

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 6 NUMBER 231

Washington, Friday, November 28, 1941

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3751]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE WHOLESALE DRY GOODS INSTITUTE, INC., ET AL.

§ 3.24 (e) *Coercing and intimidating—Suppliers of competitors—By boycotting and threats of:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* Following a common course of action pursuant to or in connection with any mutual understanding, agreement, combination, or conspiracy, for the purpose and with the effect, directly or indirectly, of establishing or seeking to establish respondents, or any of them, as a preferred class of buyers, or of inducing, coercing, or restraining manufacturers or their agents in the determination of their sales and pricing policies or the selection of their customers, or otherwise hindering, restraining, or lessening competition in the sale and distribution of dry goods, notions, or other merchandise in commerce, (1) by preparing, maintaining, and circulating any list of buyers considered or recognized by respondents as "wholesalers", or any similar list of preferred buyers; (2) by preparing, maintaining, and circulating any list of manufacturers or their agents classified or rated in a manner which designates those whose sales policies are considered satisfactory to respondents and those whose sales policies are less satisfactory or not satisfactory to respondents; (3) by ceasing or threatening to cease to deal, or dealing or threatening to deal less extensively than otherwise, with any manufacturer or his agents on the ground or for the reason that such manufacturer sells to buyers not considered or recognized by respondents as "wholesalers", or sells to retailers, or does not grant a more favorable price to respondents and others considered or recognized by them as "wholesalers" than to other buyers; (4) by advocating and urging said common course of action outlined in part (3) hereof in publications or letters, at meetings of respondents or groups or committees of respondents, or in any other manner; and (5) by making threats, express or implied, to any manufacturer or his agents for the purpose or with the effect of inducing, persuading, constraining, or coercing such manufacturer or his agents to refuse to sell, cease selling, or charge a higher price, to any buyer or prospective buyer; on the part of respondent Institute, its officers, etc., its members, etc., or any group of such respondents, their agents, etc., either with or without the cooperation of others not parties hereto; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [The Wholesale Dry Goods Institute, Inc., et al., Docket 3751, November 24, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of certain respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, renewed motion to reverse the rulings of the trial examiners on evidence and supplement to said motion, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent The Wholesale Dry Goods Institute, Inc., a membership corporation, its officers and directors, individually and as such offi-

ents as "wholesalers", or sells to retailers, or does not grant a more favorable price to respondents and others considered or recognized by them as "wholesalers" than to other buyers; (4) by advocating and urging said common course of action outlined in part (3) hereof in publications or letters, at meetings of respondents or groups or committees of respondents, or in any other manner; and (5) by making threats, express or implied, to any manufacturer or his agents for the purpose or with the effect of inducing, persuading, constraining, or coercing such manufacturer or his agents to refuse to sell, cease selling, or charge a higher price, to any buyer or prospective buyer; on the part of respondent Institute, its officers, etc., its members, etc., or any group of such respondents, their agents, etc., either with or without the cooperation of others not parties hereto; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [The Wholesale Dry Goods Institute, Inc., et al., Docket 3751, November 24, 1941]

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It is ordered, That respondent The Wholesale Dry Goods Institute, Inc., a membership corporation, its officers and directors, individually and as such offi-

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 16—COMMERCIAL PRACTICES:	Page
Federal Trade Commission:	
Wholesale Dry Goods Institute, Inc., cease and desist order.....	6067
TITLE 17—COMMODITY AND SECURITIES EXCHANGES:	
Commodity Exchange Administration:	
Contract-market members to report uncleared transactions on designated form.....	6068
TITLE 22—FOREIGN RELATIONS:	
Department of State:	
Control of persons entering and leaving the United States; American citizens and nationals.....	6069
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Minimum price schedules, relief orders, etc.:	
District No. 2.....	6071
District No. 4.....	6072
District No. 7.....	6075
District No. 9.....	6075
District No. 10.....	6076
District No. 14 (4 documents).....	6077-6081
TITLE 32—NATIONAL DEFENSE:	
Office of Price Administration:	
Price schedules, amendments, etc.:	
Douglas fir doors.....	6084
Paperboard sold east of Rocky Mountains.....	6087
Office of Production Management:	
Electric power, curtailment in southeastern area (3 documents).....	6083
Vacuum cleaners, restriction of production.....	6083
TITLE 47—TELECOMMUNICATION:	
Federal Communications Commission:	
Broadcasts by candidates for public office.....	6087

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

NOTICES

Department of the Interior:	
Bituminous Coal Division:	
Hearings, postponements, etc.:	Page
District Board No. 4.....	6095
District Board No. 6.....	6096
District Board No. 9 (4 documents).....	6095, 6096
England, A. H.....	6092
Foley, James R.....	6093
Hart and Harris.....	6093
Kolarich, Charly.....	6090
Kosorok, John.....	6091
Martin, Paris.....	6092
Phillips, Matthew.....	6096
Pilati, Leo.....	6091
Straight Creek Jellico Coal Co.....	6094
Werner, C. E., Jr.....	6095
Federal Communications Commission:	
Hearings:	
Albaugh, Roy Branham.....	6098
Godley, Paul Forman.....	6097
Jester, Beauford H.....	6097
Westchester Broadcasting Corp.....	6097
Federal Trade Commission:	
Appointment of trial examiners:	
Bitterman, Harry M., Inc.....	6098
Herzog, Jack, & Co.....	6098
Penn-Lub Oil Products Co.....	6099
Weiss, David M.....	6098
Securities and Exchange Commission:	
Central Hudson Gas & Electric Corp., hearing.....	6099
Central New York Power Corp., et al., application granted.....	6099

CONTENTS—Continued

War Department:	
Contract summaries:	
Air Cruisers, Inc.....	Page 6089
American Woolen Co.....	6089
Bendix Aviation Corp.....	6089
Carneal, Johnston, & Wright.....	6087
Curtiss-Wright Corp.....	6090
Doyle and Russell.....	6088

cers or directors, its members individually and as such members, or any group of such respondents, their agents, representatives, and employees, either with or without the cooperation of others not parties hereto, do forthwith cease and desist from following a common course of action pursuant to or in connection with any mutual understanding, agreement, combination, or conspiracy, for the purpose and with the effect, directly or indirectly, of establishing or seeking to establish respondents, or any of them, as a preferred class of buyers, or of inducing, coercing, or restraining manufacturers or their agents in the determination of their sales and pricing policies or the selection of their customers, or otherwise hindering, restraining, or lessening competition in the sale and distribution of dry goods, notions, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act:

(1) By preparing, maintaining, and circulating any list of buyers considered or recognized by respondents as "wholesalers," or any similar list of preferred buyers;

(2) By preparing, maintaining, and circulating any list of manufacturers or their agents classified or rated in a manner which designates those whose sales policies are considered satisfactory to respondents and those whose sales policies are less satisfactory or not satisfactory to respondents;

(3) By ceasing or threatening to cease to deal, or dealing or threatening to deal less extensively than otherwise, with any manufacturer or his agents on the ground or for the reason that such manufacturer sells to buyers not considered or recognized by respondents as "wholesalers," or sells to retailers, or does not grant a more favorable price to respondents and others considered or recognized by them as "wholesalers" than to other buyers;

(4) By advocating and urging said common course of action outlined in paragraph (3) hereof in publications or letters, at meetings of respondents or groups or committees of respondents, or in any other manner;

(5) By making threats, express or implied, to any manufacturer or his agents for the purpose or with the effect of inducing, persuading, constraining, or coercing such manufacturer or his agents to refuse to sell, cease selling, or charge a higher price, to any buyer or prospective buyer.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That for the reasons set out in Paragraph One of the findings as to the facts in this proceeding the complaint herein be, and it is, hereby dismissed as to respondents W. W. Couch Co., Inc.; Harris, Davis & Co., Inc.; Schwartz Brothers & Co., Inc.; F. B. Thomas & Co., Inc.; E. & M. Hirschler Co., Inc.; Smith, Taylor Co., Inc.; and J. S. Reeves & Co., Inc.

It is further ordered, That respondents' motion to reverse certain rulings of the trial examiners on the evidence, which motion was denied without prejudice to respondents' right to renew same, and which was duly renewed, and respondents' motion supplementing said renewed motion be, and the same hereby are, denied.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8932; Filed, November 27, 1941; 11:15 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

ORDER AMENDING REGULATIONS WITH RESPECT TO REPORTS OF UNCLEARED TRANSACTIONS BY CONTRACT-MARKET MEMBERS

By virtue of the authority vested in the Secretary of Agriculture by section 5 (b) of the Commodity Exchange Act, as amended (7 U.S.C., sec. 7 (b)), § 1.19a, part 1 of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as amended, constituting § 1.19a, part 1, chapter I, title 17, Code of Federal Regulations, is hereby amended to read as follows:

§ 1.19a *Contract-market members to report uncleared transactions ("pass-*

outs") on Form 110. Each member of a contract market who shall execute uncleared transactions (commonly known as "pass-outs") in any commodity for future delivery on or subject to the rules of such contract market shall report to the Commodity Exchange Administration on Form 110 applicable to such contract market each business day on which he shall execute such uncleared transactions. Such report shall be prepared and filed in accordance with the instructions appearing on Form 110, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the details of each such transaction, including the commodity, future, quantity, and price, and the name of the person from whom bought and to whom sold: *Provided*, That the requirements of this section shall not apply to any member of a contract market, all of whose uncleared transactions are recorded on the books and records of, and included in the purchases and sales reported to the Commodity Exchange Administration by, a clearing member (or clearing members) of such contract market. (Sec. 5 (b), 42 Stat. 1000; 7 U.S.C. 7 (b))

Done at Washington, D. C., this 27th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8934; Filed, November 27, 1941; 11:28 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

[Departmental Order No. 1003]

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS

I, Cordell Hull, Secretary of State of the United States of America, by virtue of and pursuant to the authority vested in me by § 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of the act of Congress approved May 22, 1918 (40 Stat. 569), as amended by the act of Congress approved June 21, 1941 (Public Law 114, 77th Cong.), hereby prescribe the following rules and regulations, making exceptions and conditions to the requirement of the proclamation of the President that

no citizen of the United States or person who owes allegiance to the United States shall depart from or enter, or attempt to depart from or enter, the United States, including the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport issued by the Secretary of State or under his authority by a diplomatic or consular officer of the United States, or by the United States High Commissioner to the Philippine Islands, or by the Chief Executive of Hawaii, Puerto Rico, the Virgin Islands, American Samoa, or Guam:

Sec.

- 58.1 Limitations upon travel prior to January 15, 1942.
- 58.2 Limitations upon travel after January 15, 1942.
- 58.3 Exceptions to regulations in §§ 58.1-58.2.
- 58.4 Seamen.
- 58.5 Persons considered as bearing passports.
- 58.6 Restrictions upon travel on vessels of belligerent states.
- 58.7 Prevention of departure or entry prejudicial to the interests of the United States.
- 58.8 Attempt of a citizen or national to enter without a valid passport.
- 58.9 Optional use of a valid passport.
- 58.10 Discretionary exercise of authority in passport matters.
- 58.11 Definition of the term "continental United States".

§ 58.1 *Limitations upon travel prior to January 15, 1942.* No citizen of the United States or person who owes allegiance to the United States shall, prior to 6 o'clock in the forenoon of January 15, 1942, be required to bear a valid passport in order to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, except that, effective immediately, no such person shall depart from or attempt to depart from any such territory for any foreign country or territory in the Eastern Hemisphere, or any foreign country or territory in the Western Hemisphere under the jurisdiction of Great Britain in which the United States maintains defense bases or in which such bases are being constructed by or under contract with the Government of the United States, unless he bears a valid passport for such travel issued by or under authority of the Secretary of State or is otherwise authorized by the Secretary of State to depart from any territory subject to the jurisdiction of the United States for any foreign territory mentioned in this section.*

*§ 58.1 to 58.11, inclusive, issued under authority contained in sec. 1 of Proclamation 2523, November 14, 1941, 6 F.R. 5821, and the

act of Congress approved May 22, 1918, 40 Stat. 569, as amended by the act approved June 21, 1941, Public Law 114, 77th Cong., 55 Stat. 252.

§ 58.2 *Limitations upon travel after January 15, 1942.* After 6 o'clock in the forenoon of January 15, 1942, no citizen of the United States or person who owes allegiance to the United States shall depart from or enter into or attempt to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport which has been issued by or under authority of the Secretary of State and which, in the case of a person entering or attempting to enter any such territory, has been verified by an American diplomatic or consular officer either in the foreign country from which he started his journey, or in the foreign country in which he was last present if such country is not the one from which he started his journey, or unless he comes within one of the exceptions prescribed in §§ 58.3-58.4. No fee shall be collected by a diplomatic or consular officer of the United States for or in connection with such verification.*

§ 58.3 *Exceptions to regulations in §§ 58.1-58.2.* No valid passport shall be required of a citizen of the United States or a person who owes allegiance to the United States:

(a) When travelling between the continental United States and the Territory of Hawaii, Puerto Rico, and the Virgin Islands, or between any such places; or

(b) When travelling between points in the continental United States and points in Canada: *Provided*, That this exception shall not be applicable to any such person when travelling to or arriving from a place outside the continental United States via Canada for which a valid passport is required under these rules and regulations; or

(c) When travelling between points in the continental United States and points in Mexico: *Provided*, That this exception shall not be applicable to any such person when travelling to or arriving from a place outside the continental United States via Mexico for which a valid passport is required under these rules and regulations; or

(d) When travelling between the continental United States or Puerto Rico or the Virgin Islands and islands adjacent to Canada or the United States or the islands of the West Indies, including the Bahamas, except any such island as is subject to the jurisdiction of a non-American country other than Great Britain and any such island subject to the

jurisdiction of Great Britain in which the United States maintains a defense base or in which such a base is being constructed by or under contract with the Government of the United States: *Provided*, That this exception shall not be applicable to any such person going from the continental United States or Puerto Rico or the Virgin Islands to any foreign territory other than Canada or Mexico via any of the islands mentioned in this section or returning to the United States or Puerto Rico or the Virgin Islands via any such islands from foreign territory other than Canada or Mexico; or

(e) When departing from or entering into the United States as an officer or member of the enlisted personnel of the United States Army or the United States Navy on a vessel operated by the United States Army or the United States Navy; or

(f) When travelling as a member of the armed forces of the United States or a civil employee of the War or Navy Departments between the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, and any foreign country or territory for which a valid passport is required under these rules and regulations: *Provided*, That he is in possession of a document of identification issued for such purposes by the War or Navy Departments.

(g) When specifically authorized by the Secretary of State, through the appropriate official channels, to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States.*

§ 58.4 *Seamen.* (a) Seamen who are citizens of the United States or who, although not citizens, are nationals owing allegiance to the United States are included within the provisions of these rules and regulations, except that a seaman when travelling as such is exempted from the necessity of complying with that portion of § 58.2 of these rules and regulations which relates to the verification of a passport by an American diplomatic or consular officer before entering or attempting to enter any territory of the United States mentioned in that section for which a valid passport is required.

(b) Prior to 6 o'clock in the forenoon of February 15, 1942, no seaman shall be required to bear a passport in order to enter any territory of the United States mentioned in § 58.2 of these rules and regulations.

(c) The term "seaman" shall, for the purpose of these rules and regulations, include, in addition to the persons ordinarily described by that term, all owners, masters, officers, and members of crews and other persons employed or engaged on vessels in any capacity.*

§ 58.5 *Persons considered as bearing passports.* Every citizen of the United States, or person who owes allegiance to the United States, who is included in a valid passport issued by or under authority of the Secretary of State shall for the purpose of these rules and regulations be considered as bearing a separate valid passport if such passport is presented to the appropriate official at the time he departs from or enters into or attempts to depart from or enter into any territory of the United States mentioned in § 58.2 of these rules and regulations.*

§ 58.6 *Restrictions upon travel on vessels of belligerent states.* Nothing in these rules and regulations shall be construed to authorize the travel of a citizen of the United States, or a person who owes allegiance to the United States, on any vessel of any state named in any proclamation issued by the President under authority of § 1 (a) of the joint resolution of Congress approved November 4, 1939, on or over the North Atlantic Ocean north of 35° north latitude and east of 66° west longitude, or on or over other waters adjacent to Europe, or over the continent of Europe or adjacent islands, unless, when required under the authority of such joint resolution, he first obtains the specific authorization for such travel from the Department of State or an American diplomatic or consular officer abroad.*

§ 58.7 *Prevention of departure or entry prejudicial to the interests of the United States.* Nothing in these rules and regulations shall be construed as prohibiting the Secretary of State or his representative from preventing temporarily the departure from or entry into the United States, including the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or

insular, subject to the jurisdiction of the United States, of a citizen of the United States or a person who owes allegiance to the United States if the Secretary of State or his representative considers such departure or entry prejudicial to the interests of the United States, notwithstanding the fact that such person may bear a valid passport or be destined for or arriving from a place outside any such territory of the United States for which a valid passport is not required under these rules and regulations.*

§ 58.8 *Attempt of a citizen or national to enter without a valid passport.* If any person who alleges that he is a citizen of the United States or a person who owes allegiance to the United States attempts to enter any territory of the United States contrary to the provisions of these rules and regulations, the appropriate officer of the United States at the port at which the attempt is made to enter such territory, if satisfied that such person is a citizen of the United States or a person who owes allegiance to the United States, shall detain such person and immediately report the facts in the case to the Secretary of State and await his instructions.*

§ 58.9 *Optional use of a valid passport.* Nothing in these rules and regulations shall be construed to prevent the use of a valid passport by any citizen of the United States, or a person who owes allegiance to the United States, in a case in which a passport is not required by these rules and regulations.*

§ 58.10 *Discretionary exercise of authority in passport matters.* Nothing in these rules and regulations shall be construed to prevent the Secretary of State from exercising the discretion resting in him to refuse to issue a passport, to restrict its use to certain countries, to withdraw or cancel a passport already issued, or to withdraw a passport for the purpose of restricting its validity or use in certain countries.*

§ 58.11 *Definition of the term "continental United States."* The term "continental United States", as used in these rules and regulations, includes the territory of the several states of the United States and Alaska.*

[SEAL]

CORDELL HULL,
Secretary of State.

NOVEMBER 25, 1941.

[F. R. Doc. 41-8927; Filed, November 27, 1941;
10:59 a. m.]

§ 322.9 Special prices—(c) Railroad fuel—Supplement R-II

In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 490;

Group No. 2: 1346, 2184, 2189, 2204; Group No. 6: 1762, 2070; Group No. 7: 2180, 2187, 2205; Group No. 8: 1021, 2201, 3027; Group No. 9: 597; Group No. 15: 2195, 3059; Group No. 22: 2176.

FOR TRUCK SHIPMENTS

§ 322.23 General prices—Supplement T

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump, over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea 3/4" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Mayer, F. C.	2189	Maraco (Strip)	Pittsburgh	275	265	255	240	215	210	210	220	180	170	160
Paolucci, John	2193	No. 2	Pittsburgh	275	265	255	230	215	215	210	220	180	170	160
BEAVER COUNTY														
Conner & Lang (J. L. Conner)	2203	O. & L.	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
Newton, Oswald (Newton Coal Co.)	2194	Newton #2	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
BUTLER COUNTY														
Hopper, Arthur L.	2192	Hopper	U. Freeport	315	300	290	280	270	260	240	230	200	190	180
Ivywood Coal Company	2195	Oneida #3 (Strip)	U. Kittanning	325	310	300	290	280	270	250	240	210	200	190
McKean, M. E.	2134	Thompson	Brookville	325	305	285	265	260	245	245	230	190	180	170
Pantell, Arthur E.	2188	Pantell	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Walker, J. D.	2176	Blue Eagle (Strip)	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Bortz Coal Co. (Geo. H. Bortz)	338	Grimm Farm	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Dearth Coke Corporation c/o Lawrence Parshall	2196	Ricks (Strip)	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Fitzpatrick, Richard M.	2201	R. & F. Coal Co.	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Hajdu, Frank	2179	Sand Bank Mine	Redstone	280	270	260	245	225	210	210	210	200	195	170
Hochheimer, G. M. (Sackett Coal & Coke Co.)	2205	Rich Hill #10	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Oscio, Jim	2185	Shadyside	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Pillar, Wm. T.	2197	Marion	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Ripko, Walter	2187	Ripko	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Taylor Coal Co. (Edwin J. Taylor)	2180	Stevenson (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Taylor Coal Co. (Edwin J. Taylor)	2198	Fast	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
GREENE COUNTY														
Donley, Ora J.	2202	Donley	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Saesan, Stephen	471	Saesan	Kittanning	305	305	295	285	280	270	235	235	185	175	150
MERCER-VENAGO COUNTIES														
Sugar Creek Coal Co. (Glenn R. Homan)	2181	Homan (Strip)	Clarion	350	335	315	300	295	275	275	265	210	200	185
WASHINGTON COUNTY														
Gallo, Salvatore Folino	2204	Gallo's (Strip)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Young & Taylor (L. V. Young)	2199	Grant #2	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
WESTMORELAND COUNTY														
Jamison R. H., Jr. (Delmont Fuel Company)	2184	Delmont #1 (Strip)	Pittsburgh	265	255	245	225	205	200	195	205	185	175	165
Kren, Anthony	2200	Long Run	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Poorman & Freeman	2191	Gallagher	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Rogers, Donald S.	2206	Shupe	Pittsburgh	300	290	280	260	240	230	225	235	200	190	175

[F. R. Doc. 41-8874; Filed, November 26, 1941; 10:42 a. m.]

[Docket No. A-936]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICA-

TIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 24, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the revision of the effective price classifications and the mini-

mum prices for the coals of certain code member producers in District 4 and for the establishment of additional price classifications and minimum prices for the coals of certain other code member producers in District 4.

Pursuant to Order of the Director dated August 19, 1941, and after due notice to all interested persons, a hearing in this matter was held on September 15, 1941, before Scott A. Dahquist, a duly designated Examiner of the Division, at Washington, D. C. D. I. Angelo, a code member in District 4 and operator of Mine Index No. 2558, intervened at the hearing. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner and D. I. Angelo appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned, who has considered the record in this matter.

The petition of the District Board herein requests changes in certain price classifications and minimum prices established for the coals of certain code members in District 4, as follows: With respect to truck shipments the petition requests that certain code members in District 4 be granted a reduction of 15 cents per ton in Size Groups 1, 2, 3, 4, and 5; that the minimum prices of one mine be increased by 15 cents per ton in Size Groups 1, 2, 3, 4, and 5; and that one mine be granted a reduction of 10 cents per ton in Size Groups 7 and 8. With respect to rail shipments, certain mines seek a change in classification from "K" to "O" in Size Groups 1 and 2 and from "O" to "Q" in Size Groups 7, 8, 9, 10, and 12. The petition further requests that the Ennis Coal Co., operating Mine Index No. 2669, be given a different shipping point which results in a change of Freight Origin Group Number from #11 to #51.

A petition of intervention was filed under date of September 10, 1941, by D. I. Angelo, whose mine, Mine Index No. 2558, is located in Brookfield Township, Noble County, Ohio. This intervenor, by his petition, has requested a reduction of 35 cents per ton on his rail-shipped coal destined for Cleveland and Columbus, Ohio.

It appears from the uncontroverted testimony given by F. H. Boecker, secretary and treasurer of District Board 4, that the classifications and minimum prices for the various coals designated should be changed pursuant to the schedules hereto attached.

It appears from the uncontroverted testimony of the witness for the petitioner that the presently effective minimum prices established for the mines involved are erroneous and do not conform with the effective prices for other analogous and comparable coals in District No. 4. It is shown that the erroneous original classifications were the result of misinformation, mechanical error, or general inadvertence. It further ap-

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

Name of railroad	Mine index numbers	Additional mine index numbers
Baltimore & Ohio Railroad Co.	8, 25, 133, 153, 161	Add mine index Nos. 2463, 2538.
Chesapeake & Ohio Railway Co.	7, 13, 36, 45, 79, 92, 97, 108	Add mine index No. 170. ¹
New York Central System	168	Add mine index No. 66.
Pennsylvania Railroad Co.		Add mine index Nos. 2463, 2538.
Alton, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railways System.		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Company.		
Detroit & Toledo Shore Line Railroad Co.	From mine index Nos. 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 66, 170, 2463, 2538.
Eric Railroad		
Nickel Plate Road (New York Chicago & St. Louis Railroad Co.)		
Para Marquette Railway Co.		
For all railroads not shown above.....	From mine index Nos. 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 66, 170, 2463, 2538.

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

¹ Prices for Mine Index No. 170 shall be those prices appearing in § 324.11 (a) in the Schedule of Effective Minimum Prices, less 10¢ per ton account reclassification, and in addition thereto, the price in Size Group 10 shall be the same as the applicable minimum price for its Size Group 8.

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

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

Code member index	Mine	Mine Index No.	Seam	Base sizes
Subdistrict No. 3—BERGHOLZ JEFFERSON COUNTY	Culgun.....	36		6' lump 3' x 4' egg 2' x 4' egg 1 1/2' x 4' egg 1 1/4' x 4' egg 2' x 4' slack 2' x 0 slack 3/4' x 0 slack
Subdistrict No. 5—HOCKING ATHENS COUNTY	No. 1.....	2, 048		
HOCKING COUNTY	Paramount.....	170		
CAPEOE COUNTY	Beres.....	2073		
FERRY COUNTY	Downs.....	2100		
Downs & Company, Joseph ¹				
Subdistrict No. 6—CROOKSVILLE FERRY COUNTY	Rush & Backus.....	2651		
Rush & Backus (Grover Backus) ⁴				

¹ Prices for Mine Index No. 170 shall be those prices appearing in § 324.11 (a) in the Schedule of Effective Minimum Prices, less 10¢ per ton account reclassification, and in addition thereto, the price in Size Group 10 shall be the same as the applicable minimum price for its Size Group 8.

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

¹ Erroneously listed in Sub-District 6 instead of Sub-District 5.

⁴ Erroneously listed in Sub-District 5 instead of Sub-District 6.

[P. R. Doc. 41-8870; Filed, November 26, 1941; 10:40 a. m.]

§ 324.2 Seasonal discounts—Supplement R-II

[Seasonal discounts: On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 38 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel.]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Amount of discount for shipments during the month of—				
				Apr.	May	June	July	Aug.
Hooking.....	20-27	Add 22 Add 22	83-141		30	20	10	
		Add mine index No. 170 ¹		30	20	10		
		Add mine index No. 2048 ²		30	20	10		

Seasonal discounts apply in lieu of those shown in § 324.2 in the Schedule of Effective Minimum Prices.

¹ Seasonal discounts apply in lieu of those shown in § 324.2 in Temporary Supplement No. 7 of the Schedule of Effective Minimum Prices, issued in accordance with Order of the Director in Docket No. A-462, dated December 25, 1940, 6 F. R. 123.

§ 324.9 Recapitulation of price classifications—Supplement R-III

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

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Cambridge.....		Add 8		Add mine index Nos. 2463-2538.
		Add 8	(Subject to exception No. 4, Page 3)	Add mine index Nos. 2463-2538.
		Add 22		Add mine index No. 170.
Hooking.....	26-27	Add 22	83-141	Add mine index No. 2048.
	31-32		8-97	Add mine index No. 68.
Crooksville.....	41		39-135	Add mine index No. 840.
Jackson.....			13-108	Add mine index Nos. 36-2569.
Middle.....	62	Add 51		

Prices as shown for Mine Index Nos. 87 and 121, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10¢ in Size Groups 7, 8, 9 and 12, will apply to additional Mine Index Nos. 2463 and 2538 hereinabove noted for all Market Areas except Market Area 14. In addition, Mine Index Nos. 2463 and 2538 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8 less 5¢ for all Market Areas except Market Area 14. Prices for Market Area 14 shall be 5¢ per ton less in Size Groups 7, 8, 9 and 12 than Mine Index Nos. 87 and 121, and the price in Size Group 10 shall be the same as its Size Group 8.

¹ Prices as shown for Mine Index Nos. 83 and 141, appearing in the Schedule of Effective Minimum Prices for District No. 4, will apply to additional Mine Index No. 170 hereinabove noted. In addition, Mine Index No. 170 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8, less 5¢.

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

(45) days from the date of this Order, pursuant to the Rules and Regulations governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: November 10, 1941.

[SEAL]
H. A. GRAY,
Director.

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

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals of certain mines in District No. 7; and The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and

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

It is ordered, That, pending final disposition of the above-entitled matter,

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

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

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index number	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group number	Price classifications by size group numbers												
								1	2	3	4	5	6	7	8	9	10			
297	Arrow Pocahontas Coal Company—New River & Pocahontas Consol. dated Coal Co.	Arrow #2—Berwind #9.	4	Red Ash.	Iager, W. Va.	N&W.	30													
298			3	Poca. 4.	Gary, W. Va.	N&W.	20													

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

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

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump 3/4" or larger, all egg and stove	All nut or pea 1 1/2" top size or smaller	Screened M/R	Straight mine run	1 1/4" screenings	3/4" screenings
Arrow Pocahontas Coal Company & Pocahontas Consolidated Coal Co.	297	Arrow #2	4	McDowell	Red Ash	315	290	280	215	185	180
	298	Berwind #9	3	McDowell	Poca. 4.	315	290	280	215	185	180

[F. R. Doc. 41-8871, Filed, November 26, 1941; 10:40 a. m.]

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9;

It appearing to the Director that the above-entitled matters raise similar and related issues; and

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

The Director deeming his action nec-

[Docket Nos. A-1098 and A-1099]
PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AT THE LAKE-SIDE MINE (MINE INDEX NO. 955) OF THE UNION COAL CO., C/O C. D. GLASS, IN DISTRICT NO. 9, FOR RAIL SHIPMENT; IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CERTAIN MINES IN DISTRICT NO. 9, FOR TRUCK SHIPMENT

§ 330.10 Special prices—(a) Railroad locomotive fuel prices—Supplement R-II

Price group No.	Producer	Mine	Mine index No.	Freight (cents) group	Shipping point	Railroad
1	Sahara Coal Company	No. 16	1518	133	Harrisburg, Ill.	NYC.

¹ The railroad locomotive fuel prices shall be: mine run—\$2.25; screenings—\$1.70, and railroad locomotive fuel price exception No. 9 shall apply.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 Mine index numbers—Supplement R-I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
1	Sahara Coal Company	No. 16	1518	133	Harrisburg, Ill.	NYC.

¹ Mine Index No. 1518 shall be included in Price Group 1 and shall take the same l. o. b. mine prices as other mines in Price Group 1, Schedule No. 1, District No. 10, on size groups 1 to 24, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these l. o. b. mine prices apply on board transportation facilities at Harrisburg, Illinois.

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Prices and size group numbers																											
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
Sahara Coal Company	1518	265	265	265	250	240	235	225	225	205	195	195	170	160	110	60	210	265	265	265	200	190	190	160	180	180	170	180	145

[F. R. Doc. 41-8669; Filed, November 26, 1941; 10:39 a. m.]

[Docket No. A-405]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 122 IN DISTRICT NO. 14

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that temporary and permanent relief be granted by revising the price classifications and minimum prices of the coals produced at the No. 1 Mine (Mine Index No. 122) of R. A. Young and Son Coal Company, a code member in District 14. A petition of intervention, joining in

the request of District Board 14, was filed by R. A. Young and Son Coal Company, and joint petitions of intervention in opposition to the request were filed by the Gillie Coal Company and the Premium Smokeless Coal Company and the Sans Bois Coal Company and the Keener Mining Company, all code members in District 14.

Pursuant to the request for temporary relief, and after due notice to all interested persons, an informal conference was held in Washington, D. C., in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure in proceedings instituted pursuant to section 4 II (d) of the Act, at which the R. A. Young and Son Coal Company and all the intervenors appeared. On January 28, 1941, the Director issued a Memorandum Opinion and Order, granting temporary relief.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was

held on July 30 and 31, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 14, R. A. Young and Son Coal Company, and all the above-named intervenors appeared. At the conclusion of the hearing all parties waived the preparation and filing of a report by the Examiner and the record in the proceeding was thereupon submitted to the undersigned.

At the hearing, District Board 14 amended its petition and requested that price classifications and minimum prices be established for the Young No. 1 Mine ten cents per ton higher than those established for Size Groups 4, 6, 7, 8, and 9 and by the temporary relief order of January 28, 1941, but five cents per ton lower than the originally established classifications and minimum prices.

Evidence adduced at the hearing disclosed that Mine No. 1 is located in Sebastian County, Arkansas, and ships all its coals to the R. A. Young and Son Coal production of coals by rail into midwestern markets, including Kansas City, Topeka, Omaha, and the Twin Cities. It also appears that the coals of the R. A. Young and Son Coal Company are similar to those of three other producers in District 14, the Great Western Coal Company, the Hetherington Bros. Coal Company, and the Buck Creek Coal Mining Company. The coals of these producers are shipped into the same market areas and are in direct competition with the coals of the R. A. Young and Son Coal Company.

The R. A. Young and Son Coal Company has found itself in a position where it has not been able to sell its coals in the quantities that it could normally expect to be able to as judged by its capacity and the sales made by competing producers. Horace Young, vice president

and general manager of the R. A. Young and Son Coal Company, testified that the temporary prices put into effect by the Order of January 28, 1941, 6 F.R. 691, had helped somewhat to relieve this situation. However, he testified, it seemed that in the meantime, the coal produced by the No. 1 Mine was of a firmer structure than formerly and did not have so many impurities in it. Consequently, he agreed that the coal had increased in value since January 28, 1941, and was in accord with District Board 14's request to raise the temporary prices ten cents per ton, believing that these prices would fairly represent the relative market value of the Young coals.

Evidence was introduced to the effect that the coals of the Great Western Coal Company, the Hetherington Bros. Coal

Company, the Buck Creek Coal Mining Company, and the R. A. Young and Son Coal Company should all be given the same general price level since they were all directly in competition with one another. Evidence on behalf of District Board 14 indicated that it proposes similar price classifications for the coals of all these mines. The witness for District Board 14, basing his judgment upon the physical characteristics and the market acceptability of these coals, stated that the proposed price classifications for these coals were just and equitable and would preserve their fair competitive opportunities. The witness further testified that the proposed price classifications for the coals of the R. A. Young and Son Coal Company fairly represent their relative market value.

Accordingly, upon the basis of the uncontroverted evidence, I find and conclude that the classifications and minimum prices shown in the supplements R and T annexed hereto and made a part hereof for the coals specified therein, are proper and should be established in lieu of the presently effective minimum prices for such coals; that said prices conform with those established for analogous and similar coals in District 14; and that such revision of the District 14 price schedules is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith, § 334.5 (Alphabetical list of code members) and § 334.24 (General prices for shipment into all

market areas) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments be, and they hereby are, amended by establishing the effective price classifications and minimum prices set forth in Supplements R and T annexed hereto and made a part hereof, in lieu of the presently effective price classifications and minimum prices for the coals of the No. 1 Mine (Mine Index No. 122) of R. A. Young and Son Coal Company specified therein.

Dated: November 6, 1941.

H. A. GRAY,
Director.

[SEAL]

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
122	Young & Son Coal Company, R. A.	No. 1	5	Jenny Lind, Ark.	MP	14																				

FOR TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas—Supplement T

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

Mine index No.	Code member	Mine name	Prod. group No.	County	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
122	Young & Son Coal Company, R. A.	No. 1	5	Sebastian, Arkansas													200	135	115	105	185	355			

[F. R. Doc. 41-8872; Filed, November 26, 1941; 10:41 a. m.]

[Docket No. A-421]

PART 334—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NOS. 48 AND 126 IN DISTRICT NO. 14

This proceeding was instituted upon petition filed with the Bituminous Coal Division by District Board 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The petition requests reclassification of coals of the Buck Creek Coal Mining Company, a code member operating the Buck Creek Mine (Mine Index No. 126) in Production Group 6 of District 14, and Hetherington Bros. Coal Company, a code member operating the Hether Mine (Mine Index No. 48) in Production Group 6 of District 14, as follows:

	Size group				
	4	6	7	8	9
Buck Creek:					
Present classification.....	E	F	F	F	F
Proposed classification.....	I	J	J	J	J
Hetherington:					
Present classification.....	E	F	F	F	F
Proposed classification.....	J	K	K	K	L

Petitions of intervention were filed by Hetherington and Buck Creek and by Sans Bois Coal Company and Keener Mining Company, code member producers in District 14.

	Size groups													
	4	6	7	8	9	10	11	13	14	15	16	17	18	
For truck shipments.....	415	415	415	415	390	370	355	200	135	115	105	185	335	

The motion was granted without objection.

At the conclusion of the hearing, the preparation and filing of a report by the Examiner was waived, and the record of the proceeding was thereupon submitted to the undersigned.

Maurice Bedwell, president of the Bedwell Coal Company, lessor of the Buck Creek lands, testified that the Buck Creek and Hether are adjoining mines. Each operation is a slope mine, two or three years old and consists of slopes from 1,200 to 1,500 feet in depth, in the Upper Hartshorne seam, Production Group 6, adjoining the Midland Valley Railroad, in Le Flore County, Oklahoma. The Buck Creek and Hether coals compete with each other and also with the coals of R. A. Young & Son Coal Company and Great Western Coal Company in the same market areas. The quality of the coals of Buck Creek and Hetherington at present is as good as at any time since prices were first established for District 14 coals.

It was the opinion of the witness that the effective minimum price established for Buck Creek and Hether Size Group 4

In accordance with a request for temporary relief and after notice to all interested parties, an informal conference was held in Washington, D. C., in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure in proceedings instituted pursuant to section 4 II (d) of the Act, and, by an Order of January 28, 1941, temporary relief was granted.

On March 11, 1941, District Board 14 filed a motion praying that the Order of January 28, 1941, 6 F.R. 691, granting temporary relief, be amended as concerns Buck Creek.

Pursuant to an Order and after notice to all interested parties, a hearing in this matter was held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

Appearances were entered for the petitioner and all intervenors.

At the hearing a motion was made by the petitioner to amend its petition requesting the following price classifications and minimum prices for coals of both Buck Creek and Hetherington:

	Size groups													
	4	6	7	8	9	10	11	13	14	15	16	17	18	
For rail shipments.....	I	J	J	J	J	G	F	D	B	B	B	A	L	

coals was incorrect, and that, considering the physical characteristics of the coals, their market acceptability and competitive opportunities, the classifications and prices as proposed in the amended petition for coals of both the Buck Creek and Hether Mines are fair and reasonable, and would preserve just and equitable classifications and prices among producers within the district, provided that the coals of Great Western and R. A. Young & Son Coal Company were given the same classifications and prices, as these latter coals are comparable to and competitive with coals of Buck Creek and Hetherington.

John Hetherington, president of Buck Creek and a partner in Hetherington, testified that Hetherington and Buck Creek each produced approximately 28,000 tons of coal in 1940 prior to October 1 but that after that date Hetherington was forced to close down completely, and Buck Creek worked but 40 days thereafter, during which time it sold approximately 500 tons of railroad fuel.

The sole reason assigned for this poor record was that neither producer was

able to obtain the effective minimum price for its Size Group 4 coal, which represents approximately 25 per cent of its total production.

Both mines reopened in July 1941, when their season began, and are presently producing coal. The witness Hetherington corroborated the witness Bedwell to the effect that the closing of Buck Creek and Hetherington resulted from the classification of their Size Group 4 coal and that the classification and prices proposed by the petitioner for Buck Creek and Hether coals are appropriate and fair, provided that the coals of the R. A. Young & Son Coal Company and the Great Western Coal Company are similarly classified and priced.

There was no opposition to the relief requested.

Upon the basis of the uncontroverted evidence, I find and conclude that the price classifications and minimum prices for the coals of the Buck Creek and Hether Mines proposed by the petitioner should be established as set forth in Supplements R and T annexed hereto and made a part hereof and that the establishment of said price classifications and minimum prices is required in order to effectuate the policies of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 334.5 (Alphabetical list of code members) and § 334.24 (General prices for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments be, and they hereby are, amended as follows:

1. The present effective price classifications and minimum prices for the coals produced by the Buck Creek Mine (Mine Index No. 126) of Buck Creek Coal Mining Company in Production Group 6 and the Hether Mine (Mine Index No. 48) of Hetherington Bros. Coal Company in Production Group 6 be, and they hereby are deleted.

2. Beginning forthwith, the price classifications and minimum prices as set forth in supplement R, § 334.5 (Alphabetical list of code members), and supplement T, § 334.24 (General prices for shipment into all market areas), annexed hereto and made a part hereof, shall be, and they hereby are, established as the effective price classifications and minimum prices for the coals produced at the Buck Creek Mine (Mine Index No. 126) of Buck Creek Coal Mining Company in Production Group 6 and the Hether Mine (Mine Index No. 48) of Hetherington Bros. Coal Company in Production Group 6.

It is further ordered, That in all other respects the prayers for relief contained in the several petitions filed herein be, and they hereby are, denied.

Dated: November 7, 1941.

[SEAL]

H. A. GRAY,
Director.

for rail shipments for all uses except railroad locomotive fuel, as set forth in Supplements "R" and "T" attached hereto and made a part hereof.

(2) Such changes are necessary to ef-

fectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith, § 334.5 (Alpha-

betical list of code members) is amended by adding thereto supplement "R," and § 334.24 (General prices for shipment into all market areas) is amended by adding thereto supplement "T," which supple-

ments are hereinafter set forth and hereby made a part hereof.

Dated: November 6, 1941.
[SEAL]
H. A. GRAY,
Director.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

Notes: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Table with columns: Mine index No., Code member, Mine name, Production group No., Shipping point, Freight origin group No., and Price classification by size group (1-20).

*Minimum prices have been established for these sizes. No changes requested.

FOR TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas—Supplement T

Table with columns: Code member index, Mine index No., Mine name, County, Sub-district No., and Prices and size group numbers (1-20).

*Minimum prices have been established for these sizes. No changes requested.

[F. R. Doc. 41-8867; Filed, November 26, 1941; 10:38 a. m.]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS AND FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN OTHER COALS PRODUCED IN SUBDISTRICT 5 OF DISTRICT NO. 14

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the revision of the effective classifications and minimum prices heretofore established for the coals produced at the Watson Excelsior Coal Company's mine (Mine Index No. 2) and the establishment of additional price classifications and minimum prices, for both truck and rail shipment, for coal produced at the mines of the Boyd-Sicard Coal Co. (Mine

Index No. 14); Excelsior Thin Vein Coal Co. (Mine Index No. 34); Harper-Thorn-ton Coal Co. (Mine Index No. 195); Peer-less Coal Company (Mine Index No. 176); and Watson Excelsior Coal Co. (Mine In-dex No. 2), all code members in Subdis-trict 5 of District No. 14.

Pursuant to the Order of the Director, a hearing in this matter was held on July 30 and August 1, 1941, before D. C. Mc-Curtain, a duly designated Examiner of the Division, at a hearing room thereof, in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-exam-ine witnesses, and otherwise be heard. Harper-Thorn-ton Coal Company, Ex-celsior Thin Vein Coal Company, and Peerless Coal Company appeared.

1 Prior to the hearing, a "Protest, and Mo-tion for Transfer and Consolidation" was filed by Harper-Thorn-ton Coal Company, and a "Protest and Answer" was filed by Excelsior Thin Vein Coal Company. These, however, were withdrawn by each of said producers prior to the conclusion of the hearing. Dis-trict Board 14 (petitioner) likewise withdrew its petition insofar as the same pertains to Harper-Thorn-ton Coal Co.

TITLE 32—NATIONAL DEFENSE
CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT
SUBCHAPTER B—PRIORITIES DIVISION
PART 1008—ELECTRIC POWER

Supplemental Order No. 1¹ to Limitation Order L-16 To Curtail the Consumption of Electric Power in the Southeastern Area

To: Duke Power Company, Carolina Power & Light Company, South Carolina Electric & Gas Company, Tidewater Power Company, Lexington Water Power Company, Virginia Electric & Power Company, Appalachian Electric Power Company.

Whereas pursuant to the requirements of paragraph (e) of Limitation Order No. L-16 of the above named Utilities have worked out certain engineering arrangements for the operation of their reservoirs, generating plants, substations, transmission lines and other facilities and for interchanging electric power so as to make available maximum power capacity and achieve maximum output and to relieve shortages in the southeastern area, and

Whereas in order to make the aforesaid arrangements effective to relieve shortages in the southeastern area, it is necessary to specify the particular deliveries which shall be made from the power pool created by such arrangements;

Now, therefore, pursuant to paragraph (e) of limitation order No. L-16 it is ordered, That:

§ 1008.2 Supplemental order No. 1 to general limitation order L-16. The said Utilities shall:

(a) Deliver through the Carolina Power & Light Company over the so-called Waterville-Arlington tie-line with the Tennessee Valley Authority an average of 9,100,000 kilowatt hours per week.

(b) Deliver through the Duke Power Company over the so-called Tallulah Falls tie-line with the Georgia Power Company an average of 8,000,000 kilowatt hours per week.

(c) Deliver through the South Carolina Electric & Gas Company over the so-called Saluda-Stevens Creek tie-line with the Georgia Power Company an average of 5,000,000 kilowatt hours per week.

(d) Deliver such amounts of power through the South Carolina Electric & Gas Company to the South Carolina Power Company as may be needed (the amount to be determined by the parties, or in the absence of such determination, then to be determined under the provisions of paragraph (e) of Limitation Order No. L-16) by the latter company to supplement its existing supply in order to maintain capacity operation at the Pittsburgh Metallurgical Company plant

¹ Under paragraph (e), Integration of Power System Operations.

near Charleston, South Carolina. The said term "existing supply" shall include the power delivered by South Carolina Electric & Gas Company to South Carolina Power Company under the existing firm power contract between those companies.

(e) Deliver through the connections of the Duke Power Company and of the Carolina Power and Light Company with the Carolina Aluminum Company such amounts of power as may be needed (estimated at 12,000,000 kilowatt hours per week) to supplement Carolina Aluminum Company's existing supply in order to maintain capacity operation at the Baden plant of the Aluminum Company of America.

This supplemental Order shall take effect at 12:01 A. M. November 7, 1941 and unless sooner terminated shall terminate on the expiration date of Limitation Order No. L-16.

Issued this 6th day of November 1941.

DONALD M. NELSON,
Director of Priorities.
By: J. A. KRUG,
Chief, Power Branch.

[F. R. Doc. 41-8896; Filed, November 26, 1941; 2:36 p. m.]

PART 1008—ELECTRIC POWER

Supplemental Order No. 2¹ to Limitation Order L-16 To Curtail the Consumption of Electric Power in the Southeastern Area

§ 1008.3 Supplemental order No. 2 to general limitation order L-16. The percentages specified in Exhibit B annexed to Limitation Order L-16 are hereby modified as follows for the Utilities listed below:

1. Utility	2. Percentage
Alabama Power Company.....	100
Georgia Power Company.....	100
Gulf Power Company.....	100
Mississippi Power Company.....	100
South Carolina Power Company.....	100
Tennessee Valley Authority.....	100
Alabama Water Service Company.....	100
Birmingham Electric Company.....	100
Aluminum Company of America (Tennessee System).....	100
Carolina Aluminum Company (Western Division).....	100
Crisp County Power Commission.....	100
Riviera Utilities.....	100
Nantahala Power and Light Company.....	100
All other Utilities which purchase power from any of the above named Utilities.	100

The foregoing percentages are to be used in determining a Consumer's Weekly Quota of electric power as defined in paragraph (a) (5) of Limitation Order L-16. Any Consumer who purchases or otherwise acquires electric power from any of the Utilities listed in Column 1 shall be entitled to use during the week commencing November 17, 1941 and in any succeeding week not more than seven times the average daily consumption of

¹ Under paragraph (a) (5) (ii) and paragraph (b) (1).

such Consumer during his Base Billing Month, multiplied by the percentage opposite the name of the Utility which supplies such Consumer.

Issued this 12th day of November 1941.

DONALD M. NELSON,
Director of Priorities.
By: J. A. KRUG,
Chief, Power Branch.

[F. R. Doc. 41-8897; Filed, November 26, 1941; 2:36 p. m.]

PART 1008—ELECTRIC POWER

Supplemental Order No. 3¹ to Limitation Order L-16 to Curtail the Consumption of Electric Power in the Southeastern Area

§ 1008.4 Supplemental order No. 3 to general limitation order L-16. The provision designated number "2" in Exhibit C, annexed to Limitation Order L-16, is hereby amended by inserting the word "schools" after the word "Churches" so that the provision as amended will read as follows:

2. The following essential community services: Churches, schools, hospitals, newspapers, refrigeration and food preservation plants.

Issued this 14th day of November 1941.

DONALD M. NELSON,
Director of Priorities.
By: J. A. KRUG,
Chief, Power Branch.

[F. R. Doc. 41-8898; Filed, November 26, 1941; 2:36 p. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

Limitation Order L-18 to Restrict the Production of Domestic Vacuum Cleaners

Whereas, the demands of national defense have created a shortage of various scarce materials including iron and steel used in the manufacture of domestic vacuum cleaners; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic vacuum cleaners is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1012.1 General limitation order L-18—(a) Definitions. For the purposes of this Order:

(1) "Domestic Vacuum Cleaners" means any vacuum cleaner for household use.

¹ Under paragraph (c).

(2) "Factory Sales" means sales of Domestic Vacuum Cleaners from factory or branches to distributors, dealers or consumers.

(3) "Class 'A' Manufacturers" means those manufacturers of Domestic Vacuum Cleaners the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was 5,200 such units or more.

(4) "Class 'B' Manufacturers" means those manufacturers of Domestic Vacuum Cleaners the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports was less than 5,200 such units.

(b) *General restriction.* During the three months period from October 1, 1941, to December 31, 1941, inclusive:

(1) No Class "A" Manufacturer shall produce more Domestic Vacuum Cleaners than the greater of the following two limits:

(i) 15,600 of such Vacuum Cleaners, or

(ii) Three times 90% of the monthly average of his Factory Sales of such Vacuum Cleaners for the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more Domestic Vacuum Cleaners than three times 100% of the monthly average of his Factory Sales of such Vacuum Cleaners for the twelve months ending June 30, 1941.

(c) *Avoidance of excessive inventories.* Manufacturers of Domestic Vacuum Cleaners shall not accumulate inventories of raw materials, semi-processed materials, finished parts, or assembled vacuum cleaners in quantities in excess of minimum practicable working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each Manufacturer to whom this Order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management reports on Forms PD-170 (monthly), PD-171 (quarterly), and such other reports or questionnaires as said Office shall from time to time specify. Form PD-170 shall be filed on or before the fifteenth day of each month commencing December 15, 1941, and shall cover the preceding month (except in the case of the first report which shall cover the months of October and November).

(g) *Provision for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A" or "B", shall depend upon the monthly average of Factory

Sales by that manufacturer, including in the total of such sales all Factory Sales made by subsidiaries, affiliates, or by other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of recommendation for prosecution under section 35A of the Criminal Code (18 U. S. C. 80).

(i) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8905; Filed, November 27, 1941;
9:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 44—DOUGLAS FIR DOORS

A large proportion of the doors manufactured in this country are made of Douglas fir lumber and plywood. Fir doors, including entrance, interior, storm and screen house doors, garage doors and cupboard doors, constitute a substantial portion of building construction costs. The vastly expanded building activity accompanying the defense program has greatly augmented the demand for fir doors. The industry has responded by increasing production, but supply has noticeably lagged behind demand. As a consequence, fir door prices have risen sharply. These price increases have markedly outstripped advances in production costs. Expanded volume of output has enabled the industry to realize economies in overhead costs, but these reductions have not been reflected in prices for fir doors. Issuance of a price schedule is therefore necessary to pro-

tect consumers, the industry, and the national economy.

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

§ 1312.151 *Maximum prices for Douglas fir doors.* On and after December 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer of Douglas fir doors shall sell, offer to sell, deliver, or transfer, for domestic or export use and no person shall buy, offer to buy, or accept delivery of any Douglas fir doors from a manufacturer at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.159.*

*§§ 1312.151 to 1312.159, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.152 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.153 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of Douglas fir doors, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on December 10, 1941, or by any other means.*

§ 1312.154 *Records and reports.* Every manufacturer who sells and every person who purchases from a manufacturer Douglas fir doors of a value of more than \$1,000.00 per month after December 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer or seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of Douglas fir doors (1) on hand, and (2) on order, as of the close of each calendar month.

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

§ 1312.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the

cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir doors, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.156 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.157 *Definition.* When used in this Schedule, the term:

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

(b) "Manufacturer" means a person operating a factory or plant which produces Douglas fir doors. The term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Douglas fir doors" means doors of the types listed in Appendix A made from Douglas fir lumber.

(d) "Deliver" means to make physical transfer of doors to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser, to whom the doors have been sold.*

§ 1312.158 *Effective date of the schedule.* This Schedule (§§ 1312.151 to 1312.159, inclusive) shall become effective December 10, 1941.*

§ 1312.159 *Appendix A — Maximum prices¹ for Douglas fir doors.* (a) The maximum prices f. o. b. factory shall be determined by applying the following discounts to the list prices set forth in paragraph (b).

Basic Discount.....	72 per cent.
No. 1 Doors "A" Grade.....	Basic Discount.
No. 2 Doors "B" Grade.....	1 point longer than Basic Discount.
No. 3 Doors "C" Grade.....	2 points longer than Basic Discount.
Millrun, 1½" only.....	1 point longer than Basic Discount.
Storm Doors.....	1 point longer than Basic Discount.

¹ When cash is paid within 5 days of delivery, the maximum price is the price herein set forth less 2%. All prices are for mixed carload quantities.

Cupboard Doors (B&Btr. only). 1 point longer than Basic Discount.
 "A" Grade Sidelights... Basic Discount.
 Rim and French Doors ("A" & "B" Grades only). 5 points longer than Basic Discount.

(b) *List prices—(1) Standard house door basic list:*

Size	1¾"	1¾"	1¾"
2-0 x 6-0.....	\$6.55	\$8.40	\$5.90
2-4 x.....	6.95	8.90	6.25
2-6 x.....	7.15	9.30	6.45
2-8 x.....	7.35	9.55	6.65
3-0 x.....	7.95	10.75	7.20
2-4 x 6-4.....	7.15	9.15	6.45
2-0 x 6-6.....	6.85	8.75	6.15
2-4 x.....	7.30	9.35	6.55
2-6 x.....	7.50	9.75	6.75
2-8 x.....	7.70	10.00	6.95
3-0 x.....	8.35	11.25	7.50
2-0 x 6-8.....	7.00	8.95	6.25
2-4 x.....	7.40	9.50	6.65
2-6 x.....	7.60	9.90	6.85
2-8 x.....	7.80	10.15	7.05
2-10 x.....	8.15	11.00	7.35
3-10 x.....	8.50	11.50	7.65
2-0 x 6-10.....	7.50	9.60	6.75
2-4 x.....	7.90	10.10	7.10
2-6 x.....	8.15	10.60	7.35
2-8 x.....	8.35	10.85	7.50
2-10 x.....	8.70	11.75	7.85
3-0 x.....	9.05	12.20	8.15
2-0 x 7-0.....	7.60	9.75	6.85
2-4 x.....	8.00	10.25	7.20
2-6 x.....	8.25	10.75	7.45
2-8 x.....	8.45	11.00	7.65
2-10 x.....	8.80	11.90	7.90
3-0 x.....	9.20	12.40	8.30
2-6 x 7-6.....	8.85	11.50	-----
2-8 x.....	9.25	12.00	-----
2-10 x.....	9.65	13.00	-----
3-0 x.....	10.00	13.50	-----
2-6 x 8-0.....	9.20	12.00	-----
2-8 x.....	9.65	12.55	-----
3-0 x.....	10.45	14.10	-----
4-0 x.....	13.60	18.35	-----

NOTES: For 1½" Sash Doors, use 1¾" list. All Storm Doors are priced from 1½" list.

(2) *Standard side light basic list, No. 1 grade only:*

Size	1¾" open list	1¾" open list
1-0 x 6-8.....	\$4.20	\$5.20
6-10.....	4.45	5.55
7-0.....	4.50	5.60
1-2 x 6-8.....	4.40	5.50
6-10.....	4.60	5.75
7-0.....	4.65	5.80
1-4 x 6-8.....	4.50	5.70
6-10.....	4.75	6.05
7-0.....	4.85	6.10
1-6 x 6-8.....	4.65	5.95
6-10.....	4.95	6.25
7-0.....	5.00	6.30

(3) *Standard cupboard door basic list, No. 2 and better grade only:*

STILES, TOP AND CROSS RAILS—2¾" —

Size	¾"	1¾"
1-6 x 1-6.....	\$1.50	\$1.60
2-0.....	1.65	1.80
2-6.....	2.10	2.30
3-0.....	2.25	2.50
3-6.....	2.70	2.95
4-0.....	2.85	3.15
4-6.....	3.30	3.65
5-0.....	3.50	3.80
5-6.....	3.65	4.00
6-0.....	3.85	4.20

¹ For 1¾" Cupboard Doors, add to 1¾" list 16%.

STILES, TOP AND CROSS RAILS—2¾" —
Continued

Size	¾"	1¾"
1-8 x 1-6.....	\$1.55	\$1.70
2-0.....	1.75	1.90
2-6.....	2.20	2.40
3-0.....	2.40	2.60
3-6.....	2.85	3.10
4-0.....	3.05	3.30
4-6.....	3.50	3.80
5-0.....	3.65	4.00
5-6.....	3.90	4.25
6-0.....	4.05	4.45
1-10 x 1-6.....	1.60	1.75
2-0.....	1.80	2.00
2-6.....	2.30	2.60
3-0.....	2.50	2.75
3-6.....	3.00	3.25
4-0.....	3.20	3.50
4-6.....	3.65	4.00
5-0.....	3.85	4.25
5-6.....	4.10	4.45
6-0.....	4.30	4.70
2-0 x 1-6.....	1.65	1.85
2-0.....	1.90	2.10
2-6.....	2.40	2.65
3-0.....	2.60	2.85
3-6.....	3.10	3.35
4-0.....	3.35	3.65
4-6.....	3.85	4.20
5-0.....	4.05	4.45
5-6.....	4.30	4.70
6-0.....	4.50	4.95

(c) *List rules and extras:*

RULE 1. For sizes not listed and intermediate sizes, use same list as next larger listed size.

RULE 2. List Extras are additions to be made to foregoing Basic Lists. Where a given percentage is to be added to create a new list figure for a door, such list figure is to be made to end in 5 or 0, whichever is nearer.

RULE 3. *Larger sizes than listed.*

(a) Doors wider than listed, use widest list of same height and add for each additional four inches in width or part thereof, to List Price, 10%.

(b) Doors longer than listed, use longest list of same width and add for each additional six inches or part thereof, to List Price, 10%.

RULE 4. *Thick doors over 1¾" .*

(a) Up to 2" thick, add to List Price of 1¾", same size, 100%

(b) For each ¼", or fraction, over 2" thick, add to List Price an additional 50%.

(d) *Design extras exclusive of water-tables and trim* (Commercial Standard CS 73-38 Department of Commerce):

Design	Net extra per door	
	Flat panel	Raised panel
HOUSE DOORS		
F-1.....	\$0.65	(¹)
F-2.....	.65	(¹)
F-3.....	None	(¹)
F-13.....	None	(¹)
F-5.....	None	\$0.10
F-65 ¹25	.37
F-67 ¹25	.37
F-68 ¹25	.37
F-69 ¹25	.37
F-88.....	.35	.51
F-114.....	None	.04
F-614..... (F-114 6 lts. 3 x 2).....	.30	.34
F-914..... (F-114 9 lts. 3 x 3).....	.55	.59
F-415.....	.20	.24
F-415-H.....	.20	.24
F-416.....	.20	.26

See footnotes at end of table.

Design	Net extra per door	
	Flat panel	Raised panel
HOUSE DOORS—continued		
F-117	None	\$0.08
F-117½	None	.10
F-118	None	.06
F-118½	None	.08
F-318	\$0.15	.21
F-418	.20	.26
F-618	.30	.36
F-918	.55	.61
F-119	None	.06
F-214	None	.06
F-214-H	.15	.21
F-20	None	(C)
F-21	.10	(C)
F-22	.30	(C)
F-28	.10	(C)
F-29	.40	(C)
F-128	.10	(C)
F-129	.40	(C)
F-33	None	(C)
F-133	None	(C)
F-62	.25	(C)
F-162	.25	.35
F-662 (F-162 6 lts. 3 x 2)	.65	.75
F-862 (F-162 8 lts. 4 x 2)	.80	.90
F-63	.30	(C)
F-163	.30	.40
F-663 (F-163 6 lts. 3 x 2)	.70	.80
F-863 (F-163 8 lts. 4 x 2)	.85	.95
F-44	.20	.32
F-144	.20	.24
F-444 (F-144 4 lts. 2 x 2)	.40	.44
F-45	.25	.35
F-145	.25	.31
F-108	.10	(C)
F-109	.40	(C)
F-80	.30	(C)
F-82	None	(C)
F-182	None	(C)
F-682 (F-182 6 lts. 3 x 2)	.30	(C)
F-982	.55	(C)
F-147	.30	.32
F-152	.20	.30
F-154	.20	.32
F-110	.20	(C)
F-111	.45	(C)
F-310	.45	(C)
F-311	.70	(C)
F-610	.60	(C)
F-611	.85	(C)
F-810	.75	(C)
F-811	1.00	(C)
FRENCH AND RIM DOORS		
F-35	None	-----
F-36	.30	-----
F-37	.90	-----
F-435	.20	-----
F-436	.50	-----
F-437	1.10	-----
F-535	.25	-----
F-536	.55	-----
F-537	1.15	-----
F-835	.45	-----
F-836	.75	-----
F-837	1.35	-----
F-935M	.70	-----
F-936M	1.00	-----
F-937M	1.60	-----
F-1035	.45	-----
F-1036	.75	-----
F-1037	1.35	-----
F-1235	.55	-----
F-1236	.85	-----
F-1237	1.45	-----
F-1535	.70	-----
F-1536	1.00	-----
F-1537	1.60	-----
F-1635	.75	-----
F-1636	1.05	-----
F-1637	1.65	-----
STORM DOORS		
FS-7	.15	.29
FS-07	.15	.25
FS-415 (same as F-415)	.35	.39
FS-416 (same as F-416)	.35	.41
FS-162 (same as F-162)	.40	.50
FS-662 (same as F-662)	.80	.90
CUPBOARD DOORS		
F-05	None	.08
F-020	None	(C)
F-082	None	(C)
SIDELIGHTS		
F-035	None	-----
F-0435	-----	.25
F-0535	-----	.30
F-0635M	-----	.45

(e) House door rules and net extras:
RULE 1. Lot and/or stop-over cars. On cars containing orders for more than one lot, a charge of \$2.50 per lot may be made to cover cost of segregating.

RULE 2. Stock quantity. 10 doors of a size and kind in 1 3/8" thickness and 5 doors of a size and kind in 1 3/4" thickness constitute stock quantity. For less than stock quantity 10% may be added.

RULE 3. Wide stiles and rails. For stiles and rails wider than standard narrow layout (4 3/8" stiles and top rail, 9 3/8" bottom rail) add net per door:

(a) Stiles & Top Rail over 4 3/8" to 5 3/8", 25¢.

(b) Stiles & Top Rail over 5 3/8" to 6 3/8", 70¢.

(c) Bottom Rail over 9 3/8" to 11 3/8", 5¢.

(d) Bottom Rail over 11 3/8" to 18 3/8", 70¢.

(e) Lock Rails or Intermediate Rails, for each 1" or part thereof, over catalogued standard width, add net per member, 5¢.

RULE 4. Glass beads and bars. (a) Stock pattern glass beads and bars furnished in all glass openings, beads furnished and tacked in at no extra charge. No deduction for omitting glass beads in any door.

(b) For bars and beads other than standard, but of simple manufacture and assembly, add per light formed, 10¢. Minimum charge for (b) on any order, \$5.00.

(c) Bar and Bead Stock:
 1 3/8" Bars 1/2" between glass (per hundred lineal ft.), \$3.75 list.

1 3/4" Bars 1/2" between glass (per hundred lineal ft.), \$4.25 list.

Standard Glass Beads (per hundred lineal ft.), \$1.00 list.

Bar and Bead Stock subject to moulding discount.

RULE 5. Divided lights. (a) For divided lights in any one-light stock door, using standard beads and bars, add per light formed as used in series 118.

(b) For divided lights with other than standard beads and bars, see Rule 4 (b).

RULE 6. Sticking. (a) Bead and cove is stock sticking on all doors, unless otherwise specified.

(b) Sunk Ogee sticking, add net per door, 10¢. Minimum charge for any order, \$5.00.

(c) Square sticking, add net per door, 10¢. Minimum charge for any order, \$5.00.

(d) Sash sticking on French doors, add net per door, 10¢. Minimum charge for any order, \$5.00.

(e) Special stickings of practical machining patterns, requiring grinding of knives, add \$15.00 grinding and setup charge, and add net per door, 10¢.

(f) For sash sticking around glass opening and stock sticking around panels, add net per door, 50¢. Minimum charge for any order, \$5.00.

(g) No additional charge for Ovolo sticking.

RULE 7. Thick laminated (flat) panels. (a) Over 1/4" to 3/8" 3-Ply panels, add net per door, 35¢.

(b) Over 3/8" to 1/2" 5-Ply panels, add net per door, 50¢.

(c) Over 1/2" to 3/4" 5-Ply panels, add net per door, 75¢.

RULE 8. Solid raised or flat panels, oversize. For standard thickness solid panels, over 1 1/8" wide, in two and/or three panel designs, add net per panel, 50¢.

RULE 9. Watertables and trim. Shipped loose unless ordered to be planted on.

(a) For plain, one member watertable, add net per door, 10¢.

(b) Watertable with blocks or dentil, add net per door, 25¢.

(c) Planting on watertable (a), add net per door, 10¢.

(d) Planting on watertables (b), add net per door, 15¢.

RULE 10. Astragals. Shipped loose.

(a) For doors 1 3/8" thick and not over 8' high, each, 40¢.

(b) For doors 1 3/4" thick and not over 8' high, each, 50¢.

(c) For doors 2 1/4" and 2 1/2" thick and not over 8' high each, \$1.10.

RULE 11. Rabbeting in pairs. 1. House doors:

(a) Rabbeting plain, add net per pair, 25¢.

(b) Rabbeting and Beading, add net per pair, 50¢.

2. Cupboard doors:

(a) Rabbeting plain, add net per pair, 10¢.

(b) Rabbeting and Beading, add net per pair, 25¢.

RULE 12. Mirror doors. For preparing doors for full length sunken mirror, add net per door as follows:

One Panel.....	20¢
Sub-Style Type.....	35¢
Two Panel & Three Panel.....	75¢
Five Panel & Six Panel.....	\$1.00

RULE 13. Storm doors. Standard Storm Doors: 1 1/8" thick, Millrun Grade, 1/2" oversize in width and 1" oversize in length, stiles not beveled.

(a) For beveled stiles, add net per door, 10¢.

RULE 14. Toilet doors. Use Cupboard Door Discount and Cupboard Door List for size required, exclusive of lugs, and add for lugs not exceeding 4" long for each top and bottom, per door, 50¢.

RULE 15. Dutch doors. (a) Cut through lock rail, not rabbeted, add net per door, 50¢.

(b) Cut through lock rail and rabbeted, add net per door, \$1.00.

(c) Plain shelf and bracket, per side, \$2.00.

RULE 16. Removable panels. For panels removable add net per panel, 12¢.

RULE 17. Pre-fit doors. Per door, 15¢. For prefitting to height only, add per door, 10¢.

RULE 18. Crating. Price per crate regardless of number of doors per crate, \$1.50.

Standard crating :

6 1/8" doors per crate.
5 1/8" doors per crate.
4 1/4" doors per crate.
3 1/4" Raised Moulding doors per crate.

1 Flat Panel only.
 2 For Colonial doors other than designs above add net per door 15¢.

Thicker and oversize doors—one or more per crate as can be conveniently handled.

RULE 19. Paper wrapping. If panel doors ordered wrapped, add per door, 25¢.

RULE 20. Resin sealing. If panel doors ordered resin sealed, add per door, 25¢. If panel doors ordered resin sealed, panels only, add per door, 15¢.

(f) *Maximum prices for garage doors f. o. b. factory:*

	<i>Per pair</i>
1 1/4" Basic Price.....	\$8.00
1 3/8" Basic Price.....	8.00

(g) *Design extras on garage doors (Commercial Standard CS 73-38, Department of Commerce):*

F-491.....	\$1.50 per set.
F-493.....	\$0.50 per set.
F-495.....	\$0.50 per set.
F-496.....	\$0.50 per set.
F-691.....	\$1.00 per pr.
F-693.....	None.
F-695.....	None.
F-696.....	None.
F-894.....	None.
F-190... (without lights).....	\$10.50 per set. ¹
F-290... (without lights).....	\$9.00 per pr. ¹
F-093.....	\$0.75 per pr.
F-093S.....	\$1.25 per set.
F-096.....	\$1.50 per pr.
F-096S.....	\$2.00 per set.
F-099.....	\$1.50 per pr.
F-099S.....	\$2.00 per set.
F-0912.....	\$2.00 per pr.
F-0912S.....	\$2.50 per set.

Above extras include standard pattern glass beads, planted in place in all sash doors. No deduction for omission of glass beads.

¹ See Garage Door Rule No. 11.

(h) *Garage door rules and net extras:*

RULE 1. Pairs, sets, singles. (a) Garage doors 3'0" and narrower are priced as sets.

(b) Garage doors wider than 3'0", up to and including 5'0", are priced as pairs.

(c) Garage doors over 6'0" in width are priced as single doors.

RULE 2. Large sizes. (a) For each foot, or fraction thereof, in length over 8'0", add per opening, \$2.50.

(b) For each foot, or fraction thereof, in width per opening over 8'0", in pairs, add per opening, \$2.50.

(c) For sets of 9'0" width opening, add net per set, \$1.00.

RULE 3. Sets of four doors. Sets of four doors per opening, add to price per set of like design, \$2.00.

RULE 4. Single doors. For single doors, made to represent pairs, add to price per pair of like design, to determine price of each single door, \$3.00.

RULE 5. Wide stiles and rails. For wider than standard catalogued sizes: 5 3/8" stiles in sets, add per set, 75¢.

Lock rails over 5 3/8" wide, up to and including 8" wide, add per pair or set, 25¢.

Bottom rails over 9 3/8" wide, up to and including 11 3/8", add per pair or set, 25¢.

RULE 6. Beads for glass. Use application of Rule 3, "House Door Rules & Net Extras."

RULE 7. Sticking. Rule 6, "House Door Rules & Net Extras" also applies to Garage doors.

RULE 8. Raised panels. If panels are required thicker than stock panels, an extra charge may be made.

RULE 9. Rabbeting in pairs. For plain rabbeting in pairs, add net per pair, \$1.00; for plain rabbeting in sets, add net per set, \$1.50.

RULE 10. Astragals. For 1 3/8" garage door astragals, each, 40¢; for 1 1/4" garage door astragals, each, 50¢.

RULE 11. Designs F190 and F290 (Aristocrat Garage Doors). (a) Widths of doors other than 2'8" and 4'0", requiring special width battens, add per pair or set, \$2.00.

(b) For cutting in rectangular lights, per light, 75¢.

(c) For dividing lights, each light over one, 10¢.

(d) If made with solid lumber core top to permit cutting down or shaping, add per pair or set, \$1.00.

RULE 12. Chamfering. For Chamfering sawbucks on design numbers F-691 and F-491, add net per pair or set, 50¢.

RULE 13. Removable panels. For panels removable add net per panel, 12¢.

RULE 14. Resin sealing. If panels in doors ordered resin sealed add per pair or set, 50¢.

(i) A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, computed according to the method used by the seller during the 30 day period ending December 10, 1941. In no case shall the addition for transportation be more onerous to the purchaser than that which was or would have been charged by the seller during the same period.*

Issued this 27th day of November, 1941. Effective December 10, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8933; Filed, November 27, 1941; 11:17 a. m.]

**PART 1347—PAPER AND PAPER PRODUCTS
AMENDMENT NO. 3 OF PRICE SCHEDULE NO.
32—PAPERBOARD SOLD EAST OF THE ROCKY
MOUNTAINS**

Price Schedule No. 32¹ is hereby amended by adding thereto the following section:

§ 1347.64 *Imports.* Where paperboard of any type covered by Appendices A and B, §§ 1347.61 and 1347.62 hereof, is imported from a foreign country by a consumer, and duty must be paid on such import, such consumer may pay this duty although this payment results in a total cost to such consumer for paperboard which exceeds the maximum prices established in Appendices A and B, §§ 1347.61 and 1347.62 hereof. The total amount paid by the consumer for such imported paperboard shall in no event exceed the prices established in Appendices A and B, §§ 1347.61 and 1347.62 hereof, plus the actual amount

¹ 6 F.R. 5012, 5073, 5699.

of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54 hereof.

This Amendment (§ 1347.64) shall become effective November 25, 1941. (Executive Order No. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 25th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8895; Filed, November 26, 1941; 2:34 p. m.]

**TITLE 47—TELECOMMUNICATION
CHAPTER I—FEDERAL COMMUNICATIONS
COMMISSION**

**PART 3—STANDARD AND HIGH FREQUENCY
BROADCAST STATIONS**

**BROADCASTS BY CANDIDATES FOR PUBLIC
OFFICE**

The Commission on November 26, 1941, effective immediately deleted present § 3.422 and substituted therefore the following:

§ 3.422 *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who (a) has qualified for a place on the ballot or (b) is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (1) has been duly nominated by a political party which is commonly known and regarded as such, or (2) makes a substantial showing that he is a *bona fide* candidate for nomination or office, as the case may be. (Sec. 4 (1), 48 Stat. 1068; 47 U.S.C. 154 (1))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8922; Filed, November 27, 1941; 10:34 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 7089 qm-1, Supp. A]

**SUMMARY OF SUPPLEMENTAL CONTRACT AND
CHANGE ORDER TO CONTRACT FOR ARCHITECTURAL-ENGINEERING SERVICES**

**CONTRACTOR: CARNEAL, JOHNSTON, &
WRIGHT, 1000 ATLANTIC LIFE BUILDING,
RICHMOND, VIRGINIA**

Supplemental contract to Cost-Plus-a-Fixed-Fee Contract No. W 7089 qm-1,

Dated May 21, 1941¹ for the Architectural-Engineering Services in connection with the construction of a Quartermaster General Depot at Richmond, Virginia.

Estimated cost: Original, \$7,045,000; supplemental, no change; cumulative total, \$7,045,000.

Fixed fee: Original, \$53,992; supplemental, \$2,292; cumulative total, \$56,284.

Supplemental contract for: Architectural-Engineering services covering the supervision of construction of * * * warehouses.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 23089 C. B. U. & A. P-99 A-0540-N the available balance of which is sufficient to cover the cost of same.

This supplemental contract,² entered into this 29th day of September 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the Construction of a Quartermaster General Depot at Richmond, Virginia, bearing date of May 21, 1941, and being identified as Contract No. W 7089 qm-1, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner.

Add to the description now set forth in Article I-A, section 1 of the principal contract the supervision of construction of * * * warehouses.

Delete Sub-paragraph a. of Section 1, Article II-C, relating to the Fixed-Fee, and insert in lieu thereof:

a. A fixed fee in the amount of seventeen thousand three hundred and four dollars (\$17,304) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940, as extended.

*Summary of Change Order, No. B,
October 11, 1941*

Change order³ to Cost-Plus-A-Fixed-Fee Contract No. W 7089 qm-1 Dated May 21, 1941,¹ between the United States of America and Carneal, Johnston & Wright, Richmond, Virginia, for architectural-engineering services in connection with the construction of a Quartermaster General Depot at Richmond, Va.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

¹ 6 F.R. 3257.

² Approved by the Under Secretary of War October 10, 1941.

³ Approved by the Under Secretary of War, October 21, 1941.

Add to the description of the work now set forth in Article I section 1, of the Principal Contract, as modified and amended construction of * * * Warehouses.

The estimated cost and the Architect-Engineer's fixed-fee are as follows:

Estimated construction cost, this change order, \$1,562,500.

Total estimated cost, including this change order, \$3,608,000.

Total fixed-fee, including this change order, \$63,634.

Increase in architect-engineer's fixed-fee, \$7,350.

Funds are available under Procurement Authority Number QM 23089 C. B. U. & A., P-99, A-0540-23.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8899; Filed, November 27, 1941;
9:42 a. m.]

[Contract No. W 7089 qm-2; Supp. A]

**SUMMARY OF SUPPLEMENTAL CONTRACT AND
CHANGE ORDER TO CONTRACT FOR CON-
STRUCTION**

SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE CONTRACT NO. W 7089 QM-2, DATED MAY 22, 1941¹ FOR THE CONSTRUCTION OF A QUARTERMASTER STORAGE AND DISTRIBUTION DEPOT AT RICHMOND, VA.

Contractors: Doyle and Russell, Central National Bank Bldg., Richmond, Va., and Wise Contracting Company, Inc., 112 N. 8th Street, Richmond, Va.

Estimated cost: Original, \$5,606,595; supplemental, \$1,223,092; cumulative total, \$6,829,687.

Fixed fee: Original, \$188,905; supplemental, \$26,908; cumulative total, \$215,813.

Supplemental contract for: The construction of * * * warehouses.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 23087 C. B. U. & A. P-99, A-0540-N, the available balance of which is sufficient to cover the cost of same.

This supplemental contract,² entered into this 29th day of September 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the Construction of a Quartermaster Storage and Distribution Depot at Richmond, Virginia, bearing date of May 22, 1941, and being identified as Contract No. W 7089 qm-2, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

¹ 6 F.R. 3258.

² Approved by the Under Secretary of War October 10, 1941.

Add to the description now set forth in article I, section 1 and article XX, section 1, of the principal contract, the construction of * * * warehouses.

Delete the paragraph on page 4 of article I, and section 2 on page 20 of article XX, of the principal contract, both relating to the estimated cost and completion date and insert in lieu thereof the following paragraph:

The estimated cost of the work added by this Supplemental Contract, exclusive of the Contractor's fee is \$1,223,092.

Delete subparagraph (c) on page 4 of article I, and paragraph 3 of article XX, of the principal contract, both relating to the fixed fee and insert in lieu thereof the following paragraph:

A fixed fee in the amount of two hundred fifteen thousand, eight hundred thirteen dollars (\$215,813) which shall constitute a complete compensation for the Contractor's services including profit and all general overhead expenses.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940, as extended.

*Summary of Change Order No. B,
October 11, 1941*

Change order to Cost-Plus-A-Fixed-Fee Contract No. W 7089 qm-2, Dated May 22, 1941,¹ between the United States of America and Doyle and Russell and Wise Contracting Co., Inc., Richmond, Virginia, for the construction of a Quartermaster Storage and Distribution Depot at Richmond, Virginia.

Pursuant to the authority vested in the Contracting Officer under article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add to the description of the work now set forth in article I, Section 1, and article XX, Section 1 of the Principal Contract, as modified and amended, the construction of * * * Warehouses.

The estimated cost and the Construction Contractors' fixed-fee are as follows:

Estimated construction cost, this change order, \$1,534,278.

Total estimated cost, including this change order, \$8,363,965.

Total fixed-fee, including this change order, \$244,035.

Increase in Construction Contractors' Fixed-Fee, \$28,222.

Funds are available under Procurement Authority Number QM 23087 C. B. U. & A., P-99 A-0540-23.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8900; Filed, November 27, 1941;
9:42 a. m.]

¹ Approved by the Under Secretary of War October 21, 1941.

[Contract No. W 535 ac-21438; 5657]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AIR CRUISERS, INC., CLIFTON, NEW JERSEY

Contract for: Oxygen Cylinders and Data.

Amount: \$1,047,592.50.

Place: Matériel Division Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities as listed herein, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12

This contract,¹ entered into this 13th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government oxygen cylinders and data for the consideration stated one million forty seven thousand five hundred ninety two dollars and fifty cents (\$1,047,592.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government, so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing rela-

¹ Approved by the Under Secretary of War October 29, 1941.

tive thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8901; Filed, November 27, 1941; 9:42 a. m.]

[Contract No. W 669 qm-13512 O. I. No. 1968]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY; 225 FOURTH AVENUE, NEW YORK, N. Y.

Contract for: Cloth, Serge and Flannel, Shirting.

Amount: \$1,011,600.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of October 1941.

ARTICLE 1. Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Serge, Olive Drab, * * * yards Flannel, Shirting, Olive Drab, for the consideration stated totaling one million, eleven thousand, six hundred dollars (\$1,011,600.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 5. Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives Nos. P-C-215 (42) and P-C-212 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8902; Filed, November 27, 1941; 9:43 a. m.]

[Contract No. W 535 ac-21645; 5719]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION; PIONEER INSTRUMENT DIVISION, BENDIX, NEW JERSEY

Contract for: Compasses and Indicators.

Amount: \$2,451,000.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities listed below, the available balances of which are sufficient to cover cost of same,

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2
AC 810 P 112-30 A 0021-13
AC 299 P 112-30 A 0021-13

This contract,¹ entered into this 7th day of October 1941.

ARTICLE 1. Scope of this contract. The contractor shall furnish and deliver * * * compasses and indicators for the consideration stated two million four hundred fifty one thousand dollars (\$2,451,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 22. Termination when Contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor

¹ Approved by the Under Secretary of War October 22, 1941.

be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8903; Filed, November 27, 1941;
9:43 a. m.]

[Contract No. W 535 ac-65]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORATION; CURTISS PROPELLER DIVISION; CALDWELL, NEW JERSEY

Contract for: Propeller Assemblies, Controls, Spare Parts and Data.
Amount: \$4,236,322.85.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio. The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 122-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,¹ entered into this 15th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver propeller assemblies, controls, spare parts and data for the consideration stated not to exceed four million two hundred thirty-six thousand three hundred twenty-two dollars, eighty-five cents (\$4,236,322.85) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliv-

eries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. *Articles and data called for and prices therefor.* The Contractor shall furnish and deliver to the Government all the following articles in the quantities and at the unit prices indicated hereinbelow:

* * * Propeller Assemblies, total \$3,433,451.00.
* * * Sets Controls, total \$250,308.00.

Certain Spare Parts for all of the Propeller Assemblies and Control Assemblies, \$552,563.85.

ART. 20. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 25. *Price adjustment.* The contract prices stated in this contract for Propeller Assemblies, Controls and Spare Parts therefor are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Propeller Assemblies, Controls and Spare Parts.

ART. 26. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under section 1 (a) of the Act of July 2, 1940, and section 9 of the Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8904; Filed, November 27, 1941;
9:43 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-57]

IN THE MATTER OF CHARLY KOLARICH,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 24, 1941, pursuant to the provisions of sections

4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 30, 1941, by Bituminous Coal Producers Board for District No. 22 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code for rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 20, 1942 at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or

¹ Approved by the Under Secretary of War October 20, 1941.

otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is Red Lodge, Montana, during the months of October, November and December 1940 and April and May 1941, sold, delivered and offered to sell to various purchasers approximately 82,875 tons of lump coal, Size Group 1, produced at his mine, Mine Index No. 181, Carbon County, Montana at prices of \$3.00 and \$3.75 per ton f. o. b. said mine, and approximately 11.65 tons of lump coal, Size Group 2, produced at said mine at the price of \$2.75 per ton f. o. b. said mine, and approximately 70.40 tons of stove coal, Size Group 5, produced at said mine at the price of \$3.00 per ton f. o. b. said mine, whereas the effective minimum prices for such coal were and are \$4.00 per net ton f. o. b. said mine for lump coal, Size Group 1; \$3.75 per net ton f. o. b. said mine for lump coal, Size Group 2; and, \$3.50 per net ton f. o. b. said mine for stove coal, Size Group 5, as contained in the Schedule of Effective Minimum Prices for District No. 22 for Truck Shipments.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8906; Filed, November 27, 1941;
10:23 a. m.]

[Docket No. B-63]

IN THE MATTER OF LEO PILATI, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 7, 1941, by Bituminous Coal Producers Board for District 22, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant

No. 231—4

or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period from October 1, 1940, to December 14, 1940, both dates inclusive, the defendant whose address is Red Lodge, Montana, sold and delivered to various purchasers approximately 91 tons of 2" lump coal produced at his McGuire Mine, (Mine Index No. 223), located in Subdistrict No. 2 of District No. 22, at a price of \$3.50 per net ton f. o. b. the mine, the effective minimum price for such coal being \$3.75 per net ton f. o. b. the mine as shown by the Schedule of Effective Minimum Prices for District 22 for All Shipments.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8907; Filed, November 27, 1941;
10:23 a. m.]

[Docket No. B-65]

IN THE MATTER OF JOHN KOSOROK, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 7, 1941, by Bituminous Coal Producers Board for District No. 22, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appro-

prate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, John Kosorok, of Red Lodge, Montana, during the period December 2, 1940, to December 14, 1940, both dates inclusive, sold approximately 76 tons of 2' lump coal produced at his New Brophy Mine, (Mine Index No. 211) located in Carbon County, Montana, District No. 22, to various producers at a price of \$3.50 per ton f. o. b. the mine for truck shipments whereas the effective minimum price for said coal was \$3.75 per ton f. o. b. the mine for truck shipments as set forth in the Schedule of Effective Minimum Prices for District No. 22 for Truck Shipments.

Dated: November 22, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8908; Filed, November 27, 1941;
10:23 a. m.]

[Docket No. B-67]

IN THE MATTER OF PARIS MARTIN, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers' Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

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

inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, Paris Martin, of Cumberland Gap, Tennessee, sold on or about April 28, 1941, to Gollie Shoffner and H. L. Matlock, of Middlesboro, Kentucky, approximately 296 tons of 3/8" x 0 coal or Size Group 8 produced at his Blue Gem Mine (Mine Index No. 1531) located in Bell County, Kentucky, District No. 8, at a price of approximately 34 cents per net ton f. o. b. the mine whereas the effective minimum price for said coal was \$1.50 per net ton f. o. b. the mine for such coal as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: November 22, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8908; Filed, November 27, 1941;
10:23 a. m.]

[Docket No. B-71]

IN THE MATTER OF A. H. ENGLAND, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, A. H. England, whose address is Middlesboro, Kentucky, sold on May 24, 1941, approximately 150 tons of $\frac{3}{8}$ " x 0 or Size Group 8 slack coal and approximately 50 tons of 2" or Size Group 7 nut-slack coal produced at his mine (Mine Index 2747) located at Yellow Creek in Bell County, Kentucky, District No. 8, to Golle Shoffner and H. L. Matlock of Middlesboro, Kentucky, at a price of 57.5 cents per net ton f. o. b. the said mine, whereas the effective minimum price for said $\frac{3}{8}$ " x 0 or Size Group 8 slack coal was \$1.50 per net ton f. o. b. the mine and \$1.55 per net ton in the case of 2" or Size Group 7 nut-slack coal, as stated in the Schedule of Effective Minimum Prices, for Truck Shipments, for District No. 8.

Dated: November 22, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8910; Filed, November 27, 1941;
10:24 a. m.]

[Docket No. B-77]

IN THE MATTER OF SAMSON HART AND CLYDE HARRIS, ALSO KNOWN AS SAMSON HART AND CLYDE HARRIS, INDIVIDUALS, TRADING AS HART AND HARRIS, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 9, 1941, pursuant to the provisions of Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 10, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 14, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to

administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendants, Samson Hart and Clyde Harris, R. F. D. 1, Corbin, Kentucky, sold for shipment f. o. b. railroad cars at Corbin, Kentucky, during the period April 29 to July 17, 1941, both dates inclusive, approximately 374.05 tons of 2" nut and slack to the Georgia Power Company, Albany, Georgia, at \$1.55 per net ton, approximately 47.05 tons of 5" x 2" egg to Good & Reese, Springfield, Ohio at \$2.05 per net ton, approximately 58.15 tons of run of mine coal to Williams Lime Manufacturing Co., Knoxville, Tennessee at \$2.10 per net ton, and approximately

55.65 tons of 2" nut and slack to the Hy-Grade Food Products Corp., Detroit, Michigan, at \$1.55 per net ton, produced at the defendant's Hart & Harris Mine, Mine Index No. 1719, Subdistrict 6 of District No. 8, located in Laurel County, Kentucky. The aforesaid sales were in violation of the Bituminous Coal Code, the regulations thereunder and the provisions of the Order of the Director dated October 9, 1940 in General Docket No. 19 in that on or prior to the dates of such sales no minimum prices, temporary or final, had been established by the Division for such sales.

Dated: November 22, 1941

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8911; Filed, November 27, 1941; 10:24 a. m.]

[Docket No. B-84]

IN THE MATTER OF JAMES R. FOLEY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board, District 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings

Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, James R. Foley, Barbourville, Knox County, Kentucky, sold and offered for sale coal produced at his mine (Mine Index No. 3487), located near Barbourville in Kent County, Kentucky, to one General Cooper, Woodbine, Kentucky, acting as agent for A. B. Ferris and Ray Ferrell of Gray, Kentucky, (a) on or about July 1, 1941, approximately 366.55 tons of 2" and under nut and slack coal at approximately 10 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group 7 as shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, and priced at \$1.55 per net ton f. o. b. said mine, and (b) on or about April 20, 1941, approximately 12 tons of 2" and under nut and slack coal at 60 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group 7 and priced at \$1.55 per net ton f. o. b. said mine as shown in the Schedule referred to in (a) hereof. The aforesaid transactions were in violation of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code promulgated thereunder and the applicable minimum prices contained in the Schedule referred to in (a) hereof.

Dated: November 22, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8912; Filed, November 27, 1941; 10:24 a. m.]

[Docket No. B-121]

IN THE MATTER OF W. H. GREENE, ALSO KNOWN AS W. H. GREEN, DOING BUSINESS AS STRAIGHT CREEK JELICO COAL CO., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 20, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 20, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bi-

uminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That defendant, W. H. Green, doing business as Straight Creek Jellico Coal Company, whose address is Barbourville, Ky., sold and delivered for rail shipment during the period March 27, 1941, through May 6, 1941, to various purchasers, coal produced at his W. H. Green Mine, Mine Index No. 2599, located in Knox County, Kentucky, in District 8, at prices f. o. b. railroad cars at the Barbourville Siding of the Louisville & Nashville Railroad Company, whereas minimum prices for rail shipment, temporary or final, had not been established by the Division, all of which was in violation of the Order of the Director dated October 9, 1940, in General Docket No. 19, as follows:

Date	Purchaser	Size	Quantity in tons	Price
Mar. 27, 1941	Palmetto Mills, Palmetto, Ga.	3/8 x 0 carbon	56.9	\$0.70
Apr. 12, 1941	Fulton Bag Co., Atlanta, Ga.	3/8 x 0 carbon	50.4	.70
Apr. 24, 1941	Palmetto Mills, Palmetto, Ga.	3/8 x 0 carbon	54.1	.70
Apr. 25, 1941	Palmetto Mills, Palmetto, Ga.	3/8 x 0 carbon	50.75	.70
Mar. 28, 1941	Exposition Mills, Atlanta, Ga.	1 1/2" N&S	48.95	.85
Apr. 7, 1941	Exposition Mills, Atlanta, Ga.	1 1/2" N&S	53.05	.85
Apr. 25, 1941	Exposition Mills, Atlanta, Ga.	1 1/2" N&S	53.35	.85
Apr. 25, 1941	Exposition Mills, Atlanta, Ga.	1 1/2" N&S	48.5	.85
May 6, 1941	Georgia Marble Company, Tate, Ga.	ROM	49.15	1.25
May 6, 1941	Vestal Hosiery Mills, Athens, Tenn.	ROM	52.55	1.25

Dated: November 22, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-8913; Filed, November 27, 1941; 10:25 a. m.]

[Docket No. A-1156]

PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS IN SIZE GROUPS 3, 4 AND 5 PRODUCED AT MINES IN SUBDISTRICTS 1 TO 4, INCLUSIVE, OF DISTRICT NO. 4, FOR RAILROAD FUEL USE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 562 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 7, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 4 for the revision of the effective minimum prices for certain coals in Size Groups 3, 4 and 5 produced at mines in

Subdistricts 1 to 4, inclusive, of District No. 4, for shipment for railroad fuel use by permitting the shipment thereof at the effective minimum prices for coals in Size Group 6 produced at such mines; and, more particularly, for the deletion on pages 31 and 32 of Price Schedule No. 1 for District No. 4 For All Shipments Except Truck of the footnote reading as follows:

4" x 1 1/4" egg coal, which as shipped shall contain not less than 35% of the screenings not exceeding 1 1/4", may be applied at the mine run price applicable to all mines.

and for the insertion, in lieu thereof on pages 31 and 32, and on page 33 of the said Schedule of a footnote reading substantially as follows:

Double screened coal shipped from Subdistricts 1, 2, 3 and 4, where the bottom size is either 3/4", 3/8", 1/4", 1/2" or 2", may be applied at the mine run price applicable to all mines in said subdistricts, provided that said double screened coals shall be modified so as to contain not less than the following percentages of screenings of the bottom size, to-wit: 3/4"—20%; 3/8"—28%; 1/4"—35%; 1/2"—40%; 2"—50%.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.[F. R. Doc. 41-8914; Filed, November 27, 1941;
10:25 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9584, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on December 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 245, U. S. Court House, Nashville, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.[F. R. Doc. 41-8915; Filed, November 27, 1941;
10:25 a. m.]

[Docket No. A-1031, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GREEN RIVER COAL MINE (MINE INDEX NO. 230) IN DISTRICT NO. 9 FOR RAIL SHIPMENTS ORIGINATING AT BEAVER DAM, KENTUCKY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having

shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.[F. R. Doc. 41-8916; Filed, November 27, 1941;
10:26 a. m.]

[Docket No. A-1051]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF ADDITIONAL LOADING POINTS FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 9, FOR SHIPMENT BY RAIL

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.[F. R. Doc. 41-8917; Filed, November 27, 1941;
10:26 a. m.]

[Docket No. A-1055]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN OHIO COUNTY, KENTUCKY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-1088]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING DECREASE IN THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN DAVIESS COUNTY, KENTUCKY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be

and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8918; Filed, November 27, 1941;
10:26 a. m.]

[Docket No. A-1074, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF CHARLESTON AND DAWSON SPRINGS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF DUNN #3 MINE (MINE INDEX NO. 941) OF PRODUCER DUNN, FRANK L., AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF SULLIVAN AND STURGIS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF WILSON MINE (MINE INDEX NO. 944) OF WILLIAMS BROS. (SAM WILLIAMS), PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8919; Filed, November 27, 1941;
10:27 a. m.]

[Docket No. 1781-FD]

IN THE MATTER OF MATTHEW PHILLIPS,
DEFENDANT

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been scheduled for hearing at 10 o'clock in the forenoon of December 1, 1941, at a hearing room of the Bituminous Coal Division in the County Court House, Zanesville, Ohio; and

Matthew Phillips, New Cumberland, West Virginia, and Elsie Grant, New Cumberland, West Virginia, heretofore having been duly served with subpoenas requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

The defendant having filed a motion dated November 17, 1941, to postpone the

hearing from December 1, 1941, to any time subsequent to November 27, 1941, and before December 5, 1941, and that the above cause be reset for hearing at Steubenville, Ohio; and

The Acting Director deeming it advisable to postpone said hearing to December 4, 1941, and to change the place of hearing from Zanesville, Ohio, to Wheeling, West Virginia;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from 10 o'clock in the forenoon of December 1, 1941, to 10 o'clock in the forenoon of December 4, 1941, before the officers heretofore designated to preside at the hearing; and

It is further ordered, That the place of hearing be and the same hereby is changed from the County Court House, Zanesville, Ohio, to the Circuit Court Room, Wheeling, West Virginia; and

It is further ordered, That Matthew Phillips, New Cumberland, West Virginia, and Elsie Grant, New Cumberland, West Virginia, appear before the designated officers in the latter-named place of hearing at 10 o'clock in the forenoon of December 4, 1941, as theretofore directed in said subpoenas; and

It is further ordered, That the afore-said motion is granted as hereinabove set forth, and is in all other respects denied; and

It is further ordered, That the Notice of and Order for Hearing dated September 2, 1941, shall, in all other respects, remain in full force and effect.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8920; Filed, November 27, 1941;
10:27 a. m.]

[Docket No. A-47]

PETITION OF DISTRICT BOARD 6 FOR THE ESTABLISHMENT OF CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED AND FOR RECLASSIFICATION AND PRICE CHANGES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER REOPENING HEARING FOR LIMITED PURPOSE

This proceeding was instituted upon an original petition filed by District Board 6 requesting, *inter alia*, the establishment of price classifications and minimum prices for the coals of the Cross Creek Mine (Mine Index No. 114) of the Cross Creek Coal Company and the Rainbow No. 2 Mine (Mine Index No. 28) of the Penowa Coal Company. A hearing was held on October 21, 1940, and reopened on December 16, 1940. The Examiner submitted his Proposed Findings of Fact, Conclusions of Law, and Recommenda-

tions on September 6, 1941, and District Board 6 subsequently filed a Motion to Reopen the Proceeding.

In his Report, the Examiner found, *inter alia*, that the Rainbow No. 2 Mine is in District 2 and that "The record is peculiarly devoid of evidence relating to market history and relationships."

District Board 6 has filed a Motion to Reopen the Proceeding, in support of which it alleges that the Rainbow Mine is now in District 6 as a result of stripping operations subsequent to the final hearing. It further alleges that considerable data regarding the market history of Cross Creek and Rainbow coals has become available since the hearing. The motion refers in very general terms to "errors" and "inadequacies" in the record which it requests permission to correct at the reopened hearing. Foster-Bixler Fuel Company, sales agent for two of the producers involved, requested permission to join in the motion to reopen. As it is not a party to this proceeding, its motion will not be entertained. The motion to reopen is opposed by District Board 2.

The location of the Rainbow Mine and the data relating to market history of the coals of the Cross Creek and Rainbow Mines appear to be relevant to the issues herein. As it appears from the motion that the evidence to be adduced was not available prior to the hearing on December 16, 1940, the hearing should be reopened for the purpose of adducing additional evidence concerning the Cross Creek and the Rainbow Mines. However, the parties should not be permitted to introduce evidence available but not adduced at the previous hearings or cumulative evidence on issues fully developed therein.

Now, therefore, it is ordered, That the hearing in the above matter be reopened for the purpose of taking additional evidence not available at the prior hearing herein and not cumulative of evidence already adduced, with reference to the Cross Creek Mine (Mine Index No. 114) of the Cross Creek Coal Company and the Rainbow No. 2 Mine (Mine Index No. 28) of the Penowa Coal Company.

It is further ordered, That such hearing be held on December 18, 1941, at 10 o'clock in the forenoon of that day, before Examiner Charles O. Fowler, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That the Examiner shall submit supplemental findings of fact and conclusions of law and the recommendation of an appropriate order in the premises upon the basis of the entire record in this proceeding.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8921; Filed, November 27, 1941;
10:27 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6216]

IN RE APPLICATION OF WESTCHESTER BROADCASTING CORP. (WFAS)

NOTICE OF HEARING

Application dated June 10, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, White Plains, N. Y.; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with application of Paul Forman Godley (New), Docket No. 6217, for the following reasons:

1. To determine the type and character of the program service which Station WFAS would render operating as proposed.

2. To determine the extent of the interference which would result from the simultaneous operation of Station WFAS, as proposed and the station proposed for Newark, New Jersey by Paul Forman Godley in Docket No. 6217, as well as the areas and populations affected thereby and the broadcast services available to these areas and populations.

3. To determine the areas and populations which would receive primary service from Station WFAS operating as proposed and the broadcast services available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether public interest, convenience, and necessity would be served through the granting of this application and the application of Paul Forman Godley, Docket No. 6217, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westchester Broadcasting Corporation, Radio Station WFAS, Cor. Post Road and Chester Avenue, White Plains, New York.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8923; Filed, November 27, 1941; 10:34 a. m.]

[Docket No. 6217]

IN RE APPLICATION OF PAUL FORMAN GODLEY (NEW)

NOTICE OF HEARING

Application dated July 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Newark, N. J.; operating assignment specified: Frequency, 1,230 kc., power, 250 w., hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with application of Westchester Broadcasting Corporation (WFAS), Docket No. 6216, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Stations WFAS (operating as at present) and WBRB.

4. To determine the areas and populations which may be expected to lose primary service from Stations WFAS (operating as at present) and WBRB as a result of the operation of the proposed station and what other service is available to these areas and populations.

5. To determine the areas and populations which would receive primary service from the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide a minimum field intensity of 25 to 50 mv/m to the business districts of Newark, New Jersey. (Section 4 of the Standards of Good Engineering Practice.)

7. To determine the extent of the interference which would result from the simultaneous operation of the proposed station and Station WFAS as proposed in docket No. 6216, as well as the areas and populations affected thereby and the broadcast services available to these areas and populations.

8. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of

Westchester Broadcasting Corporation, Docket No. 6216, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Paul Forman Godley, 10 Marion Road, Upper Montclair, New Jersey.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8924; Filed, November 27, 1941; 10:35 a. m.]

[Docket No. 6218]

IN RE APPLICATION OF BEAUFORD H. JESTER (NEW)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Waco, Texas; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Roy Branham Albaugh, (New), Docket No. 6219, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the areas and populations which would receive primary service from the proposed station and the broadcast service (both technical and program) available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and any of the stations proposed for Houston, Texas by Texas Star Broadcasting Company, Scripps-Howard Radio, Inc., and Greater Houston Broadcasting Company, Inc., in Docket Nos. 6089, 6088 and 6096, respectively, as well as the areas and populations affected thereby, and

what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Roy Branham Albaugh, Docket No. 6219, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Beauford H. Jester, Jester Building, Corsicana, Texas.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8925, Filed, November 27, 1941;
10:35 a. m.]

[Docket No. 6219]

IN RE APPLICATION OF ROY BRANHAM
ALBAUGH (NEW)

NOTICE OF HEARING

Application dated August 1, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Waco, Texas; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Beauford H. Jester, (New), Docket No. 6218, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the areas and populations which would receive primary service from the proposed station and the broadcast service (both technical and program) available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and any of the stations proposed for Houston, Texas, by Texas Star Broadcasting Company, Scripps-Howard

Radio, Inc., and Greater Houston Broadcasting Company, Inc., in Docket Nos. 6089, 6088, and 6096, respectively, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Beauford Jester, Docket No. 6218, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Roy Branham Albaugh, 225 South 11th St., Waco, Texas.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8926; Filed, November 27, 1941;
10:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4229]

IN THE MATTER OF HARRY M. BITTERMAN,
INC., ET AL.

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., section 41), and (49 Stat. 1526, U. S. C. A., section 13, as amended),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 437, Post Office Building, Pittsburgh, Pennsylvania.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8928; Filed, November 27, 1941;
11:14 a. m.]

[Docket No. 4240]

IN THE MATTER OF DAVID M. WEISS

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., section 41), and (49 Stat. 1526, U. S. C. A., section 13, as amended),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 437, Post Office Building, Pittsburgh, Pennsylvania.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8929; Filed, November 27, 1941;
11:14 a. m.]

[Docket No. 4257]

IN THE MATTER OF JACK HERZOG, MICHAEL HERZOG, GEORGE HERZOG, AND LOUIS HERZOG, INDIVIDUALLY AND TRADING AS JACK HERZOG & COMPANY

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Con-

gress (38 Stat. 717; 15 U. S. C. A., section 41), and (49 Stat. 1526, U. S. C. A., section 13, as amended).

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 8, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, Federal Building, Cleveland, Ohio.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8930; Filed, November 27, 1941; 11:14 a. m.]

[Docket No. 4524]

IN THE MATTER OF PENN-LUB OIL PRODUCTS CO., A CORPORATION

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41).

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 16, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in the Hotel Abbey, New York, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8931; Filed, November 27, 1941; 11:15 a. m.]

No. 231—5

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-415]

IN THE MATTER OF CENTRAL HUDSON GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 17, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 10, 1941.

The matter concerned herewith is in regard to the application of Central Hudson Gas & Electric Corporation, a New York Corporation, for an order pursuant to section 2 (a) (8) of the Act, declaring it not to be a subsidiary of The United Corporation; The United Corporation owns 23.18% of the voting securities of the Niagara Hudson Power Corporation, which in turn owns 29.72% of the voting securities of Central Hudson Gas & Electric Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8935; Filed, November 27, 1941; 11:29 a. m.]

[File Nos. 70-140, 70-144]

IN THE MATTERS OF CENTRAL NEW YORK POWER CORPORATION AND NIAGARA HUDSON POWER CORPORATION

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

The above-named persons having filed applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof, regarding the following transactions:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell, and Niagara Hudson Power Corporation proposes to acquire, 65,662 additional shares of the common stock without par value (stated value \$25 per share) at a price of \$25 per share, to realize proceeds of \$1,641,550. Of said proceeds, \$900,000 is to be used as additional working capital, and the balance of \$741,550 is to be applied in partial reimbursement of the treasury for the cost of reacquiring shares of its preferred stock, which amount will then be applied toward the payment of a like amount of open account advances owed to Niagara Hudson Power Corporation;

Said applications having been filed on August 17, 1940, and August 22, 1940, and amendments thereto having been filed, the last of said amendments having been filed on November 12, 1941, and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said applications within the period specified in said notices, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 6 (b) of said Act that the requirements of section 6 (b) have been satisfied, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and 10 (c) (1), and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

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

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8936; Filed, November 27, 1941; 11:29 a. m.]

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