DEPARTMENT OF COMMERCE
OFFICE OF THE SECRETARY
Washington

AMENDMENT TO THE CIVIL AIR REGULATIONS

AMENDMENT NO. 2:

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended by the Act of February 28, 1929 (45 Stat. 1404), the Act of June 19, 1934 (48 Stat. 1113), the Act of June 19, 1934 (48 Stat. 1116), and Sections 11 and 12 of the Act of June 12, 1934 (48 Stat. 933, 937), Paragraph 40.40 of the Civil Air Regulations approved to take effect November 1, 1937, is amended to read as follows:

> 40.40 Provision for Issuance: An airline competency certificate will be issued by the Secretary to an applicant after approval of application made and proofs submitted in connection therewith and if, upon inspection and examination, said applicant is found by the Secretary to meet the general requirements prescribed in CAR 40.1 and the appropriate particular minimum requirements prescribed in CAR 40.2 or 40.3 and is, therefore rated as competent to engage in interstate air commerce for the carriage of mail, goods, or passengers, in scheduled operation as specified in the certificate or appended competency letters (provided for in CAR 40.5). Airlines conducting authorized operations shall have until and including March 31, 1938, to apply for an airline certificate as provided for in CAR 40.41. In the interim and until the issuance or denial of an airline certificate, operations shall be conducted under authority heretofore granted or subsequently amended, unless such authority is sooner suspended or revoked. Any airline which heretofore has proven its competency for safe operation shall be entitled presumptively to the airline certificate so applied for.

Approved, to take effect January 20, 1938

/s/ Daniel C. Roper.

Secretary of Commerce.