FEDERAL REGISTER

VOLUME 6 NUMBER 115

Washington, Friday, June 13, 1941

The President

EXECUTIVE ORDER

EXCLUDING A TRACT OF LAND FROM THE TONGASS NATIONAL FOREST AND RESTORING IT TO ENTRY

ALASKA

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tract of land in Alaska, occupied as a cemetery site, and identified by an elimination survey, plat and field notes of which are on file in the General Land Office, Washington, D. C., be, and it is hereby, excluded from the Tongass National Forest and restored to entry under the applicable public-land laws;

Tongass National Forest

Craig Cemetery Site, on the west side of the southern peninsula of High Island, five acres; latitude 55°28′ N., longitude 133°08′20″ W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 11, 1941.

[No. 8779]

[F. R. Doc. 41-4207; Filed, June 12, 1941; 11:51 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF STATE

NEW MEXICO

By virtue of the authority vested in me by section 4 of the act of May 13, 1924, c. 153, 43 Stat. 118, as amended by the act of August 19, 1935, c. 561, 49 Stat. 660, by the act of August 29, 1935, c. 805, 49 Stat. 961, and by the act of June 4, 1936, c. 500, 49 Stat. 1463, it is ordered that, subject to valid existing rights, the following-described lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization project, authorized by the said acts:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 3 W.,
sec. 3, lots 5, 6, SW¼SE¼;
sec. 11, lot 8.

This order supersedes as to any of the above-described lands affected thereby the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended, and it is subject to the condition that livestock be permitted to cross any of the above-described lands for watering purposes except that portion of lot 8 lying north of the Atchison, Topeka, and Santa Fe Railroad.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 11, 1941.

[No. 8780]

[F. R. Doc. 41-4208; Filed, June 12, 1941; 11:51 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 116, Civil Air Regulations]

AIRCRAFT ENGINE AIRWORTHINESS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of June 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 603 (a) 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 Board amends the Civil Air Regulations as follows:

Effective August 1, 1941, the Civil Air Regulations are amended by:

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

1. Amending Part 13 to read as follows:

PART 13—AIRCRAFT ENGINE AIRWORTHINESS [1]

Sec.

§ 13.1 *General.*

§ 13.10 *Scope.* The airworthiness requirements set forth in this part shall be used as a basis for determining the original eligibility of aircraft engines for use in certificated aircraft or for the issuance of type certificates therefor. Aircraft engines, when manufactured in accordance with, and conforming to, the aircraft engine specifications approved and in effect prior to the effective date of these regulations, of types having satisfactory safety records, will be eligible for use in certificated aircraft if such engines are in condition for safe operation.

§ 13.11 *Deviation.* Deviation from these requirements may be permitted if it is clearly demonstrated that such deviation meets standards equivalent to or in excess of the requirements of this part in insuring safe operation.

§ 13.12 *Acceptance of Army or Navy requirements.* Equivalent requirements of the United States Army or Navy, with respect to airworthiness, may be accepted in lieu of the requirements provided in this part.

§ 13.13 *Inspection.* An authorized representative of the Administrator shall be permitted at any time and place to make such inspections and tests as are necessary to determine compliance with the requirements of this part.*

*§§ 13.1 to 13.3, inclusive, issued pursuant to the authority contained in sections 205 (a), 601 (a), 603 (a), 52 Stat. 984, 1007, 1009; 49 U.S.C., Sup., 425, 551, 553.

§ 13.2 *Airworthiness requirements.*

§ 13.20 *Design and construction.* The engine shall be designed and constructed to function reliably under all flight and atmospheric conditions when properly installed, operated and maintained in an aircraft.

§ 13.200 *Materials.* The engine shall be made of materials proved by experience or conclusive tests to be uniformly adequate in quality and strength, and otherwise suitable for the parts in which they are used.

§ 13.201 *Fire prevention.* The engine shall be so designed and constructed, and materials of such quality shall be used, that the probability of the occurrence and spread of fire, because of structural failure, overheating, or other causes, shall be reduced to a minimum.

§ 13.202 *Detail design.* The engine shall incorporate only details of design proved by experience or conclusive tests to be reliable and otherwise satisfactory for safe operation.

§ 13.2020 *Durability.* The wearing surfaces, lubrication system and parts subject to fatigue shall be so designed and constructed that no unsafe condition will develop between overhaul periods when the engine is properly installed, operated and maintained in an aircraft.

§ 13.2021 *Vibration.* The engine shall be designed and constructed to operate throughout its normal operating range of speeds and powers without excessive stress in the engine parts because of vibration, and without imparting excessive vibration forces to the engine support structure, when the engine is properly installed, operated and maintained in an aircraft with a suitable flight propeller.

§ 13.2022 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply a satisfactory mixture under all flight and atmospheric conditions, during idling, acceleration, take-off, flight and landing, when the engine is properly installed, operated and maintained in an aircraft.

(b) The intake passages of the engine through which air, or fuel in combination with air passes, for combustion purposes, shall be designed and constructed, insofar as possible, to avoid formation of ice deposits in such passages. The engine shall be designed and constructed so as to permit the use of a satisfactory means of ice prevention.

§ 13.2023 *Ignition system.* All spark ignition engines shall be equipped with, (1) A dual ignition system having at least two spark plugs per cylinder and two separate electrical circuits having separate sources of electrical energy, or (2) an ignition system which will function with equal reliability in flight.

[1] Civil Aeronautics Manual 13, which may be secured from the Correspondence Section, Civil Aeronautics Administration, Washington, D. C., sets forth, in detail, the Administrator's interpretations and explanations of the requirements of this Part.

§ 13.2024 *Lubrication system.* The lubrication system of the engine shall be so designed and constructed that the system will function properly in all flight attitudes and atmospheric conditions in which the engine is intended to be used. In wet sump engines, such requirement shall be met when only one-half the maximum oil supply is in the engine. The system shall be so designed and constructed that provision can readily be made for properly cooling the oil.

§ 13.2025 *Engine cooling.* The engine shall be designed and constructed to provide satisfactory cooling when the engine is properly installed, operated and maintained in an aircraft.

§ 13.2026 *Engine and accessory mounting attachments.* (a) The mounting attachments and structure of the engine shall have sufficient strength when the engine is properly supported by a suitable engine mount structure, to meet the structural loading conditions of Part 04, and to withstand vibration forces likely to occur.

(b) Accessory mounting provisions and drives shall be designed and constructed to provide for the safe operation of the engine with the accessories attached. All essential engine accessories which may require inspection, adjustment, or removal between engine overhauls shall be mounted in such manner that they may be readily inspected, adjusted or removed without disassembly of the engine.

§ 13.21 *Block testing.* The engine, including at least essential accessories, shall satisfactorily complete block testing as hereinafter provided under power outputs and conditions simulating the most severe flight operations possible when the engine is properly installed, operated and maintained in an aircraft. Separate engines of identical design and construction may be used for the endurance, calibration, and operation tests.

§ 13.210 *Testing equipment and personnel.* The applicant shall furnish suitable testing equipment and facilities, and competent personnel to conduct the required block tests.

§ 13.211 *Witnessing of tests.* An authorized representative of the Administrator shall witness all block testing sufficiently to ascertain that the information presented in the applicant's test report is substantially correct and complete. Such representative shall witness, in their entirety, the operation test, the calibration test, the tear-down inspections, and at least the last 50 hours of the endurance tests.

§ 13.212 *Engine operating conditions and limitations.* The engine operating conditions maintained within suitable tolerances or satisfactorily demonstrated during the testing shall determine the operating limitations to be assigned the engine by the Administrator. Such operating limitations shall include those necessary or advisable for safe operation of the engine, and may be placed on the following and any necessary additional items: Power output, crankshaft speed, manifold pressure, spark and mixture settings, fuel and oil grades, and cylinder head, barrel, intake air, and oil inlet temperatures.

§ 13.213 *Calibration tests.* The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions under which it is to be endurance tested. Such tests shall cover, but need not be limited to, the proposed cruising, maximum-except-take-off, and take-off operating conditions.

§ 13.214 *Operation tests.* The engine shall be operated at various power outputs and speeds throughout the proposed operating range to demonstrate that the engine has satisfactory running and vibration characteristics, and freedom from detonation.

§ 13.215 *Endurance tests.* The endurance tests shall consist of the following 150 hours of testing on the same engine, in the order stated: (1) 50 hours at maximum-except-take-off power, (2) 50 hours at the most critical cruising conditions, (3) 40 hours at 91 per cent take-off power or at least maximum-except-take-off power, and (4) 10 hours at take-off power. Such endurance tests shall be conducted in periods of not less than 30 minutes duration.

§ 13.2150 *Engine adjustments and parts replacements.* (a) External adjustments and replacements of minor parts such as spark plugs, which are normally made in servicing aircraft engines, may be performed at reasonably spaced servicing periods designated in advance by the applicant.

(b) Minor internal adjustments and replacements of minor parts, which are normally made during a top overhaul, may be performed during the optional 100-hour tear-down inspection.

(c) The tests shall not be considered satisfactory if excessive adjustments or excessive replacements of minor parts are made, unless it is demonstrated that the causes therefor have been remedied.

(d) Parts used to replace other parts, except as permitted by paragraphs (a) and (b) hereof, shall satisfactorily meet the 150-hour endurance tests: *Provided,* That the Administrator may accept other substantially equivalent proof of such parts.

§ 13.2151 *Forced stops.* A forced stop is any malfunctioning of the engine or its essential accessories which would cause or make advisable an engine stop, including, but not limited to, structural failure, excessive increase in vibration, excessive leaking of fuel, oil, or coolant, or an appreciable decrease in performance not attributable to general wear or change in atmospheric conditions. When a forced stop occurs, appropriate corrective measures shall be taken to insure insofar as possible that similar malfunctioning will not reduce the reliability of the engine in service.

§ 13.216 *Optional tear-down inspection.* The applicant may, but shall not be required to, conduct a tear-down inspection after the completion of the first 100 hours of endurance testing.

§ 13.217 *Final tear-down inspection.* (a) At the completion of the endurance tests, the engine shall be completely disassembled and a detailed inspection made of the engine parts. Highly stressed parts shall be examined by suitable methods to determine the presence of hidden fatigue cracks. Wear measurements shall be taken and a comparison made of the final condition of parts and their condition prior to the beginning of the endurance tests or their dimensions as shown on the drawings. A conformity check consisting of a comparison of the parts of the engine tested with the drawings may be required at this time.

(b) If any part shows evidence of fatigue or impending failure or is otherwise not in a condition for safe operation, the engine will not be considered satisfactory unless appropriate corrective measures are taken and proven satisfactory by suitable testings: *Provided,* That the Administrator may accept other substantially equivalent proof.

§ 13.218 *Test report.* The applicant shall prepare and submit a suitable report completely covering the required testing of the engine and the tear-down inspections. Such report shall be signed by an authorized representative of the applicant and the authorized representative of the Administrator who witnessed the testing and tear-down inspections.

§ 13.22 *Identification plate.* A suitable identification plate shall be permanently attached to the engine in a location which will be readily accessible when the engine is installed in an aircraft. Such plate shall contain such pertinent information as may be prescribed by the Administrator.

§ 13.23 *Demonstration of compliance.* Compliance with the airworthiness requirements of this Part shall be substantiated insofar as practicable by pertinent technical data and inspections. Analyses or additional tests satisfactory to the Administrator shall be made when warranted by unconventional design features or the results of block testing.*

§13.3 *Type certificate.* In order to obtain an aircraft engine type certificate an applicant shall comply with the foregoing and following requirements: [2]

§ 13.30 *Data required.* In addition to the data required to show compliance with the airworthiness requirements, the applicant for a type certificate shall submit descriptive data adequate for the reproduction of other engines of the same type.

§ 13.31 *Changes.* When any change in design, construction or operating limitations is made in an engine being manufactured under a type certificate, suitable data describing the change shall be submitted for the approval of the Administrator.

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[2] For regulations governing issuance of type certificates see Part 02.

§ 13.310 *Major changes.* A major change is any change in design, construction, or operating limitations which might have an adverse effect on the reliability or other airworthiness characteristics of an engine. Proof adequate to show that a major change does not have such adverse effect shall be submitted to the Administrator. Engines incorporating major changes shall not be released for service until such changes are approved by the Administrator.

§ 13.311 *Minor changes.* A minor change is any change not within the definition of a major change. Adequate data describing each minor change shall be made conveniently available, in the manufacturing plant, to a representative of the Administrator at least by the time such change is released for production. The technical data file formally submitted to the Administrator shall be brought up to date insofar as such minor changes are concerned at least every six months.

§ 13.32 *Manufacturer's instructions.* The holder of a type certificate shall, within a reasonable time after receiving such certificate, prepare and submit for approval by the Administrator suitable instructions for the installation, operation, servicing, maintenance, repair and overhaul of the type certificated engine model or models. The holder of a type certificate shall make the approved instructions available to persons engaged in the operation, maintenance, repair or overhaul of engines manufactured under such certificate and shall prepare, submit for approval, and make available such revisions to the instructions as are found advisable from service experience.*

2. Striking from paragraph (g) of § 04.510 the following: "(See Part 13.)"

3. Amending § 04.60 to read as follows:

§ 04.60 *Engines.* Engines shall be of a type and design which has been type certificated, or found eligible for use in certificated aircraft, in accordance with the requirements of Part 13 or shall have been approved as airworthy in accordance with previous regulations.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-4186; Filed, June 11, 1941; 4:17 p. m.]

[Amendment No. 115, Civil Air Regulations]

PART 20—PILOT RATING

PART 21—AIRLINE TRANSPORT PILOT RATING

AIRCRAFT RATING CLASSIFICATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of June, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 602 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 Board amends the Civil Air Regulations as follows:

Effective August 1, 1941, Parts 20 and 21 of the Civil Air Regulations, as amended, are amended as follows:

1. By striking the phrase, "weight and engine classification" in § 20.107 and inserting in lieu thereof the phrase "and, in the case of an airplane, the airplane class and horsepower range".

2. By striking the phrase "airplane pilot and competent to pilot airplanes of a stated type, weight and engine classification." in § 20.129 and inserting in lieu thereof the phrase "aircraft pilot and competent to pilot aircraft of a stated type and, in the case of an airplane, airplane class and horsepower."

3. By striking the phrase "airplane pilot at the time of his separation from the service and was at that time competent to pilot airplanes of a stated type, weight, and engine classification," in § 20.149 and inserting in lieu thereof the phrase "aircraft pilot at the time of his separation from the service and was at that time competent to pilot aircraft of a stated type and, in the case of an airplane, airplane class and horsepower."

4. By striking the phrase "a class 1 airplane" in § 20.176 and inserting in lieu thereof the phrase "an airplane of not more than 1,500 pounds standard weight".

5. By amending § 20.30, not including §§ 20.301 and 20.302, to read as follows:

§ 20.30 *Existing aircraft ratings.* Every person having a type, weight, and engine classification rating shall continue to operate aircraft in accordance with the limitations of such rating until the expiration, suspension, or revocation of the certificate, or until an aircraft type and, in the case of an airplane, an airplane class and horsepower rating are prescribed on his Airman Rating Record [6] or pilot certificate.

§ 20.300 *Aircraft rating.* The aircraft which the applicant is deemed competent to pilot will be prescribed on his Airman Rating Record or certificate by type and, in the case of an airplane, by airplane class and horsepower and, in the case of unconventional airplanes, such description as is appropriate to define clearly the competence of the applicant. Competence to pilot aircraft in solo flight shall be demonstrated in aircraft of the type and, in the case of an airplane, the airplane class and horsepower range for which rating is sought. A person holding a currently effective pilot certificate on August 1, 1941, may be rated without further test to fly (a) aircraft of a type in which he has logged the solo hours specified for periodic endorsement for his grade of certificate, and (b) airplanes of a class and a horsepower range determined on the basis of the class and specific horsepower of airplanes in which he has logged at least 5 hours of solo flight time within the endorsement period and for which he holds a currently effective weight and engine classification rating.[1]

6. By striking the phrase "weight and engine classification" in the note to § 20.30 and inserting in lieu thereof "type, class, and horsepower".

7. By amending § 20.34 (c) (1) and (2) to read as follows:

(1) 15 hours of solo flight time within the endorsement period in aircraft of each type [6] for which endorsement is sought. To secure endorsement for one or more airplane classes,[6] 5 hours of solo flight time shall have been logged in airplanes of each such class without regard to horsepower rating. The solo flight time required in each airplane class may be included in the 15 hours required for the endorsement of an airplane type of aircraft.

(2) A private pilot who does not meet the 15 hours of solo flight time requirement may log in lieu thereof, within the 60 days immediately preceding the expiration of the endorsement period, a total of 5 hours flight time, including at least 2 hours of dual flight instruction from a certificated instructor in each aircraft type for which endorsement is sought: *Provided,* That the certificated instructor certifies on the application for endorsement that such private pilot satisfactorily practiced and performed with such instructor all the maneuvers required in the flight test for the original issuance of a private pilot certificate and, if an airplane, in each class for which endorsement is sought, giving the dates of such flights, and the aircraft type, and in the case of an airplane, the airplane class and the identification mark of the aircraft in which each such flight was acquired.

8. By striking note 9 to § 20.34 (c) (1) and substituting in lieu thereof the following:

[6] See §§ 20.54 and 20.55 for distinction between types and airplane classes.

9. By amending § 20.34 (d) (1) to read as follows:

(1) 10 hours of solo flight time within the endorsement period in aircraft of each type for which endorsement is sought. To secure endorsement for one or more airplane classes, 5 hours of solo flight time shall have been logged in airplanes of each such class without regard to horsepower rating. The solo flight time required in each airplane class may be included in the 10 hours required for the endorsement of an airplane type of aircraft.

10. By amending § 20.34 (e) (1) to read as follows:

(1) 10 hours of solo flight time within the endorsement period in aircraft of

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[1] For example, a pilot who is rated to fly class 2S land airplanes, and who has logged at least 5 hours in one or more such airplanes of 220 hp may be rated to fly single-engine land airplanes of from 50 percent less, or 110 hp to 50 percent greater, or 330 hp.

each type for which endorsement is sought. To secure endorsement for one or more airplane classes, 5 hours of solo flight time shall have been logged in airplanes of each such class without regard to horsepower rating. The solo flight time required in each airplane class may be included in the 10 hours required for the endorsement of an airplane type of aircraft. A commercial pilot employed as a second pilot in scheduled air carrier operation may be deemed to have met the above requirement if he shall have logged 20 hours of solo flight time as a second pilot in such operation within the endorsement period, but after endorsement he shall not carry any passengers except in air carrier operations as second pilot or certificated airman in air carrier aircraft in furtherance of their official duties, and such limitations shall be entered on his Airman Rating Record.

11. By striking the phrase ", weight, and engine classifications" in § 20.35 (a) and inserting in lieu thereof the phrase "and, in the case of an airplane, the airplane class and horsepower range".

12. By striking the phrase ", weight, and engine" in § 20.35 (b) and inserting in lieu thereof the phrase "and, in the case of an airplane, the airplane class and horsepower".

13. By amending §§ 20.54 and 20.55 to read as follows:

§ 20.54 *Aircraft type rating.* For purposes of specifying the type of aircraft which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, aircraft are typed as follows:

(a) Airplane;
(b) Autogiro;
(c) Glider;
(d) Lighter-than-air aircraft.

§ 20.55 *Airplane class and horsepower rating.*

§ 20.550 *Airplane class rating.* For purposes of specifying the class of airplane which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, airplanes are classed as follows:

(a) Single-engine, land;
(b) Single-engine, sea;
(c) Multi-engine, land;
(d) Multi-engine, sea;
(e) Unconventional.

§ 20.551 *Horsepower rating.* For purposes of specifying the horsepower of airplanes which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, pilots are rated as follows:

(a) A certificated pilot shall be rated to fly airplanes of 80 or less horsepower if competence [1] has been demonstrated in airplanes certificated for a maximum, except take-off, of 80 or less horsepower.

(b) Except where subsection (a) hereof is applicable, a certificated pilot shall be rated to fly airplanes of a range of horsepower extending from 50 percent less to 50 percent greater than the total maximum, except take-off, horsepower for which the airplanes in which competency [1] was demonstrated were certificated.

(c) A certificated pilot eligible for 2 or more horsepower range ratings shall be rated for one continuous range extending from the lowest to the highest horsepower for which he has qualified.

§ 20.552 *Multiple airplane class and horsepower ratings.* The horsepower rating shall apply to all airplane class ratings without the necessity of a separate flight test in each combination of such ratings. An applicant who has demonstrated competence in both single and multi-engine airplanes and in both land and sea airplanes may be rated for all airplane classes [2] except unconventional.

14. By amending § 20.60 (a) and (b) to read as follows:

(a) the holder of a valid commercial pilot certificate may pilot airplanes as a second pilot without an airplane class and horsepower rating for the particular airplane operated;

(b) the holder of a valid private, limited-commercial or commercial pilot certificate may pilot airplanes of a class or within a horsepower range other than that specified in his Airman Rating Record, but shall not carry any person other than a certificated instructor rated for the airplane operated or any member of the crew thereof.[2a]

15. By striking note 12 to § 20.60.

16. By adding a new section, § 20.618, to read as follows:

§ 20.618 *Passenger carrying.* A certificated pilot shall not pilot any aircraft carrying any person other than a certificated instructor rated for the aircraft operated or any member of the crew thereof, unless, within the 90 days immediately preceding, he shall have made at least 3 take-offs, and 3 landings to a full stop, in an aircraft of the same type (§ 20.54) and if an airplane, within the same class (§ 20.550) as that of the aircraft in which any such person is carried.

17. By striking the phrase ", weight and engine classification" in § 20.671 and inserting in lieu thereof the phrase "and, in the case of an airplane, its airplane class and horsepower".

18. By striking "20.30 Existing pilot certificates.", "20.54 Aircraft type classification.", "20.55 Aircraft weight and engine classification.", from the table of contents of Part 20 and inserting respectively in lieu thereof the following: "20.30 Existing aircraft ratings.", "20.54 Aircraft type rating.", and "20.55 Airplane class and horsepower rating."

19. By amending § 21.17, not including §§ 21.170 to 21.179, inclusive, to read as follows:

§ 21.17 *Aeronautical skill.* Applicant shall demonstrate satisfactorily his ability to pilot aircraft in solo flight in normal take-offs, turns, landings, and the following maneuvers (the maneuvers in §§ 21.175 and 21.176 shall be performed in an aircraft satisfactory to the examining inspector of the Administrator):

20. By amending § 21.20 to read as follows:

§ 21.20 *Existing aircraft ratings.* Every airline transport pilot having a type, weight, and engine classification rating shall continue to operate aircraft in accordance with the limitations of such rating until the expiration, suspension, or revocation of the certificate, or until an aircraft type and, in the case of an airplane, an airplane class and horsepower rating are prescribed on his airline transport pilot certificate.

§ 21.200 *Aircraft rating.* The aircraft which the applicant is deemed competent to pilot will be prescribed on his certificate by type and, in the case of an airplane, by airplane class and horsepower and, in the case of unconventional airplanes, such description as is appropriate to define clearly the competence of the applicant. Competence to pilot aircraft in solo flight shall be demonstrated in aircraft of the type and, in the case of an airplane, the airplane class and horsepower range for which rating is sought. A person holding a currently effective pilot certificate on August 1, 1941, may be rated without further test to fly (a) aircraft of a type in which he has logged the solo hours specified for renewal of an airline transport pilot certificate, and (b) airplanes of a class and a horsepower range determined on the basis of the class and specific horsepower of airplanes in which he has logged at least 5 hours of solo flight time within the 6 months immediately preceding expiration of his certificate and for which he holds a currently effective weight and engine classification rating.[1]

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[1] Competence may be demonstrated either by (1) a flight test or (2) by logging the solo flight time required for rating prescribed in § 20.300.

[2] For example, a pilot may be rated under § 20.550 for single-engine land airplanes and under § 20.551 (a) and (b) for 180 or less horsepower by reason of flight tests in landplanes of 50 hp and 120 hp. If he subsequently passes a rating flight test in a multi-engine seaplane of 450 hp, he will be rated under § 20.550 for *single or multi-engine land or sea* airplanes, and therefore, will be eligible to fly single or multi-engine land or sea airplanes of 675 or less horsepower.

[1] For example, an airline transport pilot who is rated to fly 4M land airplanes and who has logged at least 5 hours in one or more such airplanes of 2,000 hp may be rated to fly multi-engine land airplanes of from 50 percent less, or 1,000 hp to 50 percent greater or 3,000 hp.

21. By striking the phrase ", weight and engine classification" in § 21.222 and inserting in lieu thereof the phrase "and, in the case of an airplane, the airplane class and horsepower".

22. By striking § 21.223.

23. By amending § 21.250 (a) to read as follows:

§ 21.250 (a) 10 hours of solo flight time within the 6 months preceding expiration in aircraft of each type for which renewal is sought. To secure renewal for one or more airplane classes, 5 hours of solo flight time shall have been logged in airplanes of each such class without regard to horsepower rating. The solo flight time required in each airplane class may be included in the 10 hours required for the endorsement of an airplane type of aircraft.

24. By striking § 21.254.

25. By amending §§ 21.34 and 21.35 to read as follows:

§ 21.34 *Aircraft type rating.* For purposes of specifying the type of aircraft which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, aircraft are typed as follows:

(a) Airplane;
(b) Autogiro;
(c) Glider;
(d) Lighter-than-air aircraft.

§ 21.35 *Airplane class and horsepower rating.*

§ 21.350 *Airplane class rating.* For purposes of specifying the class of airplane which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, airplanes are classed as follows:

(a) Single-engine, land;
(b) Single-engine, sea;
(c) Multi-engine, land;
(d) Multi-engine, sea;
(e) Unconventional.

§ 21.351 *Horsepower rating.* For purposes of specifying the horsepower of airplanes which the applicant is deemed competent to pilot and for convenience in examining and rating the applicant with respect thereto, pilots are rated as follows:

(a) A certificated airline transport pilot shall be rated to fly airplanes of 80 or less horsepower if competence [1] has been demonstrated in airplanes certificated for a maximum, except take-off, of 80 or less horsepower.

(b) Except where paragraph (a) hereof is applicable, a certificated airline transport pilot shall be rated to fly airplanes of a range of horsepower extending from 50 percent less to 50 percent greater than the total maximum, except take-off, horsepower for which the airplanes in which competency [1] was demonstrated were certificated.

(c) A certificated airline transport pilot eligible for 2 or more horsepower range ratings shall be rated for one continuous range extending from the lowest to the highest horsepower for which he has qualified.

§ 21.352 *Multiple airplane class and horsepower ratings.* The horsepower rating shall apply to all airplane class ratings without the necessity of a separate flight test in each combination of such class and horsepower ratings. An applicant who has demonstrated competence in both single and multi-engine airplanes and in both land and sea airplanes may be rated for all airplane classes [2] except unconventional.

26. By amending §§ 21.40 and 21.41 to read as follows:

§ 21.40 *Certificated airline transport pilots.* No certificated airline transport pilot shall operate any aircraft other than in accordance with the rating limitations set forth in his pilot certificate: *Provided,* That the holder of a valid airline transport pilot certificate may pilot airplanes (a) as a second pilot without an airplane class and horsepower rating for the particular airplane operated;

(b) as a first pilot of a class or within a horsepower range other than that specified in his airline transport pilot certificate, but he shall not carry any person in such airplanes other than members of the crew thereof, certificated airmen carried in air carrier airplanes in furtherance of their official duties, or a certificated instructor rated for the airplane operated.

§ 21.41 *Passenger carrying.* A certificated airline transport pilot shall not pilot any aircraft carrying any person other than members of the crew thereof, certificated airmen carried in air carrier aircraft in furtherance of their official duties, or a certificated instructor rated for the aircraft operated, unless, within the 90 days immediately preceding, he shall have made at least 3 take-offs, and 3 landings to a full stop, in an aircraft of the same type (§ 21.34) and if an airplane, within the same class (§ 21.550) as that of the aircraft in which any such person is carried.

27. By striking the phrase ", weight and engine classification" in § 21.441 and inserting in lieu thereof the phrase "and, in the case of an airplane, its airplane class and horsepower".

[1] Competence may be demonstrated either by (1) a flight test or (2) by logging the solo flight time required for rating prescribed in § 21.200.

[2] For example, a pilot may be rated under § 21.350 for single-engine land airplanes and under § 21.351 (b) from 100 to 900 hp. by reason of flight tests in landplanes of 200 hp. and 600 hp. If he subsequently passes a rating flight test in a multi-engine seaplane of 4,000 hp., he will be rated under § 21.350 for single or multi-engine land or sea airplanes, and therefore will be eligible to fly single or multi-engine land or sea airplanes of 100 to 6,000 horsepower.

28. By striking the phrase ", weight and engine classification" in § 61.523 (a) and (b) and inserting in lieu thereof the phrase "and, in the case of an airplane, the airplane class and horsepower".

29. By striking "21.0 Provision for rating.", "21.20 General.", "21.34 Aircraft type classification.", "21.35 Aircraft weight and engine classification.", "21.40 Certificate required.", "21.41 Aircraft type and weight." from the table of contents of Part 21 and inserting respectively in lieu thereof the following: "21.0 Provision for issuance.", "21.20 Existing aircraft ratings.", "21.34 Aircraft type rating.", "21.35 Airplane class and horsepower rating.", "21.40 Certificated Airline transport pilots.", and "21.41 Passenger carrying."

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-4185; Filed, June 11, 1941; 4:17 p. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50408]

PART 12—APPRAISEMENT

ANTIDUMPING—LIGHTING CARBONS FROM FRANCE [1]

JUNE 10, 1941.

To Collectors of Customs, Appraisers of Merchandise, and Others Concerned:

An investigation conducted by the Department indicates that the domestic lighting carbon industry is not being injured and is not likely to be injured by reason of the importation into the United States of lighting carbons from France. Accordingly, the finding of dumping against lighting carbons from France, published in T.D. 46387, is hereby revoked as regards importations made on or after the date hereof. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4189; Filed, June 12, 1941; 9:58 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 301—INSURANCE OF ACCOUNTS

AMENDMENT RELATING TO THE SALE OF MORTGAGES

Amending Part 301 of Chapter III, Title 24 of the Code of Federal Regulations.

[1] This document affects the tabulation in 19 CFR 12.15.

Be it resolved, That no hearing having been requested in accordance with the provisions of paragraph (d) of § 301.22 of the Rules and Regulations for Insurance of Accounts after opportunity therefor was allowed in accordance with paragraph (b) thereof, the first sentence of § 301.18 (*Brokerage business and sale of loans*) of the Rules and Regulations for Insurance of Accounts is hereby amended, effective June 11, 1941, by substituting a comma for the period at the end of said sentence, and adding at the end thereof the following: "*Provided, however,* That mortgages made in the financing of permanent-use housing in defense areas may be sold without regard to this prohibition". (Secs. 402 (a), 403 (b) of N.H.A., 48 Stat. 1258; 12 U.S.C. 1725, 1726)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-4183; Filed, June 11, 1941; 1:32 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5052]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

REGULATIONS 103 AMENDED TO CONFORM TO PROVISIONS OF PUBLIC LAW 18 (77TH CONGRESS) WHICH AMENDED THE INTERNAL REVENUE CODE SO AS TO CORRECT CERTAIN MISCELLANEOUS ERRORS

In order to conform Part 19, Title 26, Code of Federal Regulations, 1940 Sup. [Regulations 103] to the provisions of Public Law 18 (77th Congress), approved March 17, 1941, which corrected certain miscellaneous errors of a clerical nature in the Internal Revenue Code, such regulations are amended as follows:

PARAGRAPH 1. The following is inserted immediately preceding § 19.27 (c)–1, *Dividend carryover:*

PUBLIC LAW 18 (APPROVED MARCH 17, 1941)

Resolved * * * That the Internal Revenue Code, as amended, be amended as follows:

In section 27 (c), insert "1936 or" before "1937".

* * * * *

SEC. 2. The sections of the Internal Revenue Code amended by this joint resolution shall have effect as if such sections, as so amended, had been enacted in the Internal Revenue Code on February 10, 1939.

PAR. 2. The words "1936 or" are inserted in the second paragraph of § 19.27 (c)–1 immediately preceding "1937".

PAR. 3. The following is inserted immediately preceding § 19.113 (a) (11)–1, *Basis of property acquired during affiliation:*

PUBLIC LAW 18 (APPROVED MARCH 17, 1941)

Resolved * * * That the Internal Revenue Code, as amended, be amended as follows:

* * * * *

In section 113 (a) (11), insert "or the Revenue Act of 1938, 52 Stat. 508," after "49 Stat. 1698,".

In section 113 (a) (11), insert "or the Revenue Act of 1938" at the end of the third sentence and after "the Revenue Act of 1936" wherever it appears in the last sentence.

* * * * *

SEC. 2. The sections of the Internal Revenue Code amended by this joint resolution shall have effect as if such sections, as so amended, had been enacted in the Internal Revenue Code on February 10, 1939.

PAR. 4. The following is inserted immediately preceding § 19.504–1, *Undistributed Subchapter A net income:*

PUBLIC LAW 18 (APPROVED MARCH 17, 1941)

Resolved * * * That the Internal Revenue Code, as amended, be amended as follows:

* * * * *

In section 504 (a), insert "or of section 405 of the Revenue Act of 1938" after "subsection (c) of this section".

In section 504 (a), insert "or under Title IA of the Revenue Act of 1938" after "under this subchapter".

In section 504 (a), insert "beginning after December 31, 1937" after "any preceding taxable year".

In section 504 (b), strike out the period at the end of the subsection and insert in lieu thereof a semicolon.

In section 504 (c) (3) (A), insert before the closing mark of parenthesis the following: "or, in the case of a taxable year beginning in 1939, by the amount allowed under section 405 (c) of the Revenue Act of 1938 in the computation of the tax under Title IA of such Act for a taxable year beginning prior to January 1, 1939".

* * * * *

SEC. 2. The sections of the Internal Revenue Code amended by this joint resolution shall have effect as if such sections, as so amended, had been enacted in the Internal Revenue Code on February 10, 1939.

PAR. 5. The second sentence of §19.504–1 is amended to read as follows:

In computing the dividends paid credit for the purposes of subchapter A of chapter 2, the amount allowed under section 504 (c) of the Internal Revenue Code, as amended, or section 405 (c) of the Revenue Act of 1938 in the computation of the tax under subchapter A of chapter 2 or under Title IA of the Revenue Act of 1938 for any preceding taxable year beginning after December 31, 1937, is considered a dividend paid in such preceding taxable year and not in the year of distribution.

PAR. 6. The following is inserted immediately preceding § 19.506–1, *Purpose and scope of deficiency dividend credit:*

PUBLIC LAW 18 (APPROVED MARCH 17, 1941)

Resolved * * * That the Internal Revenue Code, as amended, be amended as follows:

* * * * *

In section 506 (c) (2) (A), insert after ", or both," the following: "of this section or section 407 of the Revenue Act of 1938,".

In section 506 (c) (2) (B), insert after ", or both" the following: ", of this section or section 407 of the Revenue Act of 1938,".

* * * * *

SEC. 2. The sections of the Internal Revenue Code amended by this joint resolution shall have effect as if such sections, as so amended, had been enacted in the Internal Revenue Code on February 10, 1939.

PAR. 7. The last sentence of § 19.506–6, *Effect of deficiency dividends on dividends paid credit,* is amended to read as follows:

If a corporation claims and receives the benefit of the provisions of section 506 of the Internal Revenue Code or section 407 of the Revenue Act of 1938 based upon a distribution of "deficiency dividends," that distribution does not become a part of the basic surtax credit for the purposes of subchapter A of chapter 2; nor is it made the basis of the 2½-month carry-back credit provided for in section 504 (c) of the Internal Revenue Code or in section 405 (c) of the Revenue Act of 1938.

(This Treasury decision is issued under the authority contained in Public Law 18 (77th Congress) and section 62 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 10, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4199; Filed, June 12, 1941; 11:26 a. m.]

[T. D. 5053]

PART 311—TAXES ON THE SALE OR OTHER DISPOSAL OF BITUMINOUS COAL UNDER THE BITUMINOUS COAL ACT OF 1937

ARTICLE 11, REGULATIONS 98 (1937 EDITION), AS AMENDED AND AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, FURTHER AMENDED TO CONFORM TO PUBLIC LAW 34—77TH CONGRESS

In order to conform Part 311, Title 26, Code of Federal Regulations [Regulations 98], relating to the taxes on the sale or other disposal of bituminous coal imposed under the Bituminous Coal Act of 1937 as made applicable to the Internal Revenue Code (53 Stat., Part 1; 26 U.S.C., Sup. V) by Treasury Decision 4885[1] approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], to the provisions of the Act approved April 11, 1941 (Public Law 34—77th Congress) such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 311.11, *Effective date,* Title 26, Code of Federal Regulations [article 11], as amended by T.D. 4742,[2] approved June 22, 1937, the following:

PUBLIC LAW 34—77TH CONGRESS APPROVED APRIL 11, 1941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 19 of the Bituminous Coal Act of 1937 (relating to termination of the Act) is amended to read as follows:

SEC. 19. This Act shall cease to be in effect (except as provided in section 13 of the Revised Statutes) and any agencies and offices established under, or to engage in the administration of, this Act shall cease to exist at 12:01 A. M., April 26, 1943.

[1] 4 F.R. 879.
[2] 2 F.R. 1078.

(b) Section 3527 of the Internal Revenue Code (relating to termination of the bituminous coal taxes) is amended to read as follows:

SEC. 3527. TERMINATION OF TAX.
The taxes imposed by this chapter shall not apply to the sale or other disposal, after April 25, 1943, of bituminous coal.

PAR. 2. Article 11, as amended by T.D. 4742, is amended to read as follows:

The taxes attach to sales or other disposals of bituminous coal made by the producer thereof on and after June 21, 1937, but do not attach to such sales or other disposals after April 25, 1943.

(This Treasury decision is prescribed under the authority contained in section 3521 of the Internal Revenue Code, 53 Stat. 431 (26 U.S.C., Sup. V, 3521), section 3791 of the Internal Revenue Code, 53 Stat. 467 (26 U.S.C., Sup. V, 3791), and the Act approved April 11, 1941 (Public Law 34—77th Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 10, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4200; Filed, June 12, 1941; 11:26 a. m.]

TITLE 27—INTOXICATING LIQUORS

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5051]

PART 4—LABELING AND ADVERTISING OF WINE

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

AMENDING THE LABELING AND ADVERTISING REGULATIONS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT, TO PREVENT THE MISLEADING USE OF BRAND NAMES, AND FOR OTHER PURPOSES

By virtue of and pursuant to the provisions of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), Section 3170 of the Internal Revenue Code (53 Stat., part 1), and Section 161 of the Revised Statutes (U.S.C., Title 5, Sec. 22), Regulations No. 4, No. 5, and No. 7, Relating to Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages, respectively, (27 CFR, parts 4, 5, and 7) are amended as follows:

27 CFR § 5.20 [Article II, Section 20 of Regulations No. 5] is amended to read:

§ 5.20 *Application of standards.* The standards of identity for the several classes and types of distilled spirits set forth herein shall be applicable only to distilled spirits for beverage or other non-industrial purposes. Nothing contained in these standards of identity shall be construed as authorizing the non-industrial use of any distilled spirits produced in an industrial alcohol plant, except that "alcohol" or "neutral spirits," as herein defined, may be so used if produced pursuant to the basic permit requirements of the Federal Alcohol Administration Act.

27 CFR § 4.30 [Article III, Section 30 (b) of Regulations No. 4] is amended to read:

§ 4.30 *General.*

* * * * *

(b) *Alteration of labels.* (1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate or remove any mark, brand, or label upon wine held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law, or except as provided in subparagraph (2) of this paragraph; *Provided*, That the District Supervisors of the Alcohol Tax Unit may, upon written application, permit additional labeling or relabeling of wine for purposes of compliance with the requirements of this part or of State law.

(2) No application for permission to relabel wine need be made in any case where there is added to the container, after removal from customs custody or from the premises where bottled or packed, a label identifying the wholesale or retail distributor thereof, and containing no references whatever to the characteristics of the product.

27 CFR § 4.33 [Article III, Section 33 of Regulations No. 4], 27 CFR § 5.33 [Article III, Section 33 of Regulations No. 5], and 27 CFR § 7.23 [Article II, Section 23 of Regulations No. 7] are amended to read:

Brand names—(a) *General.* The product shall bear a brand name, except that if not sold under a brand name, then the name of the person required to appear on the brand label shall be deemed a brand name for the purpose of this part.

(b) *Misleading brand names.* No label shall contain any brand name, which, standing alone, or in association with other printed or graphic matter, creates any impression or inference as to the age, origin, identity, or other characteristics of the product unless the Deputy Commissioner finds that such brand name, either when qualified by the word "brand" or when not so qualified, conveys no erroneous impressions as to the age, origin, identity, or other characteristics of the product.

(c) This section shall not operate to prohibit the use by any person of any trade name or brand of foreign origin not effectively registered in the United States Patent Office on August 29, 1935, which has been used by such person or his predecessors in the United States for a period of at least five years immediately preceding August 29, 1935; *Provided*, That if such trade name or brand is used, the designation of the product shall be qualified by the name of the locality in the United States in which produced, and such qualification shall be in script, type, or printing as conspicuous as the trade name or brand.

27 CFR § 4.39 [Article III, Section 39 (h) of Regulations No. 4], 27 CFR § 5.41 [Article III, Section 41 (e) of Regulations No. 5] and 27 CFR § 7.29 [Article II, Section 29 (d) of Regulations No. 7] are amended to read:

Prohibited practices.

* * * * *

Flags, seals, coats of arms, crests, and other insignia. Labels shall not contain, in the brand name or otherwise, any statement, design, device, or pictorial representation which the Deputy Commissioner finds relates to, or is capable of being construed as relating to, the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any label contain any statement, design, device, or pictorial represenattion of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

27 CFR § 4.64 [Article VI, Section 64 (g) of Regulations No. 4], 27 CFR § 5.64 [Article VI, Section 64 (g) of Regulations No. 5], and 27 CFR § 7.54 [Article V, Section 54 (g) of Regulations No. 7] are amended to read:

Prohibited statements.

* * * * *

Flags, seals, coats of arms, crests, and other insignia. No advertisement shall contain any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to, the armed forces of the United States, or of the American flag, or of any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any advertisement contain any statement, device, design, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

STEWART BERKSHIRE,
Deputy Commissioner of Internal Revenue.

Approved: June 5, 1941.

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 11, 1941.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-4198; Filed, June 12, 1941; 11:26 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 526—INDUSTRIES OF A SEASONAL NATURE

IN THE MATTER OF THE PARTIAL EXEMPTION FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 OF THE RECEIVING OF RAW SHORN FLEECE WOOL AT PRIMARY CONCENTRATION POINTS AND COUNTRY RECEIVING STATIONS, INCLUDING THE ASSEMBLING, GRADING, SACKING, AND PREPARING OF SUCH WOOL FOR SHIPMENT, AS AN INDUSTRY OF A SEASONAL NATURE WITHIN THE MEANING OF SECTION 7 (B) (3) AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER [1]

Whereas an application was filed by the National Wool Marketing Corporation, acting in behalf of itself and sundry other parties, for the exemption of the receiving of raw shorn fleece wool directly from the grower, including the assembling, grading, sacking, and preparing of such wool for shipment to market centers, from the maximum hours provisions of the Fair Labor Standards Act, as a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas it appeared from said application and upon further investigation that:

1. Owing to natural conditions, raw wool shorn from live sheep is available only during a restricted, regularly recurring season or seasons of the year.

2. During these periods of availability raw shorn wool, known in the trade as fleece wool, is received at primary concentration points or country receiving centers for the most part directly from the grower and is there assembled, graded, sacked, and shipped to market centers for storage or sale.

3. Such periods of availability do not customarily exceed five months during each year.

4. These primary concentration points or country receiving stations are closed during the remainder of the year except for sales, maintenance, repair, and clerical work.

Whereas on May 9, 1941, the Administrator caused to be published in the FEDERAL REGISTER (6 Fed. Reg. 2355) a notice which set forth the foregoing and which stated (a) upon consideration of the aforesaid facts, the Administrator determined, pursuant to § 526.5 (b) (ii) of the regulations, that a prima facie case had been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder, to the receiving of raw shorn fleece wool at primary concentration points and country receiving stations directly from the grower, and the assembling, grading, sacking, and preparing of such wool for shipment to market centers; that (b) in accordance with the procedure established by § 526.5 (b) (ii) of the regulations, the Administrator for fifteen days thereafter would receive objection to the granting of the exemption and request for hearing from any interested person, and upon receipt thereof would set the application for hearing before himself or an authorized representative; and that (c) if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the prima facie case.

Whereas, no objection and request for hearing was received by the Administrator within the said fifteen days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations, as amended, the Administrator hereby finds upon the prima facie case shown in the said application that the receiving of raw shorn fleece wool at primary concentration points and country receiving stations directly from the grower, and the assembling, grading, sacking, and preparing of such wool for shipment to market centers, is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and regulations issued thereunder, and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said Act.

As used in this determination, the terms "primary concentration point" and "country receiving station" shall mean any establishment that receives all, or almost all, of its raw shorn fleece wool directly from the grower, and assembles, grades, sacks, and ships such wool to market centers for storage or sale.

Signed at Washington, D. C., this 12th day of June 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-4204; Filed, June 12, 1941; 11:46 a. m.]

[1] This affects tabulation contained in 29 CFR 526.101.

TITLE 32—NATIONAL DEFENSE

CHAPTER II—OFFICE OF PRODUCTION MANAGEMENT

[General Preference Order No. P-7 [1]]

SUBCHAPTER B—PRIORITIES DIVISION

PART 934—MATERIAL AND EQUIPMENT ENTERING INTO MERCHANT SHIP CONSTRUCTION

In the interest of the National Defense, and pursuant to authority vested in the Director of Priorities, It is hereby ordered:

§ 934.1 *General preference order* [2] (a) Subject to all the terms, conditions and requirements of this section, preference rating is hereby assigned:

(1) In favor of the Shipbuilder (as hereinafter defined), and in favor of each Rated Subcontractor (as hereinafter defined), to be applied to deliveries of material and equipment entering directly or indirectly, at any stage of construction, into the construction of the following merchant ships, i. e., Hull numbers, Shipbuilder's Hull numbers; *Always provided, however*, That any such material or equipment is included in the current Priorities Critical List of the Army and Navy Munitions Board, as amended from time to time.

(2) In favor of the Shipbuilder to deliveries of materials consisting of portable or stock tools and equipment of like nature, other than machine tools or similar machinery, required in the construction of the specified merchant ships.

NOTE: Any component part of said merchant ships may receive a higher preference rating by the Army and Navy Munitions Board Directives, in which event such higher preference rating shall control.

Preference rating for machine tools and similar machinery shall be obtained in the usual manner by individual preference rating certificates from the United States Maritime Commission Member of the Army and Navy Munitions Board Priorities Committee.

(b) For the purposes of this section:

(1) "Shipbuilder" as herein used shall mean any builder of the merchant ships hereinbefore specified, or any agent of the United States Maritime Commission engaged in letting contracts for materials and equipment for the construction of such merchant ships, to whom a copy of this section is specifically addressed, and who has accepted the same in the manner set forth in paragraph (c) below:

(2) "Supplier" as herein used shall mean any individual, firm or corporation holding a contract or order for the delivery of material or equipment which enters into the construction, directly or indirectly at any stage of construction, of the specified merchant ships and in whose favor the preference rating as herein provided *has not* been extended. When the preference rating herein provided *has* been extended in favor of a Supplier, and such Supplier has accepted the same in the manner set forth in paragraph (c) below, such Supplier then becomes what is hereinafter called a "Rated Subcontractor".

(c) The Shipbuilder and each Rated Subcontractor shall, so long as this section is in effect as to him:

(1) Maintain accurate records of all extensions of such preference ratings hereunder pursuant to this section, stating the name and address of each Rated Subcontractor to whom such preference rating has been extended; and the kinds, values and quantities of material or equipment covered by each such extension, and *dates of delivery* thereof; and maintain records, according to sound accounting practices, of inventories and stocks on hand, and contracts and orders on his books, and of schedules of deliv-

[1] This order will be issued from time to time to various shipbuilders for specified hulls, as directed by the Director of Priorities.

[2] Copies of this section and of Report Forms may be secured from the Division of Priorities or from the United States Maritime Commission.

eries required pursuant to such contracts or orders. Such records shall be preserved for at least one year after the revocation or expiration of this section or modifications or amendments thereto.

(2) Furnish information respecting matters covered by paragraph (c) (1) and respecting any other pertinent matters to the Priorities Division of the Office of Production Management, from time to time, as required by said Division. Until further order, such information shall be so furnished on the 10th day of each month for the preceding month as required by the form of report appearing as Form PD–30 hereto, which report must be certified by an authorized officer or individual of the Shipbuilder or Rated Subcontractor furnishing the same; or, *in the alternative*, a Shipbuilder or Rated Subcontractor shall send to the Priorities Division, Office of Production Management, on the 10th day of each month, copies of all purchase orders to which said preference rating has been applied in the preceding month: *Provided, however*, That such purchase orders contain the following information: Vendor's name, description, unit quantities and dollar value of the products ordered, together with the delivery or delivery schedule thereof. Such purchase orders shall be accompanied by the certification of an authorized officer or individual of the Shipbuilder or Rated Subcontractor furnishing the same in the form set forth in Form PD–30–A hereto.

(3) Submit, from time to time, to an audit and inspection by representatives of the Division of Priorities respecting matters covered by paragraph (c) (1) and (2).

(d) This section shall not continue effective as to the Shipbuilder or Rated Subcontractor unless he shall regularly file with the Director of Priorities, Office of Production Management, Washington, D. C., the report or purchase orders as required in paragraph (c) (2) above.

(e) In order to apply said preference rating to the delivery by Suppliers of any material or equipment entering, directly or indirectly at any stage of construction, into the construction of the aforesaid merchant ships, the Shipbuilder or Rated Subcontractor shall take the following steps:

(1) Execute a copy of this section as provided at the end hereof and transmit such copy to the Director of Priorities, Office of Production Management, Washington, D. C.

(2) Execute an additional copy of this section for each Supplier to whom said preference rating is to apply, which copy *must, in all cases*, include a certification by an authorized officer or individual of the Shipbuilder or Rated Subcontractor in the manner provided at the end of this section; and furnish such additional copy, so executed, to each such Supplier. One such copy furnished to a Supplier shall be deemed to cover all deliveries of such material by such Supplier to the Shipbuilder or Rated Subcontractor by whom it is furnished to him, whether such deliveries are pursuant to one or more orders. This provision shall not relieve the Shipbuilder or Rated Subcontractor from furnishing the regular report provided in paragraph (c) (2) above.

(f) This section, or any extensions thereof, may be revoked, modified, or amended by the Director of Priorities at any time as to the Shipbuilder or as to any or all Rated Subcontractors. In the event of any such revocation, or upon expiration of this section by its terms, any deliveries of material or equipment already rated pursuant to this section, shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of such preference rating shall be made to any other deliveries by the Shipbuilder and/or Rated Subcontractor affected by said revocation or expiration. Further, in the event of revocation of this section, the Shipbuilder and/or Rated Subcontractor affected thereby shall each return to the Priorities Division the copy of this section whereby the preference rating was assigned or extended, within three days of such revocation; and the Director of Priorities may notify all affected Rated Subcontractors and other Suppliers of such revocation. Nothing in this paragraph shall affect any specific *Preference Rating Certificate* issued to the Shipbuilder or any Rated Subcontractor independently of this section.

(g) This section and the assignment of the preference rating herein provided shall take effect on the 12th day of June, 1941, and unless sooner revoked shall expire on the completion of the specified merchant ships. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress)

Issued this 12th day of June 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

FOR EXECUTION BY THE SHIPBUILDER OR RATED SUBCONTRACTOR

The undersigned acknowledges receipt of the above Order; accepts the same; agrees to all its terms, conditions, and requirements; and promises to perform the requirements of, and to submit to the audits and investigations as provided in section (c) of said Order.

Dated this ------ day of ----------, 1941.

Name of shipbuilder or rated subcontractor

By ---

Authorized officer or individual

This Order is not a valid Preference Rating unless the Shipbuilder or Rated Subcontractor, before applying the rating to his Suppliers, has executed the Certificate below.

The undersigned hereby certifies that he executed the above Order on behalf of, and by authority of, the Shipbuilder or Rated Subcontractor, and further certifies that a duly executed copy of the above Order has been transmitted to the Director of Priorities of the Office of Production Management.

Dated this ------ day of ----------, 1941.

Signature of authorized officer or individual

[F. R. Doc. 41–4188; Filed, June 12, 1941; 9:33 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 939—HIGH-SPEED STEEL

General Preference Order M–14 To Conserve the Supply and Direct the Distribution and Use of Tungsten in High-Speed Steel

Whereas it is found that there exists a definite shortage of tungsten in all forms which may increase in the future by reason of the fact that the present and future domestic supply and probable future imports are now and will be insufficient for all defense and civilian needs; and it is found that the major portion of the supply of tungsten in all forms is consumed in the manufacture of high-speed steel, as hereinafter defined; and it is further found that such shortage of tungsten in all forms will prevent the obtaining of priority for deliveries of that material for the manufacture of high-speed steel which is to enter into present and future Naval and Army contracts and orders and related subcontracts and suborders unless the total present and future supply of such tungsten be conserved and the use and distribution thereof for manufacturing high-speed steel be directed;

Now, therefore, it is hereby ordered:

§ 939.1 *General preference order*—(a) *Definitions.* For the purposes of this section:

(1) The term "high-speed steel" as herein used is defined as including two classes of alloy steels:

(i) "Class A high-speed steel" is hereby defined as either alloy steel containing not less than .60% carbon and containing more than 3.0% molybdenum; or alloy steel containing not less than .60% carbon, containing 7.0% or less tungsten, and containing more than 3.0% molybdenum.

(ii) "Class B high-speed steel" is hereby defined as alloy steel containing not less than .55% carbon and containing more than 12.0% tungsten.

[NOTE: Other alloy materials may be present in the steels of either class, but steel not containing the substances named, in the amounts specified, shall not be considered high-speed steel.]

(2) The term "producer" is hereby defined as any person who melts or otherwise makes high-speed steel by the use of tungsten ore, ferro tungsten, or tungsten-bearing scrap.

(3) The term "quarter" is hereby defined as a period of three months beginning on the first day of a month in the calendar year and ending on the last day of the second succeeding month thereafter. For the purposes of this section, the first quarter shall begin on June 1, 1941, the second quarter on September 1, 1941, and so on thereafter.

(4) The term "person" as used in this section means any individual, firm, or corporation.

(5) "Defense Orders" mean all contracts or orders for high-speed steel entering directly or indirectly at any stage of production into deliveries for:

(i) the Army or Navy of the United States, or

(ii) the defense of Great Britain, or

(iii) the government of any other country whose defense the President deems vital to the defense of the United States under "An Act to Promote the Defense of the United States" (Public No. 11, 77th Congress, First Session, approved March 11, 1941).

(b) *Orders.* No customer of a producer shall place an order with such producer for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements; and no producer shall accept such an order for Class B high-speed steel when he knows or has reason to believe that Class A high-speed steel would reasonably fulfill the customer's requirements. In no event shall any customer place or any producer accept orders for Class B high-speed steel which will exceed, in the aggregate, by weight, the quantities of Class A high-speed steel ordered by such customer from the same producer during the same quarter. Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this Order. No customer shall request cancellation of any order for Class A high-speed steel placed on or after June 1, 1941, unless such customer shall also request cancellation of an order or orders for an equal quantity, by weight, of Class B high-speed steel placed with the same or some other producer during the same quarter.

(c) *Deliveries.* With respect to orders placed on and after June 1, 1941, no customer shall accept deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, the aggregate of deliveries of Class A high-speed steel made to him by producers pursuant to orders placed by such customer during the same quarter. In addition to the foregoing limitations, no producer shall hereafter knowingly deliver high-speed steel to any customer, and no customer shall accept delivery of high-speed steel in an amount which will increase, for any calendar month, the customer's inventory of such material in the same or other forms, in excess of the quantity necessary to meet required deliveries of such customer's products, on the basis of his usual method and rate of operation.

(d) *Transactions with affiliates and subsidiaries.* The provisions of this section shall apply to:

(1) Transactions in high-speed steel between a producer thereof and third persons, including affiliates, subsidiaries, and agents of such producer.

(2) Transactions between the producing branch, division, or section of a single business enterprise and another branch, division, or section of the same or any other business enterprise owned or controlled by the same person.

(e) *Information.* All producers and customers affected by this Order shall keep accurate records of their transactions in the materials covered by this Order, including: the names and addresses of the persons involved; the dates of placing or receiving orders for such material; the delivery dates specified in such orders; the dates of actual deliveries; a description of the materials covered by such orders and deliveries by classes, types, quantities, and weights; and the preference ratings, if any, assigned to orders for such materials. Sucn producers and customers shall submit, upon request, such records to audit and inspection by duly authorized representatives of the Division of Priorities and shall execute and file with it, under oath, such information with respect to all or any part of the foregoing as it may request. No reports or questionnaires are to be filed by any customer until forms therefor are prescribed by the Division of Priorities.

(f) *Producers' reports.* All producers shall, on or before September 5, 1941, and thereafter within five (5) days after the last day of each succeeding quarter, furnish to the Division of Priorities, on a Form or Forms which will be hereafter prescribed, the information called for by such Form or Forms.

(g) *Adjustments.* In order to effect such adjustments as the Director of Priorities may deem proper between the quantities, by weight, of Class A and Class B high-speed steel on order with producers or in the hands of their customers, the Director of Priorities may, from time to time, issue specific directions to producers and their customers, or any of them, with respect to the placing and acceptance of orders for such high-speed steel and the deliveries thereof which may be made pursuant to such orders.

(h) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this section, but the failure to receive such notice shall not excuse any customer from the obligation of complying with the terms of this section.

(i) *Effect of misstatements.* Any person who, by means of a wilful and material false statement, obtains high-speed steel contrary to the provisions of this section, may be prohibited by the Director of Priorities from obtaining further deliveries of high-speed steel from any source.

(j) *Appeal.* Any producer or customer of a producer who considers that compliance with the provisions of this section works an unreasonable hardship upon him may appeal to the Division of Priorities by addressing a letter to Ernest M. Hopkins, Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth all pertinent facts and the reasons why such producer or customer considers that he is entitled to relief.

(k) *Allocations.* Any allocations of Class B high-speed steel by the Director of Priorities will be made in the following order of preference:

(1) For delivery under Defense Orders or other orders which the Director deems necessary or appropriate to promote the defense of the United States.

(2) For delivery under civilian orders not covered under sub-paragraph (1), above; insofar as the Director of Priorities shall make allocations among competing civilian demands under this sub-paragraph (2), the Director will be guided by such civilian allocation program for Class A high-speed steel as may be issued by the Office of Price Administration and Civilian Supply.

(l) *Effective Dates.* This section shall take effect on the 11th day of June, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress)

Issued this 11th day of June 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-4137; Filed, June 12, 1941; 9:33 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH, AND BURIAL OF ENROLLEES [1]

§ 203.22 *Medical service.*

* * * * *

(f) *Disposition of venereal patients—*(1) *General provisions relative to treatment.* In general, the diagnosis, treatment, and public health measures for the control of venereal disease will conform in all essential respects to the standard procedure of the United States Army. Treatment of early syphilis is to be of the continuous alternating type, i. e., without rest periods between courses and with arsenical courses alternating with bismuth courses—not alternate injections or simultaneous injections of the two drugs, except as indicated for overlap. A course of an arsenical is 8 weekly intravenous injections. A course of bismuth is 10 weekly injections. Clocklike calendar regularity of treatment is critically important to both control of infection and cure. The treatment of late syphilis will be that appropriate for the state and condition of the disease. If the enrollee is permanently incapacitated on account of physical disability, he should be dis-

[1] § 203.22 (f) is superseded.

charged under the general provisions of paragraph 116, War Department CCC Regulations, 1937. The corps area surgeon will arrange, when practicable, to have the treatment of syphilis with arsenicals administered at a Government hospital or State dispensary or, if in his opinion the camp facilities warrant it, neoarsphenamine or mapharsen may be administered in camp dispensaries by camp physicians.

(2) *Notification on discharge.* When an enrollee, who is undergoing treatment during enrollment for any venereal disease is discharged, the camp commander will have prepared, in triplicate, a concise clinical summary of the case, setting forth the name of the enrollee, prospective address, date of discharge, clinical diagnosis, time of infection, treatment received, results obtained, and any complications that may have occurred. Further treatment will be advised as indicated. The necessity for continued treatment will be explained carefully to syphilitics. One copy of the summary will be furnished to the enrollee for his guidance, one copy will be forwarded to the health officer of the State of prospective residence, and one copy will be forwarded to corps area headquarters for file with the medical records of the enrollee.

(3) *Treatment record.* A medical record on W.D., M.D. Form 52–a (Index Record of Patients) (card) will be initiated and maintained on every enrollee who has syphilis. All pertinent data will be entered in the space provided. The date, place, and amount of each dose of a therapeutic drug administered will be recorded and initialed by the responsible physician or officer. If the enrollee is transferred, the register will be mailed to the hospital or camp to which he is sent. Upon discharge of the enrollee, the register will be closed and forward to the Office of The Surgeon General. (50 Stat. 319; 16 U.S.C., Sup. Chapter 3a) [C.C.C. Regs., W.D., Dec. 1, 1937; C 76, June 3, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–4193; Filed, June 12, 1941; 10:21 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 126]

SUBCHAPTER E—LOAD LINES

PART 43—FOREIGN OR COASTWISE VOYAGE

JUNE 11, 1941.

Section 43.27, *Scuppers and sanitary discharge pipes,* is amended to read as follows:

§ 43.27 *Connections to sides of vessels below the freeboard deck.* Discharges led through the vessel's sides from spaces below the freeboard deck are to be fitted with sufficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be readily accessible and is to be provided with means for showing whether the valve is open or closed.

Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within inclosed superstructures.

Where scuppers are fitted in superstructures not fitted with class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

On vessels whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the freeboard deck, nor are cast iron valves to be secured to sea chests.

On vessels whose keels were laid before June 15, 1941, cast iron connections to the vessels' sides, other than sea chests, will be replaced with more ductile material at the first load line renewal survey, unless deferment is approved by the Bureau of Marine Inspection and Navigation; cast iron sea chests that have been reinforced with concrete or other approved material need not be replaced. (Sec. 2, 45 Stat. 1493, 46 U.S.C., Sup. 85a; Art. 1, 47 Stat. 2238; sec. 2, 49 Stat. 888, 46 U.S.C., Sup. 88a)

PART 44—VARIANCE FOR STEAM COLLIERS, TUGS, AND SELF-PROPELLED BARGES

Section 44.5 (a) is amended to read as follows:

§ 44.5 *Conditions of assignment*—(a) *Steam colliers.* The conditions of assignment for steam colliers shall be in accordance with the requirements of Part 43 and also with the supplementary requirements of sections 43.92 to 43.106 in cases where a tanker freeboard is assigned, except that in the case of steam colliers constructed with bulwarks, the freeing port may be of a practically continuous slot type, located as low as possible, the clear area of the slot to be not less than 20 percent of the superficial area of the unpierced bulwarks. If, due to sheer, or other conditions, the assigning authority considers that extra local provision should be made for freeing decks of water, the slots are to be located so as to have maximum efficacy. (Sec. 2, as amended, 49 Stat. 888, 1543; 46 U.S.C., Sup., 88a)

* * * * *

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–4209; Filed, June 12, 1941; 11:56 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

ALLOCATION OF FREQUENCIES

The Commission on June 10, 1941, effective immediately, amended Appendix B in part as follows:

Frequency (kilocycles):	Allocation
5885 a) 5887.5	Aviation.
5890) 5892.5	Aviation.
5895 5897.5	Government.
5900	Government.
) 5902.5	Government.
5905	Government.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–4194; Filed, June 12, 1941; 11:13 a. m.]

PART 9—AVIATION SERVICES

The Commission on June 10, 1941, effectively immediately, amended § 9.73 (c) as follows:

§ 9.73 *Frequency assignments to chains.*

* * * * *

(c) *Southern transcontinental chain and feeders (Brown).* Available for aeronautical and aircraft stations:

* * * * *

Delete the frequency of 5887.5 kilocycles with the footnote numeral attached and add in lieu thereof the frequency 5892.5 [1] kilocycles.

The new footnote to read as follows:

[1] For use only in that portion of the United States north of New York City.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 303 (c) 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–4195; Filed, June 12, 1941; 11:13 a. m.]

PART 12—AMATEUR RADIO: RADIO STATIONS AND OPERATORS

The Commission on June 10, 1941, effective immediately, amended § 12.93 (b) to read as follows:

§ 12.93 *Special provisions for nonportable stations.*

* * * * *

(b) The licensee of an amateur station who changes residence temporarily and moves his fixed station equipment thereto or the licensee-trustee for an amateur radio society which changes the location of its fixed amateur station may operate from the new location provided that such new residence or location is to continue

for a period of at least fifteen days and not to exceed four months; and provided further, that the following requirements are fulfilled:

(1) Advance notice in writing shall be given by the licensee or licensee-trustee to the Commission's office in Washington, and the Inspector in Charge of the district in which such fixed station is to be operated.

(2) A notice as above shall be required for each change in residence or location, and a move to the original, former, or new location shall require additional notice before engaging in operation.

(3) A station operating under this Section shall employ the calling procedure specified in Section 12.83, using the fractional bar character followed by the number of the amateur call area in which the station is then operating. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-4196; Filed, June 12, 1941; 11:13 a. m.]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

The Commission on June 10, 1941, effective immediately, amended § 31.01-2 by adding a paragraph as follows:

§ 31.01-2 *Records.*

* * * * *

(f) Nothing contained in these rules shall prohibit or excuse any carrier or receiver or operating trustee of any carrier from subdividing the accounts hereby prescribed in the manner ordered by any State commission having jurisdiction or to the extent necessary to secure the information required in the prescribed reports to such commission.[1] (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-4197; Filed, June 12, 1941; 11:13 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-19040 (4838)]

SUMMARY OF CONTRACT FOR SUPPLIES[2]

CONTRACTOR: RYAN AERONAUTICAL COMPANY

Contract for: * * * Airplanes and Spare Parts.

Amount: $4,134,205.35.

Place: Materiel 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 following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 298 P 12-30 A 0705.260-12
AC 298 P 82-30 A 0705.260-12

This contract, entered into this third day of May 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes and spare parts for the consideration stated four million one hundred thirty four thousand two hundred five dollars and thirty five cents ($4,134,205.35) 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.

Articles and supplies called for and payment therefor. The Contractor shall furnish and deliver to the Government all of the following articles at the price hereinafter indicated:

Item 1. * * * Airplanes, total	$3,758,368.50
Item 2. Certain spare parts for all of the airplanes called for under the terms of this Article at a total price not exceeding	375,836.85

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Delays—Damages. Delay in delivery resulting from the inability of the Contractor, acting with due diligence, to procure materials or parts required for the manufacture of the articles called for hereunder shall be considered "delay in delivery due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor" within the meaning of Article 5 hereof.

Option. The Government is granted the right and option at any time within * * * days after date of approval of this contract to increase the quantity of airplanes called for under Item 1 of Article 16 by * * *.

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.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustment 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 articles.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940.

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

[F. R. Doc. 41-4191; Filed, June 12, 1941; 10:21 a. m.]

[Contract No. W 535 ac-18501 (4660)]

SUMMARY OF CONTRACT FOR SUPPLIES[1]

CONTRACTOR: BENDIX AVIATION CORPORATION BENDIX PRODUCTS DIVISION

Contract for: Carburetor Assemblies and Data.

Amount: $1,344,935.00.

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

The supplies and services to be obtained by this instrument are authorized

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[1] The Commission on June 10, 1941, incorporated in the rules this paragraph (f), in conformity with Telephone Division Order No. 7-C which has been in effect from and after January 1, 1936.

[2] Approved by the Under Secretary of War, May 13, 1941.

[1] Approved by the Under Secretary of War, May 19, 1941.

by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82–3037 A 0705–01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 18th day of April 1941.

Scope of this contract. The contractor shall furnish and deliver Carburetor Assemblies and data for the consideration stated one million three hundred forty four thousand nine hundred thirty five dollars ($1,344,935.00) 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.

Option. The Government is granted the right and option at any time within * * * days from and after the date of approval of this contract to increase the quantity or quantities of the articles called for herein at not more than the unit prices stated, by any amount that would not exceed * * * percent of the entire contract price stipulated, said increase to be applied as to all or any item or items at the option of the Government.

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.

Price adjustment. The contract prices stated in this contract for aircraft carburetors 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 articles.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

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

[F. R. Doc. 41–4192; Filed, June 12, 1941; 10:21 a. m.]

[Contract No. W 535 ac–18889 (4772)]

SUMMARY OF CONTRACT FOR SUPPLIES[1]

CONTRACTOR: CURTISS-WRIGHT CORPORATION, AIRPLANE DIVISION BUFFALO PLANTS

Contract for: Maintenance Parts for * * * and * * * Airplanes.

Amount: $1,581,180.29.

Place: Materiel 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 28 P 82–3037 A 0705–01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 1st day of May 1941.

ARTICLE I. *Scope of this contract.* The contractor shall furnish and deliver to the Government Maintenance parts for * * * and * * * airplanes for the consideration stated one million five hundred eighty one thousand one hundred eighty dollars and twenty nine cents ($1,581,180.29) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. II. *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. V. *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. VIII. *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. XVIII. *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 the provisions of Par. 4 g (4), A.R. 5–240 and section 1 (a), Act of July 2, 1940.

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

[F. R. Doc. 41–4190; Filed, June 12, 1941; 10:21 a. m.]

[1] Approved by the Under Secretary of War, May 21, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1640–FD]

IN THE MATTER OF JAMES L. DOUGLAS, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on June 12, 1941 at 11 o'clock in the forenoon, at a hearing room of the Bituminous Coal Division at the Federal Post Office and Court House, Knoxville, Tennessee; and

It appearing to the Director that it is advisable to postpone the said hearing as hereinafter set forth;

It is ordered, That the aforesaid hearing be postponed to 11 o'clock in the forenoon of July 14, 1941, at the Federal Post Office and Courthouse Bldg., Knoxville, Tennessee, before the officers heretofore designated to preside at said hearing.

Dated: June 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4205; Filed, June 12, 1941; 11:47 a. m.]

[Docket No. 603–FD]

IN THE MATTER OF APPLICATION OF ARKANSAS-OKLAHOMA SMOKELESS COALS, INC., MARKETING AGENCY, DISTRICT NO. 14, FOR PROVISIONAL APPROVAL OF 1940–41 MARKETING AGENCY AGREEMENT FOR MARKET AREA NO. 40

NOTICE OF POSTPONEMENT OF HEARING

The Arkansas-Oklahoma Smokeless Coals, Inc., petitioner in the above-

entitled matter, having filed a request that the hearing in the above-entitled matter heretofore scheduled for June 13, 1941, be postponed; good cause appearing for such postponement, and there being no objection thereto:

It is ordered, That the hearing upon the petition herein be postponed until July 17, 1941, at 10 a. m., at a hearing room to be designated by the Chief of the Records Section, Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. In all other respects the original Notice of and Order for Hearing shall remain in full force and effect.

Dated: June 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4206; Filed, June 12, 1941; 11:47 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 499]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER THE ROUTE BETWEEN SAN FRANCISCO AND HONG KONG, BEING PAID TO PAN AMERICAN AIRWAYS COMPANY (OF NEVADA)

[Docket No. 300]

IN THE MATTER OF THE PETITION OF PAN AMERICAN AIRWAYS (OF NEVADA) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER THE ROUTE BETWEEN SAN FRANCISCO, CALIF., AND AUCKLAND, NEW ZEALAND, PURSUANT TO SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF FURTHER HEARING [1]

The above-entitled proceeding, by order of the Board dated May 29, 1941, having been reopened for the purpose of including therein such evidence as may be relevant to fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft by Pan American Airways Company (of Nevada) on the extension from the intermediate point Manila, Philippine Islands, to the terminal point Singapore, the Straits Settlements, on the route between San Francisco, California, and the terminal point the British Crown Colony of Hong Kong, is hereby assigned for further hearing for said purpose on June 18, 1941, 10 o'clock a. m. (Eastern Standard Time) at room 7316, Commerce Building, Washington, D. C., before Examiner Albert E. Forster.

Dated Washington, D. C., June 10, 1941.

[SEAL] ALBERT E. FORSTER,
Examiner.

[F. R. Doc. 41-4184; Filed, June 11, 1941; 3:48 p. m.]

[1] Issued by the Civil Aeronautics Board.

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF PAUL L. CLAYTON, 115 THIRD STREET, WOOD RIDGE, NEW JERSEY

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1941.

Appearances: Arthur G. Klein, Esq., of the New York Regional Office of the Commission.

This proceeding was instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Paul L. Clayton as a broker and dealer should be revoked or suspended.

After due notice by registered mail addressed to and received by the registrant, a hearing was held on May 7, 1941, in New York City, pursuant to an order of the Commission dated April 15, 1941. Registrant did not appear and was not represented at the hearing, although immediately before the commencement of the hearing, the trial examiner received a communication by telephone from a person who stated that he was the registrant and that he neither opposed the proceeding nor thought it necessary to attend.

On the basis of the evidence taken at the hearing, the trial examiner filed an advisory report in which he found that on or about February 18, 1941, a consent decree was entered in the Chancery Court of New Jersey permanently enjoining and restraining the registrant from the issuance, sale, offer for sale, purchase, offer to purchase, promotion, negotiation, advertisement and/or distribution within or from the State of New Jersey of any securities whatsoever. The trial examiner also found that the registrant did not advise this Commission of the fact that such injunction was entered against him.

On an independent review of the record, we adopt the trial examiner's findings and find further that the registrant's failure to report the entry of the injunction constituted a wilful violation of the provisions of Rule X-15B-2 adopted by the Commission pursuant to sections 15 (b) and 23 (a) of the Securities Exchange Act of 1934. We also find that revocation of the registration as a broker-dealer of Paul L. Clayton is in the public interest. It is therefore

Ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Paul L. Clayton be, and the same hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Henderson, and Pike).

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4202; Filed, June 12, 1941; 11:40 a. m.]

[File No. 59-14]

IN THE MATTER OF INTERNATIONAL HYDRO-ELECTRIC SYSTEM, NEW ENGLAND POWER ASSOCIATION, MASSACHUSETTS POWER AND LIGHT ASSOCIATES, NORTH BOSTON LIGHTING PROPERTIES, THE RHODE ISLAND PUBLIC SERVICE COMPANY, MASSACHUSETTS UTILITIES ASSOCIATES COMMON VOTING TRUST, MASSACHUSETTS UTILITIES ASSOCIATES, RESPONDENTS

[File No. 54-19]

NORTH BOSTON LIGHTING PROPERTIES, MASSACHUSETTS POWER AND LIGHT ASSOCIATES

[File No. 54-35]

MASSACHUSETTS POWER AND LIGHT ASSOCIATES, NEW ENGLAND POWER ASSOCIATION

ORDER PERMITTING WITHDRAWAL OF PLAN OF CORPORATE SIMPLIFICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1941.

Massachusetts Power and Light Associates and New England Power Association having on May 21, 1941 filed an application requesting the withdrawal of a plan of corporate simplification filed by said companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, bearing File No. 54-35; and

The Commission having on May 21, 1941 issued its order requiring all interested persons having any objections to the granting of such request for withdrawal to file their written objections with respect thereto on or before May 27, 1941; and

No objections with respect to the granting of such request for withdrawal having been received, and the Commission having considered said application for withdrawal:

It is ordered, That the plan of corporate simplification of Massachusetts Power and Light Associates and New England Power Association, filed pursuant to section 11 (e) of said Act and bearing File No. 54-35, be and hereby is permitted to be withdrawn; and

It is further ordered, That all evidence offered in the consolidated hearing with respect to said plan of corporate simplification, bearing File No. 54-35, be retained in the consolidated record of the proceedings herein for consideration by the Commission of such of said evi-

dence as is relevant to the remaining issues raised in the proceedings herein or to issues subsequently raised herein.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4201; Filed June 12, 1941; 11:40 a. m.]

[File No. 70-324]

IN THE MATTER OF PHILADELPHIA COMPANY, AND STANDARD GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1941.

The above-named persons having filed a declaration and application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9 (a), and 12 (c) and 12 (f) thereof, and Rules U-43 and U-50 thereunder, regarding

(1) Issuance and sale by Philadelphia Company of $48,000,000 principal amount of Collateral Trust Sinking Fund Bonds due July 1, 1961, $12,000,000 principal amount of Collateral Trust Serial Notes ($1,200,000 principal amount maturing each year), and not more than 413,794 shares of Common Capital Stock;

(2) Redemption by Philadelphia Company of its 5% Secured Gold Bonds, Series A, due December 1, 1967, in the principal amount of $60,000,000, funds for such redemption being provided by the issue and sale of the securities above described; and

(3) Acquisition by Standard Gas and Electric Company, of which Philadelphia Company is a subsidiary, of as many of the said shares of Common Stock of Philadelphia Company not subscribed for (pursuant to preemptive rights) by the holders of the Preferred Five Per Cent Capital Stock of Philadelphia Company and holders of the Common Capital Stock other than Standard Gas and Electric Company as are necessary so that the gross proceeds to Philadelphia Company from the issuance and sale of said Sinking Fund Bonds and Serial Notes and from subscriptions for such additional shares of Common Capital Stock will aggregate $63,000,000;

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and entered its findings herein (except in regard to the price to the issuer, spread and distribution thereof and redemption prices applicable to said Bonds and Notes, as to which matters jurisdiction is hereinbelow reserved);

It is ordered, That said application, as amended, be and it is hereby granted and that said declaration, as amended, be and it is hereby permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and provided, however, that the Commission reserves jurisdiction in regard to the price to the issuer, spread and distribution thereof and redemption prices applicable to said Bonds and Notes as to which matter further findings will be made and a further order entered upon the filing of the amendment provided in Rule U-50 (c).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4203; Filed, June 12, 1941; 11:40 a. m.]