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military service as commissioned officers of the Army of the United States under those appointments and commissions.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
August 31, 1940.

[No. 8530]

[F. R. Doc. 40-3675; Filed, September 3, 1940; 10:37 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[FOA 196]

AUTHORITY TO EXECUTE PARTS II AND III OF AGRICULTURAL ADJUSTMENT ADMINISTRATION FORM ACP-69

Section 3.85 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 3.85 Authority to execute Parts II and III of Agricultural Adjustment Administration Form ACP-69. Each field supervisor, collector, and bonded employee of the Emergency Crop and Feed Loan Section (on temporary duty in the field) is authorized to execute, as agent of the Governor of the Farm Credit Administration, Part II of Form ACP-69 (Agricultural Adjustment Administration Assignment Form—for assignment of payments under section 8 of the Soil Conservation and Domestic Allotment Act,

49 Stat. 1149; 16 U.S.C., Sup., 590h, as amended).

Each regional manager and each credit and collection manager of an emergency crop and feed loan office is authorized, severally and not jointly, to execute, as agent of the Governor of the Farm Credit Administration, Part III of said Form ACP-69 when it is found by the regional manager or credit and collection manager to whom said form is presented that the indebtedness secured by the assignment is paid or otherwise discharged; and each field supervisor, collector, and bonded employee of the Emergency Crop and Feed Loan Section (on temporary duty in the field) is authorized to execute, as agent of the Governor of the Farm Credit Administration, Part III of the said form in any case when so instructed in writing by the manager or by the credit and collection manager; but such authorization shall not be given by any regional manager or credit and collection manager unless he finds that the indebtedness secured by the assignment has been paid or otherwise discharged. (Sec. 5 (a), 50 Stat. 6; 12 U.S.C., Sup., 1020m (a)) [F.C.A. Order 293, August 31, 1940]

A. G. BLACK,  
Governor.

[F. R. Doc. 40-3676; Filed, September 3, 1940; 11:30 a. m.]

TITLE 8—ALIENS AND CITIZENSHIP

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-24]

REGULATIONS GOVERNING DEPARTMENTAL ORGANIZATION AND AUTHORITY

Pursuant to the authority contained in section 28 of the Act of June 29, 1906, as amended (34 Stat. 606, 45 Stat. 1515; 8 U.S.C. 356); section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 232); section 1 of Reorganization Plan No. V, effective June 14, 1940 (5 F.R. 2132; 5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (Public, No. 670, 76th Congress, 3d Session); section 161 of the Revised Statutes, as amended (5 U.S.C. 22), and section 360 of the Revised Statutes (5 U.S.C. 311), the following regulations are hereby prescribed and are published as Subchapter D, Title 8, Code of Federal Regulations:

SUBCHAPTER D—ADMINISTRATIVE ORGANIZATION

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

- Sec. 90.1 Special assistant to the Attorney General, powers.
- 90.2 Board of Immigration Appeals.
- 90.3 Board of Immigration Appeals; powers.
- 90.4 Board of Immigration Appeals; sessions.

- Sec.  
 90.5 Board of Immigration Appeals; oral argument in deportation cases.  
 90.6 Board of Immigration Appeals; oral argument in exclusion and pre-examination cases.  
 90.7 Board of Immigration Appeals; oral argument in fine cases.  
 90.8 Board of Immigration Appeals; advance application for exercise of Seventh and Ninth Provisos.  
 90.9 Board of Immigration Appeals; motions.  
 90.10 Board of Immigration Appeals; re-hearings.  
 90.11 Board of Immigration Appeals; service of proposed findings, conclusions of law and order.  
 90.12 Board of Immigration Appeals; reference of cases to the Attorney General.  
 90.13 Deputy Commissioner in charge of the Legal Branch; powers.  
 90.14 Chief of the Warrant Branch; powers.  
 90.15 Chief of the Certifications Branch; powers.  
 90.16 Reference of cases to the Special Assistant in Charge by the Deputy Commissioner in charge of the Legal Branch, Chief of the Warrant Branch, or Chief of the Certifications Branch.  
 90.17 Rules and Regulations; signature.  
 90.18 Authority of Field Officers.

§ 90.1 *Special Assistant to the Attorney General; powers.* Under the general direction of the Attorney General, the Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service (hereinafter called the Special Assistant in Charge) shall supervise and direct the administration of the Immigration and Naturalization Service and, subject to the limitation of other provisions of this Part, shall have authority to exercise all powers of the Attorney General and of the Commissioner of Immigration and Naturalization relating to the administration of that Service and the administration of the Immigration and Naturalization Laws.\*

§ 90.2 *Board of Immigration Appeals.* The Board of Review of the Immigration and Naturalization Service is transferred to the Office of the Attorney General. The Board shall hereafter be known as the Board of Immigration Appeals. In the exercise of the powers conferred upon it the Board of Immigration Appeals shall be responsible solely to the Attorney General. There shall be attached to the Board of Immigration Appeals in the Office of the Attorney General a Chief Examiner and such number of examiners as the Attorney General, upon the recommendation of the Board, shall from time to time direct. In the absence of a member of the Board, the Chief Examiner shall have authority to act as member. The Board shall have authority to promulgate, with the approval of the Attorney General, rules of practice governing the proceedings before it, including rules as to the admission and conduct of at-

torneys practicing before it. The Board shall have authority, with the approval of the Attorney General, to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.\*

§ 90.3 *Board of Immigration Appeals; powers.* Subject to the provisions of § 90.12 of this Part, the Board of Immigration Appeals in behalf of the Attorney General shall have authority:

(a) To issue orders of deportation after proceedings in accordance with law and regulations; to order the cancellation of warrants of arrest issued in such proceedings; and in connection therewith to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of deportation proceedings;

(b) To consider and determine appeals from decisions of boards of special inquiry in exclusion or pre-examination cases, and to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such appeals;

(c) To consider and determine all cases of fines and penalties against steamship companies or other carriers for violations of the immigration laws, to recommend to the Assistant Attorney General in charge of the Criminal Division the prosecution of violators of section 10 of the Immigration Act of 1917, and to exercise such of the discretion conferred upon the Attorney General by law as is appropriate to the disposition of such cases;

(d) To consider and determine all advance applications for the admission of aliens under the Seventh and Ninth Provisos to section 3 of the Immigration Act of 1917.

In any of the cases enumerated in this section in which no exception has been filed to the proposed action of the Service a single member of the Board of Immigration Appeals shall have authority, subject to the provisions of § 90.12 of this part, to act for the Board in reviewing and signing the Board's decision. In all other cases decision shall be by a majority of the Board; and the decision of the Board shall be evidenced by the signature of its Chairman. Whenever any member of the Board shall disagree with the majority, he shall record his dissent, together with his reasons therefor.\*

§ 90.4 *Board of Immigration Appeals; sessions.* The Board of Immigration Appeals will convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2:00 p. m. on every week day except Saturday. In computing the time within which oral argument may be fixed pursuant to §§ 90.5, 90.6, 90.7, 90.8 and 90.9 of this part, Saturdays and Sundays shall be disregarded.\*

§ 90.5 *Board of Immigration Appeals; oral argument in deportation cases.* Oral argument shall be heard, upon request, by the Board of Immigration Appeals in

any deportation case in which exceptions have been taken by or in behalf of the alien to the proposed findings of fact, conclusions of law and order of the presiding inspector. At the time of filing such exceptions, an alien or his counsel or representative shall state whether or not an opportunity for oral argument is desired and shall specify a date for such argument. The time for oral argument shall be fixed not less than 3 days nor more than 18 days after the date on which the exceptions are filed, except in cases where the alien is detained at the expense of the Government in which cases oral argument shall be set not more than 5 days from the date of the filing of exceptions. The Board of Immigration Appeals may in its discretion, upon good cause shown in an application by the alien or his counsel or representative, grant permission to file exceptions and requests for oral argument after the time fixed by the officer in charge for such filing has expired. The Board shall have authority, upon its own motion or upon request, to fix or to change the date upon which oral argument is to be heard.\*

§ 90.6 *Board of Immigration Appeals; oral argument in exclusion and pre-examination cases.* Oral argument shall be heard, upon request, by the Board of Immigration Appeals in any case in which an alien has been held by a board of special inquiry to be inadmissible to the United States and has appealed from that decision. Requests for oral argument in such a case shall be made within 48 hours after the alien has appealed from the decision of the board of special inquiry. Requests for oral argument shall be directed to the Board of Immigration Appeals and shall specify the date on which the argument is desired. The Board of Immigration Appeals may, in its discretion, grant requests for oral argument received after the time for the making of such requests has expired. The Board shall have authority, upon its own motion or upon request, to fix or to change the date upon which oral argument is to be heard.\*

§ 90.7 *Board of Immigration Appeals; oral argument in fine cases.* In any case in which a notice of intention to fine or a notice of intention to recommend prosecution pursuant to section 10 of the Immigration Act of 1917 has been served upon the owner, charterer, agent, consignee or master of a vessel or upon a transportation company, pursuant to Part 23 or § 28.13 of this title, the said owner, charterer, agent, consignee, master or transportation company may, within 60 days from the date of service, file with the district director of the district in which the case arose a request for oral argument before the Board of Immigration Appeals. If evidence to show why the proposed fine should not be imposed or why prosecution should not be instituted is submitted, the request for oral argument shall be filed at the time of such submission. The date for oral argument shall be fixed in the re-

\*§§ 90.1 to 90.18, inclusive, issued under the authority contained in sec. 28, 34 Stat. 608, 45 Stat. 1515, 8 U. S. C. 356; sec. 23, 39 Stat. 892, 8 U. S. C. 102; sec. 24, 43 Stat. 166, 8 U. S. C. 222; sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2228; sec. 37 (a), Pub. No. 670, 76th Cong., 3d sess.; sec. 161, 360, E. S., 5 U. S. C. 22, 311.

quest at a time not less than 21 days after the request is made. The Board of Immigration Appeals may, in its discretion, extend the time within which to file evidence or requests for oral argument. The Board shall have authority, upon its own motion or upon request, to fix or to change the date upon which oral argument is to be heard.\*

§ 90.8 *Board of Immigration Appeals; advance application for exercise of Seventh and Ninth Provisos.* Applications for the exercise of the Seventh and Ninth Provisos to section 3 of the Immigration Act of 1917 in advance of the alien's physical application for admission to the United States shall be made by motion in accordance with the provisions of § 90.9.\*

§ 90.9 *Board of Immigration Appeals; motions.* All motions addressed to the Board of Immigration Appeals shall be in writing and, when based upon assertions of fact, shall be supported by affidavits and filed in triplicate with the Board of Immigration Appeals, Department of Justice, Washington, D. C. If oral argument upon a motion is desired, it shall be so stated in the motion papers and the date upon which argument is desired shall also be stated. Argument may be had not less than 2 days and not more than 5 days after the filing of motion papers, unless upon good cause shown or upon its own motion the Board of Immigration Appeals shall set a different date. The Board of Immigration Appeals, in its discretion, may grant or deny oral argument in any case.\*

§ 90.10 *Board of Immigration Appeals; rehearings.* The reconsideration, re-argument or reopening of a case after the issuance of a final decision by the Board of Immigration Appeals shall be permitted only upon motion.\*

§ 90.11 *Board of Immigration Appeals; service of proposed findings, conclusions of law and order.* Whenever, in any deportation case in which no exceptions have been taken to the proposed findings, conclusions of law and order of the presiding inspector, the Board of Immigration Appeals after consideration of the record believes that an order less favorable to the alien than that proposed by the presiding inspector should be entered, it shall prepare its own proposed findings of fact, conclusions of law and order and shall forward them to the district director of the district in which the case arose for service upon the alien or his counsel or representative. The alien or his counsel or representative shall be given opportunity, within a time fixed by the Board of Immigration Appeals, to file exceptions to the proposed findings, conclusions and order of the Board. If exceptions are filed, further procedure in the case shall be in accordance with the provisions of § 90.5 hereof. If no exceptions are filed within the time prescribed, the proposed findings, conclusions and order of the Board of Immigration Appeals shall, subject to the provisions of § 90.12 hereof, be made final.\*

§ 90.12 *Board of Immigration Appeals; reference of cases to the Attorney General.* In any case in which a dissent has been recorded; in any case in which the Board shall certify that a question of difficulty is involved; in any case in which the Board orders the suspension of deportation pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in any case in which the Attorney General so directs, the Board of Immigration Appeals shall refer the case to the Attorney General for review of the Board's decision. In any case in which the Attorney General shall reverse the decision of the Board, or in any case in which suspension of deportation is ordered pursuant to the provisions of section 19 (c) of the Immigration Act of 1917, as amended, the Attorney General will state in writing his conclusions and the reasons for his decision.\*

§ 90.13 *Deputy Commissioner in charge of the Legal Branch; powers.* Subject to the provisions of § 90.16 of this part, the Deputy Commissioner in charge of the Legal Branch (or under his direction, the Chief of the Examining Division of the Legal Branch) shall have authority after proceedings in accordance with law and regulations to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization:

(a) To consider and determine applications for extensions of temporary admission to the United States, in cases in which field officers do not have such authority or in cases which have been referred by field officers to the Central Office;

(b) To consider and determine applications for permission to re-apply for admission to the United States after exclusion, deportation, or removal on account of distress;

(c) To consider and determine applications for change of status from one non-immigrant class to another or from a non-immigrant class to a student;

(d) To consider and determine applications to import contract labor, including student labor;

(e) To order the approval or cancellation of bonds given under the provisions of the immigration laws, and to determine whether the conditions of such bonds should be declared breached;

(f) To approve emergency actions of field officers;

(g) To authorize amendment or endorsement of records of entry to show true status;

(h) To pass upon applications for copies of immigration and naturalization records, or for information therefrom;

(i) To consider and determine applications for certificates of derivative citizenship;

(j) To consider and determine applications for exemption from loss of residence for naturalization purposes (Act of June 25, 1938);

(k) To order the cancellation of registry fraudulently or illegally procured (Act of March 2, 1929, as amended);

(l) To exercise such discretion as is appropriate to, and to prepare and sign all orders or letters incident to, the execution of the foregoing functions.

In addition to the foregoing authority, the Deputy Commissioner in charge of the Legal Branch (or under his direction, the Chief of the Examining Division of the Legal Branch) shall be responsible for making recommendations to the Pardon Attorney, when a question respecting pardons arises, and to the Assistant Attorney General in charge of the Criminal Division respecting the institution of proceedings for the cancellation of certificates of naturalization, the taking of judicial appeals in naturalization cases, and subject to the provisions of § 90.3 hereof, the institution of prosecutions or not pressing of criminal cases arising under the immigration or naturalization laws.\*

§ 90.14 *Chief of the Warrant Branch; powers.* Subject to the provisions of § 90.16 of this part, the Chief of the Warrant Branch (or under his directions, the Assistant Chief of the Warrant Branch) shall have authority to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization:

(a) To issue warrants of arrest under the laws relating to immigration, exclusion, and expulsion of aliens;

(b) To issue warrants of deportation pursuant to orders of deportation made in accordance with the provisions of this order;

(c) To stay the execution of a warrant of deportation: *Provided, however,* That no stay beyond six months from the date of the issuance of such warrant shall be granted without approval by the Special Assistant in Charge;

(d) To extend for not more than six months the period within which an alien has been permitted by the Board of Immigration Appeals to depart without issuance of a warrant;

(e) To order the deportation of an alien seaman on a vessel other than the one on which he arrived under section 20 (c) of the Immigration Act of 1924;

(f) To permit an alien arrested in deportation proceedings or ordered to be deported to depart at his own expense, or to ship foreign one way as a seaman;

(g) To suspend the deportation of excluded aliens needed as witnesses in criminal prosecutions as provided in section 18 of the Immigration Act of 1917;

(h) To authorize and effect the removal of indigent aliens pursuant to section 23 of the Immigration Act of 1917, as amended;

(i) To issue authorizations for the voluntary repatriation of Filipinos under the Filipino Repatriation Act of July 10, 1935;

(j) To prepare and sign all orders or letters incident to the execution of the foregoing functions.\*

§ 90.15 *Chief of the Certifications Branch; powers.* Subject to the provisions of § 90.16 of this part, the Chief of the Certifications Branch (or under his direction, the Assistant Chief of the Certifications Branch) shall have authority to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization:

(a) To consider and determine all matters arising under the provisions of the immigration laws, relating to alien students, including the approval of schools for such students, except matters relating to an alien's admissibility to the United States or his deportability from the United States;

(b) To determine nonquota or preference quota status upon application filed in accordance with section 9 of the Immigration Act of 1924;

(c) To revoke nonquota or preference status previously granted;

(d) To approve applications for re-entry permits, to issue such permits, and to grant extensions thereof;

(e) To grant or deny registry under the Act of March 2, 1929, as amended;

(f) To issue special certificates of citizenship;

(g) To issue certificates of derivative citizenship after approval of application in accordance with the provisions of this order;

(h) To make verifications of entry or of information from official records concerning arrival, including issuance of certificates of arrival; to act on requests from official state or municipal agencies for information from naturalization records;

(i) To issue new papers in lieu of papers lost, mutilated or destroyed or in a changed name;

(j) To exercise such discretion as is appropriate to, and to prepare and sign all orders and letters incident to execution of the foregoing functions.\*

§ 90.16 *Reference of cases to the Special Assistant in Charge by the Deputy Commissioner in Charge of the Legal Branch, Chief of the Warrant Branch, or Chief of the Certifications Branch.* The Deputy Commissioner in charge of the Legal Branch, the Chief of the Warrant Branch, and the Chief of the Certifications Branch shall exercise the authority herein conferred under the direction and supervision of the Special Assistant in Charge. In all cases in which any of them shall be in doubt as to the construction of applicable law or as to the proper principle governing the exercise of discretion, he shall refer the matter to the Special Assistant in Charge who shall either advise him as to the appropriate decision, make decision in his own name, or refer the matter to the Attorney General for decision.\*

§ 90.17 *Rules and regulations: signature.* All rules and regulations, general orders, circular instructions and Central Office memoranda hereafter issued shall be signed or countersigned by the Special

Assistant in Charge; and all such documents which are to be published in the FEDERAL REGISTER shall, in addition, be signed by the Attorney General.\*

§ 90.18 *Authority of field officers.* Nothing in this part shall affect the authority of field officers of the Immigration and Naturalization Service under regulations, orders or instructions now in force.\*

§§ 70.1 and 70.2 of this title (Subdivisions A and B of Rule 1, Naturalization Rules and Regulations of December 1, 1936) are hereby canceled.

Order No. 3888 of July 1, 1940 (5 F. R. 2454) is hereby withdrawn.

[SEAL] MATTHEW F. MCGUIRE,  
Acting Attorney General.

Approval recommended:

LEONEL B. SCORFIELD,  
Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service.

EDW. J. SHAUGHNESSY,  
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 40-3674; Filed, September 3, 1940; 10:34 a. m.]

## TITLE 14—CIVIL AVIATION

### CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 3, Designation of Civil Airways]

#### REDESIGNATION OF CERTAIN CIVIL AIRWAYS<sup>1</sup>

AUGUST 26, 1940.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly section 302 thereof, I hereby amend the Designation of Civil Airways as follows:

1. By amending section 2 (a) (3) to read as follows:

(3) *Green civil airway No. 3 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Municipal Airport, Los Angeles, Calif., via the Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Daggett, Calif., radio range and the southwest leg of the Kingman, Ariz., radio range; Kingman, Ariz., radio range station; the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station;

<sup>1</sup> Issued by the Office of the Administrator of Civil Aeronautics.

Acoma, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Columbus, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Columbus, Ohio, radio range and the southwest leg of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Philadelphia, Pa., radio range; and the Philadelphia, Pa., radio range station; to the Municipal Airport, Philadelphia, Pa.

2. By amending section 2 (b) (7) to read as follows:

(7) *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* From Meacham Airport, Key West, Fla., via the Key West, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Key West, Fla., radio range and the southwest leg of the Miami, Fla., radio range; Miami, Fla., radio range station; the intersection of the center lines of the on course signals of the north leg of the Miami, Fla., radio range and the southeast leg of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; and the Richmond, Va., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range. From the Washington, D. C., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the southwest leg of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Philadelphia, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; Newark, N. J., radio range station; and the Hartford,