	240	220	200	215	190	205	(c) 156	120
113	(a-2)	245	245	230	215	109	215	195	200	(c)	140
114		230	245	230	215	190	215	180	200	(c) 149	120
115	(a)	215	230	215	210	185	215	175	215	(c)	125
116		255	270	255	240	215	215	205	200	(c) 168	140
117	(b)	215	230	215	210	185	215	175	215	(c)	125
118		260	275	260	245	220	215	210	200	(c)	140
119		260	275	260	245	220	215	210	200	(c)	140
124, 125, 128		260	275	260	245	220	215	210	200	(c)	140
130, 139		260	275	260	245	220	215	210	200	(c)	140
137, 138		260	275	260	245	220	215	210	200	(c)	140
140		260	275	260	245	220	215	210	200	(c)	140
141		260	275	260	245	220	215	210	200	(c) 178	140
143		260	275	260	245	220	215	210	200	(c)	140
145, 146	(a-2)	260	275	260	245	220	215	210	200	(c)	150

Prices are for unwashed coals. For prices on washed coals see below.

NOTE.—See following for explanation of Flag notes and other references.

Production Group No. 1

All prices shown above are for unwashed coals. F. O. B. mine prices for washed coals shall be determined as follows:

Lump—3" x 2" Nut—3" x 1 1/4" Nut—2" x 1 1/4" Nut—1 1/4" x 3/4" Chestnut—3" x 0" Nut Run—2" x 0" Nut—add 7 cents per ton to the F. O. B. mine price as shown when delivering to Consuming Market Areas Nos. 116, and 114. When delivering to all other Consuming Market Areas, add 15 cents to the F. O. B. mine prices as shown.

The F. O. B. mine price for 1 1/4" x 0" Washed Screenings shall be 110% of the F. O. B. mine price for 1 1/4" x 0" Raw Screenings shown above plus 10% of the rail freight rate from mine to destination.

Explanation of Flag Notes

Note (a). The f. o. b. mine prices of all sizes shown from 2" x 0" to and including lump may be adjusted so the delivered cost in this Consuming Area will be 35 cents per ton over the same size from Production Group No. 3 mines having the lowest freight rate. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver at the same cost as washed 1 1/4" x 0" screenings from Production Group No. 3 with the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (a-2). The f. o. b. mine prices may be adjusted so the delivered cost in this Consuming Area over the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: All sizes of lump 45 cents per ton; all sizes of nut 40 cents per ton and 2" x 0", 3" x 0" and chestnut 35 cents per ton. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver at the same cost as washed 1 1/4" x 0" screenings from Production Group No. 3 with the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (b). The f. o. b. mine prices of all sizes shown from 2" x 0" to and including lump may be adjusted so the delivered cost in this consuming area will be 35 cents per ton over the same size from Production Group No. 2 mines having the lowest freight rate. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver at the same cost as washed 1 1/4" x 0" screenings from Production Group No. 2 mines with the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (c). The f. o. b. mine price for 1 1/4" x 1/4" or 1 1/4" x 1/8" prepared raw screenings shall be 110% of the f. o. b. mine price for 1 1/4" x 0 raw screenings shown on page 13 plus 10% of the rail freight rate from mine to destination.

Production Group No. 2.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 3/4"	Chestnut 1 1/4" x 3/4"	Mine Run	2" x 0" and 3" x 0"	Sergs. 1 1/4" x 1/4" 1 1/4" x 3/8"	Sergs. 1 1/4" x 0"	Washed Sergs. 1 1/4" x 0"
33, 34, 100, 101	(e)	245	255	240	225	200	215	190	130	110	130
104, 105, 109, 110	(e-2)	260	270	250	225	210	215	200	180	160	180
106, 107, 108	(e-2)	275	285	270	240	215	215	205	185	165	185
111		245	260	245	230	205	215	195	160	140	160
112		222	224	209	189	169	215	159	139	119	139
113	(f)	260	260	245	230	205	215	210	170	150	170
114	(e-2)	215	230	215	200	175	215	165	137	132	152
115	(e)	230	220	205	200	175	215	165	180	160	180
116	(d)	265	255	240	225	200	215	190	180	160	180
117	(g)	255	260	245	240	215	215	205	195	175	195
118	(h)	260	265	250	235	210	215	200	165	145	165
120, 139	(h)	245	260	245	230	205	215	195	160	140	160
127, 138	(h)	245	260	245	230	205	215	195	160	140	160
140	(h)	245	260	245	230	205	215	195	160	140	160
141		245	260	245	230	205	215	195	160	140	160
143	(h)	245	260	245	230	205	215	195	160	140	160
145, 146	(e-2)	245	255	240	225	200	215	190	170	150	170

NOTE.—See following for explanation of flag notes and other references.

Production Group No. 2

Note (d). The f. o. b. mine prices for all sizes shown from 2" x 0" up to and including Lump may be adjusted so the delivered cost will be 35 cents per ton less than the same

size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price of washed 1 1/4" x 0" Screenings and 1 1/4" x 1/4" or 1 1/4" x 1/8" prepared Screenings from Pro-

duction Group No. 2 may deliver at an equal delivered cost with 1½" x 0" Screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 15 cents per ton.

Note (e). The f. o. b. mine prices for all sizes shown except 1½" x 0" Screenings may be adjusted so the delivered cost equals the delivered cost of the same size from Production Group No. 3. Provided, however, the maximum reduction shall not exceed 35 cents per ton. The f. o. b. mine price of 1½" x 0" Screenings shall be 20 cents per ton less than the f. o. b. mine price of 1½" x 0" washed Screenings from Production Group No. 2.

Note (e-2). The f. o. b. mine prices may be adjusted so as to deliver in this consuming area as follows: Lump 10 cents over; all sizes of nut 5 cents over; 2" x 0", 3" x 0" and chestnut to deliver equal with the same size from Production Group No. 3. Provided, however, the maximum reduction shall not exceed 50 cents per ton. The f. o. b. mine price of 1½" x 0" Screenings may be 20 cents per ton less than the price of 1½" x 0" washed screenings from Production Group No. 2.

Note (f). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area will be as follows: Lump 10 cents over; all sizes of nut 5 cents over; 2" x 0",

3" x 0" and chestnut to deliver equal with the same size from mines at Bevier, Missouri. Provided, however, the maximum reduction shall not exceed 35 cents per ton. The f. o. b. mine price of 1½" x 0" screenings shall be 20 cents per ton less than 1½" x 0" washed screenings.

Note (g). The f. o. b. mine price for all grades from any mine in Production Group No. 2 may be adjusted so the delivered cost will be equal with the mine in Production Group No. 2 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (h). The f. o. b. mine prices for all sizes from 2" x 0" up to and including lump may be adjusted so the delivered cost will be 35 cents per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price of 1½" x 0" washed screenings and 1½" x ¼" or ⅜" prepared screenings may be adjusted so the delivered cost will be the same as 1½" x 0" screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price on 1½" x 0" screenings may be 20 cents per ton less than the price of 1½" x 0" washed screenings from Production Group No. 2.

Production Group No. 3.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Nut 2" x 2"	Nut 3" x 1½"	Nut 2" x 1½"	Chestnut 1½" x ¾"	Mine Run	2" x 0" and 3" x 0"	Scrags. 1½" x 1½" 1½" x 1½"	Scrags. 1½" x 0"	Washed Scrags. 1½" x 0"
33, 34, 100, 101		245	255	240	225	200	215	190	130		130
102		220	225	210	195	170	215	160	145	85	145
104, 105, 109, 110	(1-3)	250	265	245	220	210	215	200	180	150	180
106, 107, 108		265	280	265	235	215	215	205	185	140	185
111		255	264	249	234	214	215	204	169	105	169
112		240	255	240	220	205	215	195	175	145	175
113	(j)	250	255	240	225	205	215	210	170	105	170
114	(i)	258	258	243	228	208	215	198	170	105	170
115		230	220	205	200	175	215	165	180	120	180
116		253	253	238	223	203	215	193	163	105	163
117	(k)	230	240	220	215	205	215	195	185	110	185
136, 139	(l)	245	260	245	230	205	215	195	160	105	160
137, 138	(1-2)	235	255	240	225	205	215	195	160	105	160
140	(1-2)	235	255	240	225	205	215	195	160	105	160
141		237	255	240	225	205	215	195	160	105	160
143	(1-2)	235	255	240	225	205	215	195	160	105	160
145, 146		235	250	235	220	200	215	190	170	150	170

NOTE.—See following for explanation of flag notes and other references.

Explanation of Flag Notes

Note (i). The f. o. b. mine prices for all grades from any mine may be adjusted so the delivered cost will equal the delivered cost of the mine in Production Group No. 3 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (j). The f. o. b. mine prices for all sizes from mines in Production Group No. 3 may be adjusted so the delivered cost will equal the delivered cost of the same size coal from mines at Bevier, Missouri. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (k). The f. o. b. mine prices for all sizes except 1½" x 0" Screenings from mines in Production Group No. 3 may be adjusted so the delivered cost will equal the delivered cost of the same size from mines in Production Group No. 2 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (l). The f. o. b. mine prices for all sizes from 2" x 0" up to and including Lump may be adjusted so the delivered cost will be 35 cents per ton less than the delivered cost of the same size from Production Group No. 1. Provided,

however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price for washed 1½" x 0" Screenings may be adjusted so as to deliver at the same cost as 1½" x 0" Screenings from Production Group No. 1.

Note (1-2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area will be under the delivered cost of the same size from Production Group No. 1 as follows: lump 45 cents per ton, all sizes of nut 40 cents per ton and 2" x 0", 3" x 0" and chestnut 35 cents per ton. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price for washed 1½" x 0" screenings may be adjusted so as to deliver at the same delivered cost as 1½" x 0" screenings from Production Group No. 1.

Note (1-3). Page No. 18 prices for Market Area No. 109 on shipments destined to points in Iowa on and west of the C. & N. W. Railroad but not including the switching limit of Council Bluffs to, but not including the switching limit of Sioux City may be reduced 10 cents per ton on lump and 3 x 2 Nut; and 5 cents per ton on all other sizes except 2 x 1½ Nut and Mine Run.

Production Group No. 4.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Mine Run	2" x 0" and 3" x 0"	Sergs. 1 1/4" x 0"
111.....	(m)	270	265	250	235	270	200	105
113.....	(n-1, n-2)	295	270	255	240	295	215	105
114.....		280	275	260	245	280	200	110
115.....	(n)	290	280	265	250	290	220	120
116.....		295	280	265	250	295	215	110
117.....	(n)	290	280	265	250	290	220	120
118.....	(m)	270	265	250	235	270	200	105
137, 138.....	(m)	270	265	250	235	270	200	105
140.....	(m)	270	265	250	235	270	200	105
141.....	(m)	270	265	250	235	270	200	105
143.....	(m)	270	265	250	235	270	200	105

NOTE.—See following for explanation of Flag notes and other references.

Explanation of Flag Notes

Note (m). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" Screenings may be adjusted so the delivered cost will be 50¢ per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35 cents.

Note (n). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" Screenings may be adjusted so the delivered cost will be 15¢ per ton less than the same size from either Production Group No. 2 or No. 3, having the lowest freight rate. Provided, however the maximum reduction shall not exceed 35¢ per ton.

Note (n-1). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" Screenings may be adjusted so the delivered

cost will be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (n-2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate as follows: all sizes of lump 5 cents per ton; all sizes of nut 10 cents per ton and all other sizes except 1 1/4" x 0" screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Production Group No. 5.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Nut 3" x 2"	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Mine Run	2" x 0" and 3" x 0"	Sergs. 1 1/4" x 0"
111.....	(o)	270	265	250	235	270	200	105
113.....	(p-1, p-2)	295	270	255	240	295	215	105
114.....		280	275	260	245	280	200	110
115.....	(p)	290	280	265	250	290	220	120
116.....		295	280	265	250	295	215	110
117.....	(p)	290	280	265	250	290	220	120
118.....	(o)	270	265	250	235	270	200	105
137, 138.....	(o)	270	265	250	235	270	200	105
140.....	(o)	270	265	250	235	270	200	105
141.....	(o)	270	265	250	235	270	200	105
143.....	(o)	270	265	250	235	270	200	105

NOTE.—See following for explanation of Flag notes and other references.

Explanation of Flag Notes

Note (o). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" Screenings may be adjusted so the delivered cost will be 50¢ per ton less than the same size from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35¢ per ton.

Note (p). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" Screenings may be adjusted so the delivered cost will be 15¢ per ton less than the same size from either Production Group No. 2 or No. 3, having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35¢ per ton.

Note (p-1). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35¢ per ton.

Note (p-2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: lump 5 cents per ton; all sizes of nut 10 cents per ton and all other sizes except 1 1/4" x 0" screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Production Group No. 6.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below

Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Mine run
136, 139.....		345	345
137, 138.....		345	345

Production Group No. 7.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 6" x 1¼"	Nut 2½" x 1¼"	Chestnut 1¼" x ¾"	Mine Run	Nut-Run 2½" x 0"	Sergs. 1¼" x 0"
111		400	400	400	365	330	220	300	180	135
112		400	400	400	365	330	220	300	180	135
113		400	400	400	365	315	205	300	180	135
114		395	395	395	360	325	215	300	175	135
116		395	395	395	360	325	215	300	175	135
117		395	395	395	360	325	225	300	185	150
118		400	400	400	365	330	220	300	200	135
119		415	415	415	395	375	220	300	180	135
124, 125, 128	(g-1)	495	495	495	445	395	220	300	180	135
136, 139		410	410	410	375	345	245	300	235	180
137, 138		400	400	400	365	330	220	300	200	135
140		400	400	400	365	330	220	300	200	135
141		400	400	400	365	330	220	300	180	135
143		400	400	400	365	330	220	300	200	135

Explanation of flag notes.—Note (g-1). The F. O. B. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 65¢ per ton.

Production Group No. 8.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 6" x 1¼"	Nut 2½" x 1¼"	Chestnut 1¼" x ¾"	Mine Run	Nut-Run 2½" x 0"	Sergs. 1¼" x 0"
111		350	350	350	325	280	220	300	180	135
112		350	350	350	325	280	220	300	180	135
113		350	350	350	325	265	205	300	180	135
114		345	345	345	320	275	215	300	175	135
116		345	345	345	320	275	215	300	175	135
117		345	345	345	320	275	225	300	185	150
118		350	350	350	325	280	220	300	200	135
119		365	365	365	345	325	220	300	180	135
124-125-128	(h-1)	445	445	445	395	345	220	300	180	135
136-139		360	360	360	325	295	245	300	235	180
137-138		350	350	350	325	280	220	300	200	135
140		350	350	350	325	280	220	300	200	135
141		350	350	350	325	280	220	300	180	135
143		350	350	350	325	280	220	300	200	135

NOTE.—(h-1) The F. O. B. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 65 cents per ton.

Production Group No. 9.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 6" x 1¼"	Nut 2½" x 1¼"	Chestnut 1¼" x ¾"	Mine Run	Nut-Run 2½" x 0"	Sergs. 1¼" x 0"
104, 105, 109, 110		350	350	350	325	280	220	300	180	135
106, 107, 108		350	350	350	325	280	220	300	180	135
111		350	350	350	325	280	220	300	180	135
112		350	350	350	325	280	220	300	180	135
113		350	350	350	325	265	205	300	180	135
114		345	345	345	320	275	215	300	175	135
116		345	345	345	320	275	215	300	175	135
117		345	345	345	320	275	225	300	185	150
118		350	350	350	325	280	220	300	200	135
119		365	365	365	345	325	220	300	180	135
124, 125, 128	(i-1)	445	445	445	395	345	220	300	180	135
136, 139		360	360	360	325	295	245	300	235	180
137, 138		350	350	350	325	280	220	300	200	135
140		350	350	350	325	280	220	300	200	135
141		350	350	350	325	280	220	300	180	135
143		350	350	350	325	280	220	300	200	135

NOTE.—(i-1) The F. O. B. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 65 cents per ton.

Production Group No. 10.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market area	Flag	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 6" x 1¼"	Nut 2½" x 1¼"	Chestnut 1¼" x ¾"	Mine Run	Nut-Run 2½" x 0"	Special Stoker 1" x ¾"	Sergs. 1¼" x 0"
104, 105, 109, 110		290	275	265	255	240	170	240	155		110
106, 107, 108		290	275	265	255	240	170	240	155		110
111		290	275	265	255	240	170	240	155		110
112		290	275	265	255	240	170	240	155		110
113		290	275	265	255	225	155	240	155		110
114		285	270	260	250	235	165	240	150		110
116		285	270	260	250	235	165	240	150		110
117		285	270	260	250	235	175	240	160		125
118		290	275	265	255	240	170	240	175		110
119		290	290	275	265	265	170	240	155		110
124, 125, 128	(j-1)	370	370	370	325	280	170	240	155		110
136, 139		290	285	275	265	260	220	240	210		155
137, 138		290	275	265	255	240	195	240	175		110
140		290	275	265	255	240	170	240	175		110
141		290	275	265	255	240	170	240	155		110
143		290	275	265	255	240	170	240	175		110

Explanation of flag note.—Note (j-1)—The f. o. b. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 40 cents per ton.

Production Group No. 11.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Fancy Lump Over 6"	Domestic Lump Over 2½"	Egg 6" x 2½"	Egg-Nut 6" x 1¼"	Nut 2½" x 1¼"	Chestnut 1¼" x ¾"	Mine Run	Nut-Run 2½" x 0"	Special Stoker 1" x ¾"	Sergs. 1¼" x 0"
104, 105, 109, 110		210	210	210	210	210	130	200	155	145	95
106, 107, 108		225	225	225	225	215	135	200	160	150	100
111		225	225	225	225	225	145	200	145	125	85
112		200	200	200	200	205	125	200	150	115	90
113		210	210	210	210	195	105	200	145	135	85
114		210	210	210	210	195	140	200	140	110	85
116		205	205	205	205	220	140	200	140	110	85
117		190	190	190	190	180	175	200	150	150	100
118	(d-1)	225	225	225	225	225	170	200	175	135	90
119		265	265	265	265	265	170	225	155	135	110
124, 125, 128	(e-1) (f-1)	345	345	345	310	280	170	225	155	135	110
136, 139	(d-1) (d-3)	275	275	275	265	260	235	225	210	200	155
137, 138	(d-1)	225	225	225	225	225	195	225	175	165	110
140		225	225	225	225	225	170	200	175	135	85
141	(d-1)	225	225	225	225	225	145	200	145	125	85
143	(d-1)	225	225	225	225	225	170	200	175	135	85

NOTE.—See following for explanation of flag notes and other references.

Explanation of Flag Notes

Note (d-1). The f. o. b. mine price on Fancy Lump over 6", Domestic Lump over 2½", Egg 6" x 2½", Egg Nut 6" x 1¼", Chestnut 1¼" x ¾", Mine Run and Screenings 1¼" x 0" may be adjusted so the delivered cost will be 15 cents per ton over the delivered cost of the same size from Production Group No. 1: The f. o. b. mine prices on special stoker 1" x ¾" may be adjusted so the delivered cost will be equal with washed special stoker from Production Group No. 1: Provided, however, the maximum reduction shall not exceed 50 cents per ton.

Note (d-3). The f. o. b. mine prices on Nut 2½" x 1¼" may be adjusted so as to deliver at equal delivered cost with Nut 3" x 1¼" from Production Group No. 1: Provided, however, the maximum reduction shall not exceed 50 cents per ton.

Note (e-1). The f. o. b. mine prices on all sizes may be adjusted so as to deliver at equal delivered cost with the same size from Production Group No. 10 to destinations in the State of Texas: Provided, however, the maximum reduction shall not exceed 50 cents per ton.

Note (f-1). The f. o. b. mine price on Screenings 1¼" x 0" moving to Oklahoma County, Oklahoma, may be reduced 40 cents per ton.

Production Group No. 12.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below—Domestic and Commercial Coal Schedule—Part I—Oklahoma "Smithing Coal" From Production Group No. 12 to All Market Areas

Crushed Mine Run, Bulk..... \$5.32 per ton.
Crushed Mine Run, Sacked..... \$7.27 per ton.¹
Lump, Over 2½"..... \$5.82 per ton.

Production Group No. 13.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below—Domestic and Commercial Coal Schedule—Part I

Market areas	Flag	Lump	Mine Run
114		345	345
116		345	345
136, 139		345	345
137, 138		345	345

PART II—INDUSTRIAL COAL PRICE SCHEDULE

Prices apply only on sales where the coal moves direct from the mine of the producer to consumers using fuel principally for:

- The purpose of driving steam engines or turbines
- The purpose of manufacturing or processing if fuel is required each day of the year products of the consumer are produced.

¹ From this price of \$7.27 per ton may be deducted \$1.75 per ton when buyer furnishes the sacks.

Production Group No. 1.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Industrial Coal Schedule—Part II

Market areas	Flag	Nut 3" x 1¼"	Nut 2" x 1¼"	Chestnut 1¼" x ¾"	Mine Run	2" x 0" and 3" x 0"	Sergs. 1¼" x 1¼" or 1½"	Sergs. 1¼" x 0"	Washed Carbon 1¼" x 0"
33, 34, 100, 101	(q)	235	220	195	215	185	(s)	110	140
104, 105, 109, 110	(q-1)	235	220	195	215	185	(s)	115	140
106, 107, 108	(q-1)	235	220	195	215	185	(s)	115	140
111		260	245	220	215	210	156	120	140
112		235	220	195	215	185	156	115	140
113	(q-1)	230	215	190	215	195	(s)	135	140
114		230	215	190	215	180	149	120	140
115	(q)	215	210	185	215	175	(s)	125	140
116		240	225	200	210	190	146	120	140
117	(r)	215	210	185	215	175	(s)	125	140
118		245	230	205	210	195	(s)	120	140
119		245	230	205	210	195	(s)	110	140
124, 125, 128		245	230	205	210	195	(s)	110	140
136, 139	(t)	245	230	205	210	195	(s)	120	140
137, 138		245	230	205	210	195	(s)	120	140
140		260	245	220	215	210	(s)	120	140
141		260	245	220	215	210	156	120	140
143		245	230	205	210	195	(s)	120	140
145, 146	(q-1)	260	245	220	215	210	(s)	120	140

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 1

All prices shown above are for unwashed coals. F. o. b. mine prices for washed coals shall be determined as follows: Nut—3" x 1 1/4", Nut—2" x 1 1/4", Nut—1 1/4" x 3/4", Chestnut—3" x 0", Nut Run—2" x 0", add 7 cents per ton to the f. o. b. mine price as shown when delivering to consuming market areas 116 and 114. When delivering to all other consuming market areas add 15 cents to the f. o. b. mine prices as shown.

The f. o. b. mine price for 1 1/4" x 0" washed screenings shall be 110% of the f. o. b. mine price for 1 1/4" x 0" raw screenings shown above plus 10% of the rail freight rate from mine to destination.

The f. o. b. mine price on 1/4" x 0" refuse to all consuming market areas shall be 30 cents per ton.

Explanation of Flag Notes

Note (q). The f. o. b. mine prices on all sizes shown from 2" x 0" to and including 3" x 1 1/4" Nut may be adjusted so the delivered cost in this consuming area will be 35 cents per ton over the same size from Production Group No. 3 mines having the lowest freight rate. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver 5 cents per ton over the delivered cost of washed 1 1/4" x 0" screenings from Production Group No. 3 mines having the lowest freight rate, provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (q-1). The f. o. b. mine price may be adjusted so the delivered cost in this consuming area over the delivered cost

of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: 3" x 1 1/4" and 2" x 1 1/4" Nut 40 cents per ton and 2" x 0", 3" x 0" and Chestnut 35 cents per ton. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver at 5 cents per ton over washed 1 1/4" x 0" screenings from Production Group No. 3 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (r). The f. o. b. mine prices on all sizes shown from 2" x 0" to and including 3" x 1 1/4" Nut may be adjusted so the delivered cost in this consuming area shall be 35 cents per ton over the same size from Production Group No. 2 mines having the lowest freight rate. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver at 5 cents per ton over washed 1 1/4" x 0" screenings from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 25 cents per ton. The f. o. b. mine price on 1 1/4" x 0" screenings for delivery on the A. T. S. F. Railroad Rock Creek Junction and East to the Missouri River may be reduced 10 cents per ton.

Note (s). The f. o. b. mine price for 1 1/4" x 1/4" or 1 1/4" x 1/8" prepared raw screenings shall be 110% of the f. o. b. mine price for 1 1/4" x 0" raw screenings shown on page No. 34 plus 10% of the rail freight rate from mine to destination.

Note (t). The f. o. b. mine price for 1 1/4" x 0" screenings for delivery at the spur of the Kansas Gas and Electric Company shall be one dollar per ton.

Production Group No. 2.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Industrial Coal Schedule—Part II

Market areas	Flag	Nut 3" x 1 1/4"	Nut 2" x 1 1/4"	Chestnut 1 1/4" x 3/4"	Mine Run	2" x 0" and 3" x 0"	Sergs. 1 1/4" x 1/4" or 1/8"	Sergs. 1 1/4" x 0"	Washed Sergs. 1 1/4" x 0"
33, 34, 100, 101	(v)	240	225	200	215	190	130	110	130
104, 105, 109, 110	(v-2)	240	225	200	215	190	170	150	170
106, 107, 108	(v-2)	240	225	200	215	190	170	150	170
111		245	230	205	215	195	135	115	135
112		204	189	164	215	154	134	114	134
113	(v-2)	245	230	205	215	210	135	115	135
114	(u)	215	200	175	215	165	137	130	150
115	(v)	205	200	175	215	165	175	155	175
116	(u)	225	210	185	205	190	155	135	155
117	(w)	245	240	215	215	205	175	155	175
118	(x)	220	205	195	205	180	135	115	135
136, 139		230	215	190	205	195	135	115	135
137, 138	(x)	230	215	190	205	195	135	115	135
140	(x)	245	230	205	215	195	160	140	160
141		245	230	205	215	195	135	115	135
143	(x)	230	215	190	205	195	135	115	135
145, 146	(v-2)	240	225	200	215	190	170	150	170

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 2

The f. o. b. mine price on 1/4" x 0" refuse to all consuming market areas shall be 40 cents per ton.

Explanation of Flag Notes

Note (u). The f. o. b. mine prices on all sizes shown from 2" x 0" to and including 3" x 1 1/4" nut may be adjusted so the delivered cost will be 35 cents per ton less than the same size from Production Group No. 1. The f. o. b. mine price of 1 1/4" x 0" screenings may be adjusted to deliver 25 cents per ton less than the delivered cost of 1 1/4" minus screenings from Production Group No. 1. Except, however, the maximum reduction shall not exceed 25 cents per ton.

Note (v). The f. o. b. mine prices on all sizes except 1 1/4" x 0" screenings may be adjusted to deliver at the same delivered cost at the same size from mines in Production Group No. 3 having the lowest freight rate. The f. o. b. mine price on 1 1/4" x 0" screenings may be adjusted to deliver 20 cents per ton under the delivered cost of washed 1 1/4" x 0" screenings from Production Group No. 2. Except, however, the maximum reduction shall not exceed 35 cents per ton.

Note (v-2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area will be as follows: 3" x 1 1/4" and 2" x 1 1/4" nut 5 cents over the delivered cost of the same size from mines in Production Group No. 3 having the lowest freight rate; 2" x 0", 3" x 0" and chestnut to deliver at an equal delivered cost with the same size from mines in Production Group No. 3 having the lowest freight rate. The f. o. b. mine price on 1 1/4" x 0" screenings may be adjusted to deliver 20 cents per ton under the delivered cost of washed 1 1/4" x 0" screenings from Production Group No. 2. Except, however, the maximum reduction shall not exceed 35 cents per ton.

Note (w). The f. o. b. mine prices on all sizes may be adjusted to deliver at the same delivered cost as the mines in Production Group No. 2 having the lowest freight rate. Except, however, the maximum reduction shall not exceed 25 cents per ton.

Note (x). The f. o. b. mine prices on all sizes shown from 2" x 0" to and including 3" x 1 1/4" nut may be adjusted so as to deliver at a delivered cost 35 cents per ton under the same size from Production Group No. 1. The f. o. b. mine prices on washed 1 1/4" x 0" screenings and raw 1 1/4" x 1/4" or 1/8" screenings may be adjusted so as to deliver 5 cents

per ton under the delivered cost of $1\frac{1}{4}'' \times 0''$ screenings from Production Group No. 1. The f. o. b. mine price on $1\frac{1}{4}'' \times 0''$ screenings may be adjusted so as to deliver at a

delivered cost of 25 cents per ton under $1\frac{1}{4}''$ minus screenings from Production Group No. 1. Except, however, the maximum reduction shall not exceed 25 cents per ton.

Production Group No. 3.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Industrial Coal Schedule—Part II

Market areas	Flag	Nut $3'' \times 1\frac{1}{4}''$	Nut $2'' \times 1\frac{1}{4}''$	Chestnut $1\frac{1}{4}'' \times \frac{3}{4}''$	Mine Run	$2'' \times 0''$ and $3'' \times 0''$	Sergs. $1\frac{1}{4}'' \times \frac{3}{4}''$ or $\frac{1}{2}''$	Sergs. $1\frac{1}{4}'' \times 0''$	Washed Sergs. $1\frac{1}{4}'' \times 0''$
33, 34, 100, 101		240	225	200	215	190	130	70	130
102		210	195	170	215	160	100	55	130
104, 105, 109, 110		235	220	200	215	180	170	95	170
106, 107, 108		235	220	200	215	190	170	95	170
111		249	234	214	215	190	141	95	144
112		235	220	200	215	190	170	95	170
113		240	225	205	215	210	135	95	165
114	(y)	243	228	208	215	210	165	95	168
115		205	200	175	215	165	150	120	180
116		228	213	160	200	193	135	95	138
117	(a-1)	220	215	205	215	195	150	110	150
136, 139	(z)	230	215	165	200	175	135	95	160
137, 138	(z-2)	230	215	165	200	175	135	95	160
140	(z-3)	240	225	205	215	195	160	105	160
141		240	225	205	215	195	132	95	135
143	(z-2)	230	215	165	200	175	135	95	160
145, 146		235	220	200	215	190	170	95	170

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 3

The f. o. b. mine price on $\frac{1}{4}'' \times 0''$ refuse to all consuming market areas shall be 40 cents per ton.

Explanation of Flag Notes

Note (y). The f. o. b. mine prices may be adjusted to deliver at an equal delivered cost of the same size from mines having a freight rate on nut and screenings of \$1.02 per ton.

Note (z). The f. o. b. mine prices on all sizes shown from $2'' \times 0''$ to and including $3'' \times 1\frac{1}{4}''$ Nut may be adjusted so the delivered cost will be 35 cents per ton under the delivered cost of the same size from Production Group No. 1. The f. o. b. mine price of washed $1\frac{1}{4}''$ minus Screenings and raw $1\frac{1}{4}'' \times \frac{1}{4}''$ or $\frac{1}{8}''$ may be adjusted so the delivered cost shall be 05 cents per ton under $1\frac{1}{4}''$ minus screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35 cents per ton on the sized coal or 25 cents per ton on screenings.

Note (z-2). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 1 will be as follows: All sizes of nut 40 cents per ton and $2'' \times 0''$, $3'' \times 0''$

and chestnut 35 cents per ton. The f. o. b. mine price of washed $1\frac{1}{4}'' \times 0''$ screenings and raw $1\frac{1}{4}'' \times \frac{1}{4}''$ or $\frac{1}{8}''$ may be adjusted so the delivered cost shall be 05 cents per ton under $1\frac{1}{4}'' \times 0''$ screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 35 cents per ton on the sized coal or 25 cents per ton on screenings.

Note (z-3). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 1 shall be as follows: All sizes of nut 40 cents per ton and $2'' \times 0''$, $3'' \times 0''$ and chestnut 35 cents per ton. The f. o. b. mine price of washed $1\frac{1}{4}''$ minus screenings and raw $1\frac{1}{4}'' \times \frac{1}{4}''$ or $\frac{1}{8}''$ may be adjusted so the delivered cost shall be 05 cents per ton under $1\frac{1}{4}''$ minus screenings from Production Group No. 1. Provided, however, the maximum reduction shall not exceed 25 cents per ton.

Note (a-1.) The f. o. b. mine prices on all sizes may be adjusted so the delivered cost shall equal the delivered cost of the same size coal from Production Group No. 2. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Production Group No. 4.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below
Industrial Coal Schedule—Part II

Market areas	Flag	Nut $3'' \times 1\frac{1}{4}''$	Chestnut $1\frac{1}{4}'' \times \frac{3}{4}''$	Mine Run	$2'' \times 0''$ and $3'' \times 0''$	Sergs. $1\frac{1}{4}'' \times \frac{3}{4}''$ or $\frac{1}{2}''$	Sergs. $1\frac{1}{4}'' \times 0''$	Washed Sergs. $1\frac{1}{4}'' \times 0''$
113	(b-2, b-3)	255					105	
114		260					100	
115	(b-1)	265					105	
116		265					100	
117	(b-2)	265					105	

NOTE.—See following for explanation of Flag notes and other references.

PRODUCTION GROUP NO. 4

Explanation of Flag Notes

Note (b-1). The f. o. b. mine price on all sizes shown except $1\frac{1}{4}'' \times 0''$ screenings may be adjusted so the delivered cost shall be 15 cents per ton less than the same size from mines in either Production Group No. 2 or No. 3 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (b-2). The f. o. b. mine price on all sizes shown except $1\frac{1}{4}'' \times 0''$ screenings may be adjusted so the delivered

cost shall be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, that the maximum reduction shall not exceed 35 cents per ton.

Note (b-3). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate as follows: All sizes of nut 10 cents per ton and all other sizes except $1\frac{1}{4}'' \times 0''$ screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Production Group No. 5.—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown Below

Industrial Coal Schedule—Part II

Market areas	Flag	Nut 3" x 1 1/4"	Sergs. 1 1/4" x 0"
113.....	(c-2 o-3)	255	105
114.....		250	100
115.....	(c-1)	265	105
116.....		265	100
117.....	(c-1)	265	105

NOTE.—See the following for explanation of Flag Notes and other references.

Explanation of Flag Notes

Note (c-1). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from mines in either Production Group No. 2 or No. 3 having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (c-2). The f. o. b. mine price on all sizes shown except 1 1/4" x 0" screenings may be adjusted so the delivered cost will be 15 cents per ton less than the same size from Production Group No. 2 mines having the lowest freight rate. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Note (c-3). The f. o. b. mine prices may be adjusted so the delivered cost in this consuming area under the delivered cost of the same size from Production Group No. 3 mines having the lowest freight rate will be as follows: All sizes of nut 10 cents per ton and all other sizes except 1 1/4" x 0" screenings 15 cents per ton. Provided, however, the maximum reduction shall not exceed 35 cents per ton.

Production Groups Nos. 6, 7, 8, 9, 10, 11, 12, 13—Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas Industrial Coal Schedule—Part II

Prices Same as Shown in Domestic and Commercial Coal Schedule—Part I

Prices in Cents per Net Ton of 2,000 Pounds Railroad Locomotive Fuel Schedule

Locomotive Fuel from Production Groups 1, 2, 3, 7, 8, 9, 10, 11, 12.....	\$2.10
Locomotive Fuel from Production Group 4.....	2.65
Locomotive Fuel from Production Group 5.....	2.50
Exceptions:	
Group 1. Locomotive Fuel loaded on Missouri Pacific and its connections for use west in Fuel Oil competing territory.....	1.70
Group 2. 2" x 0" Stoker Screenings with 1/2 of fines removed.....	1.95
Group 3. 2" x 0" Screenings for locomotive use.....	1.70

[F. R. Doc. 37-3708; Filed, December 18, 1937; 12:27 p. m.]

[Order No. 141]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 16 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56² of the Commission, the weighted average of the

total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average cost so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 68³ the weighted average of the total costs of the tonnage for Minimum Price Area 6 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 103⁴ determined and established the initial classifications of coals of Code Members within said District Number 16; the District Board for District Number 16 having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 116,⁵ and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number 16, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number 16, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number 16 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such dis-

¹ 2 F. R. 1477 (DI).

² 2 F. R. 2573 (DI).

³ 2 F. R. 2873 (DI).

⁴ 2 F. R. 3098 (DI).

⁵ 2 F. R. 3230 (DI).

tricts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 16, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 16, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 16 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 16 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 6 and to Code Members within District

Number 16, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

PRICE SCHEDULE NO. 1—DISTRICT NO. 16

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 16, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 A. M. January 3, 1938.

Issued: December 16, 1937.

F. W. McCULLOUGH, *Secretary*.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

6. Industries having storage facilities accommodating 30% of their annual coal requirements, and who place those facilities at the sole disposal of the producers permitting said producers to make shipments at their convenience during the year may be granted a price of 15¢ per net ton below the standard list price on 1½" or 1¼" Pea and Slack Coal.

7. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

Price Index

Name of code member	Address	Mine	Mine location
EL PASO COUNTY SUB-DISTRICT			
Altitude Fuel Co.	Colorado Springs, Colorado	Altitude	El Paso County.
Busy Bee Coal Co.	Colorado Springs, Colorado	Busy Bee	El Paso County.
Colorado Springs Co.	Colorado Springs, Colorado	City	El Paso County.
Clara Belle Coal Co.	Colorado Springs, Colorado	Clara Belle	El Paso County.
Danville Coal Co.	Colorado Springs, Colorado	Climax	El Paso County.
Corley Coal Co.	Colorado Springs, Colorado	Corley #3	El Paso County.
Jimmy Camp Auld Reekie Fuel Co.	Colorado Springs, Colorado	Jimmy Camp	El Paso County.
John Steenan	Colorado Springs, Colorado	New Keystone	El Paso County.
Pikes Peak Fuel Div. of The Golden Cycle Corp.	Colorado Springs, Colorado	Pike View	El Paso County.
LA SALLE SUB-DISTRICT NO. 1			
Bohlender Coal Co.	La Salle, Colorado	Bohlender	Weld County.
Buddy Coal Co.	Greeley, Colorado	Buddy	Weld County.
Comet Coal Co.	Eaton, Colorado	Comet	Weld County.
Fred Mayer & Anton Schwaerzler	La Salle, Colorado	Diamond	Weld County.
Galeton Coal Co.	Galeton, Colorado	Galeton	Weld County.
La Salle Coal Co.	Greeley, Colorado	La Salle	Weld County.
White Ash Coal Co.	La Salle, Colorado	White Ash	Weld County.
Keota Coal Co.	Keota, Colorado	Keota	Weld County.
LOUISVILLE SUB-DISTRICT			
Rocky Mountain Fuel Co.	Denver, Colorado	Industrial	Boulder County.
National Fuel Co.	Denver, Colorado	Monarch	Boulder County.
LAFAYETTE-MARSHALL #1 SUB-DISTRICT			
Black Diamond Fuel Co.	Boulder, Colorado	Black Diamond	Boulder County.
Boulder Valley Coal Co.	Denver, Colorado	Centennial	Boulder County.
Crackerjack Coal Co.	Boulder, Colorado	Crackerjack	Boulder County.
Eldorado Coal Co.	Broomfield, Colorado	Eldorado	Boulder County.
Ko-Z Coal Co.	Louisville, Colorado	Fireside (Ko-Z)	Boulder County.

Price Index—Continued

Name of code member	Address	Mine	Mine location
Domestic Coal Co.	Boulder, Colorado	Gorham	Boulder County.
High View Coal Co.	Gorham, Colorado	High View	Boulder County.
Louisville-Lafayette Co.	Louisville, Colorado	Hi-Way	Boulder County.
Peerless Coal Co.	Gorham, Colorado	Lewis #2 (Peerless)	Boulder County.
George M. Barnell	Walden, Colorado	Marr	Jackson County.
North Park Coal Co.	Ft. Collins, Colorado	Moore	Jackson County.
Paramount Coal Co.	Lafayette, Colorado	Paramount	Boulder County.
Pine Cliff Coal Co.	Boulder, Colorado	Pine Cliff	Boulder County.
Pluto Coal Mining Co.	Boulder, Colorado	Pluto	Boulder County.
Regal Coal Co.	Lafayette, Colorado	Regal	Boulder County.
Rocky Mountain Fuel Co.	Denver, Colorado	Standard	Boulder County.
ERIE-MARSHALL #2 SUB-DISTRICT			
Boulder Valley Coal Co.	Denver, Colorado	Boulder Valley	Weld County.
Cactus Coal Co.	(abandoned)	Cactus	Weld County.
Clayton Coal Co.	Denver, Colorado	Clayton	Weld County.
Rocky Mountain Fuel Co.	Denver, Colorado	Columbine	Weld County.
Imperial Coal Co.	Denver, Colorado	Imperial	Weld County.
New Ross Coal Co.	Gorham, Colorado	New Ross	Boulder County.
Monroe Coal Co., (Now Park Coal Co.)	Longmont	Park	Weld County.
Premier Coal Co.	Boulder, Colorado	Premier	Boulder County.
Pittsburgh Coal Co.	Boulder, Colorado	Red Ash (No. 2 Pittsburgh)	Boulder County.
FREDERICK SUB-DISTRICT			
Consolidated Coal & Coke	Denver, Colorado	Baum	Weld County.
Evans Coal Mining Co.	Frederick, Colorado	Evans (Liley)	Weld County.
Graden Coal Co.	Denver, Colorado	Graden	Weld County.
Rocky Mountain Fuel Co.	Denver, Colorado	Grant	Weld County.
Rocky Mountain Fuel Co.	Denver, Colorado	Grant	Weld County.
Clayton Coal Co.	Denver, Colorado	Morrison	Weld County.
National Fuel Co.	Denver, Colorado	Puritan	Weld County.
Wm. E. Russell Coal Co.	Denver, Colorado	Russell	Weld County.
Shamrock Coal Co.	Erie, Colorado	Shamrock	Weld County.
McNeil Coal Corporation	Denver, Colorado	Sterling	Weld County.
JEFFERSON SUB-DISTRICT			
Caprock Fuel Co.	Walsenburg, Colorado	Caprock	Jefferson County.
Leyden-Lignite Co.	Denver, Colorado	Leyden	Jefferson County.
Van Winkle Coal Co.	Golden, Colorado	Van Winkle	Jefferson County.
Jefferson Coal Co.	Littleton, Colorado	Virginia	Jefferson County.

Size Groups—For Shipment Into All Market Areas

Size group number	Designation	Sizes	
		Through ¹	Over ¹
1.	Lump ²		3"
2.	Lump	2 1/2"	
3.	Egg	6"	2 1/2"
4.	Nut	4"	2 1/2"
5.	Nut	3"	1 1/2"
6.	Pea	2 1/2"	1 1/2"
7.	Modified Pea	1 1/2"	3/4"

¹ All maximum screened sizes mentioned herein are based on round hole or the equivalent thereof.

² Six inch round hole, shaker screens will be maximum bottom size allowed.

Size Groups—For Shipment Into All Market Areas—Con.

Size group number	Designation	Sizes	
		Through ¹	Over ¹
8.	Slack	2 1/2"	0.
9.	Slack	1 1/2"	0.
10.	Straight Run of Mine. Modified Run of Mine. Egg Run.		
11.			
12.			

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the higher size group and priced accordingly.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 132, 133, 133-A, 133-B, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, and 150

Producing districts	Size group prices									
	1	2	3	4	5	6	7	8	9	10
	Rail shipments									
Louisville	460	440	410	385		315	265	190	180	345
Lafayette & Marshall #1	435	415	385	360	335	315	265	190	180	325
Erie & Marshall #2	385	365	365	335		290	240	190	180	305
Frederick	375	355	355	335		290	240	190	180	295
Jefferson	340	320	320			265	215	190	180	270
El Paso	375	355	355	335		290	240	190	180	295

Truck shipments—Market area 133-A (only)

Producing districts	1	2	3	4	5	6	7	8	9	10
Louisville	500	480	450	425		355	285	210	200	385
Lafayette & Marshall #1	475	455	425	400	375	355	285	210	200	360
Erie & Marshall #2	425	405	405	375		330	260	210	200	345
Frederick	415	395	395	375		330	260	210	200	335
Jefferson	380	360	360			305	235	210	200	310
El Paso	415	395	395	375		330	260	210	200	335
La Salle		330	310		265	240	170	155		

¹ On Size Group #2 (2 1/2" Lump) from Grant Mine prices may be reduced 10¢ per ton into all Market Areas. On Size Group #2 (2 1/2" Lump) and Size Group #3 (Egg) from Morrison Mine prices may be reduced 7 1/2¢ per ton into all Market Areas.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 132, 133, 133-A, 133-B, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, and 150—Continued

Truck shipments—Market areas 133-B, 134, 135, 137, 143, 150 (only)

Producing districts	Size group prices									
	1	2	3	4	5	6	7	8	9	10
	Rail shipments									
Louisville.....	510	490	460	435	385	365	290	215	205	305
Lafayette & Marshall #1.....	485	465	435	410	385	365	290	215	205	370
Erie & Marshall #2.....	435	415	415	385	385	340	265	215	205	355
Frederick.....	425	405	405	385	385	340	265	215	205	345
Jefferson.....	390	370	370	370	370	315	240	215	205	320
El Paso.....	425	405	405	385	385	340	265	215	205	345
La Salle.....		340	320		275	250	175	160		

SUB-MARKET AREAS

Area 133 A.—All points in Area 133 within a 5 mile radius of any producing mine in Boulder and Weld Counties.
Area 133 B.—All of Area 133 not included in Area 133 A.

[F. R. Doc. 37-3709; Filed, December 18, 1937; 12:28 p. m.]

[Order No. 142]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER SEVENTEEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56² of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal charges, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 68³ the weighted average of the total costs of the tonnage for Minimum Price Area 6 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the

Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 106⁴ determined and established the initial classifications of coals of Code Members within said District Number Seventeen; the District Board for District Number Seventeen having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 117,⁵ and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Seventeen, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each District, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Seventeen, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Seventeen or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and

¹ 2 F. R. 1477 (DI).

² 2 F. R. 2573 (DI).

³ 2 F. R. 2873 (DI).

⁴ 2 F. R. 3099 (DI).

⁵ 2 F. R. 3231 (DI).

that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number Seventeen, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Seventeen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number Seventeen and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Seventeen to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 6 and to Code Members within District Number Seventeen, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

PRICE SCHEDULE NO. 1—DISTRICT NO. 17

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 17, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective, 12:01 A. M. January 3, 1938.

Issued, December 16, 1937.

F. W. McCULLOUGH, Secretary.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All sizes are predicated on screen descriptions as published in Railroad Tariffs. All sizes are predicated on perforated plates and when bar screens are used, the space between bars must conform to the standard equivalent.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

7. Price on Washed Nut, Stoker, or Pea shall be a minimum of ten cents per net ton more than price of raw coal from the same mine.

8. Price of \$2.00 applies on Bone coal from Colorado and \$1.34 from New Mexico.

9. Industries having storage facilities accommodating 30% of their annual coal requirements, and who place those facilities at the sole disposal of the producers permitting said producers to make shipments at their convenience during the year may be granted a price of 15¢ per net ton below the standard list price on 1½" or 1¼" Pea and Slack Coal.

11. The following exceptions are made to the standard price schedules on Bituminous Coal moving to the following market areas:

Market Area 124

All mines must add 25 cents per net ton to standard list price on Lump, Grate and Nut sizes.

Market Areas 125, 126, 127, 128, 129, 130, 131

All mines must add 25 cents per net ton to standard list price on Lump, Grate and Nut sizes.

Market Area 135

All mines may deduct from standard list price:

Lump and Grate	35¢
Nut	25¢
Slack	10¢
Pea or Stoker (except Slack)	10¢

Market Area 136

All mines must add 25 cents per net ton to standard list price on Lump, Grate and Nut sizes.

Market Areas 151, 152, 153, 154, 155, 156

Western Slope mines may equalize, but in no case reduce, the delivered prices of Utah (District No. 20) coals moving into Utah and points West thereof.

PRICE INSTRUCTIONS AND EXCEPTIONS APPLYING TO INDIVIDUAL PRODUCING DISTRICTS

Walsenburg District

1. Walsenburg District may equalize delivered price of oil treated Pea, Stoker, or Slack coal with Routt County to points on and North of the Union Pacific Kansas Line.

Trinidad-New Mexico

2. Where a freight differential between Northern New Mexico and Trinidad District exists, such differential may be absorbed.

3. Mines grouped herein for the purpose of establishing minimum prices under Districts "Trinidad-New Mexico" may equalize delivered price on screened sizes only with the Los Cerrillos (District No. 18) Coal for similar sizes on shipments into Market Areas 125, 126, 128, 129, but not into Market Areas 127, 130, and 131.

4. Coal from Sugarite Mine, New Mexico, has the right to absorb a maximum of 40¢ per net ton to points north and east to equalize Brodhead delivered prices.

Western Slope

5. Western Slope mines may absorb the freight differential over Walsen or Canon City to points Eastbound except in the territory on and North of Union Pacific Kansas Line, to which territory they may absorb the Oak Hills-Routt County freight differential.

6. Mines in Oliver-Bowie-Somerset and Routt County Districts may equalize Crested Butte District delivered prices at Leadville, Salida and Climax.

7. Mines in Crested Butte-Baldwin District may equalize the Walsenburg freight rates to points in San Luis Valley of Colorado, (South of Mears Junction to the New Mexico State Line including Creede Branch) and in Northern New Mexico on the D. & R. G. W. narrow gauge railroad from Colorado State Line south to and including Santa Fe, New Mexico. The delivered price to be a minimum of 25 cents per net ton over Walsenburg delivered prices.

8. Crested Butte-Baldwin-Routt County Districts may equalize the delivered prices in Area 132 with Bowie-Oliver-Somerset District.

9. Into Market Areas 151, 152, 153, 154, 155, and 156, Western Slope Mines may equalize, but in no case reduce, the delivered prices of Utah (District No. 20) coals moving into Utah and points West thereof.

10. On shipments east through Denver and Pueblo gateways, Cameo Mine may equalize the delivered prices from the Aguilar District.

Routt County

11. Mines in Bowie-Oliver-Somerset and Routt County Districts may equalize Crested Butte District delivered prices at Leadville, Salida and Climax.

12. Crested Butte-Baldwin District and Routt County may equalize the delivered prices in Area 132 with Bowie-Oliver-Somerset District.

13. Mines in Moffatt County are placed on Mt. Harris basis with privilege of absorbing 25-cent differential per net ton to equalize Mt. Harris price on rail shipments eastbound.

SUBSTITUTION

Rules covering substitution are included in Marketing Rules and Regulations.

Code Member Price Index

WALSENBURG

Company	Location	Mine
Huerfano (Excluding Aguilar District):		
Aztec Coal Mining Company.	Toltec.	Toltec.
Balardeta, Sam & George.	Walsenburg.	C. O. D. Faultless #1.
Big Six Coal Company.	Walsenburg.	Big Six.
Black Hawk Coal Company.	Walsenburg.	Black Hawk.
Black Hills Coal Company.	Walsenburg.	Black Hills.
Blue Blaze Coal Mining Co.	P. O. Box 53 Pryor.	Delcarbo.
Butte Valley Coal Company.	Walsenburg.	Butte Valley.
Caddell Coal Company.	Walsenburg.	Caddell #3.
Calliente Fuel Company.	Ravenwood.	Ravenwood.
Calliente Fuel Company.	Ravenwood.	Maitland.
Calumet Fuel Company.	Judge Bldg. Salt Lake City, Utah.	Calumet #2.
Colorado Fuel & Iron Corp.	Cont. Oil Building Denver.	Robinson #4.
Colorado Fuel & Iron Corp.	Cont. Oil Building, Denver.	Kebler, #2.
Gordon Coal Company.	Walsenburg.	Gordon.
Hatcher, J. E. (Shamrock Coal Company).	Tioga.	Shamrock.
Klikus Coal Company.	La Veta.	C. O. D. Faultless #2.
Major Coal Company.	116 W. 7th Walsenburg.	Major.
Minnequa Fuel Company.	Walsenburg.	Morning Glory.
Midnight Coal Company.	Walsenburg.	Midnight.
Murrell, James.	La Veta.	Murrell.
Peachey Coal Company.	La Veta.	Ojo Canon.
Peachey Coal Company.		Niggerhead.
Peachey Coal Company.		Occidental.
Peachey Coal Company.		Thompson.
Premium Coal Company.		
Ream Coal Company, W. A.	Louisville.	Spanish Peaks.
Sneddon, Geo. & Roy.	La Veta.	Sun.
Spring Canon Coal Company.	Walsenburg.	Spring Canon.
Tompkins & Sons.	La Veta.	George.

CANON CITY NO. 1

American Independent Co.	Florence.	American Independent #5.
Bald Coal Co.	Florence.	Bald.
Beer, William J.	Florence.	Canon Majestic.
Bluff Springs Leasing Co.	Florence.	Bluff Spgs. (Am. Ind. #2).
Brewster Mining Co.	R. R. #1 Wetmore.	Brewster.
Brookside Coal Co.	Florence.	Brookside.
Canon Blue Ribbon Coal Co.	Florence.	Horse Shoe.
Canon Coal Creek Coal Co. (Paul Carestia).	Coal Creek.	Canon Coal Creek.
Canon Imperial Coal Co.	204 W. 2d Florence.	Canon Imperial #3.

Code Member Price Index—Continued

CANON CITY, NO 1—Continued

Company	Location	Mine
Canon Monarch Coal Co.	Box 32, Florence.	Canon Monarch, #1-2.
Canon Reliance Coal Co.	Canon City.	Wolf Park.
Colorado Fuel & Iron Corp.	Cont. Oil Bldg., Denver.	Rockvale #3.
Creager, L. W.	Florence.	Bassick #2.
Cuckoo Coal Mining Co.	Canon City, Colo.	Cuckoo.
Dutch Oven Coal Co.	Box 704, Canon City.	Dutch Oven.
Evans Coal Co.	Florence.	Bluff Springs #1.
Grand Prize Coal Co.	Canon City.	Grand Prize.
Griffiths Coal Co.	Canon City.	Griffiths.
James Brothers.	R. R. #1 Florence.	Willie #2.
Katig, Martin.	Rockvale.	White Ash.
Moschetti, Dom.	R. R. Bx. 275 Canon City.	Canon Chief.
Nushaft Canon Coal Co.	Florence.	Nushaft.
Perino, James.	Florence.	Perino.
Pine Gulch Coal Co.	Florence.	Pine Gulch.
Rocchio, Frank.	207 E. 2nd St., Florence.	Majestic.
Royal Gorge Coal Co.	Canon City.	Royal Gorge.
Sellers, O. G.	Florence, P. O. Box 235.	Sellers.
Victor American Fuel Co.	E. & C. Bldg., Denver.	Chandler.

CANON CITY NO. 2

Caldirola Coal Co. C. T.	Florence.	Caldirola.
Canon Black Diamond.	Florence.	Canon Black Diamond.
Canon Black Hawk Coal Co.	R. R. #1, Canon City.	Canon Black Hawk.
Canon Liberty Coal Co.	Canon City.	Canon Liberty.
Canon Peacock Coal Co.	808 W 1st Street, Florence.	Canon Peacock.
Canon Red Arrow Coal Co.	Florence.	Canon Red Arrow.
Canon Zenith Coal Co.	Canon City.	Canon Zenith.
Double Dick Coal Co.	Florence.	Double Dick.
Guiliano-Carpine Coal Co.	Florence.	Cedar Canon.
Hiland Coal Mining Co.	301 Plum St. Pueblo.	Canon Tiger.
Little Johnny Coal Co.	323 Lobeck, Florence.	Little Johnny.
Manley Coal Co.	Canon City.	Manley.
Moschetti, Tony.	823 E. 3rd St. Florence.	Old Slope.
Nushaft Canon Coal (E. R. Cribbs).	Florence.	Rex Carbon.

ROUTT COUNTY

Oak Hills:		
Hayden Coal Co.	1st National Bank Bldg., Denver, Colo.	Hayden #3.
Keystone Coal Co.	Central Sav. Bldg., Denver, Colo.	Keystone.
Moffat Coal Co.	G. & E. Bldg., Denver, Colo.	Moffat 1 & 2, Crawford & Arrowhead.
Victor-American Fuel Company.	E. & C. Bldg., Denver, Colo.	Pinnacle.
Mt. Harris:		
Babson Coal Company.	Hayden.	Babson.
Bear River Coal Co.	Central Sav. Bldg., Denver, Colo.	Bear River.
Black Cat Coal Co.	Bear River.	Black Cat.
Burehfield & Clark.	Bear River.	Tow Creek.
Colorado & Utah Coal Company.	Boston Bldg., Denver, Colo.	Harris.
Domestic Coal Company.	Boulder.	Mt. Streeter.
Gwynn, E.	Phippsburg.	Seven Points.
Neish, W. K. (McNeil Coal Co.)	Equitable Bldg., Denver, Colo.	McGregor.
Pasch, Chris.	Oak Creek, Colo.	Edna.
Phelan, C. G.	Axial.	Mt. Streeter.
Pollo, John, Jr.	Steam Boat Springs.	Morgan.
Rolfes, Geo. T.	Oak Creek.	Argo Gulch.
Victor-American Fuel Company.	E. & C. Bldg., Denver, Colo.	Wadge.
Brodhead-Sugarite-Denton:		
Colangelo, Pete.	Raton, N. M.	Denton.
Lojek, Wm. & Domcheck.	Sugarite.	Lojek & Domcheck.
St. L. R. M. & Pac. Co.	Raton, N. M.	Sugarite.
Temple Fuel Co.	Trinidad, Colo.	Brodhead.
Yankee:		
Maschio, Valentino.	Yankee.	Yankee #1.
Newton, Luther.	Raton, N. M.	Newton.
Turner, John.	Raton, N. M.	Turner.
Western Slope:		
Baldwin Fuel Co.	Baldwin.	Baldwin Star.
Carbon Creek Coal Co. (John W. Smith).	Gunnison.	Carbon Creek.
Colorado Fuel & Iron Corp.	Cont. Oil Bldg., Denver.	Crested Butte.
Crested Butte Coal Co.	Equit. Bldg., Denver.	Bulkley #2.
Edwards Coal Mining Co.	Somerset, Colo.	Edwards Mine.
Hedley, Wm.	Gunnison.	Hinkle.
Rocky Mountain Fuel Co.	Flatiron Bldg., Denver.	Alpine & New Baldwin.
Staples, S. L.	Gunnison.	K. D. Mine.

WESTERN SLOPE—SUB-DISTRICTS

North Fork-Cedarage District No. 1:		
Delta County:		
Green Valley Coal Co.		Green Valley.
Juanita Coal & Coke Co.		King.
Red Canon Coal Co.		Red Canon.

Code Member Price Index—Continued

WESTERN SLOPE—SUB-DISTRICTS—Continued

Company	Location	Mine
North Fork-Cedaredge District No. 1—Continued.		
Gunnison County:		
Bear Coal & Coke Co.		Bear.
Calumet Fuel Co.		Somerset.
Hawks Nest Coal Co.		Hawks Nest.
Oliver Coal Co.		Oliver.
North Fork-Cedaredge, District No. 2:		
Delta County:		
Green Valley Coal Co.		Western Star.
Independent Coal Co.		Independent.
States Hall Coal Co.		States Red Mountain.
Grand Junction, District No. 1:		
Mesa County:		
Anchor Coal Co.		Anchor.
Craig & Turner		Peacock.
Farmers Mutual Coal Co.		Farmers Mutual.
Fennel, Ed & Raymond		Williams.
Gearheart, Balland		Mt. Garfield.
Kovac, Martin		Hidden Treasure.
McMillan, George		Nearing.
Marinelli, Mike		Marinelli.
Midwest Red Arrow Coal Co.		Midwest.
Mundell, J. W.		Black Diamond.
Palisade Clean Heat Co.		Palisade.
Thomas Coal Company		Thomas.
Stove Canon Coal Co.		Stove Canon.
Garfield County:		
Barber Coal Company		Carbonera.
Grand Junction, District No. 2:		
Mesa County:		
Clarke Coal Company		Winger.
Frodsham, Vincent		Hunter.
Hicks, Ernest		McGinley.
Kerr Coal Company		Cameo.
Martin Coal Company		Blue Flame.
Riverview Coal Company		Riverview.
Montrose County:		
William J. Oberding		Independence.
Rifle-New Castle, District No. 1:		
Garfield County:		
Coles, W. E.		New Castle.
De Boy, Frank		Ohkaut.
Diamond Fuel Co.		Diamond.
LeDonne, Jas. & Dean		Harvey Gap.
So. Canon Mine Leasing Co.		So. Canon.
Wingle, Ralph		I. H. I.
Ziesenis, Hy		Ziesenis.
Rifle-New Castle, District No. 1:		
Rio Blanca County:		
Coats, Milo		Coats.
Crawford, Boyd		Johnny Boy.
Pollard, C. F.		New Pollard.
Rector, Rosa M.		Rector.
Rineau, R. C.		Rineau.
Staley, M. E.		White River.
Rifle-New Castle, District No. 2:		
Garfield County:		
Estes Brothers		Estes.
Llewellyn Coal Co.		Llewellyn.
South Western, District No. 1:		
La Plata County:		
Black Diamond Coal Co.		Black Diamond.
Castle Coal M. Co.		Castle.
Henry & Coon		Fire Glow.
O. K. Coal Co.		O. K.
Pierce, Thomas		Peerless.
Richardson, E. D.		Excelsior.
Valley View Coal Co.		Valley View.
Montezuma County:		
Freeman, Ray		Mancoos.
Mesa Verde Mine		Mesa Verde.
South Western, District No. 2:		
La Plata County:		
Barnes, S. E.		Peacock.
Tipotsch, Frank		Tipotsch.
South Western, District No. 3:		
Keck, W. R.		Klondyke.

Code Member Price Index—Continued

AGUILAR

Company	Location	Mine
Aguilar Black Diamond Coal Co.	1317 N. Denver St., Trinidad, Colorado.	Aguilar Black Diamond.
Jewell Collieries Corp.	Walsenburg, Colo.	Creston.
Joe Maloney	Rugby.	Nugget.
Pio Micheli	Rugby, Colorado.	Rapson.
Pryor Coal Mining Co.	Cont. Oil Bldg., Denver.	Pryor.
Red Ash Coal Co.	Walsenburg.	Leader.
Rouse Coal Mining Co.	Walsenburg.	Rouse.
Torrid Coal Mining Co.	Rugby, Colorado.	Torrid.
Vickers Coal Co.	Trinidad.	Kenneth.

TRINIDAD-NEW MEXICO

Company	Location	Mine
Alex Abeyta	R. F. D. 1, Box 8A, Trinidad.	Frisco.
American Smelting & Refining Co.	Cokedale, Colo.	Bon Carbo.
American Smelting & Refining Co.	Cokedale, Colo.	Cokedale.
Colorado Fuel & Iron Corp.	Cont. Oil Bldg., Denver.	Frederick.
Colorado Fuel & Iron Corp.	Cont. Oil Bldg., Denver.	Morley.
Dan Scappucci	441 Short St., Trinidad.	Highway.
Deldosso Coal Co.	Box 45, Trinidad, Colo.	Sopris #1.
Demetrio Sanchez	Bon Carbo, Colo.	Sanchez.
Dick Coal Company	Walsenburg, Colo.	Dix.
Giordano Coal Co.	Walsenburg, Colo.	Gem.
Huerfano Coal Co.	Equitable Bldg., Denver, Colo.	Ludlow.
Home Fuel & Supply Co.	Trinidad, Colo.	Bowen.
Joe Morasky	Trinidad, Colo.	Morasky.
John Guadagnoli	1217 San Pedro, Trinidad.	Lake View.
John Kezele	116 North Spruce, Trinidad.	Forbes.
Louis Fabec	Trinidad, Colo.	Sunrise.
Phelps Dodge Corp.	Dawson, New Mexico.	Dawson.
Ruiz & Lucero	Trinidad, Colo.	Starkville.
Santa Fe Coal Co.	Trinidad, Colo.	Santa Fe.
St. Louis, Rky. Mt. & Pac. Co.	Raton, New Mexico.	Van Houten.
St. Louis, Rky. Mt. & Pac. Co.	Raton, New Mexico.	Gardner.
St. Louis, Rky. Mt. & Pac. Co.	Raton, New Mexico.	Swastika.
Thor Fuel Company	Trinidad, Colo.	Thor.
Victor-American Fuel Co.	E. & C. Bldg., Denver.	Delagua.
W. A. Ream Coal Co.	Louisville, Colo.	Anchor.

Size Groups

1. Lump, 8".
2. Lump, 6".
3. Lump, 3".
4. Lump, 2".
5. Lump, 1½".
6. Grate, 8" x 3".
7. Grate, 6" x 3".
8. Grate Nut, 6" x 1½" or 1¼".
9. Nut, 3" x 2¼".
10. Nut, 3" x 2".
11. Nut, 3" x 1½" or 1¼".
12. Nut, 2" x 1¼".
13. Pea or Chestnut, 1¼ x ¾, 1½" x 1" or ¾".
14. Stoker, 1¼" x ¾".
15. Slack, 1½" or 1¼" x 0".
16. Slack, ¾" x 0".
17. Slack, 1" x 0".
18. Slack, ¾" x 0".
19. Mine Run.
20. Modified Mine Run, 8" to 2¼".
21. Modified Mine Run, 12".
22. Nut Run thru 4" Screen.

Price in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas: 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156

From districts	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Walsenburg	475	465	450		425	450	430	385			335		300		170	115	170	85	325	280	
Canon #1	475	465	450		425	450	430	385			335		300		170	115	170	85	325	280	
Canon #2	450	440	425		400	425	405	365			315		300		170	115	170	85	325	280	
Routt County Oak Hills	500	490	475	460	450	475	455	395		355	335	315	285	260	160	115	160	85	325	280	
Mt. Harris western slope	475	465	450	435	425	450	430	370		335	315	300	285	260	160	115	160	85	325	280	
Crested Butte	500	490	475		450	475	455	395		335	335				195	165	175	100	325	275	
Bowie-Oliver Somerset	500	490	475		450	475	455	395		335	335		300		185	165	175	100	325	250	

Price in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas: 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156—Continued

From districts	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Cameo.....	500	490	475	---	450	475	455	395	---	---	335	---	300	---	175	155	165	90	325	240	---
Baldwin.....	500	490	475	---	450	475	455	395	---	---	335	---	300	---	175	145	155	85	325	275	---
Brodhead-Sugarite-Denton.....	450	440	425	---	400	425	405	365	---	---	315	---	300	---	200	170	175	100	325	280	---
Yankee Dist. (except Denton).....	425	415	400	---	375	400	380	350	---	---	315	---	300	---	200	170	175	100	325	280	---
Aguilar.....	425	415	400	---	375	400	380	350	---	---	315	---	300	---	175	---	175	---	325	280	---
Trinidad.....	400	390	375	---	350	375	355	340	325	---	315	---	300	---	200	170	175	100	325	280	285
New Mexico.....	400	390	375	---	350	375	355	340	325	---	315	---	300	1250	200	170	175	100	285	280	---
Ludlow ²	---	---	---	---	---	---	---	---	---	---	---	---	---	---	175	150	---	---	---	---	---

¹ 1" x 1/4"

² To Market Area No. 135 only.

Important.—Exceptions are important and must be complied with.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 132

Producing group	For sale as shown below	Size group prices										
		1	2	3	6	7	8	11	13	15	19	22
Grand Junction—District No. 1.....	At mine bins.....	500	490	475	475	465	465	450	300	235	---	---
Grand Junction—District No. 1.....	Rail shipments.....	390	355	340	340	330	330	305	275	210	---	---
Grand Junction—District No. 2.....	At mine bins.....	465	455	440	440	430	430	415	300	325	---	---
Grand Junction—District No. 2.....	Rail shipments.....	330	320	305	305	295	295	280	275	210	---	---
Montrose, San Miguel and Ouray Cos.....	All shipments.....	475	465	450	450	440	440	350	300	225	---	---
Rifle, New Castle—District No. 1.....	At mine bins.....	500	490	475	475	465	465	425	---	170	---	---
Rifle, New Castle—District No. 2.....	At mine bins.....	450	440	425	425	415	415	375	---	170	---	---
North Fork, Cedaredge—District No. 1.....	At mine bins.....	425	415	400	400	390	370	350	---	210	---	---
North Fork, Cedaredge—District No. 2.....	At mine bins.....	390	380	365	355	355	335	315	210	---	---	---
South Western—District No. 1.....	All shipments.....	375	375	375	375	375	375	375	285	160	325	220
South Western—District No. 2.....	All shipments.....	325	325	325	325	325	325	325	215	110	275	170
South Western—District No. 3.....	All shipments.....	350	350	350	350	350	350	350	240	135	300	220

Important.—Exceptions are important and must be complied with.

[F. R. Doc. 37-3704; Filed, December 18, 1937; 12:26 p. m.]

[Order No. 143]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER EIGHTEEN IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACTS OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order No. 56² of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order No. 68³ the weighted average of the total costs of the tonnage for Minimum Price Area Six in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals

and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order No. 107⁴ determined and established the initial classifications of coals of Code Members within said District Number Eighteen; the District Board for District Number Eighteen having failed to coordinate in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices as found by Commission Order Number 118,⁵ and the Commission having acted in lieu of said District Board under the authority of Section 6 (a) of the Act in coordinating the said proposed minimum prices upon a fair competitive basis in common consuming market areas as determined by the Commission and set forth in the attached Schedule of Minimum Prices for Coals of Code Members within District Number Eighteen, hereinafter referred to; and

The Commission, in coordinating and establishing the prices, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the

¹ 2 F. R. 1477 (DI).

² 2 F. R. 2573 (DI).

³ 2 F. R. 2873 (DI).

⁴ 2 F. R. 3100 (DI).

⁵ 2 F. R. 3231 (DI).

various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having accepted the proposed minimum prices as submitted by the District Board of District Number Eighteen, and having modified same so as to conform to the standards set forth in the Act, and having used said proposed prices as modified as a basis for coordination with other districts, has coordinated same in conformity with the provisions of the Act and in the manner aforesaid, and having determined that the minimum prices so coordinated do not, as to District Number Eighteen or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number Eighteen, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eighteen, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number Eighteen and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number Eighteen to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area Six and to Code Members within District Number Eighteen, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

PRICE SCHEDULE NO. 1—DISTRICT NO. 18

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 18, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 16, 1937.

F. W. McCULLOUGH, Secretary.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

6. For shipments made to California destinations, two sizes of coal will not be loaded in one railroad car unless a service charge of 25¢ per net ton of 2,000 lbs. is made therefor.

7. All sizes are predicated on screen description as published in railroad tariffs.

8. Gallup District and Corrillos District may equalize their delivered prices on Government business in Market Areas Nos. 125, 126, 129.

9. Corrillos District may equalize the delivered price of District 17 mines in Market Areas 125, 126, 128, 129.

10. Corrillos and Gallup Districts may equalize delivered prices of District 17 on Government business in Market Areas 125, 126, 128, 129.

11. In the sale of coal to destined points outside the boundary of the United States, the prices stipulated herein are for payment in United States funds.

12. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the higher size group and priced accordingly.

Price Index

Name of code member	Name of mine	Location of mine
GROUP NO. 1. SUB-BITUMINOUS, FREE BURNING, NON-COKING		
<i>Gallup sub-district</i>		
Blava Coal Co.	Blava	Gallup, New Mexico.
Black Star Coal Co.	Black Star	Gallup, New Mexico.
Chiaromonte Coal Co.	Chiaromonte	Gallup, New Mexico.
Defiance Coal Co.	Mentmore	Gallup, New Mexico.
Gallup American Coal Co.	No. 5	Gallup, New Mexico.
George Coal Company	George	Gallup, New Mexico.
Gallup Southwestern Coal Co.	Atherton	Gallup, New Mexico.
Grenke Coal Co.	Grenke	Gallup, New Mexico.
Juliana Coal Co.	Juliana	Gallup, New Mexico.
Mutual Coal, Light and Power Co.	Mutual	Gallup, New Mexico.
Higham and Clark	(No Name)	Winslow, Arizona.
GROUP NO. 2. BITUMINOUS, SEMICOKING, FRIABLE		
<i>Cerrillos sub-district</i>		
Albuquerque & Cerrillos Coal Co.	Jones	Madrid, New Mexico.
GROUP NO. 3. BITUMINOUS, COKING		
<i>White Oaks sub-district</i>		
New Mexico Light and Power Co.	White Oaks	White Oaks, N. Mex.
<i>Rio Arriba sub-district</i>		
Caranta, Barney	Caranta	Monero, New Mexico.
Erlor, Andy & Sons	Erlor	Monero, New Mexico.
Kutz, Dan	Mesa Verde	Lumberton, New Mexico.
Navajo Mercantile Co.	Garcia	Lumberton, New Mexico.
Peisker, Edward F.	Peisker	Lumberton, New Mexico.
<i>Carthage sub-district</i>		
Giltmore, J. E.	Kinney No. 2	Carthage, New Mexico.
Hart, John	Hart	Carthage, New Mexico.

Size Groups.—Cerrillos Sub-District for Shipment Into All Market Areas

Size, group number	Designation	Sizes	
		Through	Over
1	Lump		4" and over.
2	Lump		3"
3	Lump		1 1/2"
4	Grate	8"	3"
5	Stove	8"	1 1/2"
6	Stove	6"	1 1/2"
7	Stove	4"	1 1/2"
8	Nut	3"	2 1/2"
9	Nut	3"	1 1/2"
10	Nut	2 1/2"	1 1/2"
11	Walnut	1 1/2"	3/4"
12	Pea	1 1/4"	3/4"
13	Slack	1 1/2"	0"
14	Slack	3/4"	0"
15	Mine Run Over 3/8"		
16	Straight Mine Run		

Size Groups.—Gallup Sub-District for Shipment Into All Market Areas

Size, group number	Designation	Sizes	
		Through	Over
1	Lump		4" and over.
2	Lump		2"
3	Lump		1"
4	Grate	8"	3"
5	Stove	8"	1"

Size Groups.—Gallup Sub-District for Shipment Into All Market Areas—Continued

Size, group number	Designation	Sizes	
		Through	Over
6	Stove	6"	1"
7	Stove	4"	1"
8	Nut	3"	1 1/2"
9	Nut	2"	1 1/2"
10	Pea	1 1/2"	1 1/2"
11	Slack	1 1/2"	0"
12	Slack	1"	0"
13	Railroad Engine Fuel	8"	3/4"

Size Groups

LAVENTANA SUB-DISTRICT, RIO ARRIBA SUB-DISTRICT, WHITE OAKS SUB-DISTRICT, CARTHAGE SUB-DISTRICT

Size, group number	Designation	Sizes	
		Through	Over
1	Lump		4" and over.
2	Lump		1 1/2"
3	Lump		1"
4	Stove	4"	1 1/2"
5	Nut	1 1/2"	1"
6	Pea	1 1/2"	3/4"
7	Slack	1 1/2"	0"
8	Slack	1"	0"
9	Modified Mine Run	8" or 4"	
10	Straight Mine Run		

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown

GALLUP SUB-DISTRICT

Market areas	Size group prices												
	1	2	3	4	5	6	7	8	9	10	11	12	13
125	450		370	400	360	360	260	350	325	300	190	170	350
126	450		370	400	360	360	360	350	325	300	190	170	350
127	450		370	400	360	360	360	350	325	300	190	170	350
128	450		370	400	360	360	360	350	325	300	190	170	350
129	450		425	425	400	400	400	350	325	300	190	170	350
130	500		450	400	400	400	400	350	325	300	190	170	350
131	450		370	400	360	360	360	350	325	300	190	170	350
152 (California)	425	400			375	375	375			300	190	170	

Important.—Exceptions are a part of these prices and must be complied with.

Cerrillos Sub-District Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown

CERRILLOS SUB-DISTRICT

Market areas	Size group prices														
	1	2	3	4	5-6-7	8	9	10	11	12	13	14	15	16	
125	475	475	465	450	420	375	350	325	300	215	170	130	325	300	
126	475	475	465	450	420	375	350	325	300	215	170	130	325	300	
127	385	385	375	375	370	350	350	325	300	175	170	130	325	300	
128	385	385	375	375	370	350	350	325	300	175	170	130	325	300	
129	475	475	465	450	420	375	350	325	300	215	170	130	325	300	
130	475	475	465	450	420	375	350	325	300	215	170	130	325	300	
131	385	385	375	375	370	350	350	325	300	175	170	130	325	300	
152 (Cal.)		375					325								

Important.—Exceptions are a part of these prices and must be complied with.

Truck Mines—Prices in Cents per Net Ton of 2,000 Pounds—F. O. B. Mines for Shipment Into Market Areas Nos. 125, 126, 127, 128, 129, 130, 131, and 152 (California)

Mine group	Size group prices									
	1	2	3	4	5	6	7	8	9	10
LaVentana		375	325	325	325		175	150		265
Rio Arriba		450	400	375				160	125	275
White Oaks			500			450	400	300	200	400
Carthage			500			450	400	300	200	400

Important.—Exceptions are a part of these prices and must be complied with.

NOTE.—Prices apply F. O. B. mines, on coal loaded into railroad cars of the D & RG R. R. (Narrow Gauge) destined points on that line.

[F. R. Doc. 37-3705; Filed, December 18, 1937; 12:26 p. m.]

[Order No. 144]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 19 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part 1 (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56² of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 69³ the weighted average of the total costs of the tonnage for Minimum Price Area 7 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 108⁴ determined and established the initial classifications of coals of Code Members within said District Number 19; the District Board for District Number 19 having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number 19, hereinafter referred to; the said District Board Number 19, in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods

and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number 19 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 19, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 19, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 19 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 19 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 7 and to Code Members within District Number 19, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's Office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

PRICE SCHEDULE NO. 1—DISTRICT NO. 19

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 19, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 A. M. January 3, 1938.

Issued: December 16, 1937.

F. W. McCULLOUGH, *Secretary*.

¹ 2 F. R. 1477 (DI).

² 2 F. R. 2573 (DI).

³ 2 F. R. 2873 (DI).

⁴ 2 F. R. 3117 (DI).

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

6. Industries having storage facilities accommodating 30% of their annual coal requirements, and who place those facilities at the sole disposal of the producers permitting said producers to make shipments at their convenience during the year may be granted a price of 15¢ per net ton below the standard list price on 1½" or 1¼" Pea and Slack Coal.

7. The Slack price for public institutions and industrial consumers on contracts necessary to meet the competition of substitute fuels may be \$1.60 per ton from the Rock Springs and Kemmerer Districts to destinations Laramie, Wyoming, and east thereof, and \$1.25 per ton from the Hanna, Elk Mountain, and Savery Districts, all contracts taking this price to be approved by District Board No. 19.

8. For shipment to Devil's Slide, Utah, the price of Size Groups 16 (1½" Slack) or 17 (1" Slack), at the option of the shipper, may be \$1.30 per ton.

9. Prices from the Gebo-Kirby Sub-District to Wyoming points on the C. B. & Q., Powder River and North, prices of Size Group 1 (Fancy Lump) and Size Group 3 (Standard Lump), Size Group 7 (Egg) and Size Group 9 (Egg Nut) may be forty cents (40¢) per ton lower; and Size Group 11 (Nut) may be thirty cents (30¢) per ton lower; Size Group 13 (Pea) may be fifty cents (50¢) per ton lower; and Size Group 16 (Slack) may be fifteen cents (15¢) per ton lower; and Size Group 4 (Domestic Lump) may be eighty cents (80¢) per ton lower.

10. Prices from Gebo-Kirby Sub-District to Wyoming points on the C. & N. W., Powder River and West, prices of Size Group 1 (Fancy Lump) and Size Group 3 (Standard Lump) may be sixty-five cents (65¢) per ton lower; Size Group 4 (Domestic Lump) and Size Group 7 (Egg) may be eighty cents (80¢) per ton lower; Size Group 9 (Egg-Nut) may be seventy cents (70¢) per ton lower; Size Group 13 (Pea) may be fifty cents (50¢) per ton lower; Size Group 16 (Slack) may be fifteen cents (15¢) per ton lower.

11. Prices for Market Area 147 shall apply only to destinations in North Dakota and points on the M. St. P. and S. S. M. Railroad in South Dakota to all other destinations in South Dakota and Market Area 147, prices for Market Areas 144, 145, 146 shall apply.

12. Coal consigned to the cities of Omaha and Lincoln from the Sheridan Sub-District shall take prices applicable to Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116.

13. Prices from the Sheridan Sub-District to stations on the C. B. & Q., Wyoming State Line to, but not including Alliance, the prices of Market Areas 140, 141, 143 shall apply.

14. Prices from the Hudson Sub-District to stations on the C. B. & Q., Wyoming State Line to, but not including Alliance, the prices of Market Areas 140, 141, 143 shall apply.

15. Prices from the Hudson Sub-District to destinations Shoshoni east to, but not including Douglas, the price shall be Size Group 1 (Lump) \$2.75, and Size Group 7 (Egg) \$2.50, Size Group 9 (Egg-Nut) \$2.25, Size Group 13 (Pea) \$1.25.

16. Prices from the Hudson Sub-District to destinations Douglas and east to State Line shall be Size Group 1 (Lump) \$2.50, Size Group 9 (Egg-Nut) \$2.25 and Size Group 13 (Pea) \$1.25.

17. If any size is made for which a price is not designated herein, such shall be sold at the price applicable to the next larger size.

18. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.

SUBSTITUTION

Rules covering substitution are included in Marketing Rules and Regulations.

Price Index

ROCK SPRINGS SUB-DISTRICT

Name of code member	Name of mine
Colony Coal Company.....	Dines, Megeath and Peacock.
Gunn-Quealy Coal Co.....	Sweetwater & Gunn.
Lion Coal Corp.....	Star and No. 5.
Rock Springs Fuel Co.....	Kleenfire and Premier.
Union Pacific Coal Co.....	4, 8, Reliance, Winton & Superior.
Louis Songster.....	

KEMMERER SUB-DISTRICT—NORTHERN LINCOLN COUNTY, WYOMING AND TETON COUNTY, IDAHO

Blind Bull Coal Co.....	Blind Bull.
Cumberland Coal Co.....	#1.
Diamond Coal & Coke Co.....	Oakley No. 2.
Isaac Kampman.....	Kampman.
Kemmerer Coal Co.....	Susie, #5-A and Gomer.
Lincoln-Star Coal Co.....	Lincoln-Star.
Vail Coal Co.....	Vail.

ELKOL SUB-DISTRICT

Kemmerer Coal Co.....	Elkol.
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HANNA, ELK MOUNTAIN, AND SAVERY SUB-DISTRICTS

Carbon County Coal Co.....	Carbon Coal.
Elk Mountain Valley Coal Co.....	Elk Mountain.
J. L. Johnson.....	Johnson.
H. B. Northrop.....	Gary.
Nuggett Coal Co.....	Nuggett.
Pioneer Coal Co.....	Pioneer.
G. E. Siltamaki.....	Elmo-Peacock.
Union Pacific Coal Co.....	Hanna No. 4.

EVANSTON SUB-DISTRICT

J. H. Martin.....	Bear River Mine.
Jess Nice.....	Junction.
Spring Valley Fuel Company.....	Spring Valley.

RAWLINS, BAGGS, AND ROCK RIVER SUB-DISTRICTS

H. Larsen.....	Nebraska.
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GEBO-KIRBY SUB-DISTRICT

Owl Creek Coal Company.....	Gebo No. 2.
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BIG HORN COUNTY

Manderson Coal Company.....	
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ALL MINES IN HOT SPRINGS COUNTY NOT LISTED

Fliz, Krivetz & Nagoda.....	
Halbert & Mallick.....	
Hutchinson Coal Company.....	
A. C. Miller.....	
William Osborn.....	

HUDSON SUB-DISTRICT

James Barquin.....	
Sheridan Coal Company.....	Hudson.
J. R. Williams.....	
O. F. Wise.....	

Price Index—Continued

SHERIDAN SUB-DISTRICT

Name of code member	Name of mine
Hotchkiss Coal Company	Dietz.
Sheridan-Wyoming Coal Co.	Acme 2, 42.
Sheridan-Wyoming Coal Co.	Monarch No. 45.
Storm King Coal Company	
Star Coal Company	

FROM: MINES IN CAMPBELL, CONVERSE, CROOK, JOHNSON, NATRONA, PARK, SHERIDAN, AND TETON COUNTIES, WYOMING
EXCEPT WYODAK CO & MFG MINE TO: DELIVERY TO TRUCKS

H. P. Burns	
Buffalo-Wyoming Coal Company	Buffalo.
H. J. Bunning	
R. Burd	
Joe Christopherson	
Custer Coal Company	
Fred M. Domsella	
B. E. Garretson	
Hotchkiss Coal Company	Dietz.
Henry McGowen	
W. F. Milner	
Felix Niemeyk	
Owen Shearer	
Sheridan-Wyoming Coal Company	Acme, 2, 42.
Sheridan-Wyoming Coal Company	Monarch No. 45.
Star Coal Company	
Storm King Coal Company	
Ross A. Swigart	
Ware & Howell	
George F. Washut	
G. W. Whitam	
D. C. Wilhelm	
Henry York	

Size Groups—for Shipment Into All Market Areas

Size group number	Designation ¹	Size group number	Designation ¹
1	Lump 6", 7", 8". Picked Lump. ²	12	Nut 2½" x ¾".
2	Lump 9" x 14". Lump 5" x 10".	13	Pea 1½" x 1". Pea 1½" x 1". Pea 1½" x ¾".
3	Lump 3"-4"-5".	14	Pea 1½" x ¾". Pea 1½" x ¾". Pea ¾" x ½".
4	Lump 2½". Lump 1½".	15	Slack 2½" x 0".
5	Lump 2½" x 10" or 9".	16	Slack 1½" x 0". Slack 1½" x 0".
6	Lump ¼" to 3". ³	17	Slack 1" x 0".
7	Stove 3" x 6", 7", or 8". Egg 2½" or 3" x 8". Egg 2½" x 6". Forked Egg. Grate 3" x 7".	18	Dust ¾" x 0".
8	Fancy Nut 3" x 5".	19	Mine Run over ¾".
9	Grate 1½" x 6" or 8". Egg Nut 1½" x 8". Egg Nut 1½" x 7". Egg Nut 1½" x 6". Egg Nut 2½" x 5".	20	Mine Run.
10	Egg Nut 1½" x 5". Egg Nut 1½" x 4".	21	8" or 7" Modified Mine Run.
11	Standard Nut 1½" x 3". Nut 2½" or 3" x 1½". Nut 1" x 3".	22	6" Modified Mine Run.
		23	3" Modified Mine Run (Nut Run).

¹ All maximum screened sizes mentioned herein are based on round hole or the equivalent thereof.

² Applies only to Price Schedule for Carey, Ferrell, and Wright Mines; Spring Gulch Coal Co., Big Horn and Hot Springs Counties.

³ Applies only on Truck Sale Price Schedule Mines in Campbell, Converse, Crook, Johnson, Natrona Park, Sheridan and Teton Counties, Wyoming, Except Wyodak Coal and Mfg. Co.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the higher size group and priced accordingly.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown

ROCK SPRINGS SUB-DISTRICT

	Size group prices															
	1	3	4	7	8	9	10	11	13	14	16	17	18	20	21	22
Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150:																
Prices	375	350		335	285	285	275	275	260		185	185	185	240	240	210
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146:																
Prices	325	300		285	260	260	250	250	260		185	185	185	240	240	210
Market Areas 144, 145, 147:																
Prices	350	325		310	260	260	250	250	260		185	185	185	240	240	210
Market Areas 148, 149, 153, 154, 155, 156:																
Prices	400	375		370	310	310	275	275	225		200	200	200	240	240	210
Market Areas 151, 152:																
Prices	400	375		370	310	310	275	275	225		185	170	170	240	240	210
Market Area 157:																
Prices	325	315		300												

Important.—Exceptions are a part of these prices and must be complied with.

KEMMERER SUB-DISTRICT NORTHERN LINCOLN COUNTY, WYOMING AND TETON COUNTY, IDAHO

Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150:																
Prices	490	475		450		385		235	285		185	185	170	275		
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146:																
Prices	440	425		400		360		310	285		185	185	170	275		
Market Areas 144, 145, 147:																
Prices	465	450		425		360		310	285		185	185	170	275		
Market Areas 148, 149, 153, 154, 155, 156:																
Prices	400	385		370		310		275	225		185	170	170	275		
Market Areas 151, 152:																
Prices	400	385		370		310		275	225		185	170	170	275		
Market Area 157:																
Prices	325	315		300												

Important.—Exceptions are a part of these prices and must be complied with.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown—Continued
ELKOL SUB-DISTRICT

	Size group prices															
	1	3	4	7	8	9	10	11	13	14	16	17	18	20	21	22
Market Area 150: Prices.....	325													160		
Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143: Prices.....	275															
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices.....	275															
Market Areas 144, 145, 147: Prices.....	275															
Market Areas 148, 149, 153, 154, 155, 156: Prices.....	275															
Market Areas 151, 152, 157: Prices.....	275															

HANNA, ELK MOUNTAIN AND SAVERY SUB-DISTRICTS

Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices.....	275	275				250		250	225	175	150	150	100	250	250	250
Market Areas 144, 145, 147: Prices.....	300	300				250		250	225	175	150	150	100	250	250	250
Market Areas 148, 149, 153, 154, 155, 156: Prices.....	325	325				275		275	225	175	150	150	100	250	250	250
Market Areas 151, 152: Prices.....	325	325				275		275	225	175	150	150	100	250	250	250
Market Area 157: Prices.....	325	325				275		275	225	175	150	150	100	250	250	250
Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices.....	325	325				275		275	225	175	150	150	100	250	250	250

EVANSON SUB-DISTRICT

Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices.....		300						250			125					
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices.....		300						250			125					
Market Areas 144, 145, 147: Prices.....		300						250			125					
Market Areas 148, 149, 153, 154, 155, 156: Prices.....		300						250			125					
Market Areas 151, 152: Prices.....		300						250			125					
Market Area 175: Prices.....		300						250			125					

RAWLINGS, BAGGS AND ROCK: RIVER SUB-DISTRICTS

Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices.....	275	250		250				225			100					
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices.....	275	250		250				225			100					
Market Areas 144, 145, 147: Prices.....	275	250		250				225			100					
Market Areas 148, 149, 153, 154, 155, 156: Prices.....	275	250		250				225			100					
Market Areas 151, 152: Prices.....	275	250		250				225			100					
Market Area 157: Prices.....	275	250		250				225			100					

GEBE-KIRBY SUB-DISTRICT

Market Areas 136, 137, 138, 142, 143: Prices.....	480	475	465	465		440		330	275		175	125				
Market Areas 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141: Prices.....	430	425	415	415		415		305	275		175	125				
Market Areas 33, 34, 101: Prices.....	390	375	355	355		360		300	225		160	125				

Important.—Exceptions are a part of these prices and must be compiled with.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown—Continued

GEBO-KIRBY SUB-DISTRICT—Continued

	Size group prices															
	1	3	4	7	8	9	10	11	13	14	16	17	18	20	21	22
Market Area 147:																
Prices.....	415	400	380	380		360		300	225		160	125				
Market Areas 144, 145:																
Prices.....	455	450	440	440		415		305	225		160	125				
Market Area 146:																
Prices.....	430	425	415	415		415		305	225		160	125				
Market Areas 148, 149:																
Prices.....	460	445	430	430		400		335	250		160	125				
Market Areas 153, 154, 155, 156:																
Prices.....	460	445	430	430		400		335	250		200	175			270	
Market Area 157:																
Prices.....	385	375	360	360												
Market Area 150 Rail Movement:																
Prices.....	480	475	465	465		440		330	275		175	125		270	270	185
Market Area 150 Sale to Trucks:																
Prices.....	501	495	490	490		450		365	275		175	125				

HUDSON SUB-DISTRICT

Market Areas 140 and 143:																
Prices.....	200			175		150			125	110	100	75				
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 141:																
Prices.....	190			170		150			125	110	100	75				
Market Area 142:																
Prices.....	270			240		220			175	125	115	100				
Market Areas 145, 146, 147:																
Prices.....	210			190		160			140	110	100	75				
Market Area 144:																
Prices.....	290			260		240			175	125	115	100				
Market Area 150:																
Prices.....	325			300		275			175	125	110	90		240		

SHERIDAN SUB-DISTRICT

Market Areas 140 and 143:																
Prices.....	200			175		150		140	140	125	110	100				
Market Area 142:																
Prices.....	270			240		220		200	190	175	125	115				
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 141:																
Prices.....	190			170		150		150	150	125	110	100				
Market Areas 145, 146, 147:																
Prices.....	210			190		160		150	150	140	110	100				
Market Area 144:																
Prices.....	290			260		240		210	190	175	125	115				
Market Area 150:																
Prices.....	180			160		150		140	140	125	100	90		170	145	140
Market Area 149:																
Prices.....		200			175		150		140	140	125	100	90		175	
Market Area 148:																
Prices.....		240			210		190		175	160	150	115	100			
Market Areas 153, 154, 155, 156:																
Prices.....		200			175				140	140	125	100	90			

YODAK COAL & MFG. COMPANY'S MINES

Market Areas 140, 141, 142, 143:																
Prices.....		175		150			130	130	140		90					
Market Areas 144, 145, 146, 147:																
Prices.....		200		175				130	130		90					
Market Area 150—Rail Movement:																
Prices.....		175		150			130	130	140		90			130		
Market Area 150—Truck Movement:																
Prices.....		200		200				130	130		100					

CAREY, FERELLI AND WRIGHT MINES: AND SPRING GULCH COAL COMPANY

Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150:																
Prices.....				400							300	150				350
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146:																
Prices.....				400							300	150				350
Market Areas 144, 145, 147:																
Prices.....				400							300	150				350
Market Areas 118, 149, 153, 154, 155, 156:																
Prices.....				400							300	150				350
Market Areas 151, 152:																
Prices.....				400							300	150				350
Market Area 157:																
Prices.....				400							300	150				350

Important.—Exceptions are a part of these prices and must be complied with.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas as Shown—Continued

BIG HORN COUNTY

	Size group prices															
	1	3	4	7	8	9	10	11	13	14	16	17	18	20	21	22
Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices.....	450						400						200			375
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 139, 140, 141, 146: Prices.....	450						400						200			375
Market Areas 144, 145, 147: Prices.....	450						400						200			375
Market Areas 148, 149, 153, 154, 155, 156: Prices.....	450						400						200			375
Market Areas 151, 152: Prices.....	450						400						200			375
Market Area 157: Prices.....	450						400						200			375

ALL MINES IN HOT SPRINGS COUNTY NOT LISTED

Market Areas 132, 133, 134, 135, 136, 137, 138, 142, 143, 150: Prices.....				450								300		150		375
Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 139, 140, 141, 146: Prices.....				450								300		150		375
Market Areas 144, 145, 147: Prices.....				450								300		150		375
Market Areas 148, 149, 153, 154, 155, 156: Prices.....				450								300		150		375
Market Areas 151, 152: Prices.....				450								300		150		375
Market Area 157: Prices.....				450								300		150		375
Rail mines in Campbell, Converse, Crook, Johnson, Natrona Park, Sheridan, and Teton Counties, Wyoming—Except Wyodak Coal & Mfg. Co., for sale to trucks: Prices.....	260	260			250		240		240	220	200	180	150	125	125	90
Truck movement from mines in counties shown immediately above: Prices.....	260	260			250	220	240		240	220	200	180		125	125	60

Important.—Exceptions are a part of these prices and must be complied with.

[F. R. Doc. 37-3701; Filed, December 18, 1937; 12:25 p. m.]

[Order No. 145]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 20 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56² of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commis-

sion such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 69³ the weighted average of the total costs of the tonnage for Minimum Price Area 7 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the several District Boards in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 109⁴ determined and established the initial classifications of coals of Code Members within said District Number 20; the District Board for District Number 20 having coordinated in common consum-

¹ 2 F. R. 1477 (DI).² 2 F. R. 2573 (DI).³ 2 F. R. 2873 (DI).⁴ 2 F. R. 3117 (DI).

ing market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number 20, hereinafter referred to; the said District Board Number 20, in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number 20 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 20, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 20, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 20 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State,

or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 20 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 7 and to Code Members within District Number 20, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

PRICE SCHEDULE NO. 1—DISTRICT NO. 20

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 20, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 16, 1937.

F. W. McCULLOUGH, Secretary.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.
2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.
3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.
4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.
5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.
6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.
7. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the higher size group and priced accordingly.

Price Index

PRICE GROUP A

Name code member	Location	Name of mine	Seam
Allen, Edgar	Huntington, Utah	Comfort	Hiawatha (T).
Arronco, John	Kenilworth, Utah	Arronco	Castlegate D (T).
Bailey Coal Co.	Clear Creek, Utah	Black Diamond	Castlegate C (T).
Baker, M. J.	Huntington, Utah	Farrell	Hiawatha (T).
Bell Bros. Coal Mine	Castle Dale, Utah	Bell Bros.	(T).
Blue Blaze Coal Co.	Salt Lake City, Utah	Blue Blaze	(Castlegate A (R).
Chesterfield Coal Co.*	Salt Lake City, Utah	Chesterfield No. 1	Hiawatha (R).
Christensen, Albert	Fairview, Utah	Christensen Nos. 1 and 3	Chesterfield (R).
			Castlegate A (T).

See footnote at end of table.

Price Index—Continued

Name code member	Location	Name of mine	Seam
Christensen, L. Earl	Fairview, Utah	Edgewood	Castlegate A (T).
Christopherson, M. W.	Spanish Fork, Utah	Metcalf	Castlegate E (T).
Costa, John	Salina, Utah	Clear Creek (Sevier Co.)	Ivie (T).
Cowboy Coal Mine (Geo. W. Whipple)	Provo, Utah	Cowboy	Ferron L (T).
Dalrymple, R. H. & Co.	Rains, Utah	Dals	(T).
Deer Creek Mine (Byron A. Howard)	Huntington, Utah	Deer Creek	Blind Canyon (T).
Dods, Jack	Price, Utah	Chidester No. 2	Gilson (T).
Duzett, E. H.	Emery, Utah	Browning	I Bed (T).
Edwards, Geo. Q.	Castle Dale, Utah	Otteson	Emery (T).
Gibson, Emmet	Rains, Utah	Martin No. 3	(T).
Grundvig, L. A.	Wellington, Utah	Grundvig	Rock Canyon (T).
Hanson, L. R.	Salina, Utah	Willow Spring	Ferron A (T).
Hardscrabble Coal Co.	Helper, Utah	Hardscrabble	Castlegate A (T).
Hi-Heat Coal Co.	Salt Lake City, Utah	Rains No. 2	Gordon Creek (R).
Huntington Coal Ass'n	Huntington, Utah	Community	Blind Canyon (T).
Independent Coal Coke Co.	Salt Lake City, Utah	Aberdeen	Castlegate D (R).
Johnson, J. B.	Huntington, Utah	Blue J.	Aberdeen (R).
Killian, J. Frank	Orangeville, Utah	Oliphant No. 2	Hiawatha (T).
Larson & Rigby	Fairview, Utah	Larson & Rigby	Hiawatha (T).
Leamaster, Martin	Huntington, Utah	Mill Fork	Castlegate A (T).
Liberty Fuel Co.	Salt Lake City, Utah	Liberty	Black Canyon (T).
Lion Coal Corp.	Ogden, Utah	Wattis	Gordon Creek (R).
MacLean Coal Co.	Salt Lake City, Utah	MacLean	Hiawatha (R).
Martin Coal Co.	Helper, Utah	Martin No. 1	Gordon Creek (R).
McKinnon, Malcolm N.	Salt Lake City, Utah	American Fuel	(T).
Munk, Leo D.	Salt Lake City, Utah	Stump Flat	Blind Canyon (T).
Mutual Coal Co.	Salt Lake City, Utah	Mutual	Gordon Creek (R).
National Coal Co.	Salt Lake City, Utah	National	Hiawatha (R).
Peerless Sales Company	Salt Lake City, Utah	Peerless	Gordon Creek (R).
Rio Grande Coal Co.	Price, Utah	Rio Grande	Gilson (T).
Royal Coal Company	Salt Lake City, Utah	Royal	Castlegate D (R).
Sanders, John P.	Fairview, Utah	Arrowhead	Castlegate A (T).
Sitterud*	Orangeville, Utah	Oliphant	Hiawatha (T).
Snow, Orrin L.	Wellington, Utah	Pace Canyon	Gilson (T).
Soldier Canyon Coal Co.	Price, Utah	Soldier Canyon	Rock Canyon (T).
Spring Canyon Coal Co.	Salt Lake City, Utah	Spring Canyon	Castlegate A (R).
Standard Coal Co.	Salt Lake City, Utah	Standard	Hiawatha (R).
Straight Canyon Coal Co.	Castle Dale, Utah	Straight Canyon	Hiawatha (T).
Sweet Coal Co.	Salt Lake City, Utah	Sweet Mine	Hiawatha (R).
Twin Cities Cooperative	Castle Dale, Utah	Twin Cities Cooperative	Hiawatha (T).
United States Fuel Co.	Salt Lake City, Utah	King Mine No. 1	Hiawatha (R).
		King Mine No. 2	Hiawatha (R).
Utah Fuel Co.	Salt Lake City, Utah (see note 1)	Panther	Castlegate B (R).
		Castlegate	Castlegate D (R).
		Clear Creek	Castlegate A (R).
		Sunnyside**	Upper Sunnyside.

PRICE GROUP B

Carroll, Rulon	Orderville, Utah	Nielson-Carroll	Upper Carmel (T).
Levanger, Chris	Glendale, Utah	O. K. Mine	Upper Carmel (T).
Little Water Coal Mine	LaPoint, Utah	Little Water	Not named (T).
Norgard, H. H.	Vernal, Utah	H. H. Norgard	Not named (T).
Webster, Ernest & Nelson, Albert U.	Cedar City, Utah	Webster & Nelson	Lower Coal Creek (T).

* Chesterfield Mine of Chesterfield Coal Co. at Thompsons, Utah.

** Sunnyside Mine of Utah Fuel Co. at Sunnyside, Utah.

NOTE 1.—Price Group A prices for Marketing Areas Nos. 148, 149, 150, 151, 152, 154, 155, 156, and 157 apply to all mines in Price Group A, except to the following:

From the above mines prices may be 10¢ per ton lower on all sizes to equalize higher freight rates.

"T"—Truck Mine.

"R"—Rail Mine.

Prices in Cents per Net Ton of 2,000 Pounds into Marketing Areas Shown Below

MARKETING AREA NO. 133 (COLORADO)	
8" Lump	1 275
3" Lump	1 350
3" x 8" Stove	1 350
8" Lump	1 350
3" Lump	1 325
3" x 8" Stove	1 325
MARKETING AREAS NOS. 136, 137 AND 138	
8" Lump	350
3" Lump	325
3" x 8" Stove	325
MARKETING AREAS NOS. 104, 105, 106, 107, 108, 109, 110, 111, 112, 140, 141, 142, 143, 144 AND 145	
8" Lump	375
3" Lump	350
3" x 8" Stove	350

1 Prices apply to points in Eastern Colorado on and north of main line C. B. & Q. Rr. Denver to Sanborn, Woodruff to Norton on C. B. & Q. Rr.

2 Prices apply to main line U. P. points in Eastern Colorado Denver to Chemung.

NOTE.—Applies to shipments into Market Areas Nos. 133, 136, 137, 138, 104, 105, 106, 107, 108, 109, 110, 111, 112, 140, 141, 142, 143, 144, 145: District No. 20 coals moving to points in these Market Areas may equalize the delivered prices of District 17 coals from Western Slope and Oak Hills producing districts.

See exceptions.

Prices in Cents per Net Ton of 2,000 Pounds into Marketing Areas Shown Below

MARKETING AREAS NOS. 148, 149, 150, 151, 152, 153, 154, 155, 156		Price group A ¹	Price group B
8" Lump		400	330
3" Lump		385	320
3" x 8" Stove		370	310
8" x 11" Lump		440	365
1 1/2" Lump		325	270
1 1/2" x 8" Egg		310	255
1 1/2" x 3" Nut		275	230
1 1/2" x 1" Pea		225	185
1 1/2" Slack		185	150
1" Slack		170	140
1" x 1/2" Slack		210	175
Dust		170	140
St. Mine Run		270	225
8" Mine Run		240	200
3" Mine Run		220	185

MARKETING AREA No. 157

	Price Group A ¹
8" Lump-----	325
3" Lump-----	315
3" x 8" Stove-----	300
1 3/8" x 3" Nut-----	275

¹ Price Group A prices for Marketing Areas Nos. 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157 apply to all mines except to the following:

Chesterfield Mine of Chesterfield Coal Co. at Thompsons, Utah.
Sunnyside Mine of Utah Fuel Co. at Sunnyside, Utah.

From the above mines, prices may be 10 cents per ton lower on all sizes to equalize higher freight rates.

See exceptions.

[F. R. Doc. 37-3711; Filed, December 20, 1937; 11:31 a. m.]

[Order No. 146]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER TWENTY-TWO IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the District Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order Number 56² of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 70³ the weighted average of the total costs of the tonnage for Minimum Price Area 9 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the District Board in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 120⁴ determined and established the initial classifications of coals of Code Members within said District Number Twenty-two; the District Board for District Number Twenty-two having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission hav-

ing accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twenty-two, hereinafter referred to; the said District Board Number Twenty-two in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number Twenty-two or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to accomplish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number Twenty-two, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number Twenty-two, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number Twenty-two and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number

¹ 2 F. R. 1477 (DI).

² 2 F. R. 2573 (DI).

³ 2 F. R. 2874 (DI).

⁴ 2 F. R. 3238 (DI).

Twenty-two to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the Districts within Minimum Price Area 9 and to Code Members within District Number Twenty-two, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.
Dated this 16th day of December, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

PRICE SCHEDULE NO. 1—DISTRICT NO. 22

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 22, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective, 12:01 A. M. January 3, 1938.

Issued: December 16, 1937.

F. W. McCULLOUGH, Secretary.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 25 cents per net ton shall be made.

SUBSTITUTION

Rules covering substitution are included in Marketing Rules and Regulations.

Price Index

JUDITH BASIN COUNTY

Name of code member	Mine
Arthur Forest.....	Nollar.

GALLATIN AND PARK COUNTIES

Mike Dilulo.....	
Miller Brothers.....	

CUSTER, ROSEBUD, BIG HORN AND GARFIELD COUNTIES

A. W. Kubica.....	Miller Coulee.
Northwestern Improvement Co.....	Rosebud.
J. A. Weaver.....	Weaver.
R. H. Draper.....	Horse Creek.
Edward Pavak.....	

FERGUS COUNTY

Fred Carlson.....	Lewistown Fuel Co.
Frank DeYoe.....	Black Diamond.
Skages Brothers.....	
C. R. Smith.....	Smith.
William Swanson.....	

Price Index—Continued

CASCADE, CHAUTEAU AND FLATHEAD COUNTIES EXCEPT BIRD TAIL DISTRICT

Name of code member	Mine
William Anderson.....	Anderson Coal Co.
J. W. Brodie.....	Brodie Coal Co.
Calone & Johnson.....	
Cottonwood Coal Co.....	Giffen.
Sylvia Erbetta.....	Economy Coal Co.
Erickson Brothers.....	
Tony Francetich.....	Francetich Coal Co.
William Navin.....	Gerber Coal Co.
A. A. Markiss.....	Independent Coal Co.
Edward Latham.....	
Thomas Latham.....	Lakeside.
Charles Leskinen.....	Bickett.
Maurer Bros.....	
William Surmi.....	Surmi Coal Co.
George Thompson.....	Thompson.
John Zupan.....	Zupan.
Campbell & Lehfeldt.....	Mackton.
J. E. Nygard.....	Nygard.
Oscar Nygard.....	Oscar Nygard.
A. C. Elder.....	North Fork Coal Co.

BIRD TAIL DISTRICT IN LEWIS, CLARK AND CASCADE COUNTIES

None to list.

BLAINE, HILL AND PHILLIPS COUNTIES

Spencer Perkins.....	Chinook.
Clarence Sargent.....	Milk River.

BULL MOUNTAIN DISTRICT ALL OF MUSSELSHELL, YELLOWSTONE, AND GOLDEN VALLEY COUNTIES EXCEPT THE ROUNDUP DISTRICT

W. C. Anderson.....	Silvertip.
Lucas Ganter.....	Ganter.
R. J. Gildroy.....	Gildroy.
Paul Meged.....	P. M.
Arthur Mills.....	Mills.
Fred Nies.....	Nies.
Orville Poe.....	Antelope.
G. J. Jeffries.....	Cow Creek Coal Co.
E. A. Johnson.....	Deep Vein Coal Co.

OPHEIM DISTRICT (VALLEY COUNTY), GLENTANA DISTRICT (VALLEY COUNTY), WOLF POINT DISTRICT (ROOSEVELT COUNTY), SCOBEE DISTRICT (DANIELS COUNTY)

Walter Anno.....	Anno.
Loring Cooper.....	Cooper.
Gustave Hippe.....	Hippe.

DAWSON, WIBAUX, PRAIRIE, VALLEY, SHERIDAN, RICHLAND, ROOSEVELT, AND DANIELS COUNTIES, EXCEPT OPHEIM AND GLENTANA DISTRICTS IN VALLEY COUNTY, WOLF POINT DISTRICT IN ROOSEVELT COUNTY AND SCOBEE DISTRICT IN DANIELS COUNTY

Clyde Clapp.....	Clapp.
Gustave A. Lagerquist.....	Lagerquist.
A. B. Alton.....	Alton Coal Co.
Lare Inn.....	Acme Coal Co.
Vincent Bergh.....	Bergh.
Peter Schwind.....	Griff Creek.
Virgil Weidner.....	Red Tail.
Otto Pust.....	Pust.
Mike Udem.....	Udem.
Warren Jennison.....	Fairview Coal Co.
Caroline Loehen.....	Loehen.

ROUNDUP DISTRICT (MUSSELSHELL COUNTY)

Bair Collins Coal Co.....	Prescott.
Carl H. Carlson.....	Divide.
John E. Carlson.....	
G. J. Jeffries.....	Jeffries Coal Co.
Republic Coal Co.....	Klein #2.
Roundup Coal Mining Co.....	No. 3.
David J. Williams.....	Williams Coal Co.

CARBON COUNTY

C. R. Emmett.....	Framberg Bit. Coal.
Albert Kohler.....	Kohler.
R. A. Evans.....	Beartooth Coal Co.
George Wallis.....	
Robert Burns.....	Burns.
Eagle Coal Co.....	
Montana Coal & Iron Co.....	

**Size Groups—For All Market Areas Applying to Price
Schedule "A"**

INCLUDES—

Base size group	Lump—Maximum screen size ¹	Double screened sizes	
		Maxi- mum—Top size ¹	Maxi- mum—Bot- tom size ¹
1.	All Lump over 9"		
2.	Standard Lump 2"		
3.	Furnace	9"	6"
4.	Stove	6"	2"
5.	Egg	6"	3"
6.	No. 1 Nut	3"	2"
7.	Nut	2"	1½"
8.	Chestnut	1½"	¾"
9.	Nut Run	2"	0"
10.	Stoker	1½"	0"
11.	Slack	¾"	0"
12.	Mine Run		

¹ All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas 33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 153, 154, 155, 156 Applying to Schedule "A"

Mine group	Size group prices											
	1	2	3	4	5	6	7	8	9	10	11	12
Judith Basin County	425	425	425	375			300	250	200	150	100	
Gallatin County, Park County	475	475	475	425			275	225		150		
Custer, Rosebud, Big Horn, Powder River and Garfield Counties	250	250	250	250			200	175		100	75	
Fergus County	475	475	475	425			350	250	200	175	125	
Cascade, Chouteau, Flathead Counties (Except Bird Tail District)	400	350	350		325	300	275	200	135		80	
Blaine, Hill, and Phillips Counties	375	375	375	325			225			175		
Bull Mountain District:												
Musselshell, Yellowstone, Golden Valley Counties (except Roundup District)	350	350		300			200			100	75	
Orpheum District (Valley County), Glentana District (Valley County), Wolf Point District (Roosevelt County), Scobey District (Daniels County)	250	250	250	250			175	125		100	75	
Dawson, Wibaux, Prairie, Valley, Sheridan, Richland, Roosevelt, and Daniels Counties (except Opheim and Glentana Dist. in Valley County, Wolf Point District in Roosevelt County and Scobey District in Daniels County)	225	225	225	225			200	150		100	75	
Teton County, Glacier County, Pondera and Toole Counties	600											400

Prices in Cents per Net Ton of 2,000 Pounds for Market Areas as Shown Applying to Schedule "B"

	Size groups									
	1	2	3	4	5	6	7	8	9	10
ROUNDUP SUB-DISTRICT MUSSELSHELL COUNTY, MINE GROUP NORTH OF KLEIN, WEST OF DELPHIA										
Market areas:										
148, 149	400	375	400	375	275	225	135	100	90	75
153, 154, 155, 156	350	325	350	325	275	225	135	100	90	75
33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 144, 145, 146, 147	350	325	350	325	275	225	135	100	90	75
CARBON COUNTY SUB-DISTRICT										
Market areas:										
148	400	375	400	350	250	200	135	100	90	75
153, 154, 155, 156	350	325	350	325	250	200	135	100	90	75
33, 34, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 144, 145, 146, 147, 140, 141, 156	350	325	350	325	250	200	135	100	90	75
149			325	275	200					

[F. R. Doc. 37-3702; Filed, December 18, 1937; 12:25 p. m.]

[Order No. 147]

AN ORDER ESTABLISHING MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NUMBER 23 IN CONFORMITY WITH SECTION 4, PART II, SUBSECTIONS (A) AND (B) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having established in each of the districts under its jurisdiction, as an agency of the Commission, a Statistical Bureau, and having

**Size Groups—For All Market Areas Applying to Price
Schedule "B"**

INCLUDES—

Base size group	Lump—Maximum screen size	Double screened sizes	
		Maxi- mum—top size ¹	Maxi- mum—bot- tom size ¹
1.	Fancy Lump 9"		
2.	Standard Lump 2"		
3.	Furnace	9"	6"
4.	Stove	6"	2"
5.	Nut	2"	1½"
6.	Chestnut	1½"	¾"
7.	Stoker	1½"	0"
8.	Slack	¾"	0"
9.	Slack	¾"	0"
10.	Slack	¾"	0"

¹ All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

directed by its Order Number 15¹ producers of bituminous coal to file therewith cost data for the calendar year 1936; the district Boards having been organized pursuant to Section 4, Part I (a) of the Act and such District Boards having, from cost data submitted by the Statistical Bureaus for their respective districts, determined, pursuant to Order

¹ 2 F. R. 1477 (DI).

Number 56* of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936 and having adjusted the average costs so determined, as was necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which had been established since January 1, 1936, and having submitted to the Commission such determinations and the computations upon which they were based; the Commission having thereupon determined by its Order Number 71* the weighted average of the total costs of the tonnage for Minimum Price Area 10 in the calendar year 1936, adjusted as aforesaid, and having transmitted the same to the District Board in such Minimum Price Area; each District Board in a Minimum Price Area having proposed minimum prices free on board transportation facilities at the Mines for the kinds, qualities, and sizes of coal produced in their respective districts, and classifications of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, said prices having been proposed so as to yield a return per net ton for each district, equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of such Minimum Price Area, such total costs computed as provided by subsection (a), Part II, Section 4 of the Act, the minimum prices having been proposed on tentative weighted average costs, with later adjustments thereof to reflect the actual adjusted weighted average costs; the Commission having by its Order Number 110* determined and established the initial classifications of coals of Code Members within said District Number 23; the District Board for District Number 23 having coordinated in common consuming market areas with other districts upon a fair competitive basis the said proposed minimum prices and having submitted to the Commission such coordinated prices and the data upon which they were predicated; the Commission having accepted the minimum prices as proposed and coordinated by said District Board and having in certain respects modified same, and having determined the common consuming market areas to be as set forth in the attached Schedule of Minimum Prices for Coals of Code Members Produced within District Number 23, hereinafter referred to; the said District Board Number 23 in coordinating the said proposed minimum prices and the Commission in modifying the same, having taken into account, among other factors, the various kinds, qualities, and sizes of coal, and transportation charges upon coal, and the said District Board and the Commission having conformed to the standards that such prices (a) be just and equitable as between producers within each district, (b) do not permit dumping, (c) be just and equitable and not unduly prejudicial or preferential, as between and among districts, (d) reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coals produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy, (e) preserve, as nearly as may be, existing fair competitive opportunities, and (f) have due regard for the interests of the consuming public; and

The Commission having determined that the minimum prices so coordinated do not, as to District Number 23 or any other district with which prices were so coordinated, reduce or increase the return per net ton upon all the coal produced within any of such districts below or above the minimum return as provided in subsection (a), Part II, Section 4 of the Act, by an amount greater than necessary to ac-

complish such coordination, and that the return per net ton upon the entire tonnage of the minimum price area in which any such district is located, at such prices as coordinated, will approximate the weighted average of the total cost per net ton of the tonnage of such minimum price area.

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of Code Members produced within District Number 23, set opposite the names of Code Members and their respective mines, as the same appear in the Schedule of Minimum Prices for Coals of Code Members Produced within District Number 23, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the minimum prices of coals of Code Members within the said District Number 23 and such minimum prices shall be and become effective at 12:01 o'clock A. M. on the 3rd day of January, 1938.

2. That any Code Member or District Board or member thereof, or any State or political subdivision of a State, or the Consumers' Counsel who shall be dissatisfied with the coordination of prices or by any minimum price established, may at any time after this date make complaint by petition to the Commission, pursuant to Section 4, Part II (d), and in conformity with the Commission's Rules of Practice and Procedure, and the Commission shall after notice and hearing make such further order as may be required to effectuate the purpose of subsection (b) of Part II of Section 4 of the Act. Pending final disposition of such petition and upon reasonable showing of necessity therefor, the Commission may at any time make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of the Act.

3. That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Minimum Prices for Coals of Code Members Produced within District Number 23 to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Board for the districts within Minimum Price Area 10 and to Code Members within District Number 23, shall cause copies of this order and said Schedule and copies of the Commission's Rules of Practice and Procedure to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 16th day of December, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

PRICE SCHEDULE No. 1—DISTRICT No. 23

Schedule of Minimum Prices for Coals of Code Members Produced within District No. 23, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective 12:01 A. M. January 3, 1938.

Issued December 16, 1937.

F. W. McCULLOUGH, Secretary.

PRICE INSTRUCTIONS AND EXCEPTIONS FOR ALL RAIL SHIPMENTS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

* 2 F. R. 2573 (DI).

* 2 F. R. 2874 (DI).

* 2 F. R. 3113 (DI).

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. *Reference.*—(w) Prices apply on washed coal. Raw or unwashed coal may be sold at a price 25 cents per net ton lower for Buckwheat (Size Group 16-a) and 10 cents less on all other sizes.

8. *Reference.*—(r) Raw coal only.

9. *Reference.*—(g) The price from the Palmer Mine will be 25¢ more per net ton of 2,000 lbs. f. o. b. mine.

10. *Reference.*—(b) 50¢ less to points in Oregon *excluding* Portland (Market Area 153).

11. *Reference.*—(i) These coals may be shipped to Pullman, Washington (Market Area 153) at a price of \$2.35 per net ton of 2,000 lbs. f. o. b. shipping mines.

12. All sizes in Columns E and F 50¢ less than above prices to points in Oregon south of Columbia River. All coal from all groups 2½" and over when for shipment to Alaska may be 70¢ per ton less.

PRICE INSTRUCTIONS AND EXCEPTIONS FOR TRUCK COAL

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 10 cents per net ton shall be made.

7. From rail mines only in Group A prices will be 50¢ per ton more on coal shipped by truck into market areas described on Page No. 13.

8. Prices of Strain Coal Company in Group F, when sold at Renton Tipple, shall be 25¢ per ton above minimum truck prices except on east-bound coal.

9. *Reference.*—(g) The price from the Palmer mine will be 25¢ more per net ton of 2,000 pounds f. o. b. mine.

10. A discount of 25 cents per ton will be allowed in Mine Groups B, E, F, and G on all sizes to Retail Yard Dealers, when for re-sale; and to public institutions and industrial consumers.

SUB-MARKET AREAS

No. 153-A.—All of the State of Washington and State of Oregon, north of a line drawn east and west through the City of Salem, Oregon, excepting Market Areas Nos. 154, 155, and 156.

Price Index

GROUP A—ROSLYN-CLE ELUM

Name of code member	Name of mine	Address
Blue Flame Coal Company	Blue Flame	Ronald, Washington.
Cle Elum Coal Company	No. 1	Cle Elum, Washington.
Jonesville Coal Company	Nos. 1, 2, 3	Roslyn, Washington.
Lake Coal Company	No. 1	Ronald, Washington.
Northwestern Improvement Co.	Nos. 3, 5, 9	Seattle, Washington.
Roslyn-Cascade Coal Company	Nos. 1, 3, 4	South Bellingham, Wash.

Price Index—Continued

GROUP B—PIERCE COUNTY

Name of code member	Name of mine	Address
Acme-Gem Coal Company	Acme	Wilkeson, Washington.
Apex Coal Company	Apex	Wilkeson, Washington.
Bonato Coal Company	Miller	Wilkeson, Washington.
Carbonado Coal Company	Carbonado	Carbonado, Washington.
Commercial Coal Company	Wilkeson, No. 5	Wilkeson, Washington.
Dependable-Wingate Coal Co.	Dependable	Wilkeson, Washington.
Domestic Gem Coal Company	Gem	Wilkeson, Washington.
Gale Creek Coal Company	Gale Creek	Wilkeson, Washington.
Queen Coal Company	Queen	Wilkeson, Washington.
Spiketon Coal Company	Pittsburgh	Wilkeson, Washington.
Strain Coal Company	Carbonado	Renton, Washington.
Wilkeson-Wingate Coal Co.	Wingate	Wilkeson, Washington.

GROUP C—SOUTHWEST WASHINGTON

Black Prince Coal Company	No. 1	Centralia, Washington.
Bucado Coal Mining Company	Tono No. 1	Centralia, Washington.
Domestic Coal Company	Smith	Centralia, Washington.
Hi-Way Coal Company	Hi-Way	Castle Rock, Washington.
Monarch Coal Mining Company	Monarch	Centralia, Washington.
Peoples Coal Mining Company	Noupariel	Centralia, Washington.
Reliance Coal Company	Reliance	Centralia, Washington.
Royal Coal Company	Royal	Centralia, Washington.
Stoker Coal Mining Company	Stoker	Centralia, Washington.

GROUP D—BELLINGHAM

Bellingham Coal Mines	Bellingham	Seattle, Washington.
Glen Echo Coal Company	Glen Echo	Bellingham, Washington.

GROUP E—McKAY-LAWSON

Dale Coal Company	McKay	Seattle, Washington.
Pacific Coast Coal Company	Old Lawson, Sec. 6	Seattle, Washington.
Strain Coal Company	Black Diamond	Renton, Washington.

GROUP F—RENTON

B. & R. Coal Company	Newcastle, Grand Ridge	Renton, Washington.
Bianco Coal Mines	Queen No. 1	Seattle, Washington.
Black Nugget Coal Company	Black Nugget	Issaquah, Washington.
Cedar Mountain Mines	Cedar Mountain	Renton, Washington.
Gem Coal Company	Gem	Anuburn, Washington.
Harris Coal Company	Superior	Issaquah, Washington.
Newcastle-King Coal Company	King	Seattle, Washington.
New Lake Young Coal Company	Lake Young	Renton, Washington.
Pacific Coast Coal Company	New Black Diamond	Seattle, Washington.
Reynolds Coal Company	Reynolds	Issaquah, Washington.
Springbrook Mining Company	Springbrook	Renton, Washington.
Strain Coal Company	Newcastle	Renton, Washington.
Tiger Mountain Coal Company	Tiger Mountain	Seattle, Washington.

GROUP G—CUMBERLAND

Big 4 Coal Company	Elk	Palmer, Washington.
Black Beauty Coal Company	Black Beauty	Cumberland, Washington.
Carbon Fuel Company	Bayne No. 3	Cumberland, Washington.
Green River Gorge Coal Co.	O'Kay	Cumberland, Washington.
Hi-Heat Coal Company	Hi-Heat	Cumberland, Washington.
Morris Bros. Coal Mining Co.	Occidental	Palmer, Washington.
Palmer Coking Coal Company	Durham	Palmer, Washington.
Pocahontas Coking Coal Co.	Pocahontas	Palmer, Washington.
Wonder Coal Mines	Wonder No. 1	Seattle, Washington.

GROUP H—STATE OF OREGON

Alpine Coal Company	Alpine	Riverton, Oregon.
Southport Coal Company	Southport	Marshfield, Oregon.
Overland Coal Company	Overland	Marshfield, Oregon.

GROUP I—ALASKA

Healy River Coal Corp.	Healy (Sub-bit.)	Anchorage, Alaska.
New Black Diamond Coal Co.	New Black Diamond (Sub-bituminous)	Premier, Alaska.
Houston Fuel Company	Houston (Sub-bituminous)	Anchorage, Alaska.
Evan Jones Coal Company	Jonesville (Bituminous)	Anchorage, Alaska.

Size Groups for Market Areas 153, 154, 155, 156, and 157

INCLUDES—

Base size group	Lump—Maximum screen size ¹	Double screened sizes	
		Maximum top size ¹	Maximum bottom size ¹
1.	All lump over 4"		
2.	Lump 2"		
3.	Egg	4"	1 1/2"
4.	Egg Nut	4"	1 1/2"
5.	Egg Nut Pea	4"	1 1/2"
6.	Nut	2 1/2"	1 1/2"
7.	Nut Chestnut	2 1/2"	1 1/2"
8.	Nut Pea	1 1/2"	1 1/2"
9.	Chestnut	1"	1 1/2"
10.	Pea Chestnut	1"	1 1/2"
11.	Pea	3/4"	1 1/2"
12.	Steam	3/4"	0"
13.	Steam	2"	0"
14.	Steam	1"	0"
15.	Modified Mine Run over 1/4"		
16.	Buckwheat		
17.	Mine Run		

¹ All maximum screen sizes mentioned herein are based on round hole or the equivalent thereof.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above, then such coal must be included in the next higher size group and priced accordingly.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas Nos. 153 and 157

Size group	Size	Mine groups						
		A	B	C	D	E	F	G
1. Lump	Lump	500	650	400b	460	600	465	465
2. Lump	a. Over 2 1/4"						465	440
	b. Over 1 1/4"	490	525	375b	425		465	440
3. Egg	a. 3 1/4" x 1 1/4"				440		450	
	b. 3 1/4" x 2 1/4"			385		585	450	
	c. 3 1/4" x 1 1/4"		500		400		450	
	d. 2 3/4" x 1 1/4"	490		350b		550		400
4. Egg, Nut	a. 3 1/4" x 3/4"						425	
	b. 3 1/4" x 1"					560	425	425
	c. 2 3/4" x 3/4"	460				500	400	375
5. Egg, Nut, Pea	3 1/4" x 1 1/4"	410						
6. Nut	a. 2 1/4" x 1"				360		400	
	b. 1 3/4" x 3/4"	410		250		500	375	350
7. Nut, Chestnut	2 1/4" x 3/4"						375	375
8. Nut, Pea	a. 1 3/4" x 1 1/4"	380		235w				
	b. 1 3/4" x 3/4"					475		350
9. Chestnut	1" x 3/4"				325		335	335
10. Pea, Chestnut	1" x 1/4"			210w			335	
11. Pea	3/4" x 1 1/4"	340		210w	300	490	325	325
12. Steam	a. 3 1/2" x 0"	370		250				
	b. 1 3/4" x 0"	325w	390	210w		375		g200
	c. 1 1/8" x 0"	300w		150r		350		g290
15. Mod. Mine Run	Over 1/4"	425	450	325	370		425	425
16. Buckwheat	a. 1 1/2" x 0"	275	335w	100	150	245	150	175
	b. 3/32" x 0"						160	
17. Mine Run	Mine Run	400	410	275, 225b				350

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 153

Size	Oregon mines—H	
	Riverton Group	Marshfield Group
1. Lump—2 1/4"	450	450
2. Nut—2 1/2" x 1 1/4"	300	350
	150	250
4. Stoker—1 1/2" x 0"		200

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Area No. 157

Size	Alaska Mines—I	
	Except Evans-Jones C. C.	Evans-Jones C. C.
1. Lump over 4" bar	425	
2. Nut 4" bar 1 1/2" round	415	
3. Chestnut 1 1/2" & 1/2" round	295	
4. Screen Mine Run	325	
5. Mine Run	295	
1. Lump 3"		600
2. Nut 3" x 1"		500
3. Steam 1" x 1 1/4"		365
4. Mine Run		425

Prices in Cents per Net Ton of 2,000 Pounds All Rail Coal for Shipment Into Market Area No. 156

Size group	Size	Mine group prices						
		A	B	C	D	E	F	G
1. Lump	Lump	500	650	375	460	600	465	465
2. Lump	a. Over 2 1/4"						465	440
	b. Over 1 1/4"	490	525	350	425		465	440
3. Egg	a. 3 1/4" x 1 1/4"				440		450	
	b. 3 1/4" x 2 1/4"			385		585	450	
	c. 3 1/4" x 1 1/4"		500		400		450	
	d. 2 3/4" x 1 1/4"	490		325		550		400
4. Egg, Nut	a. 3 1/4" x 3/4"						425	
	b. 3 1/4" x 1"					560	425	425
	c. 2 3/4" x 3/4"	460				500	400	375
5. Egg, Nut, Pea	3 1/4" x 1 1/4"	410						
6. Nut	a. 2 1/4" x 1"				360		400	
	b. 1 3/4" x 3/4"	410		250		500	375	350
7. Nut, Chestnut	2 1/4" x 3/4"						375	375
8. Nut, Pea	a. 1 3/4" x 1 1/4"	380		235w				
	b. 1 3/4" x 3/4"					475		350
9. Chestnut	1" x 3/4"				325		335	335
10. Pea, Chestnut	1" x 1/4"			210w			335	
11. Pea	3/4" x 1 1/4"	340		210w	300	490	325	325
12. Steam	3 1/4" x 0"	370		250				
13. Steam	1 3/4" x 0"	325	390	210w		375		g200
14. Steam	7/8" x 0"	300		150r		350		g290
15. Mod. Mine Run	Over 1/4"	425	450	300	370		425	425
16. Buckwheat	a. 1 1/2" x 0"	275	w335	100	150	245	150	175
	b. 3/32" x 0"					160		
17. Mine Run	Mine Run	400	410	275				350

Prices in Cents per Net Ton of 2,000 pounds on All Rail Coal for Shipment Into Market Area 155

Size group	Size	Mine group prices						
		A	B	C	D	E	F	G
1. Lump	Lump	465	615	365	425	565	430	430
2. Lump	a. Over 2 1/4"						430	440
	b. Over 1 1/4"	490	525	375	425		465	440
3. Egg	a. 3 1/4" x 1 1/4"				440		450	
	b. 3 1/4" x 2 1/4"			385		585	450	
	c. 3 1/4" x 1 1/4"		500		400		450	
	d. 2 3/4" x 1 1/4"	490		350		550		400
4. Egg	a. 3 1/4" x 3/4"						425	
	b. 3 1/4" x 1"					560	425	425
	c. 2 3/4" x 3/4"	460				500	400	375
5. Egg, Nut, Pea	3 1/4" x 1 1/4"	410						
6. Nut	a. 2 1/4" x 1"				360		400	
	b. 1 3/4" x 3/4"	410		250		500	375	350
7. Nut, Chestnut	2 1/4" x 3/4"						375	375

Prices in Cents per Net Ton of 2,000 Pounds on All Rail Coal for Shipment Into Market Area 155—Continued

Size group	Size	Mine group prices						
		A	B	C	D	E	F	G
8. Nut.	a. 1 3/4" x 1 1/4"	380		235w			475	350
Pea	b. 1 3/4" x 3/8"							
9. Chestnut	1" x 3/4"				325		835	335
10. Pea, Chestnut.	1" x 1/4"			210w			335	
11. Pea	3/4" x 1/4"	340		210w	300	490	325	325
12. Steam	a. 3 1/4" x 0"	370		250				
13	b. 1 3/4" x 0"	325w	390	210w		375		300g
14	c. 3/8" x 0"	300w		150r		350		290g
15. Mod-Mine Run.	Over 1/4"	425	450	325	370		425	425
16. Buckwheat.	a. 1/4" x 0"	275	335w	100	150	245	150	175
	b. 3/32" x 0"							
17. Mine Run	Mine Run	400	410	275				350

Prices in Cents per Net Ton of 2,000 Pounds on All Rail Coal for Shipment Into Market Area No. 154

1. Lump	Lump	450	650	400	460	550	465	465
2. Lump	a. Over 2 1/4"						465	440
	b. Over 1 3/4"	490	525	375	425		465	440
3. Egg	a. 2 3/4" x 1 1/4"				440		450	
	b. 3 1/4" x 2 1/4"			385		585	450	
	c. 3 1/4" x 1 1/4"		500		400		450	
	d. 2 3/4" x 1 1/4"	440		350		500		400
4. Egg, Nut.	a. 3 1/4" x 3/4"						425	
	b. 3 1/4" x 1"					560	425	425
	c. 2 3/4" x 3/4"	460				500	400	375
5. Egg, Nut, Pea.	3 1/4" x 1/4"	410						
6. Nut	a. 2 1/4" x 1"				360		400	
	b. 1 3/4" x 3/4"	390		250		480	375	350
7. Nut, Chestnut.	2 1/4" x 3/4"						375	875
8. Nut, Pea	a. 1 3/4" x 1 1/4"	380		235w				
	b. 1 3/4" x 3/8"					475		350
9. Chestnut	1" x 3/4"				325		335	335
10. Pea, Chestnut.	1" x 1/4"			210w			335	
11. Pea	3/4" x 1/4"	325		210w	300	475	325	825
12. Steam	a. 3 1/4" x 0"	345		250				
13	b. 1 3/4" x 0"	290w	390	210w		340		g300
14	c. 3/8" x 0"	275w		150r		325		g290
15. Mod. mine run.	Over 1/4"	425	450	325	370		425	425
16. Buckwheat.	a. 1/4" x 0"	275	w335	100	150	245	150	175
	b. 3/32" x 0"							
17. Mine run	Mine run	375	410	275				350

TRUCK SHIPMENT ONLY

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into Market Areas 153A, 154, 155, 156

1. Lump	Lump	500	675	425	510	650	515	490
2. Lump	a. Over 2 1/4"						515	465
	b. Over 1 3/4"	490	550	400	475		515	465
3. Egg	a. 2 3/4" x 1 1/4"				490		500	
	b. 3 1/4" x 2 1/4"			410		635	500	
	c. 3 1/4" x 1 1/4"		525		450		500	
	d. 2 3/4" x 1 1/4"	490		375		600		425
4. Egg	a. 3 1/4" x 3/4"						475	
	b. 3 1/4" x 1"					610	475	450
	c. 2 3/4" x 3/4"	460				550	460	400
5. Egg, Nut, Pea.	3 1/4" x 1/4"	410						

Prices in Cents per Net Ton of 2,000 Pounds on All Rail Coal for Shipment Into Market Area 155—Continued

Size group	Size	Mine group prices						
		A	B	C	D	E	F	G
6. Nut	a. 2 3/4" x 1"				410		450	
	b. 1 3/4" x 3/4"	410		275		550	425	375
7. Nut, chestnut.	2 1/4" x 3/4"						425	400
8. Nut, pea	a. 1 3/4" x 1 1/4"	380		260w				
	b. 1 3/4" x 3/8"					525		375
9. Chestnut	1" x 3/4"				375		385	360
10. Pea, chestnut.	1" x 1/4"			235w			385	
11. Pea	3/4" x 1/4"	340		235w	350	540	a375	350
12. Steam	a. 3 1/4" x 0"	370		275				
13	b. 1 3/4" x 0"	325	415	235w		425		g325
14	c. 3/8" x 0"	300		175r		400		g315
15. Mod. Mine Run.	Over 1/4"	425	475	350	420		475	450
16. Buckwheat.	a. 1/4" x 0"	275	w360	125	200	295	200	200
	b. 3/32" x 0"							
17. Mine Run	Mine Run	400	435	300				375

[F. R. Doc. 37-3703; Filed, December 18, 1937; 12:25 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

Issued December 18, 1937

[Puerto Rico Sugar Order No. 8]

ALLOTMENT OF THE QUOTA FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by The Sugar Act of 1937, approved September 1, 1937, I, M. L. Wilson, Acting Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, issue, publish and give public notice of this order (constituting a revision of and superseding Puerto Rico Sugar Order No. 7¹), which shall have the force and effect of law and shall continue in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

Whereas, General Sugar Quota Regulations, Series 4, No. 2, as amended by Supplement 3 and Supplement 4,² establishes for Puerto Rico for the calendar year 1937 a quota of 897,063 short tons of sugar, raw value, and

Whereas, I hereby find that the total surplus stocks of Puerto Rican sugar in excess of the aforesaid quota and the quota for local consumption in Puerto Rico for the calendar year 1937, established pursuant to General Sugar Quota Regulations, Series 4, No. 3, amount to approximately 151,000 tons of sugar, raw value, and

Whereas, I hereby find that the allotment of the sugar quota established for Puerto Rico for consumption in continental United States for the calendar year 1937 is necessary in order to prevent disorderly marketing of sugar from such area.

II

Now, therefore, upon the basis of the foregoing findings and pursuant to the foregoing authority, it is hereby ordered:

1. That the aforesaid quota of 897,063 short tons of sugar, raw value, shall be allotted to the following processors in the amounts which appear opposite their respective names:

¹ 2 F. R. 2303 (DI).² 2 F. R. 2103, 2189, 3196 (DI).

Name of processor	Allotment from processing	Allotment from surplus stocks	Marketing allotment
(1) Aguirre.....	95,413	13,939	109,352
(2) Cambalache.....	34,637	3,438	38,075
(3) Canovanas.....	29,817	3,526	33,343
(4) Carmen.....	13,902	1,476	15,378
(5) Coloso.....	31,655	3,165	34,818
(6) Constancia-Toa.....	19,704	1,655	21,359
(7) El Ejemplo.....	11,734	1,125	12,859
(8) Eureka.....	11,272	950	12,222
(9) Fajardo.....	58,112	7,084	65,196
(10) Guanica.....	90,844	11,788	102,632
(11) Guamaní.....	10,964	1,174	12,138
(12) Hermínia.....	1,778	115	1,893
(13) Igualdad.....	11,955	1,298	13,253
(14) Juanita.....	15,562	1,008	16,570
(15) Lafayette.....	28,394	3,228	31,622
(16) Plazuela-Los Canos.....	34,773	2,985	37,758
(17) Monserrate.....	11,012	1,251	12,263
(18) Pellejas.....	1,363	88	1,441
(19) Plata.....	9,902	831	10,733
(20) Playa Grande.....	7,312	792	8,104
(21) Rochelaise.....	8,230	1,008	9,238
(22) Roig.....	26,361	2,436	28,797
(23) Rufina.....	26,360	3,802	30,162
(24) San Vicente.....	29,364	3,014	32,378
(25) Santa Barbara.....	2,521	265	2,786
(26) Soller.....	5,008	324	5,332
(27) Vannina.....	13,195	1,108	14,303
(28) Victoria.....	15,875	1,213	17,088
(29) Eastern Sugar Associates.....	81,343	11,504	92,847
(30) San Francisco.....	5,612	620	6,232
(31) Caribe.....	6,309	530	6,839
(32) Constancia-Ponce.....	8,033	927	8,960
(33) Mercedita.....	31,988	2,681	34,669
(34) Boca Chica.....	14,287	2,166	16,453
Total.....	804,581	92,482	897,063

2. That the above-named processors are hereby prohibited from bringing into the continental United States, for consumption during the calendar year 1937, any sugar from Puerto Rico in excess of the marketing allotments set forth in paragraph 1 hereof.

3. That the allotments fixed herein shall not be assigned or transferred without the approval of the Secretary or his duly appointed agent.

4. That where surplus stocks of sugar have been processed from growers' surplus sugarcane and settlement with growers has been made in terms of sugar, such growers' surplus sugar shall share in the allotment herein made to the processor on a pro rata basis.

In testimony whereof, M. L. Wilson Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 18th day of December, 1937.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 37-3700; Filed, December 18, 1937; 11:59 a. m.]

G. S. Q. R. Series 5, No. 1

Issued December 20, 1937

[General Sugar Quota Regulations, Series 5, No. 1]

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1938

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937 (hereinafter referred to as the "act"), I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations,¹ which

¹ These regulations shall not apply to (1) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (2) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (3) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of one and one-tenth gallons each; or (4) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol or for livestock feed, or for the production of livestock feed.

shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

1. It is hereby determined, pursuant to section 201 of the said act, that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1938 is 6,861,761 short tons of sugar, raw value.

II

1. There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1938, the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar.....	1,591,390
Mainland cane sugar.....	431,415
Hawaii.....	963,149
Puerto Rico.....	819,344
Virgin Islands.....	9,155

2. There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1938, the following quotas:

Area:	Quotas in terms of short tons, raw value
Commonwealth of the Philippine Islands.....	1,057,416
Cuba.....	1,962,771
Foreign countries other than Cuba.....	27,121

3. The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries as follows:

Country:	Quotas in pounds
Argentina.....	15,840
Australia.....	222
Belgium.....	319,815
Brazil.....	1,301
British Malaya.....	28
Canada.....	613,102
China and Hong Kong.....	313,084
Colombia.....	290
Costa Rica.....	22,382
Czechoslovakia.....	286,121
Dominican Republic.....	7,246,410
Dutch East Indies.....	229,704
Dutch West Indies.....	7
France.....	190
Germany.....	127
Guatemala.....	363,927
Haiti, Republic of.....	1,001,487
Honduras.....	3,730,055
Italy.....	1,903
Japan.....	4,356
Mexico.....	6,554,635
Netherlands.....	236,747
Nicaragua.....	11,106,817
Peru.....	12,077,314
Salvador.....	8,919,943
United Kingdom.....	381,058
Venezuela.....	315,135
Sub-total.....	53,742,000
Unallotted reserve.....	500,000
Total.....	54,242,000

III

1. The quotas established in paragraph 1 of section II hereof for the following listed areas may be filled by direct consumption sugar not in excess of the following amount for each such area:

Area:	Amounts of direct consumption sugar in terms of short tons, raw value
Hawaii.....	29,616
Puerto Rico.....	126,033
Virgin Islands.....	0

2. The quotas established in paragraph 2 of section II hereof for the following listed areas may be filled by direct

consumption sugar not in excess of the following amount for each such area:

Amounts of direct consumption sugar in terms of short tons, raw value	
Area:	
Commonwealth of the Philippine Islands	80,214
Cuba	375,000

IV

There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1938, quotas for liquid sugar as follows:

In terms of wine gallons of 72% total sugar content	
Country:	
Cuba	7,970,558
Dominican Republic	830,894
Other foreign countries	0

V

1. For the calendar year 1938, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

2. For the calendar year 1938, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, City of Washington, this 20th day of December, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3720; Filed, December 20, 1937; 12:40 p. m.]

Farm Security Administration.

DESIGNATION OF COUNTIES

LOUISIANA

DECEMBER 17, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Louisiana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Avoyelles, Bossier, Caddo, East Baton Rouge, Evangeline, Jefferson Davis, Lafayette, Lincoln, Pointe Coupee, Rapides, Richland, St. John, St. Martin, Vermillion, West Feliciana.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3697; Filed, December 17, 1937; 3:18 p. m.]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

REGULATION T¹

Inquiries Regarding This Regulation

Any inquiry relating to this regulation should be addressed to a national securities exchange of which the person making

¹ This regulation as printed herewith is in the form as revised effective January 1, 1938

the inquiry is a member or the facilities of which are used for his transactions, or, if this be not practicable, the inquiry should be addressed to the Federal Reserve bank of the district in which the inquiry arises. In the event that an official of an exchange desires information as to any such question, he should make inquiry of the Federal Reserve bank of the district in which the exchange is located.

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- (e) Additional requirements by exchanges and creditors.

[Revised Effective January 1, 1938]

SECTION 1. SCOPE OF REGULATION

This regulation¹ is issued by the Board of Governors of the Federal Reserve System (hereinafter called the Board) pursuant to the Securities Exchange Act of 1934² (hereinafter called the "Act"), particularly sections 7 and 8 (a) thereof, and applies to every member of a national securities exchange and to every broker or dealer who transacts a business in securities through the medium of any such member.

SECTION 2. DEFINITIONS

For the purposes of this regulation, unless the context otherwise requires:

(a) The terms "person", "member", "broker", "dealer", "buy", "purchase", "sale", "sell", "security", and "bank" have the meanings given them in section 3 (a) of the Act, pertinent parts of which are printed in the appendix to this regulation.

(b) The term "creditor" means any member of a national securities exchange or any broker or dealer who transacts a business in securities through the medium of any such member.

(c) The term "customer" includes any person, or any group of persons acting jointly, (1) to or for whom a creditor is extending or maintaining any credit, or (2) who, in accordance with the ordinary usage of the trade, would be considered a customer of the creditor.

It includes, in case the creditor is a firm, any partner in the firm who would be considered a customer of the firm if

¹ Forms F. R. T-1, T-2, and T-3 (Revised) were attached to the original document as filed with the Division of the Federal Register, The National Archives; copies are available upon application to the Board of Governors of the Federal Reserve System.

² 48 Stat. 881.

he were not a partner, and includes any joint adventure in which a creditor participates and which would be considered a customer of the creditor if the creditor were not a participant.

(d) The term "registered security" means any security which (1) is registered on a national securities exchange; or (2) in consequence of its having unlisted trading privileges on a national securities exchange is deemed, under the provisions of section 12 (f) of the Act, to be registered on a national securities exchange; or (3) is exempted by the Securities and Exchange Commission from the operation of section (c) (2) of the Act only to the extent necessary to render lawful any direct or indirect extension or maintenance of credit on such security or any direct or indirect arrangement therefor which would not have been unlawful if such security had been a security (other than an exempted security) registered on a national securities exchange.

(e) The term "exempted security" has the meaning given it in section 3 (a) of the Act except that the term does not include a security which is exempted by the Securities and Exchange Commission from the operation of section 7 (c) (2) of the Act only to the extent described in subdivision (3) of section 2 (d) of this regulation.

SECTION 3. GENERAL ACCOUNTS

(a) *Contents of general account.*—All financial relations between a creditor and a customer, whether recorded in one record or in more than one record, shall be included in and be deemed to be parts of the customer's general account with the creditor, except that the relations which section 4 permits to be included in any special account provided for by that section may be included in the appropriate special account, and all transactions in commodities for or with any customer shall be included in the special commodity account provided for by sections 4 (a) and 4 (e).

(b) *General rule.*—A creditor shall not effect for or with any customer in a general account any transaction which, in combination with the other transactions effected in the account on the same day, creates an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account, or increases any such excess, unless in connection therewith the creditor obtains, as promptly as possible and in any event before the expiration of three full business days following the date of such transaction, the deposit into the account of cash or securities in such amount that the cash deposited plus the maximum loan value of the securities deposited equals or exceeds the excess so created or the increase so caused.

A transaction consisting of a withdrawal of cash or registered or exempted securities from a general account shall be permissible only on condition that no cash or securities need be deposited in the account in connection with a transaction on a previous day and that, in addition, the transactions (including such withdrawal) on the day of such withdrawal would not create an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account or increase any such excess.

Rules for computing the maximum loan value of the securities in a general account and the adjusted debit balance of such an account are provided in section 3 (c) and 3 (d), and certain modifications of and exceptions to the general rule stated above are provided in the subsequent subsections of this section and in section 6.

(c) *Maximum loan value and current market value.*—The maximum loan value of the securities in a general account is the sum of the maximum loan values of the individual securities in the account, including securities (other than unissued securities) bought for the account but not yet debited thereto, but excluding securities sold for the account whether or not payment has been credited thereto.

Except as otherwise provided in this section 3 (c), the maximum loan value of a registered security (other than an exempted security) in a general account shall be such maximum loan value as the Board shall prescribe for general accounts from time to time in the supplement to this regu-

lation, and the maximum loan value of an exempted security shall be as determined by the creditor in good faith. No collateral other than registered securities or exempted securities shall have any loan value in a general account.

A warrant or certificate which evidences only a right to subscribe to or otherwise acquire any security and which expires within ninety days of issuance shall have no loan value in a general account; but, if the account contains, in addition to such warrant or certificate, the security to the holder of which such warrant or certificate has been issued, the current market value of such security (if the security be a registered security) shall, for the purpose of calculating its maximum loan value, be increased by the current market value of such warrant or certificate.

For the *current market value* of a security throughout the day of its purchase or sale, the creditor shall use its total cost or the net proceeds of its sale, as the case may be, and at any other time shall use the closing sale price of the security on the preceding business day as shown by any regularly published reporting or quotation service. In the absence of any such closing sale price, the creditor may use any reasonable estimate of the market value of such security as of the close of business on such preceding business day.

(d) *Adjusted debit balance.*—For the purposes of this regulation, the adjusted debit balance of a general account shall be calculated by taking the sum of the following items:

- (1) the net debit balance, if any, of the account;
- (2) the total cost of any securities (other than unissued securities) bought for the account but not yet debited thereto;
- (3) the current market value of any securities (other than unissued securities) sold short in the account *plus*, for each such security (other than an exempted security), such amount as the Board shall prescribe from time to time in the supplement to this regulation as the margin required for such short sales, except that such amount so prescribed in the supplement need not be included when there are held in the account securities exchangeable or convertible within a reasonable time, without restriction other than the payment of money, into such securities sold short;
- (4) the amount of margin specified by section 3 (h) for every net commitment in the account in unissued securities, *plus* all unrealized losses on each commitment in unissued securities and *minus* all unrealized gains (not exceeding the required margin) on each commitment in unissued securities; and
- (5) the amount of any margin customarily required by the creditor in connection with his endorsement or guarantee of any put, call or other option;

and deducting therefrom the sum of the following items:

- (6) the net credit balance, if any, of the account; and
- (7) the net proceeds of sale of any securities (other than unissued securities) sold for the account but for which payment has not yet been credited thereto.

In case the general account is the account of a partner of the creditor, the account of a joint adventure in which the creditor participates, a guaranteed account, or the account of a customer who has guaranteed the account of another customer, the adjusted debit balance shall be computed according to the foregoing rule and the supplementary rules prescribed in sections 6 (a), 6 (b), and 6 (c).

(e) *Liquidation in lieu of deposit.*—In any case in which the deposit required by section 3 (b), or any portion thereof, is not obtained by the creditor within the three-day period specified in that section, securities shall be sold or covering

¹ This requirement relates to the action to be taken when a customer fails to make the deposit required by section 3 (b), and it is not intended to countenance on the part of customers the practice commonly known as "free-riding" or "three-day riding," to prevent which the principal national securities exchanges have adopted certain rules. See the rules of such exchanges and section 7 (e) of this regulation.

or other liquidating transactions shall be effected in the account, prior to the expiration of such three-day period, in such amount that the resulting decrease in the adjusted debit balance of the account exceeds, by an amount at least as great as such required deposit or the undeposited portion thereof, any resulting decrease in the maximum loan value of the securities in the account.

(f) *Extensions of time.*—In exceptional cases, the three-day period specified in section 3 (b) may, on application of the creditor, be extended for one or more limited periods commensurate with the circumstances by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which exchange the creditor is a member or through which his transactions are effected, provided such committee is satisfied that the creditor is acting in good faith in making the application and that the circumstances are in fact exceptional and warrant such action.

(g) *Transactions on given day.*—For the purposes of section 3 (b), the question of whether or not an excess of the adjusted debit balance of a general account over the maximum loan value of the securities in the account is created or increased on a given day shall be determined on the basis of all the transactions in the account on that day exclusive of any deposit of cash, deposit of securities, covering transaction or other liquidation that has been effected on the given day, pursuant to the requirements of section 3 (b) or 3 (e), in connection with a transaction on a previous day.

(h) *Unissued securities.*—The amount to be included in the adjusted debit balance of a general account as the margin required for a net long commitment in unissued securities shall be the current market value of the net amount of unissued securities long *minus* the maximum loan value which such net amount of securities would have if they were issued registered securities held in the account; and the amount to be so included as the margin required for a net short commitment in unissued securities shall be the amount which would be required as margin for the net amount of unissued securities short if such securities were issued securities and were sold short in the account: *Provided*, That no amount need be included as margin for a net short commitment in unissued securities when there are held in the account securities in respect of which the unissued securities are to be issued, nor for any net position in unissued securities that are exempted securities.

Whenever a creditor, pursuant to a purchase of an unissued security for a customer, receives an issued security which is not a registered or exempted security, the creditor shall treat any payment by him for such issued security as a transaction (other than a withdrawal) which increases the adjusted debit balance of the account by the amount of the payment *minus* the amount required to be included in the adjusted debit balance of the account, at the time of and in connection with the purchase of the unissued security, as the margin required for such purchase.

SECTION 4. SPECIAL ACCOUNTS

(a) *General rule.*—Pursuant to this section 4, a creditor may establish for any customer one or more special accounts.

Each such special account shall be recorded separately and shall be confined to the transactions and relations specifically authorized for such account by the appropriate subsection of this section and to transactions and relations incidental to those specifically authorized. An adequate record shall be maintained showing for each such account the full details of all transactions in the account.

A special account established pursuant to this section shall not be used in any way for the purpose of evading or circumventing any of the provisions of this regulation. If a customer has with a creditor both a general account and one or more such special accounts, the creditor shall treat each such special account as if the customer had with the creditor no general account.

The only other conditions to which transactions in such special accounts shall be subject under the provisions of this regulation shall be such conditions as are specified in the appropriate subsection of this section and in sections 2, 6 and 7.

(b) *Special omnibus account.*—In a special omnibus account, a member of a national securities exchange may effect for a customer transactions which are effected in reliance upon a signed statement which the member has accepted from the customer in good faith, and a duplicate original of which has been filed by the member with the secretary of a national securities exchange of which he is a member, that the customer is a broker or dealer who is subject to the provisions of this regulation or has places of business only in foreign countries; and such a special omnibus account shall be subject to all the conditions to which it would be subject if it were a general account except that—

(1) In such a special omnibus account, no securities shall have loan value and no short sales of securities shall be carried, except securities and short sales as to which the member shall have accepted in good faith a signed statement of the customer that he is in turn carrying such securities and such short sales for the account of his customers other than his partners;

(2) The maximum loan value of a registered security (other than an exempted security) having loan value in such a special omnibus account shall be such special maximum loan value, and the amount to be included in the adjusted debit balance of such an account as the margin required for short sales shall be such special amount, as the Board shall prescribe from time to time for special omnibus accounts in the supplement to this regulation; and

(3) If the maximum loan value of the securities in the account shall have equalled or exceeded the adjusted debit balance of the account after all the transactions in the account on any day within the period specified in section 3 (b), the liquidating or covering transactions required by section 3 (e) need not be effected.

(c) *Special cash account.*—In a special cash account, a creditor may effect for or with any customer *bona fide* cash transactions in securities in which the creditor may—

(1) purchase any security for, or sell any security to, any customer, provided funds sufficient for the purpose are already held in the account or the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the customer will promptly make full cash payment for such security; or

(2) sell any security for, or purchase any security from, any customer, provided the security is held in the account or the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the security is to be promptly deposited in the account.

Except as otherwise provided in this section 4 (c), in case a customer does not make full cash payment for a security purchased by him in the account, or does not deposit in the account a security sold by him in the account, within seven days after date on which the security was purchased or sold, the creditor shall promptly cancel, cover, or otherwise liquidate, the transaction or the unsettled portion thereof.

If the security was purchased for the customer subject to a customary "seller's option" as to the time of delivery, or if the security was purchased for, or sold to, the customer and the creditor "failed to receive" the security at the usual time of delivery, the period referred to in the preceding paragraph shall be five days from the day on which the creditor acting in good faith was able to obtain the security. If the security was sold for the customer subject to a customary "seller's option" as to the time of delivery, such period shall end with the day on which the option expires. If the security when purchased or sold was an unissued security, such period shall be seven days from the day on which the security

was made available by the issuer for delivery to purchasers of the security.

If any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which exchange the creditor is a member or through which his transactions are effected, is satisfied that the creditor is acting in good faith in making the application, that the application relates to a *bona fide* cash transaction, and that exceptional circumstances warrant such action, such committee, on application of the creditor, may (A) extend any period specified in the two preceding paragraphs for one or more limited periods commensurate with the circumstances, or (B) in the case of the purchase of a registered or exempted security which has been effected by the customer in the account, authorize the transfer of the transaction to a general account or special omnibus account and the completion of the transaction pursuant to the provisions of this regulation relating to such accounts.

The days specified in this section 4 (c) are calendar days, but if the last day of any period specified herein is a Saturday, Sunday, or holiday, such period shall be considered to end on the next full business day. For the purposes of this section 4 (c), a creditor may, at his option, disregard any sum due by the customer not exceeding \$50.

(d) *Special arbitrage account.*—In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer *bona fide* arbitrage transactions in securities. For the purposes of this subsection, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within a reasonable time into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities.

(e) *Special commodity account.*—In a special commodity account, a creditor may effect and carry for any customer transactions in commodities.

(f) *Special miscellaneous account.*—In a special miscellaneous account, a creditor may—

(1) With the approval of any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, make and maintain loans to meet the emergency needs of any creditor;

(2) Effect and finance, for any joint adventure in which the sole participants are the creditor and one or more members of a national securities exchange who are registered on such exchange as odd-lot dealers and acting as such, any transactions in securities with respect to which all participants, or all participants other than the creditor, are so registered and so act;

(3) Effect transactions for and finance any joint adventure or group in which the creditor participates and in which all participants are dealers (whether such participants be acting jointly or severally), or any member thereof or participant therein, for the purpose of facilitating the underwriting or distributing of all or part of an issue of securities (A) not through the medium of a national securities exchange, or (B) the distribution of which has been approved by the appropriate committee of a national securities exchange;

(4) Effect for any customer the collection or exchange (other than by sale or purchase) of securities deposited by the customer specifically for such purposes, and (subject to any other applicable provisions of law) receive from or for any customer, and pay out or deliver to or for any customer, any money or securities;

(5) Effect and carry for any customer transactions in foreign exchange; and

(6) Extend and maintain credit to or for any customer without collateral or on any collateral whatever for any purpose other than purchasing or carrying or trading in securities.

SECTION 5. BORROWINGS BY MEMBERS, BROKERS, AND DEALERS

(a) *General rule.*—It is unlawful for any creditor, directly or indirectly, to borrow in the ordinary course of business as a broker or dealer on any registered security (other than an exempted security) except

(1) from or through a member bank of the Federal Reserve System; or

(2) from any nonmember bank which shall have filed with the Board an agreement which is still in force and which is in the form prescribed by this regulation; or

(3) to the extent to which, under the provisions of this regulation, loans are permitted between members of a national securities exchange and/or brokers and/or dealers, or loans are permitted to meet emergency needs.

(b) *Agreements of nonmember banks.*—An agreement filed pursuant to section 8 (a) of the Act by a bank not a member of the Federal Reserve System shall be substantially in the form contained in Form F. R. T-2 if the bank has its principal place of business in a territory or insular possession of the United States, or if it has an office or agency in the United States and its principal place of business outside the United States. The agreement filed by any other nonmember bank shall be in substantially the form contained in Form F. R. T-1. Any nonmember bank which has executed any such agreement may terminate the agreement if it obtains the written consent of the Board. Blank forms of such agreements, information regarding their filing or termination, and information regarding the names of nonmember banks for which such agreements are in force, may be obtained from any Federal Reserve bank.

(c) *Borrowing from other creditors.*—A creditor may borrow from another creditor in the ordinary course of business as a broker or dealer on any registered security to the extent and subject to the terms upon which the latter may extend credit to him in accordance with the provisions of this regulation, and subject to any other applicable provisions of law.

SECTION 6. CERTAIN TECHNICAL DETAILS

(a) *Accounts of partners.*—In case a general account is the account of a partner of the creditor, the creditor, in calculating the adjusted debit balance of such account and the maximum loan value of the securities therein, shall disregard the partner's financial relations with the firm as reflected in his capital and ordinary drawing accounts.

(b) *Contribution to joint adventure.*—In case a general account is the account of a joint adventure in which the creditor participates, the adjusted debit balance of the account shall include, in addition to the items specified in section 3 (d) any amount by which the creditor's contribution to the joint adventure exceeds the contribution which he would have made if he had contributed merely in proportion to his right to share in the profits of the joint adventure.

(c) *Guaranteed accounts.*—In case a general account maintained by a creditor for one customer is guaranteed in writing by another customer for whom the creditor maintains a general account, the adjusted debit balance of the guaranteed account may, at the option of the creditor, be computed by deducting from the sum of the items specified in section 3 (d) an amount not greater than the excess of the maximum loan value of the securities in the guarantor's general account over the adjusted debit balance of such guarantor's account calculated without the addition thereto prescribed by the following paragraph, provided (1) the guarantor is not a creditor, (2) a duplicate original of the

guarantee has been filed with the secretary of a national securities exchange of which the creditor is a member or through which his transactions are effected, and (3) the guarantee permits the creditor to use funds and securities in the guarantor's account to carry the guaranteed account without restriction, except that the guarantee may be limited to a specified amount and in that event the deduction shall not exceed such amount.

In case a guarantee has served to permit in the guaranteed account any transaction which could not otherwise have been effected in accordance with this regulation: (A) the adjusted debit balance of the guarantor's account shall be computed by adding to the sum of the items specified in section 3 (d) an amount equal to the deduction made pursuant to the preceding paragraph; (B) the creditor shall not subsequently decrease the amount of such deduction, or the amount of the consequent addition to the adjusted debit balance of the guarantor's account, unless the adjusted debit balance of the guaranteed account, after such decrease and after all transactions in such guaranteed account on the date of such decrease, does not exceed the maximum loan value of the securities in such guaranteed account; and (C) if the guarantee is terminated or the amount thereof reduced, the creditor shall require that, after all the transactions (including such termination or reduction) on the date of such termination or reduction, the adjusted debit balance of the guaranteed account shall not exceed the maximum loan value of the securities in the account.

(d) *Transfer of accounts.*—In the event of the transfer of a general account from one creditor to another, such account may be treated for the purposes of this regulation as if it had been maintained by the transferee from the date of its origin: *Provided*, That the transferee accepts in good faith the signed statement of the transferor that no cash or securities need be deposited in the account in connection with any transaction that has been effected in the account or, in case he finds that it is not practicable to obtain such a statement from the transferor, accepts in good faith such a signed statement from the customer.

In the event of the transfer of a general account from one customer to another, such account may be treated by the creditor for the purposes of this regulation as if it had been maintained for the transferee from the date of its origin.

(e) *Reorganizations.*—A creditor may, without regard to the other provisions of this regulation, effect for a customer the exchange of any registered or exempted security in a general account for the purpose of participating in a reorganization or recapitalization in which the security is involved: *Provided*, That if an unregistered non-exempted security is acquired in exchange, the creditor shall not, for a period of sixty days following such acquisition, permit the withdrawal of such security or the proceeds of its sale from the customer's account except to the extent that such security or proceeds could be withdrawn if the security were a registered security.

(f) *Time of receipt of funds or securities.*—For the purposes of this regulation, a creditor may, at his option (1) treat the receipt in good faith of any check or draft drawn on a bank which in the ordinary course of business is payable on presentation, or any order on a savings bank with passbook attached which is so payable, as receipt of payment of the amount of such check, draft or order; (2) treat the shipment of securities in good faith with sight draft attached as receipt of payment of the amount of such sight draft; and (3) in the case of the receipt in good faith of written or telegraphic notice in connection with a special omnibus account of a customer not located in the same city that a specified security or a check or draft has been dispatched to the creditor, treat the receipt of such notice as receipt of such security, check or draft: *Provided, however*, That if the creditor receives notice that such check, draft, order, or sight draft described in clause (1), (2) or (3) is not paid on

the day of presentation, or if such security, check or draft described in clause (3) is not received by the creditor within a reasonable time, the creditor shall promptly take such action as he would have been required to take by the appropriate provisions of this regulation if the provisions of this subsection had not been utilized.

(g) *Interest, service charges, etc.*—Interest on credit maintained in a general account, communication charges with respect to transactions in the account, shipping charges, premiums on securities borrowed in connection with short sales or to effect delivery, dividends or other distributions due on borrowed securities, and any service charges (other than commissions) which the creditor may impose, may be debited to the account in accordance with the usual practice and without regard to the other provisions of this regulation, but such items so debited shall be taken into consideration in calculating the net credit or net debit balance of the account.

A creditor may, without regard to the other provisions of this regulation, pay to or for a customer from a general account interest or cash dividends collected by the creditor for such account, if such payment is made within 35 days after the day on which, in accordance with the creditor's usual practice, such interest or dividends are credited to the account, and if the crediting thereof has not served in the meantime to permit in the account any purchase of securities or other transactions which could not otherwise have been effected in accordance with this regulation.

(h) *Borrowing and lending securities.*—Without regard to the other provisions of this regulation, a creditor (1) may make a *bona fide* deposit of cash in order to borrow securities (whether registered or unregistered) for the purpose of making delivery of such securities in the case of short sales, failure to receive securities he is required to deliver, or other similar cases, and (2) may lend securities for such purpose against such a deposit.

(i) *Credit for clearance of securities.*—The extension or maintenance of any credit which is maintained for only a fraction of a day (that is, for only part of the time between the beginning of business and midnight on the same day) shall be disregarded for the purposes of this regulation, if it is incidental to the clearance of transactions in securities directly between members or through an agency organized or employed by the members of a national securities exchange for the purpose of effecting such clearance.

(j) *Foreign currency.*—If foreign currency is capable of being converted without restriction into United States currency, a creditor acting in good faith may treat any such foreign currency in an account as a credit to the account in an amount determined in accordance with customary practice.

(k) *Innocent mistakes.*—If any failure to comply with this regulation results from a mistake made in good faith in executing a transaction, recording, determining, or calculating any loan, balance, market price or loan value, or other similar matter, the creditor shall not be deemed guilty of a violation of this regulation if promptly after the discovery of the mistake he takes whatever action may be practicable in the circumstances to remedy the mistake.

SECTION 7. MISCELLANEOUS PROVISIONS

(a) *Arranging for loans by others.*—A creditor may arrange for the extension or maintenance of credit to or for any customer of such creditor by any person upon the same terms and conditions as those upon which the creditor, under the provisions of this regulation, may himself extend or maintain such credit to such customer, but only upon such terms and conditions, except that this limitation shall not apply with respect to the arranging by a creditor for a bank subject to Regulation U to extend or maintain credit on registered securities or exempted securities.

(b) *Maintenance of credit.*—Except as otherwise specifically forbidden by this regulation, any credit initially extended without violation of this regulation may be main-

tained regardless of (1) reductions in the customer's equity resulting from changes in market prices, (2) the fact that any security in an account ceases to be registered or exempted, and (3) any change in the maximum loan values or margin requirements prescribed by the Board under this regulation. In maintaining any such credit, the creditor may accept or retain for his own protection additional collateral of any description, including unregistered securities.

(c) *Declaration as to purpose of loan.*—Every extension of credit on a registered security (other than an exempted security) shall be deemed to be for the purpose of purchasing or carrying or trading in securities, unless the customer shall file with the creditor a written declaration signed by the customer which shall state the use to be made of such credit and which shall state specifically that such credit is neither for the purpose of purchasing or carrying or trading in securities nor for the purpose of evading or circumventing the provisions of this regulation. In connection with any extension of credit, a creditor may rely upon such a written declaration unless he knows the statement to be false or has information which would put a prudent man upon inquiry and if investigated with reasonable diligence would lead to the discovery of the falsity of the statement.

(d) *Reports.*—Every creditor shall make such reports as the Board may require to enable the Board to perform the functions conferred upon it by the Act.

(e) *Additional requirements by exchanges and creditors.*—Nothing in this regulation shall (1) prevent any exchange from adopting and enforcing any rule or regulation further restricting the time or manner in which its members must obtain initial or additional margin in customers' accounts because of transactions effected in such accounts, or requiring such members to secure or maintain higher margins, or further restricting the amount of credit which may be extended or maintained by them, or (2) modify or restrict the right of any creditor to require additional security for the maintenance of any credit, to refuse to extend credit, or to sell any securities or property held as collateral for any loan or credit extended by him.

SUPPLEMENT TO REGULATION T

Issued by the Board of Governors of the Federal Reserve System

[Effective January 1, 1938]

Maximum loan value for general accounts.—The maximum loan value of a registered security (other than an exempted security) in a general account, subject to section 3 of Regulation T, shall be 60 percent of its current market value.

Maximum loan value for special omnibus accounts.—The maximum loan value of a registered security (other than an exempted security) in a special omnibus account, subject to section 4 of Regulation T, shall be 75 percent of its current market value.

Margin required for short sales.—The amount to be included in the adjusted debit balance of a general account pursuant to section 3 (d) (3) of Regulation T, as margin required for short sales of securities (other than exempted securities) shall be 50 percent of the current market value of each such security, and in the case of a special omnibus account with another member, broker or dealer, such amount shall be 35 percent of such current market value.

Approved by the Board of Governors of the Federal Reserve System on December 3, 1937, to become effective January 1, 1938.

[SEAL]

S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 37-3698; Filed, December 18, 1937; 9:38 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

RESOLUTION APPROVING CERTIFIED STATEMENT FORMS

Paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, provides in part:

The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe.

Resolved, That pursuant to the provisions of paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, the following described certified statement forms¹ be approved:

(1) *Certified statement.*—Part One, Based on Deposits for the Six Months Ending December 31, 1937, Form 545E, in quadruplicate.

(2) *Recapitulation of the monthly totals of certified statement.*—Part Two, for the Six Months Ending December 31, 1937, Form 555E, in triplicate.

Adopted on October 6, 1937.

[SEAL]

AGNES C. MURPHY,
Acting Secretary.

[F. R. Doc. 37-3710; Filed, December 18, 1937; 12:42 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December A. D. 1937.

[File No. 43-94]

IN THE MATTER OF SOUTH CAROLINA UTILITIES COMPANY

ORDER PURSUANT TO SECTION 7, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

South Carolina Utilities Company, a subsidiary of States Electric & Gas Corporation, a registered holding company, having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of a 6% unsecured promissory note in the face amount of \$20,000, maturing April 27, 1938, in order to reimburse its treasury for expenditures for plant and equipment;

A hearing on such declaration having been duly held after appropriate notice;² the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That such declaration be and become effective forthwith on the condition, however, that the issue and sale of the aforesaid unsecured note shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by said declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3721; Filed, December 20, 1937; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

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, 1937.

¹ Filed as a part of the original document with the Division of the Federal Register; copies available upon application to the Federal Deposit Insurance Corporation.

² 2 F. R. 3088 (DI).

[File No. 1-1429]

IN THE MATTER OF MOTHER LODE COALITION MINES COMPANY
CAPITAL STOCK, NO PAR VALUEORDER SETTING HEARING ON APPLICATION TO STRIKE FROM
LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Capital Stock, No Par Value, of Mother Lode Coalition Mines Company; and

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

It is ordered, That the matter be set down for hearing at 10 o'clock A. M. on January 18, 1938, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3723; Filed, December 20, 1937; 12:41 p. m.]

United States of America—Before the Securities
and Exchange Commission

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. 1937.

[File No. 2-2349]

IN THE MATTER OF KINNER AIRPLANE AND MOTOR CORPORATION,
LTD.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant Kinner Airplane and Motor Corporation, Ltd., a California corporation, after confirmed telegraphic notice by the Commission to said registrant, that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Item 46 and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Kinner Airplane and Motor Corporation, Ltd., a California corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3722; Filed, December 20, 1937; 12:41 p. m.]