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Washington, Saturday, June 1, 1940

The President

EXECUTIVE ORDER

AMENDMENT OF SECTION 2 (B) OF CIVIL SERVICE RULE VII

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), it is ordered that the first sentence of the first paragraph of section 2 (b) of Civil Service Rule VII be, and it is hereby, amended to read as follows:

"(b) Selections. The nominating or appointing officer shall make selections for the first vacancy from not more than the highest three persons certified, or from the register, with sole reference to merit and fitness, unless objection shall be made and sustained by the Commission, to one or more of the persons certified, for any of the reasons stated in Rule V, section 3, or in the case of positions in Federal agencies concerned in preparedness and the national defense program, for such other reasons as may be approved by the Commission."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
 May 28, 1940.

[No. 8423]

[F. R. Doc. 40-2171; Filed, May 31, 1940; 11:27 a. m.]

EXECUTIVE ORDER

AMENDING PARAGRAPH 7, SUBDIVISION I, SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is ordered that paragraph 7, Subdivision I, Schedule A of the Civil Service Rules be, and it is hereby, amended to read as follows:

"7. Any person employed in a foreign country or in the Virgin Islands, or in Puerto Rico when public exigency warrants, or in any island possession of the United States in the Pacific ocean (except the Hawaiian Islands), or United States citizens employed in the Philippine Islands, when in the opinion of the Civil Service Commission it is not practicable to treat the position as in the competitive classified service; but this paragraph shall not apply to any person employed in Canada or Mexico in the service of the Immigration and Naturalization Service, Department of Labor, or to any person employed in any foreign country by the Bureau of Customs of the Treasury Department."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
 May 28, 1940.

[No. 8424]

[F. R. Doc. 40-2172; Filed, May 31, 1940; 11:27 a. m.]

EXECUTIVE ORDER

AMENDMENT OF SECTION 1 (A) OF CIVIL SERVICE RULE IX

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), it is ordered that section 1 (a) of Civil Service Rule IX governing reinstatements, be, and it is hereby, amended to read as follows:

"(a) Upon requisition for reinstatement by the appointing office having a vacancy to fill, made within 1 year of separation if the period of service was less than 2 years; within 2 years if the period of service was 2 years or more but less than 3 years; within 3 years if the period of service was 3 years or more but less than 4 years; within 4 years if the period of service was 4 years or more but less than 5 years; and without time limit if the period of service was 5 years or more: *Provided*, That the applicant is otherwise eligible under the conditions of the Executive order of June 2, 1920:

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THE PRESIDENT

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Provided further, That the time limit may be waived in the case of reinstatements to positions in Federal agencies concerned with preparedness and the national-defense program."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 29, 1940.

[No. 8425]

[F. R. Doc. 40-2173; Filed, May 31, 1940;
11:27 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 56, Civil Air Regulations]

PROVIDING: ALTERNATIVE REQUIREMENTS FOR TYPE AND AIRWORTHINESS CERTIFICATION OF AIRPLANES IN THE TRANSPORT CATEGORY; OPERATING LIMITATIONS FOR SUCH AIRPLANES; AMENDMENT OF THE GENERAL MINIMUM REQUIREMENT FOR A SHOWING OF AIRCRAFT BY AN APPLICANT FOR AN AIR CARRIER OPERATING CERTIFICATE UNDER PART 40

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 28th day of May, 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601, 603, 604, and 605 of said Act, and finding that

its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority adopts the following amendment to the Civil Air Regulations:

Effective July 1, 1940, Parts 04 and 40 of the Civil Air Regulations are amended as follows:

1. By amending § 04.430 to read as follows:

"§ 04.430 *Installation*. All control systems and operating devices shall be so designed and installed as to provide reasonable ease of operation by the crew and so as to preclude the probability of inadvertent operation, jamming, chafing, interference by cargo, passengers or loose objects, and the slapping of cables against parts of the airplane. All pulleys shall be provided with satisfactory guards."

2. By amending § 04.701 to read as follows:

"§ 04.701 *Take-off*. Take-off at sea level:

"(a) Within 1,000 feet for land planes;
"(b) Within 60 seconds in calm air for seaplanes."

3. By amending § 04.702 to read as follows:

"§ 04.702 *Climb*. The average rate of climb for the first minute after the airplane leaves the take-off surface in accordance with § 04.701, and the rate of steady climb at sea level with not more than maximum except take-off power, shall not be less in feet per minute than:

"(a) *Land planes*. Eight times the measured power-off stalling speed in miles per hour with the flaps and landing gear retracted, or 300 feet per minute, whichever is greater;

"(b) *Sea planes*. Six times the measured power-off stalling speed in miles per hour with the flaps retracted, or 250 feet per minute, whichever is greater."

4. By amending § 04.71 (not including §§ 04.710 to 04.714, inclusive) to read as follows:

"§ 04.71 *Modified performance requirements for air carrier airplanes*. Prior to January 1, 1941, but not thereafter, the weight of any multi-engine air carrier aircraft operating in accordance with the requirements of Part 61 may be increased beyond the values corresponding to the landing speed specified in § 04.700 and take-off requirements of § 04.701, subject to the following conditions:"

5. By amending § 04.723 to read as follows:

"§ 04.723 *One-engine-inoperative performance*. Multi-engine airplanes shall be flight tested at such altitudes and weights as are necessary, in the opinion of the Authority, to prepare accurate data to show climbing perform-

ance within the range of weight for which certification is sought, with the critical engine inoperative and each other engine operating at not more than maximum except take-off power. Such data when approved by the Authority shall be kept in the airplane at all times during flight in a place conveniently accessible to the pilot."

6. By adding a new section as follows:

"§ 04.75 *Alternative requirement for certification of airplanes in the 'Transport Category'*. In lieu of any of the requirements of §§ 04.700, 04.701, 04.703, 04.704, 04.705, and 04.707 an airplane may be certificated upon the basis of the following requirements: *Provided*, That in standard air at the maximum take-off weight for which certification is sought (but not in excess of design weight) with V_s representing stalling speed determined in § 04.7502 (a) at that weight:

"(a) The rate of climb determined in § 04.7502 (c) at sea level is not less than its value in the equation:

$$"C=0.04 V_s^2"$$

"(b) the rate of climb determined in § 04.7502 (b) at sea level is not less than its value in the equation:

$$"C=0.07 V_s^2"$$

"(c) The rate of climb determined in § 04.7501 at 5,000 feet above seat level is not less than its value in the equation:

$$"C=0.02 V_s^2"$$

Provided further, That the applicant may meet the requirement of (a) and (b) at the maximum landing weight sought and select tires and wheels on the basis of such weight:

"(1) If such landing weight is not less than 87 percent of design weight,

"(2) If adequate provision is made for the rapid and safe discharge during flight of a quantity of fuel sufficient to reduce the weight of the airplane from the maximum take-off weight to such landing weight, and

"(3) If the airplane is capable of withstanding those ground shock loads exerted during take-off of maximum take-off weight.

"§ 04.750 *Performance*. The applicant shall furnish such information concerning each of the following items of performance as is necessary, in the opinion of the Authority, to determine such performance in standard air at any weight and altitude within the range for which certification is sought:

"§ 04.7500 *Take-off*. The greater of the following distances:

"(a) The sum of the distance required to accelerate from a standing start on a level take-off surface at not more than take-off power to a point at which the true indicated airspeed is not less than

*See footnote to § 04.760 (e) and (f) for tabulation of values.

that required to maintain full control with the critical engine inoperative, and the distance required to bring the airplane to a full stop thereafter;

"(b) The sum of the distance required to accelerate from a standing start on a level take-off surface at not more than take-off power to a point at which the true indicated airspeed is not less than that required to maintain full control with the critical engine inoperative, and, with the critical engine made inoperative at such point, the distance required to attain:

"(1) An altitude not less than 50 feet above the take-off surface.

"(2) A speed not less than 110 percent of power off stalling speed, and

"(3) A steady climb with the primary flap control in the 'take-off setting,' and the landing gear fully extended or in the position it would reach 10 seconds after retraction is started from the fully extended position, at a rate not less than that prescribed in § 04.75 (a).

"§ 04.7501 *Enroute operation.* The best rate of steady climb in feet per minute with the critical engine inoperative, its propeller stopped, each other engine operating at not more than maximum except take-off power, the landing gear fully retracted, and the primary flap control in the most favorable setting.

"§ 04.7502 *Approach.* (a) The true indicated stalling speed in miles per hour with power off, the landing gear fully extended, the primary flap control in the 'landing setting,' and the flaps in such position that the stalling speed does not exceed 80 miles per hour;

"(b) The best rate of steady climb in feet per minute with all engines operating at not more than take-off power, the landing gear fully extended, and the flaps in the same position used in (a) for the particular weight and altitude involved;

"(c) The best rate of steady climb in feet per minute with the critical engine inoperative, its propeller stopped, each other engine operating at not more than take-off power, the landing gear fully extended or in the position it would reach 10 seconds after retraction is started from the fully extended position, the primary flap control in the "approach setting," and the flaps in such position that the true indicated stalling speed with power off does not exceed 85 miles per hour.

"§ 04.7503 *Landing.* The horizontal distance required to land and come to a complete stop from a point at a height 50 feet above the landing surface, subject to the following conditions:

"(a) That prior to reaching such point a steady gliding approach shall be maintained with a true indicated flight path airspeed not less than 130 percent of stalling speed determined in § 04.7502 (a) for the particular weight and altitude involved, a rate of descent not in excess of 500 feet per minute and the flaps extended not beyond the position

used in § 04.7502 (a) for the particular weight and altitude involved;

"(b) That after reaching such point the nose of the airplane shall not be depressed nor power or flap extension increased: *Provided,* That after the airplane is on the landing surface and the true indicated airspeed has been reduced to not more than nine-tenths of the stalling speed determined in § 04.7502 (a) at the same weight and altitude, the flaps may be extended beyond the position specified in (a) or other aerodynamic braking device may be used;

"(c) That operating pressures on the braking system shall not be in excess of those approved by the manufacturer of the brakes;

"(d) That the brakes shall not be used in such manner as to produce excessive wear of brakes or tires;

"(e) The landing shall be made in such manner that there is no excessive vertical acceleration, no tendency to bounce, nose over, or ground loop, and in such manner that its reproduction shall not require any exceptional degree of skill on the part of the pilot, or exceptionally favorable conditions. If this last condition (with respect to exceptional skill or favorable conditions) is not met, the distance to be determined shall be that considered to correspond to a piloting technique normally usable.

"§ 04.751 *Flight characteristics.* There shall be no flight characteristic which, in the opinion of the Authority, makes the airplane unairworthy. The airplane shall also meet the following requirements under all critical loading conditions within the range of center of gravity, and, except as provided in § 04.7511 (e), at the maximum weight for which certification is sought:

"§ 04.7510 *Controllability and maneuverability.* The airplane shall be controllable and maneuverable during take-off, climb, level flight, glide, or landing, including landing with the flaps and landing gear fully extended and the propellers in low pitch, under all conditions of operation consistent with its intended use, including those conditions normally encountered in the event of sudden failure of any engine. It shall be possible with the airplane trimmed in a glide with power off and its speed not in excess of 140 percent of the measured stalling speed, to control the airplane with one hand without exertion of unusual control force and without change in the trim control setting, upon the full extension or retraction of wing flaps or the sudden application of take-off power on all engines.

"§ 04.7511 *Trim.* The means used for trimming the airplane shall be such that after being trimmed and without further pressure upon or movement of either the primary control or its corresponding trim control by the pilot or the automatic pilot, the airplane will maintain:

"(a) Rectilinear level flight at cruising speed (90 percent of the indicated high

speed with maximum except take-off power);

"(b) Lateral trim under all conditions of operation consistent with the intended use of the airplane, including operation at any speed from best rate of climb speed to high speed and operation in which there is greatest lateral variation in the distribution of the useful load;

"(c) Longitudinal trim, under the following conditions:

"(1) During climb at the best rate of climb speed with maximum except take-off power,

"(2) During a glide with power off at a speed not in excess of 140 percent of the measured power off stalling speed, and

"(3) During level flight at any speed from 90 percent of high speed to the sum of stalling speed and 20 percent of the difference between high speed and stalling speed;

"(d) Rectilinear climbing flight with the critical engine inoperative, each other engine operating at maximum except take-off power and the best rate of climb speed under such conditions;

"(e) Rectilinear flight with any two engines inoperative and each other engine operating at maximum except take-off power under the following conditions:

"(1) With the weight of the airplane not more than that at which there is a speed range in level flight of not less than 10 miles per hour;

"(2) With the speed of the airplane not more than the high speed obtained under the conditions specified in (1) less 10 miles per hour.

"§ 04.7512 *Stability.* The requirement of stability shall be as follows:

"§ 04.75120 *Static stability.* The static stability of the airplane under all conditions of speed, power, and trim appropriate to the intended use of the airplane during take-off, climb, level flight, glide, and landing, shall be such that:

"(a) The pitching, yawing, or rolling moment caused by change of angle of attack, skidding, or side-slipping, respectively, shall be restorative;

"(b) The stick force required to maintain steady flight after the airplane is trimmed shall, without further adjustment of the trim control, increase continuously with progressive change of flight path speed from the speed at which the airplane is trimmed under the following conditions:

"(1) With all engines operating at maximum except take-off power, and

"(2) During a glide with power off.

"(c) The slope of the curves of stick force versus speed determined under (b) shall lie between such limits that:

"(1) Any substantial change in speed is clearly evident to the pilot through a resultant change in stick force;

"(2) The stick forces required to produce necessary changes in speed do not reach excessive values.

"§ 04.75121 *Dynamic stability.* With 75 percent of maximum except take-off power and with the controls free, the airplane shall be dynamically stable longitudinally during level flight and during a climb at 75 percent of the speed obtained during such flight. The amplitude of any short period oscillation occurring between stalling speed and 110 percent of 'never exceed' speed shall be heavily damped with the primary controls in a fixed position.

"§ 04.7513 *Stalling.* With power off and with 75 percent of maximum except take-off power, it shall be possible to prevent rolling or yawing by normal use of the aileron or rudder controls when the airplane is gradually stalled with the flaps and landing gear in any position. The airplane shall not pitch excessively during such operations. The airplane shall be recoverable without difficulty or the use of power from the inoperative engine when it is stalled with the critical engine inoperative and the remaining engines operating at 75 percent of maximum except take-off power.

"§ 04.7514 *Flutter and vibration.* All parts of the airplane shall be free from flutter or excessive vibration under all speed and power conditions appropriate to the operation of the airplane during take-off, climb, level flight, and landing, and during glide at speeds up to the maximum indicated airspeed attained during official flight tests (see § 04.722). There shall be no appreciable buffeting for any flap position at any speed in excess of 10 miles per hour above stalling speed for such position nor shall buffeting at lower speeds be so violent as to interfere with the pilot's control of the airplane or cause discomfort to its occupants.

"§ 04.752 *Detail design.* The airplane shall meet the following detail design requirements:

"§ 04.7520 *Trim controls.* Trimming devices shall be capable of continued normal operation in spite of the failure of any one connecting or transmitting element in the primary control system. Trim controls shall operate in the plane and with the sense of the motion of the airplane which their operation is intended to produce.

"§ 04.7521 *Flap control.* The flap control shall provide means for bringing the flaps from any position within the operating range to the fully retracted or fully extended position and to the take-off, approach, or landing position used in demonstrating compliance with the requirements of § 04.750 by placing the primary flap control in a single setting clearly marked as corresponding to each such flap position, the flaps thereupon moving directly to the desired position without requiring further attention. If any extension of the flaps beyond the

"landing setting" is possible, the flap control shall be clearly marked to identify such range of extension. If more than one position of the flaps is used for take-off, approach, or landing, respectively, a secondary control shall be provided. Such secondary control shall operate independently of the primary control and in such manner that when it has been adjusted (for the effect of weight or altitude), the necessary flap position can thereafter be obtained by placing the primary flap control in the desired setting. The secondary control shall be so designed and marked as to be readily intelligible to and operable by the crew. The rate of flap retraction during retraction from any flap position in steady flight at a speed less than 110 percent of the stalling speed for that flap position shall not produce so rapid a loss of lift as to require the use of exceptional piloting technique in order to continue a straight flight path.

"§ 04.7522 *Brakes.* In the event of a single failure in any connecting or transmitting element in the brake system, or the loss of any single source of hydraulic or electrical energy, it shall be possible to make a landing in accordance with the conditions of § 04.7503 within a distance not exceeding that specified therein by more than 40 percent.

"§ 04.753 There shall be furnished with each airplane a copy of a manual which shall contain such information regarding the operation of the airplane as the Authority may require, including, but not limited to, the following:

"(a) All performance data required under § 04.750 together with any pertinent description of the conditions, airspeeds, etc., under which such data were determined;

"(b) Adequate instructions for the use and adjustment of the flap controls under § 04.7521; and

"(c) The minimum true indicated airspeed required to maintain full control with the critical engine inoperative."

7. By adding a new section to read as follows:

"§ 04.76 *Operating limitations upon airplanes certificated under § 04.75.* The operation in air commerce of any airplane certificated in accordance with the provisions of § 04.75 shall be subject to the following restrictions unless otherwise specifically authorized by the Authority:

"§ 04.760 No person shall operate any airplane certificated in accordance with the provisions of § 04.75 for the purpose of take-off:

"(a) If the weight of the airplane exceeds its certificated maximum take-off weight;

"(b) If the weight of the airplane exceeds the sum of its certificated maximum landing weight and the weight of fuel and oil required by Part 60;

"(c) If the weight of the airplane is such that in standard air at the altitude of the take-off area, the distance¹ determined in § 04.7500 exceeds the distance measured along the centerline of the runway in the direction of take-off from the point at which acceleration is started to a point on a line at right angles to such centerline formed by the intersection of the runway surface with a plane inclining upward at an angle equal to the angle of the flight path that the airplane, with the critical engine inoperative and without change of weight by dumping fuel or ballast, can maintain, and clearing any obstacle located within 250 feet on either side of the centerline of the runway and within 1,000 feet of the intersection of the inclined plane with the runway surface.

"(d) If the weight of the airplane in standard air at the particular altitude involved is such that in the event the critical engine fails at the critical airspeed during the take-off (the true indicated airspeed at which such engine was made inoperative in determining the distance required in § 04.7500) it would not be possible to continue the take-off and:

"(1) Clear any obstacle by a horizontal distance not less than 300 feet without banking the airplane prior to crossing the boundary of the landing area upon which take-off was made or without banking more than 15 degrees thereafter, and

"(2) Attain an altitude and position from which the airplane could be landed safely on the same or other landing area.

"(e) If the weight of the airplane is such that when reduced by the weight of fuel and oil that would be consumed in reaching any ground obstacle within 10 miles on either side of the intended or prescribed route to be flown, the best rate of steady climb determined in § 04.7501 at such reduced weight and in standard air at an altitude not less than 1,000 feet above such obstacle, would be less than the rate given by the equation:

$$C = 0.02 \cdot V^2 \dots \dots \dots (f)$$

¹ NOTE: For the purpose of determining the relation of the distance specified in § 04.760 (c) to the distance required under § 04.7500 the latter distance may be reduced for the effect of not more than 50 percent of any wind velocity component along the runway of intended take-off.

² NOTE: The equations specified in § 04.760 (e) and (f) require the following rates of climb:

Stalling speed	Rate of climb		
	0.02 V ²	0.04 V ²	0.07 V ²
50	50	100	175
55	61	121	212
60	72	144	256
65	85	169	303
70	98	196	354
75	113	225	409
80	128	256	468

with V_s representing the true indicated stalling speed at such weight and altitude determined as provided in § 04.7502 (a) and with "C" representing the rate of climb in feet per minute: *Provided*, That for flights along a civil airway the requirement of rate of climb shall not apply to any obstacle extending into the airway less than half its width and less than 20 miles along its length whose position can be readily identified by means of air navigation facilities and avoided thereafter.

"(f) If the weight of the airplane is such that when reduced by the weight of fuel and oil that would be consumed in reaching the first point of intended landing, the best rate of steady climb determined in §§ 04.7502 (c) and 04.7502 (b) at such reduced weight and in standard air at the altitude of such landing area, would be less, respectively, than the rates given by the equations:

$$C=0.04 V_s^2 \text{-----} (1)$$

and

$$C=0.07 V_s^2 \text{-----} (2)$$

where V_s represents the true indicated stalling speed in miles per hour at such weight and altitude determined as provided in § 04.7502 (a) and "C" is the rate of climb in feet per minute.

"(g) If the weight of the airplane is such that when reduced by the weight of fuel and oil that would be consumed in reaching the first point of intended landing, the landing distance determined under § 04.7503 for such reduced weight and in standard air at the altitude of such landing area, exceeds, in the case of scheduled air carrier operation for the carriage of passengers, six-tenths or, in the case of other operation, seven-tenths of the effective landing length of the runway upon which it is intended to land. The effective landing length of such runway shall be the distance measured from the farthest boundary toward which the landing may be completed, back along the centerline of the runway (in the direction opposite to that of landing), to a point on a line at right angles to such centerline formed by the intersection of the runway surface with a plane inclining upward at an angle of 1 to 20 clearing the top of any obstacle located 250 feet on either side of the centerline of the runway extended 1,000 feet beyond the boundary of the landing area.

"§ 04.761 *Availability of performance manual*. A copy of the manual required in § 04.753 shall be kept in the airplane at all times during flight in a place conveniently accessible to the pilot."

³ NOTE.—See footnote to § 04.760 (e).

⁴ NOTE: All of the provisions of this amendment with respect to operating limitations will be deleted in the near future from Part 04 and will be incorporated in a Part or Parts pertaining solely to operating procedures and limitations.

8. By amending § 40.12 of Part 40 to read as follows:

"40.12 *Aircraft*. Applicant shall show aircraft certificated as provided in Part 04 of a model and number deemed by the Authority to be necessary for safe operation as related to the service offered, the route traversed, and the operating and maintenance procedures and techniques proposed. No airplane certificated as a basic type in accordance with the requirement of § 04.75 shall be deemed adequate for use in scheduled air transportation unless, in the opinion of the Authority, it can meet the requirement of § 04.76 over each route to be flown. Airplanes proposed for use for the carriage of passengers under these regulations shall be subject to the following requirements:

"(a) No airplane certificated as a basic type after December 31, 1940, shall be deemed adequate for use in scheduled air transportation unless it has been certificated in accordance with the requirement of § 04.75;

"(b) On or after January 1, 1942, no individual airplane shall be deemed adequate for use in scheduled air transportation unless, in the opinion of the Authority, it can meet the requirement of § 04.76 over each route to be flown or unless such airplane has been used in scheduled air transportation with the approval of the Authority prior to that date;

"(c) No airplane shall be deemed adequate for use in scheduled air transportation after December 31, 1945, unless, in the opinion of the Authority, it can meet the requirement of § 04.76 over each route to be flown."

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-2175; Filed, May 31, 1940; 11:28 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 55C—TRAVEL

Pursuant to the authority contained in the President's Proclamation No. 2374, of November 4, 1939, issued pursuant to section 1 of the Neutrality Act of 1939, I, Cordell Hull, Secretary of State of the United States, hereby prescribe the following regulation, amending the regulations issued on November 6, 1939,¹ as amended by regulations issued on November 17, 1939,² and December 14, 1939,³ relating to travel on belligerent vessels:

¹ 22 CFR 55C.1-2. (4 F.R. 4509)

² 22 CFR 55C.2-3 (b)-(f) (1)-(4). (4 F.R. 4640)

³ 22 CFR 55C.3 (f) (5). (4 F.R. 4871)

§ 55C.3 *American nationals in combat areas*—(h) *Travel in belligerent aircraft over certain Canadian provinces*. American nationals may travel in belligerent aircraft over the Canadian provinces of New Brunswick, Nova Scotia, and Prince Edward Island. (Sec. 1, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2374, Nov. 4, 1939)

CORDELL HULL,
Secretary of State.

MAY 29, 1940.

[F. R. Doc. 40-2178; Filed, May 31, 1940; 12:09 p. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

MAY 15, 1940.

Is amended as follows:

§ 130.9 *Charges*. Page 200 (876), delete in line 13, "Stranger Unit" and insert in lieu thereof "Hall Creek—Twin Lakes Unit" and at the end of line 15 substitute "\$2.00" for "\$0.50".

§ 130.10 *Time of payment*. Page 200 (876), in lines 2, 4 and 5 thereof delete "1933" in each line.

§ 130.11. *Delivery contingent on payment*. Page 200 (876), after the period following the word "charges" in line 8 thereof add the following:

All water users will be required to construct and maintain in good order upon their lands such ditches as may be necessary to catch and conduct to some waste ditch or natural drainage channel any water flowing from their said lands. No water will be furnished to any water user during such time as he fails to comply with the provisions of this paragraph.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-2156; Filed, May 29, 1940; 11:04 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

MAY 28, 1940.

TO TEXARKANA STOCKYARDS COMPANY, INC.,
Texarkana, Tex.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of

¹ Modifies list posted stockyards 9 CFR 204.1.

the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Texarkana Stockyards, at Texarkana, State of Texas, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 40-2166; Filed, May 29, 1940;
3:02 p. m.]

Federal Surplus Commodities Corporation.

AMENDED DESIGNATION OF AREA UNDER SURPLUS FOOD STAMP PROGRAM

The designation of Sedgwick County, Kansas, as an area under the Surplus Food Stamp Program, published in the FEDERAL REGISTER on February 27, 1940, at page 770, is amended to read as follows:

"The area within the county limits of Sedgwick County, Kansas, and that portion of Sumner County, Kansas, located within the town limits of Mulvane, Kansas."

[SEAL] PHILIP F. MAGUIRE,
Executive Vice President.

MAY 27, 1940.

[F. R. Doc. 40-2164; Filed, May 29, 1940;
3:02 p. m.]

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used:

The area within the county limits of Greene County, Missouri.

The area within the county limits of Guilford County, North Carolina.

The area within the county limits of St. Louis County, Minnesota.

The effective dates for the above-mentioned areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] PHILIP F. MAGUIRE,
Executive Vice President.

MAY 27, 1940.

[F. R. Doc. 40-2165; Filed, May 29, 1940;
3:02 p. m.]

Office of the Secretary.

AUSABLE LAND UTILIZATION PROJECT—MICHIGAN

TRANSFER OF LANDS IN THE STATE OF MICHIGAN FROM THE SOIL CONSERVATION SERVICE TO THE FOREST SERVICE

Administrative order

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 523), and Executive Order No. 7908, dated June 9, 1938, all lands within the Ausable Land Utilization Project (LU-MI-2) located in Cheboygan, Presque Isle, Montmorency, Otsego, Crawford, Kal-kaska, Oscoda, Ogemaw, Roscommon, Clare, Missaukee, Arenac and Gladwin Counties, Michigan, that hitherto have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), and Title III of the said Bankhead-Jones Farm Tenant Act, are hereby transferred for administration from the Soil Conservation Service to the Forest Service.

[SEAL] H. A. WALLACE,
Secretary.

MAY 31, 1940.

[F. R. Doc. 40-2167; Filed, May 31, 1940;
10:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective June 1, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated be-

low opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 24, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

Telephone Order, April 9, 1940 (5 F.R. 1371).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Burlington Mills Hosiery Division, Greensboro, North Carolina; Hosiery; Full Fashioned; 75 learners; September 18, 1940.

Liberty Hosiery Mills, Inc., Liberty, North Carolina; Hosiery; Full Fashioned; 5 percent; September 18, 1940.

Archbald Sewing Company, Cherry Street, Archbald, Pennsylvania; Apparel; Children's dresses; 5 learners; October 24, 1940.

Forest City Sewing Company, Forest City, Pennsylvania; Apparel; Dresses; 5 learners; October 24, 1940.

Mayfield Sewing Company, Mayfield, Pennsylvania; Apparel; Children's Dresses; 5 learners; October 24, 1940.

Sunspun Chenilles, Inc., Asheboro, North Carolina; Textile; (Tufted Bedspread Branch); Chenille Bedspreads; 250 learners; September 27, 1940.

Claussner Hosiery Company, 11th & Jefferson Streets, Paducah, Kentucky; Textile; Silk Throwing; 5 learners; October 24, 1940.

Scotsmoor Company, Inc., Johnstown, New York; Glove; Knit Wool Gloves; 5 learners; October 24, 1940.

Thomas Donlon Glove Shop, Herkimer, New York; Glove; Leather Dress Gloves; 5 learners; October 24, 1940.

Hoopston Telephone Company, Willden Building, Hoopston, Illinois; Independent Branch of the Telephone Industry; to employ learners (as indicated in the Telephone Order) as commercial and switchboard operators until December 31, 1940.

Signed at Washington, D. C., this 31st day of May 1940.

HAROLD STEIN,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 40-2176; Filed, May 31, 1940;
11:43 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 238]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR A PERMANENT CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is assigned for oral argument before the Authority on June 6, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C.

Dated Washington, D. C., May 29, 1940.
By the Authority.

[SEAL] PAUL J. FRIZZEL,
Secretary.

[F. R. Doc. 40-2174; Filed, May 31, 1940; 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 43-175]

IN THE MATTER OF NEW YORK AND RICHMOND GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT AND RESCINDING ORDER ISSUED HERETOFORE UNDER SUCH DECLARATION

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

office in the City of Washington, D. C., on the 28th day of May, A. D. 1940.

The Commission having due regard to the public interest and the interest of investors and consumers, upon the request of the declarant, consents to the withdrawal of the above captioned declaration, and to that effect

It is so ordered.

It is further ordered, That the order issued under such declaration and dated February 16, 1939, be, and it hereby is, rescinded.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2169; Filed, May 31, 1940; 11:07 a. m.]

[File No. 1-2079]

IN THE MATTER OF CENTRAL OF GEORGIA RAILWAY COMPANY MACON & NORTHERN DIVISION FIRST MORTGAGE 5% BONDS DUE JAN. 1, 1946, AND MIDDLE GEORGIA & ATLANTIC DIVISION PURCHASE MONEY 5% BONDS DUE JAN. 1, 1947

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1940.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated there-

under, having made application to strike from listing and registration the Macon & Northern Division First Mortgage 5% Bonds due Jan. 1, 1946 and Middle Georgia & Atlantic Division Purchase Money 5% Bonds due Jan. 1, 1947 of Central of Georgia Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Thursday, June 20, 1940, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2170; Filed, May 31, 1940; 11:07 a. m.]