THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 14 NUMBER 26

Washington, Wednesday, February 9, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10033

REGULATIONS GOVERNING THE PROVIDING OF STATISTICAL INFORMATION TO INTERGOVERNMENTAL ORGANIZATIONS

WHEREAS the United Nations and other intergovernmental organizations of which the United States is a member have need for statistical information which can be supplied by the Government of the United States; and

WHEREAS the burden imposed on this Government in connection with providing such information to such organizations should be the minimum compatible with adequacy of information; and

WHEREAS a systematic procedure for furnishing such information will conserve effort and improve the quality and comparability of the data furnished:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, including section 8 of the Bretton Woods Agreements Act (59 Stat. 515; 22 U. S. C. 286f), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Except as provided in section 2 hereof, the Director of the Bureau of the Budget, hereinafter referred to as the Director, (a) shall determine, with the concurrence of the Secretary of State, what statistical information shall be provided in response to official requests received by the United States Government from any intergovernmental organization of which this country is a member, and (b) shall determine which Federal executive agency or agencies shall prepare the statistical information thus to be provided. The statistical information so prepared shall be transmitted to the requesting intergovernmental organization through established channels by the Secretary of State or by any Federal executive agency now or hereafter authorized by the Secretary of State to transmit such information.

SECTION 2. (a) The National Advisory Council on International Monetary and Financial Problems, hereinafter referred to as the National Advisory Council, shall determine, after consultation with the Director, what information is essential in order that the United States Government may comply with official requests for information received from the International Monetary Fund or the International Bank for Reconstruction and Development.

(b) The Director shall determine which Federal executive agency or agencies shall collect or make available information found essential under section 2 (a) hereof.

(c) In the collection of information pursuant to a determination made by the Director under section 2 (b) hereof in response to a request under article VIII, section 5, of the Articles of Agreement of the International Monetary Fund, the authority conferred on the President by section 8 of the Bretton Woods Agreements Act to require any person to furnish such information, by subpoena or otherwise, may be exercised by each of the following-named agencies:

Department of Agriculture
Department of Commerce
Department of the Interior
Department of Labor
Department of the Treasury
Board of Governors of the Federal Reserve System
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Power Commission
Federal Trade Commission
Interstate Commerce Commission
Securities and Exchange Commission
United States Maritime Commission
United States Tariff Commission

(d) The information collected or made available under section 2 of this order shall be submitted to the National Advisory Council for review and for presentation to the said Fund or Bank.

(e) As used in this order, the word "person" means an individual, partnership, corporation, or association.

SECTION 3. The Director's determination of any matter under section 1 or section 2 (b) of this order shall be made after consulting appropriate Federal executive agencies and giving due consideration to any responsibility now exercised by any of them in relation to an intergovernmental organization.

SECTION 4. This order shall not be construed to authorize the Director or the National Advisory Council to provide, or to require any Federal executive agency to provide, to an intergovernmental organization (a) information during any period of time when the agency having primary responsibility for security of the specified information declares that it must be withheld from the intergov-

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

ernmental organization in the interest of military security, or (b) information which any Federal executive agency is required by law to maintain on a confidential basis.

SECTION 5. The Director and the National Advisory Council are authorized to prescribe such regulations as may be necessary to carry out their respective responsibilities under this order.

SECTION 6. To the extent that this order conflicts with any previous Executive order, the provisions of this order shall control.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 8, 1949.

[F. R. Doc. 49-1027; Filed, Feb. 8, 1949; 10:49 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 7—REINSTATEMENT

PART 8—PROMOTION, DEMOTION, REASSIGNMENT, AND TRANSFER

MISCELLANEOUS AMENDMENTS

1. Effective as of November 22, 1948, § 2.107 (b) is amended to read as follows:

§ 2.107 *Eligible registers.* * * *

(b) When an eligible register has been established as the result of an open competitive examination the names of qualified veterans in the following groups may be entered thereon in the order prescribed by paragraph (a) of this section, provided they were last employed under probational or permanent competitive appointment or permanent excepted appointment which followed without break in service probational or permanent competitive appointment.

(1) Veterans who have been declared eligible therefor after appeal from furlough or dismissal under section 14 of the Veterans' Preference Act. (Applies sec. 14, 58 Stat. 390; 5 U. S. C. 863)

(2) Veterans who have been furloughed or separated without delinquency or misconduct and who apply within 90 days of furlough or separation. (Applies sec. 15, 58 Stat. 391; 5 U. S. C. 864)

(3) Veterans who have resigned without delinquency or misconduct and who apply within 90 days of separation for reentry of their names on registers on which they formerly appeared or upon registers which succeeded such registers. (Applies sec. 16, 58 Stat. 391; 5 U. S. C. 865)

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947; 12 F. R. 1259, 3 CFR 1947 Sup.)

2. Under athority of § 6.1 of Executive Order 9830, and with the concurrence of the Secretary of the Interior, the Commission has determined that three additional positions of special assistants to the Secretary should be excepted from the competitive service, and that the present exemption of six field representatives whose duties are of a confidential nature should be reduced to three. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (7) of § 6.110 (b) are amended to read as follows:

§ 6.110 *Department of the Interior.* * * *

(b) *Office of the Secretary.* * * *

(3) Four special assistants to the Secretary.

* * * * *

(7) Three field representatives whose duties are of a confidential nature.

3. Under authority of § 6.1 of Executive Order 9830, and with the concurrence of the Secretary of Agriculture, § 6.111 (a) (1) is amended by redesignating subdivision (i) as subparagraph (1) and by redesignating subdivisions (ii) and (iii) as subparagraphs (12) and (13) and by revoking the unnumbered paragraph beginning "In making appointments under this subparagraph, a full report shall be submitted * * *." This amendment shall be effective upon publication in the FEDERAL REGISTER. As amended, the section will read in pertinent part as follows:

§ 6.111 *Department of Agriculture*—(a) *General* (1) NC/PD: Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

* * * * * *

(12) NC/PD: Local Agents, except veterinarians, employed temporarily outside of Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(13) NC/PD: Positions the duties of which require a speaking knowledge of one of the Indian languages.

(E. O. 9830, Feb. 24, 1947; 12 F. R. 1259, 3 CFR 1947 Sup.; E. O. 9973, June 28, 1948; 13 F. R. 3600)

4. Effective as of September 10, 1948, a new subparagraph (7) is added to § 7.101 (a) as follows:

§ 7.101 *General requirements for reinstatement of persons who have competitive status.* (a) * * *

(7) If the position to which reinstatement is proposed is "sensitive" in the determination of the head of the agency, preappointment loyalty check must be completed under the requirements of the Federal Employees Loyalty Program.

5. Effective September 10, 1948, a new subparagraph (5) is added to § 8.101 (a) as follows:

§ 8.101 *General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status.* (a) * * *

(5) In all proposed inter-agency transfers to positions designated by the head of the agency as "sensitive," preappointment loyalty checks must be completed under the requirements of the Federal Employees Loyalty Program.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947; 12 F. R. 1259, 3 CFR 1947 Sup.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-954; Filed, Feb. 8, 1949; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR CABBAGE

By virtue of the authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Cabbage which have been in effect since September 1, 1945. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948).

§ 51.151 *Standards for cabbage*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of heads of cabbage of one variety or similar varietal characteristics, which are of reasonable solidity, and are not withered, puffy, or burst and which are free from soft rot, seedstems, and from damage caused by discoloration, freezing, disease, insects or mechanical or other means. Stems shall be cut so that they do not extend more than one-half inch beyond the point of attachment of the outermost leaves.

(i) Unless otherwise specified, each head shall be well trimmed. However, cabbage which has fairly good green color and is specified as "U. S. No. 1 Green," and red cabbage which is specified as "U. S. No. 1 New Red" need be only fairly well trimmed.

(ii) In order to allow for variations, other than excess number of wrapper leaves, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the heads in any lot may fail to meet the requirements of this grade, but not more than one-fifth of this amount, or 2 percent, shall be allowed for soft decay. In addition, not more than 10 percent, by weight, may not meet the requirements as to number of wrapper leaves. (See paragraph (d) of this section, *Application of tolerances.*)

(2) *U. S. Commercial.* U. S. Commercial shall consist of heads of cabbage which meet the requirements for U. S. No. 1 grade except for the increased tolerance for defects specified below, and except that the heads shall be reasonably firm.

(i) Unless otherwise specified, each head shall be well trimmed. However, cabbage which has fairly good green color and is specified as "U. S. Commercial Green," and red cabbage which is specified as "U. S. Commercial New Red" need be only fairly well trimmed.

(ii) In order to allow for variations, other than excess number of wrapper leaves, incident to proper grading and

handling, not more than a total of 25 percent, by weight, of the heads in any lot may fail to meet the requirements of this grade, but not more than two-fifths of this amount, or a total of 10 percent, shall be allowed for defects causing serious damage, but not more than 2 percent shall be allowed for soft decay. In addition, not more than 10 percent, by weight, may not meet the requirements as to number of wrapper leaves. (See paragraph (d) of this section, *Application of tolerances.*)

(b) *Unclassified.* Unclassified shall consist of cabbage which has not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Size.* The minimum size or minimum and maximum sizes may be specified in connection with the grades as "U. S. No. 1, 1 pound min.," or "U. S. No. 1, 2 to 4 pounds," or any lot may be classified as Small, Medium, Large, Small to Medium, or Medium to Large in accordance with the facts.

Small	Medium	Large
Pointed, under 1½ lbs.....	1½ to 3 lbs..	Over 3 lbs.
Danish and domestic, under 2 lbs.	2 to 5 lbs....	Over 5 lbs.

(1) In order to allow for variations incident to proper sizing, not more than a total of 15 percent, by weight, of the heads in any lot may vary from the size specifications, but not more than 10 percent may be either above or below the size specified. This tolerance is in addition to the tolerance for grade defects. (See paragraph (d) of this section, *Application of tolerances.*)

(d) *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized cabbage may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized cabbage may be permitted in a container.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the cabbage in each container shall have the same general characteristics.

(2) "Reasonable solidity" means fairly firm for pointed type cabbage and southern Domestic type cabbage. Northern Domestic type cabbage and Danish or Hollander type cabbage shall be firm. "Reasonable solidity" as applied to Savoy cabbage means not soft or puffy; Savoy type cabbage is characteristically loosely formed and rather light in weight.

(3) "Puffy" means that the heads are very light in weight in comparison to size, or have excessive air spaces in the central portion. They normally feel firm at time of harvesting but often soften quickly. They are known as "Balloon Heads" in certain sections.

(4) "Seedstems" means those heads which have seed stalks showing or in which the formation of seed stalks has plainly begun.

(5) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality. Worm injury on the outer head leaves or wrapper leaves which materially affects the appearance of the head, or worm holes which extend deeply into the compact portion of the head shall be considered as damage.

(6) "Well trimmed" means that the head shall not have more than four wrapper leaves.

(7) "Fairly well trimmed" means that the head shall have not more than seven wrapper leaves.

(8) "Wrapper leaves" means leaves which do not enfold the head fairly tightly more than two-thirds the distance from the base to the top.

(9) "Reasonably firm" means that the head is not soft and is of reasonable weight for its size but may have considerable open spaces between the leaves in the lower portion of the head.

(10) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality. Cabbage which is affected by soft rot or which is seriously puffy, badly burst, or seriously injured by seedstems, discoloration, freezing, disease, insects, mechanical or other means shall be considered as seriously damaged. Worm injury on the outer head leaves or wrapper leaves which seriously affects the appearance of the heads, or worm holes which seriously affect the compact portion of the head shall be regarded as serious damage. (Pub. Law 712, 80th Cong.)

Done at Washington, D. C. this 4th day of February 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-991; Filed, Feb. 8, 1949; 8:57 a. m.]

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR FRESH PEAS

By virtue of the authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Fresh Peas, which have been in effect since June 1, 1942. These standards are currently in effect pursuant to the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948).

§ 51.337 *Standards for fresh peas*—(a) *Introduction.* (1) The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(2) For a tolerance of 10 percent, individual containers in any lot may have not more than one and one-half times the tolerance.

(3) For a tolerance of less than 10 percent, individual containers in any lot may have not more than double the tolerance.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 shall consist of pods of peas of similar varietal characteristics which are not over-mature or excessively small, not badly misshapen or watersoaked, and which are fairly well filled, fresh, firm, free from decay, and from damage caused by black calyxes, freezing, splitting, hail, dirt, leaves, or other foreign matter, mildew, or other diseases, insects, or mechanical or other means. The peas shall be at least fairly tender, free from decay, and from damage caused by split skins, disease, insects or mechanical or other means.

(i) Peas may be specified as "U. S. No. 1 Green Calyxes" when they meet the requirements of U. S. No. 1 grade and an average of three-fourths or more, by weight, of the pods in any lot, but not less than one-half of the pods in each container, have calyxes which are of a fairly good green color.

(2) *U. S. Fancy.* U. S. Fancy shall consist of pods of peas which are well filled and have an average of three-fourths or more by weight, of the pods in any lot, but not less than one-half of the pods in each container with calyxes which are of a fairly good green color, and which meet the requirements of U. S. No. 1 grade in all other respects.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than 10 percent, by weight, of the pods of peas in any container may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-tenth of this tolerance, or 1 percent, shall be allowed for soft decay. When peas are specified as "U. S. No. 1 Green Calyxes" or "U. S. Fancy" no part of any tolerance shall be allowed to reduce for the lot as a whole, or for the individual container the percentage of pods which are required to have calyxes of a fairly good green color.

(d) *Unclassified.* Unclassified shall consist of peas which have not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the pods of peas in any container are of the same general type.

(2) "Overmature" means that the pod has developed beyond the stage at which it is desirable as a fresh product. The pod is usually wrinkled and the green is faded, having a noticeably whitish or yellowish cast.

(3) "Excessively small" means that the pod is so short that there is space for

only two peas which are at least fairly well developed.

(4) "Badly misshapen" means that the pod is badly constricted, crooked, or badly twisted.

(5) "Fairly well filled" means that more than one-half of the pod contains peas which are at least fairly well developed.

(6) "Well filled" means that more than two-thirds of the pod contains peas which are at least fairly well developed.

(7) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

(8) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality. Badly misshapen pods or pods seriously affected with downy mildew injury shall be considered as being seriously damaged. (Pub. Law 712, 80th Cong.)

Done at Washington, D. C., this 4th day of February 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-992; Filed, Feb. 8, 1949; 8:57 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—ANNUAL CONTRACTS COVERING THE 1949 CROP YEAR (MONETARY COVERAGE INSURANCE)

Correction

In Federal Register Document 49-744, appearing at page 434 of the issue for Tuesday, February 1, 1949, § 421.15 should be corrected as follows: In the first column on page 437, the fifth line under the spaces for name, address, etc., in the policy, should read: "lightning, fire, excessive rain, snow,wildlife".

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

CHESAPEAKE BAY, MD. AND VA., AND ITS TRIBUTARIES

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.50 governing the placing and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, as published in the FEDERAL REGISTER September 15, 1948 (13 F. R. 5375), is hereby corrected as follows:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures*—(a) *Authority.* (1) * * *, to mark oyster bottoms, * * *.

* * * * *

(c) *Fishing structures.* * * *

(2) No single fishing structure * * * at least 400 yards. * * *

* * * * *

(5) * * * and be visible in clear night weather for at least one mile. * * *. It shall be subject to inspection by and approval of the District Engineer * * *

* * * * *

(e) *Baltimore District*—(1) *West side of Chesapeake Bay north from Cove Point to Middle River.*

* * * * *

(Fl W) "1" * * *

* * * * *

(5) *East side of Chesapeake Bay south from Howell Point to lower end of Tangier Sound.*

* * * * *

Point on line of 30-foot depth approximately 3,400 yards west of S 1.

* * * * *

N 12 * * *

(7) *Pocomoke Sound.*

* * * * *

Starling Creek Light "1" * * *

(g) *Norfolk District.* * * *

(2) *James River and Hampton Roads*—(i) *South side of river from Craney Island Light to Jamestown Island.*

Unmarked Point 23	Lat. 37°00'44.6"	Long. 76°32'36.3"
Unmarked Point 24	37 00 49.3	76 32 36.7
Unmarked Point 67	37 10 27.6	76 44 56.5

(ii) *North side of river from Jamestown Island to Newport News.*

Unmarked Point 68	37 10 59.3	76 44 25.2
Unmarked Point 60	37 12 55.1	76 40 53.9
Unmarked Point 58	37 12 47.4	76 39 40.4
Unmarked Point 56	37 12 29.7	76 39 12.1
Unmarked Point 54	37 11 59.1	76 38 33.2
Unmarked Point 52	37 11 31.1	76 38 05.2
Unmarked Point 48	37 07 11.3	76 38 14.1

(iii) *Fishing area northeast of Naseway Shoal.*

S "1N"	36 59 18.9	76 27 37.7

(iv) *White Shoal fishing area.*

Unmarked Point 28	37 00 46.0	76 29 54.5

(3) *West side of Chesapeake Bay north from Old Point Comfort to Wolf Trap Light.*

S "79N"	37 13 56.5	76 21 10.4
No limit line.		
Unmarked Point 18A	37 14 57.0	76 22 43.0
S "80N"		
Pultz Bar Light	37 21 16.9	76 21 08.5

(4) *Fishing area northeast of Hampton Roads.*

S "48N"	37 05 29.8	76 14 43.0
Thimble Shoal Light	37 00 51.7	76 14 25.1

(5) *Fishing area east of mouth of Back River.*

S "63N"	37 05 03.7	76 11 48.0

(6) *Fishing area southeast of mouth of York River.*

S "89N"	37 12 53.0	76 16 54.2

(8) *East side of Chesapeake Bay south from Onancock Creek to Cape Charles.*

S "156N"	37 37 36.0	75 56 00.0
S "155N"	37 37 23.9	75 57 37.3
S "154N"		

[Regs. Jan. 19, 1949, 800.217 (Chesapeake Bay)—ENGWR] (30 Stat. 1151; 33 U. S. C. 403)

[SEAL] EDWARD F. WITSELL,
Major General, The Adjutant General.

[F. R. Doc. 49-947; Filed, Feb. 8, 1949; 8:46 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter C—Military Education

PART 542—SCHOOLS AND COLLEGES

REVISION OF PART

Part 542 is hereby revised to read as follows:

Sec.
542.1 Military authority.
542.2 Educational institutions.
542.3 Application.
542.4 Inspections and reports.
542.5 Personnel.
542.6 Military training and instruction.
542.7 Organization and discipline.
542.8 Certificate to student.
542.9 Correspondence.
542.10 Requisitions.
542.11 Government property.
542.12 Bonds.
542.13 Arms, equipment, and spare part allowances.
542.14 Maintenance of equipment.
542.15 Care and safekeeping of arms, equipment, etc.
542.16 U. S. Military Academy, West Point, New York.

AUTHORITY: §§ 542.1 to 542.16 issued under 41 Stat. 780; 10 U. S. C. 1180, 1181.
DERIVATION: AR 350-3300, Aug. 20, 1948.

§ 542.1 *Military authority*—(a) *Secretary of the Army.* All matters pertaining to the coordination and supervision of military instruction at institutions conducting military training under the provisions of section 55c National Defense Act, as amended, are vested in the Secretary of the Army. Specifically, the Director, Organization and Training Division, General Staff, United States Army, is charged with General Staff supervision of all matters relating to policy, instruction, training, establishment and inspection of military units at educational institutions. The Chief, Army Field Forces, is responsible for the implementation of General Staff training policies for the military training conducted under the provisions of the act of Congress cited above.

(b) *Army commander.* Each Army commander is a representative of the Department of the Army for this area. It will be his duty to coordinate military instruction at educational institutions operating under the regulations in this

part within his jurisdiction. He will insure that such institutions are equipped properly to carry on the instruction and training prescribed by the Department of the Army. He or his representatives will spend as much time as practicable visiting the institutions within his army area, becoming personally acquainted with the officials of the institutions and giving advice and assistance whenever it is deemed necessary. He will refrain from interfering with schedules in operation or with local affairs, except where there is a failure to carry out approved policies or where incorrect methods are in operation. Matters pertaining to institutions conducting military training under the provisions of the regulations in this part will be handled by army commanders, unless action by the Department of the Army is necessary. Army commanders will not demand unnecessary and burdensome reports and data from the institutions.

(c) *Commanding General, Military District of Washington.* For the purpose of this part the term army commander includes the Commanding General, Military District of Washington.

§ 542.2 *Educational institutions.* (a) The schools and colleges referred to in the act of Congress cited in § 542.1 include those educational institutions, public or private, which do not maintain units of the Reserve Officers' Training Corps.

(b) In order to avail themselves of the privileges prescribed by the regulations in this part the institutions concerned must agree to the following:

(1) To maintain under the prescribed course of military training not less than 100 physically fit male students above the age of 14 years.

(2) That any student who enters upon the prescribed course of military training will be required to continue the training for the remainder of that academic year, as a prerequisite for graduation or promotion from that year's course, unless excused therefrom by the head of the institution, upon the recommendation of the professor of military science and tactics.

(3) To allot and require an average of not less than 3 hours a week per school year to the prescribed course of military training.

§ 542.3 *Application.* (a) When any educational institution, which is not receiving Government assistance under the provisions of the act of Congress cited in § 542.1 desires to receive such assistance the authorities of the institution will submit an application in substantially the following form:

(Place)

(Date)

SUBJECT: Military training under section 55c, National Defense Act, as amended.

To: The Adjutant General, Attention: AGAO–R.

1. The _____
(Governing body)
of _____ located
(Name of institution)
at _____, desires to participate in the military training program authorized under section 55c, National Defense Act, as amended.

2. Number of physically fit male students above the age of 14 years enrolled at the institution, _____.

3. Military training will be required of all eligible students _____.

4. Number of such students who will participate in the prescribed military training, _____.

5. The authorities of the institution agree to allot and require an average of not less than 3 hours a week per school year to the course of military training prescribed by the Secretary of the Army.

6. They further agree that when any student enters upon such course of military training it shall, as regards such student, be a prerequisite for graduation or promotion for that academic year unless such student is excused from this training by the head of the institution, upon the recommendation of the professor of military science and tactics.

7. The authorities of the institution agree to provide an instructor qualified to teach the course of military training prescribed by the Secretary of the Army.

8. The authorities of the institution will provide suitable storage facilities for all Government property issued to the institution and will take such measures as are necessary to properly care for the same; They will cause to be executed, on a blank form to be furnished by the army commander, a bond in the value of the Government property (plus 15 percent) to be issued, for the care and safekeeping thereof and for its return when required.

Signature _____
(Head of institution)

(b) The application will be mailed to The Adjutant General, Washington 25, D. C., Attention: AGAO–R, accompanied by a statement showing the name and qualifications of the person selected to be professor of military science and tactics as provided in § 542.5 (a).

(c) Upon receipt of the application, The Adjutant General will issue necessary instructions to the army commander to inspect the institution. Report of such inspection will be submitted to The Adjutant General, Washington 25, D. C., Attention: AGAO–R. Upon approval of the application by the Department of the Army, requisitions for appropriate equipment will be made by the institution on WD AGO Form 445 (Requisition), and will be forwarded to the army commander for approval. After the value of all property to be issued to the institution has been determined, a bond in the sum of not less than 15 percent in excess of the value of all Government property to be issued will be furnished by the institution to the army commander. Upon receipt of the bond, the army commander will forward the requisitions to the appropriate distribution depots for supply action. All expenses incident to the supply of units established under the provisions of the regulations in this part will be borne from ROTC funds allocated to heads of technical services, and army commanders when appropriate.

§ 542.4 *Inspections and reports.* (a) The military department of an educational institution conducting a course of military training prescribed by the Secretary of the Army pursuant to the provisions of this part will be subject to a formal annual inspection by army commanders or their representatives.

(b) During such inspections of military departments of educational institutions, inspecting officers will satisfy themselves as to the correctness of numbers and ages of students enrolled in the military departments; the state and condition of equipment; the adequacy and suitability of means provided by the institution and by the Government for the care and preservation of Government property issued to the institution; suitability and adequacy of instructor personnel of the military department; status of the military department as to organization and efficiency.

(c) In addition to the formal inspection prescribed in paragraphs (a) and (b) of this section, army commanders or their representatives will make such visits of observation as they may consider necessary to acquaint themselves with conditions at institutions, and establish contact with institutional authorities.

§ 542.5 *Personnel* — (a) *Instructors.* Instructors required for the operation of the military training program will be furnished by the institution. A suitable person will be designated by the authorities of the institution to be professor of military science and tactics. Prior to his actual assignment to this position, his name and qualifications will be submitted to The Adjutant General, Washington 25, D. C., Attention: AGAO–R, for approval. A detailed history of his military experience will be presented.

(b) *Other personnel.* Clerical personnel connected with the issue and accountability of Government property must be provided by the authorities of the institution.

§ 542.6 *Military training and instruction*—(a) *Prescribed course.* The instruction given to those students taking the first year's course of military training must include the following subjects as a minimum:

(1) Physical training, first aid to the injured, and elementary hygiene and sanitation.

(2) Nomenclature and care of the rifle and equipment.

(3) Training publications, Infantry drill, close and extended order, to include the schools of the soldier, squad, and company.

(4) Instruction in firing the rifle, to include gallery practice.

(b) *General.* Every effort will be made to offer the students a progressive course on military instruction which will follow, as nearly as the facilities of the institution and equipment on hand will permit, the program of instruction prescribed for junior division ROTC units (CS), copies of which may be obtained from The Adjutant General. Additional equipment, over and above that authorized in § 542.13, will not be issued for this purpose. This program will be studied carefully and the policy and method of training outlined therein will be used as a guide and will be adhered to as carefully as practicable. In institutions which offer more than 3 years of military instruction, the program may be expanded by the allotment of additional time to subjects at the discretion of the officials of the institution concerned.

(c) *Records of training.* Training records will be kept in the department of military science and tactics of the institution, and will show specifically the following information:

(1) Date and duration of each drill or instruction period.

(2) Kind of drill or subjects covered at each drill or instruction period.

(3) Name of instructor at each drill or instruction period.

(4) Number of students present at each drill or instruction period for the entire period.

(5) Names of absentees and the reason for absences.

(6) The score of each student when range practice is held.

§ 542.7 *Organization and discipline—*(a) *Organization.* Students undergoing military training will be organized into companies, battalions, and regiments of Infantry. Organization, drill, and administration of such units will conform as nearly as practicable to that prescribed for similar units of the Regular Army.

(b) *Discipline.* A high state of discipline will be maintained at all times while students are actually undergoing military training or instruction.

§ 542.8 *Certificate to student.* When any student is separated from an institution prior to successful completion of the prescribed 3-year course, a certificate in letter form will be presented to him by the professor of military science and tactics setting forth the military training satisfactorily completed. In addition, upon successful completion of the prescribed 3-year course of military training, students will be entitled to a certificate of completion of military training DA AGO Form 254 (Military Training Certificate).

§ 542.9 *Correspondence.* All correspondence with reference to the military department of a school or college where military instruction is conducted under regulations prescribed by the Department of the Army will be, except where otherwise prescribed, forwarded to Army commanders.

§ 542.10 *Requisitions.* (a) Requisitions for Government property signed by the military property custodian for an educational institution operating under the provisions of this part will be submitted to the Army commander.

(b) *Transportation.* Shipments of Government property from United States Army depots, arsenals, armories, or installations, and shipments from institutions to United States Army depots, arsenals, armories, or installations will be made on Government bills of lading at the expense of the United States. This transportation cost, together with the cost of packing and handling, will be paid from ROTC funds allocated to the head of the appropriate technical service, or Army commander. Professors of military science and tactics may employ the necessary drayage for hauling Government equipment from the local railroad delivery point to the institution and from the institution to the local railroad receiving point when no Government transportation is available or when the institution has no transportation. Just accounts will be submitted to the Army commander for approval and payment.

§ 542.11 *Government property.* The official of the institution designated by the head of the institution under the provisions of paragraph (a) (2) of this section will perform the duties indicated in this section.

(a) *Accounting.* (1) Government property issued to educational institutions under the provisions of the Act of Congress cited in § 542.1 must be accounted for on blank forms furnished by the Department of the Army for this purpose.

(2) The president or other authority of the institution will be requested to designate an official of the institution as authorized to sign all property papers for the institution and account for the property in the name of and for the institution. This authority in the form of a certificate will be transmitted to the army commander. The official so designated will be referred to as "The Military Property Custodian."

(3) Maintenance of accounting records will conform to the applicable provisions of AR 35–6520 dealing with accountability for property issued to educational institutions.

(b) *Lost, destroyed, or damaged.* (1) Government property which becomes unserviceable through fair wear and tear incident to the proper and authorized use of such property will be replaced or repaired at the expense of the United States. Such property may be dropped from the institutions accountability on an approved WD AGO Form 15 (Report of Survey). However, should the approved Form 15 direct the shipment of the unserviceable property to a United States Army depot, arsenal, or installation, a copy of the report of survey authorizing the shipment will be attached to the shipping document by the consignor when making such shipment. In this case, the retained copy of the shipping document supported by a copy of report of survey will constitute the credit voucher.

(2) Government property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the institution, its servants, or employees, or any member of its student body receiving military training, will be replaced at the expense of the United States, except when the institution has insurance coverage against such losses. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the institution, its servants or employees, or members of its student body receiving military training, a survey will be made as provided in AR 35–6640.[1] The surveying officer will be appointed by the army commander.

(3) All other loss, destruction, damage, or deterioration of Government property for which an institution is accountable will be made good by the institution, and army commander will take necessary action to cause reimbursement to be made to the United States for such loss, destruction, damage, or deterioration.

(4) Whenever Government property for which an institution is accountable is lost, whatever the cause, the institution authorities will immediately notify the army commander. In case arms are lost, the army commander and The Adjutant General (Attn: AGAO–R) will be notified immediately by wire and the authorities of the institution will also notify the proper civil authorities, with a view of seizing the arms, if found, and of prosecuting all persons concerned in the illegal possession thereof.

(c) *Inventories—*(1) *By whom and when made.* (i) Inventories of all Government property at each institution will be made at least once each year by the official of the institution authorized to account for the property in accordance with AR 35–6520. This annual inventory will be made during the period between the close of the spring term of one academic year and the opening of the fall term of the following academic year. An Army officer on active duty designated by the army commander will assist at the inventory, and will verify entry of inventory balances.

(ii) In the case of arms and other items bearing numbers, the serial number of each weapon or similar item will be checked. The contents of packages containing such items will, upon receipt thereof, be examined and verified as to quantity and serial numbers. Arms and ammunition not to be put to immediate use will be placed in original containers which will be closed, resealed, and marked to show date of such examinations and verification. The same procedure will be followed when accountability for property is transferred, and at each subsequent annual inventory. During the interim between inventories, the seals will be inspected at frequent intervals.

(iii) The result of such inventory and also the balances appearing on the stock record account will be entered, segregated according to technical services, on the form prescribed in subparagraph (2) of this paragraph (in duplicate). The original will be certified as correct and forwarded to the army commander and the duplicate copy retained by the institution authorities.

(2) *Form.* The report of inventory and stock record balances will be prepared by the military property custodian on WD AGO Form 444 (Inventory Adjustment Report), and will be supported by a list of the serial numbers of all firearms, which will be attached to each copy of the inventory.

(d) *Overages to be taken up on the stock record account.* Any overages disclosed by the inventory will be taken up on the stock record account of the institution as "Found at School." Report of survey will be initiated to cover all shortages disclosed by the inventory unless the authorities of the institution acknowledge liability for the loss and make payment therefor as contemplated in paragraph (b) (3) of this section.

[1] Administrative regulations of the Department of the Army relative to lost, destroyed, damaged, or unserviceable property.

§ 542.12 *Bonds.* (a) A bond, for the care and safekeeping of all Government property issued, and for its return when required, will be furnished to and filed by the army commander on WD AGO Form 10-50 (Bond for Safekeeping Arms, Tentage, and Equipment Issued to Educational Institution) or WD AGO Form 10-51 (Bond for Safekeeping of Public Animals, Arms, Ammunition, Supplies, Uniforms, Equipment, etc., Issued to Educational Institutions) after approval thereof by the army judge advocate as to legal sufficiency form, and correctness of execution.

(b) Government property in an amount in excess of that covered by the bond will not be issued. Educational institutions will execute bonds covering the full invoice value of property issued or to be issued and required to be accounted for, plus an additional 15 percent in order that any reasonable expansion may be met by the supply departments without entailing the necessity for the execution of a new bond (see (§ 542.3 (c)). Blank forms for bonds and instructions for their preparation will be obtained from army commanders.

(c) Institutions which belong to one of the three following classes may be their own surety:

(1) Institutions operating under State charter.

(2) Institutions directly under control of municipalities.

(3) Institutions which are corporations.

(d) The high schools of the District of Columbia are not required to furnish bond, as contemplated in paragraphs (a) and (b) of this section. (See act March 3, 1925 (43 Stat. 1232))

(e) Bonds furnished in accordance with the above instructions will be terminated when there is no need for their continuance, and will be kept on file at army headquarters. Notice of such termination will be sent to institutions concerned.

§ 542.13 *Arms, equipment, and spare part allowances.* The issue of property under the authority of the act of Congress cited in § 542.1, is limited to that specified in paragraphs (a) and (b) of this section, unless additional equipment is authorized by the Department of the Army.

(a) *Arms and equipment.* The following arms and equipment are designated for issue to educational institutions under the provisions of the act of Congress cited in § 542.1, the model depending upon available supply:

(1) *For each student undergoing military training.*

1 rifle (complete), to include 1 oiler and thong case and 1 brush and thong.
1 gun sling.

(2) *For every 25 students participating in gallery practice.*

1 gallery practice rifle, caliber .22, and necessary appendanges.

(3) *Miscellaneous.*

For each 2 rifles, 1 screw driver.
For each 8 rifles, 1 cleaning rod.
For each 10 rifles, or major fraction thereof, 1 chest, arms.

(b) *Spare parts and cleaning materials.* First and second echelon.

§ 542.14 *Maintenance and equipment*—(a) *Organizational maintenance by the institution.* The authorities of the institutions will be responsible for organizational (1st and 2d echelon) maintenance and must provide manual labor connected therewith. To accomplish this mission, the Government will issue to institutions on properly approved requisitions, from the institution, such spare parts, tools, cleaning materials, and technical publications as are necessary. If spare parts, implements, appendages, etc., are to replace similar articles which have become unserviceable through fair wear and tear incident to proper and authorized use, the packing and handling charges, transportation charges, and the cost of the articles, if any, will be borne by ROTC funds allocated to the head of the appropriate technical service. In the event equipment requires repair beyond the capabilities of the institution, the institution authorities will immediately notify the army commander. Subsequent evacuation action will be taken by the institution in accordance with instructions issued by the army commander.

(b) *Field and base maintenance.* Army commanders will be responsible for field maintenance. Heads of technical services will be responsible for base maintenance. The costs of labor, transportation, packing, and handling will be paid from Reserve Officers' Training Corps funds allocated to army commanders and to the heads of technical services.

§ 542.15 *Care and safekeeping of arms, equipment, etc.* The authorities of institutions are responsible for the care and safekeeping of arms, ammunition, and equipment which have been issued to them, and for seeing that proper precautions are taken to prevent arms, ammunition, and equipment from being improperly used and from falling into the hands of irresponsible persons.

§ 542.16 *U. S. Military Academy, West Point, New York.* (See Part 575, Subchapter F of this chapter.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-946; Filed Feb. 8, 1949; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.0, paragraph (b) is amended to read as follows:

§ 3.0 *World Wars I and II.* * * *

(b) World War II shall comprise the period from December 7, 1941, to December 31, 1946, both dates inclusive (section 9 (a), Public Law 144, 78th Congress). Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), is applicable in determination of entitlement to disability compensation and allows wartime rates and criteria (1) in cases where there was service during the period December 7, 1941, to December 31, 1946, and (2) where service began during such period and continued thereafter, and disability occurred or resulted from injuries or diseases or aggravation of preexisting injuries or diseases in active service as to (i) during the period specified therein and as to (ii) during the period beginning December 7, 1941, and ending at midnight on July 25, 1947. However, by virtue of Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), as amended by Public Law 359, 77th Congress, as amended, disabilities incurred or aggravated in an enlistment or employment entered into on and after January 1, 1947, and suffered prior to the official termination of the war, July 25, 1947, are compensable at Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), rates. The criteria governing service connection or other conditions of entitlement in cases of this latter category will be those provided in Veterans Regulation 1 (a), Part II, as amended (38 U. S. C. ch. 12).

2. In § 3.1, paragraphs (c), (k) and paragraph (m) (2) are amended, and new paragraphs (z) and (aa) are added:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(c) *Philippine Scouts and others.* Philippine Scouts, the Insular Force of the Navy, Samoan Native Guard, and Samoan Native Band of the Navy are within the terms of the acts, except that neither the Philippine Scouts nor the Insular Force of the Navy were, or are included in Article II of the War Risk Insurance Act. However, Philippine Scouts enlisted under section 14 of Public Law 190, 79th Congress, approved October 6, 1945, are subject to the limitations contained in Public Law 391, 79th Congress. Benefits are accordingly limited to compensation payable for service-connected disability or death. Members of the organized military forces of the Government of the Commonwealth of the Philippines are included for purposes of the laws administered by the Veterans' Administration providing for the payment of compensation on account of service-connected disability or death from and after the dates and hours, respectively, that they were called into service of the armed forces of the United States by orders issued from time to time by the General Officer, United States Army, designated by the Secretary of War. (Section 2, (a) (12), Public No. 127, 73d Congress and Public Law 301, 79th Congress) Persons who served as guerrillas under a commissioned officer of the United States Army, Navy, or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States Forces are also included. However, unless the record shows examination at time of entrance into the armed forces of the United States, such persons are not entitled to the presumption of soundness. This will also apply upon re-entering the

armed forces after a period of inactive service. Service of such Commonwealth forces in the United States armed forces was terminated as of June 30, 1946, by the military order of the President dated July 1, 1946. (Therefore, such Philippine Army service rendered on or after July 1, 1946, is not service in the United States armed forces within the purview of the laws administered by the Veterans' Administration.) Compensation payable to members of the organized military forces of the Government of the Commonwealth of the Philippines, under the conditions set forth above, and to Philippine Scouts who enlisted under section 14, Public Law 190, 79th Congress, shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation.

* * * * *

(k) *Members of training camps authorized by law.* Except as to persons who served as members of students army training corps camps held at the Presidio of San Francisco, Plattsburg, New York, and Fort Sheridan, Illinois, from July 18, 1918, to September 16, 1918, members of training camps authorized by section 54 of the National Defense Act, are included. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps, ordered to active duty, including duty for training, are entitled to compensation under Public No. 159, 75th Congress. Members of the Coast Guard Reserve, other than temporary members thereof, are also entitled thereunder by virtue of the provisions of section 211, Public Law 8, 77th Congress. Reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of 30 days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public Law 262, 77th Congress.

* * * * *

(m) *Under Public Law No. 2, 73d Congress and Public Law 300, 78th Congress.*
* * *

(2) (i) *Under Public Law 300, 80th Congress.* Any person who on or after August 27, 1940, and prior to January 1, 1947, applied for enlistment or enrollment in the active military or naval forces and who was provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was selected for service and after reporting pursuant to the call of his local board and prior to rejection, who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service, or who after being called into active service as a member of the reserve but prior to reporting at camp for such service, suffered an injury or a disease in line of duty and not the result of his own willful misconduct, is included: *Provided,* That payments of compensation under the terms of this subparagraph shall not be effective prior to May 11, 1944.

(ii) The provisions of Public Law 300, 78th Congress, attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a preinduction examination. The protection covers any injury or disease which was acquired during time spent away from home or en route home in connection with such order and as a result thereof. An injury or disease which was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be compensable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

* * * * *

(z) *Aerial transportation of mail (Public No. 140, 73d Congress).* Compensation at the rates provided by Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), is payable to any officer (including warrant and reserve officers), or any enlisted man, or his dependents where injury or death occurs while serving pursuant to the provisions of Public No. 140, 73d Congress. In the event of injury of any such officer or enlisted man the degree of disability resulting therefrom will be evaluated under the 1945 Rating Schedule and extensions. The officer or enlisted man may elect to receive either the compensation under Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12), or the benefits provided by section 5 of Public No. 140, 73d Congress.

(aa) *Volunteer Reserve, Navy.* Members of the Naval Volunteer Reserve (as distinguished from members of the organized reserve), if otherwise entitled, may be awarded compensation under Veterans Regulation 1 (a), Part II, paragraph 1 (a), as amended (38 U. S. C. ch. 12), for disability or death incurred during active naval service in time of peace. (55 Stat. 12; 14 U. S. C. 311)

3. In § 3.2 paragraphs (b), (c), and (d) are amended, and paragraphs (e), (f), (g) and (h) are canceled.

§ 3.2 *Persons not included in the acts.* * * *

(b) *Members of the National Guard.* Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, or under Public No. 159, 75th Congress, entitled to compensation.

(c) *Organized Military Forces of the Government of the Commonwealth of the Philippines.* See § 3.1 (c).

(d) *Temporary Members of the Coast Guard Reserve.* Temporary members of such reserve are not within the purview of the laws governing the Veterans' Administration.

4. In § 3.5 paragraph (e) is amended to read as follows:

§ 3.5 *Jurisdiction of rating board.*
* * *

(e) If it is decided that an appeal is to be taken by one of the officials designated in § 19.7 of this chapter, the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the rating board or the board of veterans appeals. As provided in Veterans' Administration claims procedure, the formal hearing in the field office will be in lieu of a formal hearing before the board of veterans appeals, except in the unusual case when a special appearance by the veteran or his representative before the board of veterans appeals may be considered necessary. The hearing will not be accepted to serve as a basis for reversal of the majority decision, but such action as may be indicated will be taken where new and material evidence is submitted or where the further development of evidence would appear to be advisable on information submitted by or in behalf of the claimant. A transcribed record of the hearing will be filed. If, upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument, such election will be deemed to be an appeal, and the two appeals will be merged and considered in accordance with the provisions of § 3.328.

5. Section 3.12 is amended to read as follows:

§ 3.12 *Adjudication of applications of employee-claimants.* Applications for disability compensation or pension, presented by veterans in the employ of the Veterans' Administration will be adjudicated in the claims division, veterans claims service, central office. Accordingly, all such applications will be transferred by field offices to central office when an employee-claimant in either the classified or unclassified service or a member-employee has been continuously employed for 90 days provided that no adjudication is necessary during such period. If any adjudication is necessary in the case of an employee-claimant during the 90 day period, such claim will be transferred to central office immediately. (Sec. 5, 43 Stat. 608 secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

6. Sections 3.13 and 3.14 are hereby canceled.

[§ 3.13 *Adjudication of applications of veterans residing in Washington, D. C.* Canceled.]

[§ 3.14 *Public No. 140, 73d Congress (aerial transportation of mail).* Canceled.]

7. A new § 3.29, is added to Part 3.

§ 3.29 *Computation of time limit for filing claims or evidence or within which an act is required to be done.* In computing the time limit specified by the applicable laws for the filing of claims or evidence requested by the Veterans' Ad-

ministration in support of claims, the anniversary date will be included in the computation. In other words the first day of the period will be excluded and the last included. This rule will be applicable in cases in which the time limit expires on a workday. Where, under this rule of computation, the time limit would expire on a non-workday, the workday next succeeding a Saturday, Sunday, or other holiday will be included in the computation. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

8. In § 3.31 paragraph (d) is hereby amended.

§ 3.31 *Physicians' statements and lay affidavits.* * * *

(d) Where the veteran was engaged in combat with the enemy in active service with a military or naval organization of the United States during a war, campaign, or expedition, satisfactory lay or other evidence of service incurrence or aggravation of a disease or injury will be accepted as sufficient proof establishing that fact if consistent with the circumstances, conditions, or hardships of such service, notwithstanding there is no official record of such incurrence or aggravation: *Provided,* That service-connection is not rebutted by clear and convincing evidence. The benefit of every reasonable doubt will be resolved in favor of such veterans and the reasons for granting or denying service connection in each such case shall be recorded in full. (Public Law 361, 77th Congress) See § 3.77 (b). The proximity of the manifestation of a disability to the date of discharge from service and the evidentiary showing of the circumstances of imprisonment or continuity of significant symptomatology will be given careful consideration.

9. Sections 3.42 and 3.44 are amended to read as follows:

§ 3.42 *Definition of child for purposes of Public No. 2, 73d Congress, Public No. 141, 73d Congress, Public No. 484, 73d Congress, Public No. 269, 74th Congress.* On or after July 13, 1943, for the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, the term "child" means a person unmarried and under the age of 18 years, unless prior to reaching the age of 18 years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child; a child legally adopted; a stepchild if a member of the man's household; an illegitimate child, but as to the father, only if the requirements of § 3.45 are met. As to the mother of an illegitimate child proof of birth is all that is required: *Provided,* That the payment of pension or compensation shall be continued after the eighteenth birthday and until completion of education or training (but not after such child reaches the age of 21 years) to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (Section 1, Public Law 144, 78th Congress) (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 3, 48 Stat. 1281, 49 Stat. 614, sec. 1, 57 Stat. 554; 38 U. S. C. 11, 11a, 368, 426, 707)

§ 3.44 *Veteran's child adopted by another person.* A child of a veteran adopted out of the family of the veteran is, nevertheless, a "child" within the meaning of that term as defined in paragraph VI, Veterans Regulation 10 (a) (38 U. S. C. ch. 12); except that no apportionment will be authorized other than in the additional amount specifically provided by Public Law 877, 80th Congress, to be paid on account of the child. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707, Public Law 877, 80th Congress)

10. The cross reference following § 3.51 is amended to read as follows:

CROSS REFERENCE: For procedure, see Veterans Administration claims procedure.

11. Paragraph (g) of § 3.55 is amended to read as follows:

§ 3.55 *Proof of death.* * * *

(g) In cases wherein proof of death, as defined in paragraphs (a) to (f), of this section cannot be furnished, the director of claims service in branch office cases or the director, dependents and beneficiaries claims service, in central office cases, may make a finding of fact of death where death is otherwise shown by competent evidence. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

12. Paragraph (b) of § 3.59 is amended to read as follows:

§ 3.59 *Active service under Public No. 2, 73d Congress.* * * *

(b) Service for 90 days or more, required by Part I, paragraph I (c), and service for 6 months or more, required by Part II, paragraph I (b) of Veterans Regulation 1 (a) (38 U. S. C. ch. 12), will mean continuous, active service, as defined in paragraph (a) of this section during one or more enlistment periods. For the purpose of Part I of Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), such active service must have been during an enlistment or enlistments shown to have begun prior to the termination of a service period specified by Veterans Regulation 1 (a), Part I, as amended (38 U. S. C. ch. 12). The service requirements in claims for pension for disabilities not the result of service are defined in Part III, paragraph I (d), of Veterans Regulation 1 (a), and paragraph 3 of Veterans Regulation 1 (c) (38 U. S. C. ch. 12), as modified by Public No. 344, 74th Congress. A veteran in active service on April 6, 1917, or December 7, 1941, who was discharged therefrom without serving 90 days during World War I or II, respectively, as defined by existing regulations, will be given, if otherwise in order, the benefit of the provisions of Veterans Regulation 1 (a), Part I, paragraph I (c) (38 U. S. C. ch. 12), if he had 90 days continuous service.

13. Paragraph (b) of § 3.61 is amended to read as follows:

§ 3.61 *Validity of enlistment a prerequisite to enlistment.* * * *

(b) *Misrepresentation of age.* Public No. 467, 74th Congress (March 3, 1936), provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows, and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge. These provisions of Public No. 467, 74th Congress, are extended by Public No. 412, 76th Congress, February 9, 1940), to discharged sailors of the United States Navy and discharged marines of the United States Marine Corps, their widows and dependent children. Public No. 108, 75th Congress, provides that a person who enlisted in the Army between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge. The determination whether the veteran should be considered to have been honorably discharged under the several provisions of this section will be made by the appropriate service department and such determination will be binding on the Veterans' Administration. The fact that the service department has stated that an enlistment is void ab initio, and canceled same because of misrepresentation of age, does not deprive a veteran or his dependents of benefits to which he or they are otherwise entitled under Public No. 2, 73d Congress, as amended.

14. New §§ 3.62 and 3.78 are added to Part 3 to read as follows:

§ 3.62 *World War II; eligibility of persons discharged to accept a commission or to change status.* The discharge of a service person to accept appointment as a commissioned or warrant officer, or, from a reserve commission to accept a commission in the Regular Establishment, or to re-enlist, prior to the time he was eligible for discharge from war service, either under the point or length of service system, or under any other criteria in effect, is a qualified and conditional discharge, and does not constitute a termination of the person's war service for compensation and pension purposes. The entire service in such case constitutes one period of service and the conditions of final termination of active

service will govern and determine basic eligibility to compensation or pension. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

§ 3.78 *Service connection on a factual basis under Public No. 2, 73d Congress, and Public No. 141, 73d Congress.* Sections 3.80 through 3.102 are not to be interpreted to the exclusion of the permanent policy of the Veterans' Administration that service connection may be granted for any disease properly diagnosed after discharge from war or peacetime service when all the evidence, including lay evidence and all evidence pertinent to the circumstances of service, establishes under the usual rules including resolution of reasonable doubt in the claimant's favor that the disease was incurred in service. The one year presumptive period is not intended to limit service connection in cases involving initial diagnosis at a later date when warranted by the evidence. Section 3.63 (a) provides the general basis of service connection. The presumptive provisions of the law and regulations are intended as liberalizations applicable when the evidence would not warrant service connection without their aid, and should in no instance be applied restrictively when direct service connection is warranted. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

15. In § 3.80 paragraphs (a) and (b) are amended as follows:

§ 3.80 *Service connection for chronic or tropical diseases.* (a) Under Veterans Regulation No. 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), a chronic or tropical disease becoming manifest to a degree of 10 percent or more within one year from the date of separation from active wartime service or within one year after the date prior to which a disability must have been incurred as provided in Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), whichever is the earlier, will be considered as having been incurred in service when the conditions specified in Veterans Regulation No. 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), are met. Service incurrence will be established under subparagraph (a), of paragraph I, Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12) for any of the tropical diseases listed in § 3.86 (b) when shown to exist at a time when standard and accepted treatises indicate that the incubation period of the diseases commenced during active service. Under Veterans Regulation No. 1 (a), Part II, paragraph I (d) (38 U. S. C. ch. 12), a tropical disease becoming manifest to a degree of 10 percent or more within one year from date of separation from service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service, will be considered as having been incurred in service when the conditions specified in Veterans Regulation No. 1 (a), Part II, paragraph I (d) (38 U. S. C. ch. 12) are met. The factual basis may be established by medical evidence, competent lay evidence, or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the one year period; and lay evidence should not merely contain conclusions based upon opinion, but describe the material and relevant facts as to the veteran's disability observed during such period. Where there is affirmative evidence to show that a chronic disorder is due to an intercurrent disease or injury suffered between the date of separation from active service and the onset of the chronic disorder, service connection under this paragraph will not be accorded. When service connection is established subsequent manifestations of the same chronic disease, unless clearly attributable to intercurrent causes, at no matter how remote a date, are service-connected. This rule does not mean that any manifestation of joint pain, any abnormality of heart action or heart sounds, any urinary findings of casts, or any cough, in service, will permit service connection of arthritis, disease of the heart, nephritis, or pulmonary disease, first shown as a clear-cut clinical entity at some later date. For the showing of chronic disease in service there is required a combination of manifestations sufficient to identify the disease entity and sufficient observation to establish chronicity at the time, not merely isolated findings or diagnosis including the word "chronic". When the etiological identity is perfect, as leprosy, tuberculosis, syphilis, etc., there is no requirement of evidentiary showing of continuity. Continuity of symptomatology is required only where the condition noted during service is not in fact shown to be chronic or where the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity during service is not, in the opinion of the adjudicating agency, adequately supported, then there may be reason to require some showing of continuity after discharge to support the claim. Hospital confirmation of such diagnoses made after discharge from service is not routinely required; however, the veteran may well be held at the regional office, hospital or center for recheck on the following day, particularly for recheck of blood pressure, urinalysis, and further laboratory procedures, if in order. When hospitalization is required it should not be longer than absolutely necessary for confirmation of the diagnosis.

(b) Evidence which may be considered in rebuttal of service incurrence of a chronic or tropical disease will be any evidence of a nature usually accepted as competent to indicate the time of existence or inception of disease, and medical judgment will be exercised in making determinations relative to the effect of intercurrent injury or disease. The expression "affirmative evidence to the contrary," appearing in Veterans Regulation No. 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), or the expression "clear and unmistakable evidence" appearing in Veterans Regulation No. 1 (a), Part II, paragraph I (d) (38 U. S. C. ch. 12), will not be taken to require a conclusive showing, but such showing as would in sound medical reasoning and in the consideration of all evidence of record, support a conclusion that the disease in question was not incurred in service within the meaning of Veterans Regulation No. 1 (a), Parts I or II, as amended (38 U. S. C. ch. 12). As to tropical diseases, incurred in either wartime or peacetime service, the fact that the veteran had no service in the tropics or in a locality having a high incidence of the disease, may be considered as evidence to rebut the presumption. The record must be negative as to inception prior or subsequent to service, and residence during the year following this service must not have been in the tropics or in a region where the particular disease is endemic. It is further necessary in disability claims that the conditions other than malaria be properly diagnosed on Veterans' Administration examination. The known incubation period for such diseases should be used as a factor in the rebuttal of presumptive service connection, that is, to show inception prior or subsequent to active service. (For list of chronic and tropical diseases see § 3.86.)

* * * * *

16. Section 3.86 is amended to read as follows:

§ 3.86 *Chronic and tropical diseases under Public No. 2, 73d Congress, as amended* — (a) *Chronic diseases.* The service connection of chronic diseases under Veterans Regulation No. 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), pursuant to Public No. 2, 73d Congress, is restricted to the following:

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis (effective June 24, 1948).
Calculi of the kidney, bladder, or gall bladder (effective June 24, 1948).
Cardiovascular-renal disease, including hypertension (this term applies to combination involvements of the type of arteriosclerosis, nephritis and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the one-year period will be given the same benefit of service connection as any of the chronic diseases listed).
Cirrhosis of the liver (effective June 24, 1948).
Coccidioidomycosis (effective June 24, 1948).
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis (this term is intended to cover all forms of valvular heart disease).
Endocrinopathies.
Epilepsies.
Hodgkin's disease.
Leprosy.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system (effective June 24, 1948).
Osteitis deformans (Paget's disease).
Osteomalacia (effective June 24, 1948).
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Raynaud's disease (effective June 24, 1948).
Scleroderma (effective June 24, 1948).
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.

Syringomyelia.
Thromboangiitis Obliterans (Buerger's disease) (effective September 26, 1947).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves (effective June 24, 1948, as to tumors of the peripheral nerves).
Ulcers, peptic (gastric or duodenal) effective June 24, 1948) (a proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

(b) *Tropical diseases.* The service connection of tropical diseases under Veterans Regulation No. 1 (a), Part I, paragraph I (c), and Part II, paragraph I (d) (38 U. S. C. ch. 12) is restricted to the following (effective June 24, 1948):

Black water fever.	Malaria.
Cholera.	Onchocerciasis.
Dracontiasis.	Oroya fever.
Dysentery.	Pinta.
Filariasis.	Plague.
Leishmaniasis.	Schistosomiasis.
Leprosy.	Yaws.
Loiasis.	Yellow fever.

Resultant disorders or diseases originating because of therapy, administered in connection with such diseases, or as a preventative thereof.

(c) No conditions other than those listed in paragraph (a) of this section will be considered chronic diseases except upon approval by the Administrator of Veterans' Affairs. For the purposes of determining the existence of a compensable degree of active tuberculosis within one year of discharge, or the date prior to which a disability must have been incurred as provided in Veterans Regulation No. 1 (a) (38 U. S. C. ch. 12), whichever is the earlier, active pulmonary tuberculosis diagnosticated by approved methods during the second year will be held to have pre-existed the diagnosis 6 months in minimal (incipient) cases; 9 months in moderately advanced cases; and 12 months in far advanced cases.

(d) The diseases listed in paragraph (a) of this section will be accepted as chronic even though diagnosed as acute, because of insidious inception and chronic development except (1) where an intercurrent injury resulting, for example, in cerebral hemorrhage, or an intercurrent infection (with or without identification of the pathogenic microorganism), as in active nephritis or acute endocarditis, is found as the cause; or (2) where a disease is the result of drug ingestion or a complication of some other condition not related to military or naval service. Thus, leukemia will be accepted as a chronic disease whether diagnosed as acute or chronic. Unless the clinical picture is clear otherwise, consideration will always be given as to whether an acute condition is an exacerbation of a chronic disease. This is not to exclusion of consideration under § 3.78 which is equally applicable to tropical diseases.

(e) Except as regards pulmonary tuberculosis as provided in paragraph (c) of this section, there must be affirmative showing of characteristic manifestations of the disease to 10 per centum or more within the regulatory period and no presumptions may be invoked as to pre-existence of disease upon the basis of advance of the disease when first definitely diagnosed. This will not be interpreted as requiring that the disease be diagnosed within the regulatory period but only that there be shown within such period by acceptable medical or lay evidence characteristic manifestations of the disease to 10 per centum or more followed without unreasonable time lapse by definite diagnosis.

(f) When service connection is granted under Veterans Regulation 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), the effective date of evaluation of disability will be in accordance with § 3.148 (a) and when claim is filed more than one year after date of separation from active wartime service or after one year prior to which a disability must have been incurred, as provided in Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the one year period. *Provided,* That as to bronchiectasis, calculi of the kidney, bladder, or gall bladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, malignant tumor of the peripheral nerves, peptic ulcers (gastric or duodenal) and the tropical diseases, resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof listed in paragraph (b) of this section, service connected under Veterans Regulation 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), the evaluation will not be prior to June 24, 1948.

(g) When service connection is granted under Veterans Regulation 1 (a), Part II, paragraph I (d), as amended (38 U. S. C. ch. 12), for the tropical diseases, resultant disorders or diseases originating because of therapy administered in connection with such diseases, or as a preventative thereof, listed in paragraph (b) of this section, the effective date of evaluation of the disability will be in accordance with § 3.148 (a) but not prior to June 24, 1948, and when claim is filed more than one year after date of separation from service, notation will be made of the items of evidence showing the existence of the disease within the one year period.

(h) The effective date of an award based upon the foregoing provisions will be in accordance with § 3.212: *Provided,* That no award for bronchiectasis, calculi of the kidney, bladder or gall bladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, malignant tumors of the peripheral nerves, peptic ulcers (gastric or duodenal), service connected under Veterans Regulation 1 (a), Part I, paragraph I (c), as amended (38 U. S. C. ch. 12), or the tropical diseases and resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof listed in paragraph (b) of this section, service connected under Veterans Regulation 1 (a), Part I, paragraph I (c) or Part II, paragraph I (d), as amended (38 U. S. C. ch. 12), shall be effective prior to June 24, 1948. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 1, 48 Stat. 8, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 701, 707)

17. In § 3.95, paragraph (a) (3) (i) and (ii), and paragraph (c) are amended and paragraph (d) is canceled:

§ 3.95 *Service connection for gastric or duodenal ulcer (peptic ulcer) under Public No. 2, 73d Congress.* * * *

(a) * * *

(3) (i) The ulcer was properly diagnosticated within 6 months from the date of termination of active wartime service; or where service began prior to January 1, 1947 and extended thereafter, within 6 months from July 25, 1947, whichever is the earlier; or

(ii) The ulcer was properly diagnosticated more than 6 months but within one year from the date of termination of active wartime service or where service began prior to January 1, 1947, and extended thereafter, more than 6 months but within one year from July 25, 1947, whichever is the earlier, with satisfactory evidence of continuity of characteristic symptoms during the first 6 months after termination of active wartime service or where service began prior to January 1, 1947, and extended thereafter, within 6 months from July 25, 1947, whichever is the earlier.

* * * * *

(c) Service connection pursuant to paragraphs (a) (3) (i) or (a) (3) (ii) of this section is under Veterans Regulation 1 (a), Part I, paragraph I (a) (38 U. S. C. ch. 12). This code will therefore be employed followed by the notation "§ 3.95 (a) (3) (i)" or "§ 3.95 (a) (3) (ii)," whichever is applicable. Evaluation will be made effective in accordance with § 3.148 (a) but not prior to February 8, 1947. When, however, claim is filed more than one year subsequent to discharge or July 25, 1947, whichever is earlier, the items of evidence relied upon to establish service connection will be cited. (For criteria applicable on and after June 24, 1948, see §§ 3.80 and 3.86.)

(1) The effective date of an award based solely upon the foregoing provisions will be in accordance with the provisions of § 21.212 of this chapter: *Provided,* That no award shall be effective prior to February 8, 1947.

* * * * *

18. In § 3.102, paragraph (b) (2) is amended, paragraph (b) (3) is canceled, paragraph (c) is amended, and paragraphs (d), (e), and (f) are added as follows:

§ 3.102 *Wartime service connection.* * * *

(b) * * *

(2) Such chronic disease is shown by satisfactory evidence to have been present to a 10 percent disabling degree within one year from date of termination of active wartime service, or where service began prior to January 1, 1947, and extended thereafter, within one year from July 25, 1947, whichever is the earlier, and is subsequently shown by proper diagnosis, in cases of veterans

who had such service in the tropics or in a locality having a high incidence of the disease under consideration, and the record is without evidence of inception prior to service or subsequent to discharge or July 25, 1947, whichever is the earlier: *Provided*, That residence during the year following discharge or July 25, 1947, whichever is earlier, was not in the tropics or in a region where the particular disease is endemic. In malaria cases if it is shown by satisfactory evidence from Veterans' Administration or private sources that malaria was present within one year from date of discharge or July 25, 1947, whichever is the earlier, following service in a region where the disease was endemic, the malarial condition will be considered a relapse and, consequently, entitled to service connection and the assignment of a compensable rating. In those cases, however, where the facts preclude such assumption and the evidence clearly indicates that the malaria present within the first year after discharge or July 25, 1947, whichever is the earlier, was an initial attack, service connection will not be conceded. Once service connection has been established, lay evidence relative to the occurrences or relapses and use of quinine, etc., is acceptable for the purpose of establishing evaluations to cover a period up to one year; but it is necessary over longer periods that medical confirmation as to the persistence of the disease be obtained. (For criteria applicable on and after June 24, 1948, see §§ 3.80 and 3.86.)

(c) In making a determination under paragraph (b) (2) of this section, allowing service connection for any of these conditions other than malaria, it is necessary that the condition under consideration be shown to have been properly diagnosed on Veterans' Administration examination.

(d) Service connection pursuant to paragraph (b) (2) of this section is under Veterans Regulation 1 (a), Part I, paragraph I (a) (38 U. S. C. ch. 12). Evaluation will be made effective in accordance with § 3.148 (a). When, however, claim is filed more than one year subsequent to discharge, or July 25, 1947, whichever is earlier, notation will be made of the items of evidence showing the presence of the disease to a 10 per centum degree within the one year period.

(e) Awards will be made effective in accordance with § 3.212.

(f) Field offices will submit for central office consideration cases involving tropical diseases initially manifest at any time after discharge, when in their judgment a finding of service connection would be proper but is not warranted under this section. These cases will be submitted direct to central office and the branch office notified.

19. Sections 3.104 and 3.105 are amended as follows:

§ 3.104 *Required period of service.* Compensation may be awarded for dental condition under Veterans Regulation No. 1 (a), Part I (38 U. S. C. ch. 12), and Title III, Public No. 141, 73d Congress, where active service was performed on or after April 6, 1917, and prior to November 12, 1918, or prior to April 2, 1920 for persons who served with the United States military forces in Russia, or on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, or (under Veterans Regulation No. 1 (a) only (38 U. S. C. ch. 12) where active service was performed in the Spanish American War, Boxer Rebellion, Philippine Insurrection or World War II as defined by §§ 3.0 (a) (b) and 4.0 (a), 4.1 (a), and 4.17 (a) of this chapter. For the purposes of Veterans Regulation No. 1 (a) (38 U. S. C. ch. 12) the veteran must have been discharged under conditions other than dishonorable, and under Public No. 141, 73d Congress, not dishonorably discharged, and the disability must have been incurred in or aggravated by active service during the defined periods, and not due to wilful misconduct. However, where incurrence of the disability is shown prior to the beginning date of the war concerned or where the enlistment commenced subsequent to the termination thereof, service connection may be established only in accordance with Veterans Regulation No. 1 (a), Part II (38 U. S. C. ch. 12). (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9, 524, sec. 5, 50 Stat. 661; 38 U. S. C. 11, 11a, 424a, 426, 473, 701, 707)

§ 3.105 *Determination of service connection.* Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of Part I, paragraph I (a), and Part II, paragraph I (a), respectively, of the Veterans Regulation No. 1 series, as amended (38 U. S. C. ch. 12), and section 28, Title III, Public No. 141, 73d Congress. When a period of 6 months or over of continuous active service during a wartime enlistment which began prior to November 12, 1918, or prior to April 2, 1920, for persons who served with the United States military forces in Russia, or which began on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, or before January 1, 1947, is shown, service connection may be considered as having been established under the World War Veterans' Act, 1924, as amended, re-enacted by Public No. 141, 73d Congress, or Veterans Regulation No. 1 (a), Part I, paragraph I (a), as amended (38 U. S. C. ch. 12), for World War II service, for any dental disability except such as were recorded at time of enlistment subject to the provisions of § 3.107 (a), existed prior thereto, or otherwise rebutted, shown to have existed within a year from date of discharge from those periods of service. If the claimant was or is discharged after July 2, 1921, or after July 25, 1947, the one year period for the establishment of such service connection will begin on July 2, 1921, or July 25, 1947. Service connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment subject to the provisions of § 3.107 (a) or originated subsequent to discharge from causes not related to service. (Sec. 5, 43 Stat. 608, secs. 1, 7, 28, 48 Stat. 8, 9, 524, sec. 9, 57 Stat. 556; 38 U. S. C. 11, 11a, 426, 701, 707, 722, ch. 12 note)

20. In § 3.121 paragraph (b) is amended as follows:

§ 3.121 *Compensation for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Title III, Public No. 141, 73d Congress, the result of examinations under section 12, Public No. 866, 76th Congress, or the result of training under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* * * *

(b) The benefits granted under section 31, Title III, Public No. 141, 73d Congress, will not be awarded, unless application is made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after the passage of Public No. 141, 73d Congress, whichever is the later date.

* * * * *

21. In § 3.123, the introductory paragraph and paragraph (a) are amended as follows:

§ 3.123 *Initial determinations and adjudicative action under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under paragraph 4, Part VII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12).* Disability compensation will be payable only when it is determined (1) that there is additional disability, and (2) that such additional disability resulted from disease or injury or an aggravation of an existing disease or injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination under authority of any of the laws granting monetary or other benefits to World War veterans. The following principles will be observed:

(a) The determination that additional disability exists will be based upon a comparison of the beneficiary's physical condition immediately prior to the disease or injury on which the claim for compensation is based, with the subsequent physical condition resulting from the disease or injury. Where it is determined that there is additional disability resulting from a disease or injury or an aggravation of an existing disease or injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination, compensation will be payable only for the additional disability in accordance with the terms of the 1945 Schedule of Disability Ratings, the terms of the General Law (Act of July 14, 1862) where service was prior to April 21, 1898, and the terms of the various service pension acts. This comparison will be made separately for each body part involved. As applied to medical or surgical treatment, the physical condition prior to the disease or injury will be the condition which the specific medical or surgical treatment was designed to relieve; as applied to examinations, the physical condition prior to the disease or injury will be the condition at time of beginning the physical examination as a result of which the disease or injury was sustained.

* * * *

22. Section 3.137 is amended as follows:

§ 3.137 *Rating of reactivation in cases of arrested tuberculosis.* In rating tuberculous disabilities to which the statutory award is not applicable, as when the diagnosis for the period of the disability upon which the rating is based is expressed in terms reflecting activity, the rating of the disability for such period shall be made in accordance with the 1945 Schedule of Disability Ratings, and extensions. If a period of complete arrest is interrupted by activity, the payment for arrested tuberculosis will cover only the period of arrest and will be terminated as of the date of determined reactivation, from which a rating will be made consistent with the physical findings pending reattainment of complete arrest. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

23. In § 3.141, paragraph (b) is amended as follows:

§ 3.141 *Use of 1925 and 1945 Rating Schedules.* * * *

(b) Ratings under the Schedule of Disability Ratings, 1925, in effect April 1, 1946, will be continued in the absence of change in the physical or mental condition of the veteran: *Provided,* That if there is increase in the severity of the condition, the rating in effect on April 1, 1946, under the 1925 schedule will not be reduced and that statutory awards and ratings under the World War Veterans Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, will be granted or continued. The change in physical or mental condition referred to above contemplates only a permanent or indefinite change as distinguished from a mere temporary change and does not include exacerbation of service-connected organic disease or injury covered by paragraph one, extension 2, of the Schedule for Rating Disabilities, 1945 edition. Accordingly, where the veteran's service-connected disability is the same when hospitalization is completed as it was when last rated under the Schedule of Disability Ratings, 1925, the rating and award in effect on March 31, 1946 is protected under section 2, Public No. 458, 79th Congress. Where, upon completion of hospitalization, due to an exacerbation of the veteran's service-connected disability, said disability is permanently greater but the evaluation provided by the 1945 schedule is less than the prior evaluation under the 1925 schedule, the former rating is likewise protected. (Sec. 2, 60 Stat. 320; 38 U. S. C. 737)

* * * * *

24. In § 3.148, paragraphs (a) and (d) are amended as follows:

§ 3.148 *Effective dates of evaluations, 1945 schedule, in original ratings.* (a) The Schedule for Rating Disabilities, 1945 edition, is the only schedule applicable for the evaluation of disability on or after April 1, 1946, except when a statutory award or rating under the World War Veterans' Act, 1924, as amended, as restored by Public No. 141, 73d Congress, as amended, is in order, in which event the statutory award or rating will be continued or made in the manner provided for initial ratings. In initial ratings the effective dates of evaluations under the 1945 Schedule will be:

(1) The dates following the date of discharge from active service or the date evidence shows entitlement, whichever is later, if the claim is filed within one year from date of discharge, for periods both prior and subsequent to April 1, 1946: *Provided,* That in claims under Part III, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), evaluation will not be made prior to date of receipt of claim.

(2) The date of receipt of claim or the date evidence shows entitlement, whichever is later, if the claim was not filed within one year from date of discharge. Initial rating is defined as the first rating made in a case in which determination as to entitlement to disability compensation or pension for any disability under Public No. 2, 73d Congress, and the regulations issued pursuant thereto, as amended, has not heretofore been made. This definition includes those service-connected cases initially rated on or after April 1, 1946, either compensable or non-compensable, in which the 1945 Schedule was not applied.

* * * * *

(d) When service-connection, World War II, is granted under Veterans Regulation 1 (a), Part I, paragraph I (c) (38 U. S. C. ch. 12), the effective date of evaluation of disability will be determined as above outlined. When claim is filed more than a year from date of discharge, or (where service began prior to January 1, 1947 and extended thereafter), July 25, 1947, whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the one year period or showing minimal, moderately advanced, or far advanced, active pulmonary tuberculosis within the 18 months, 21 months or 24 months periods, respectively.

25. In § 3.155, paragraph (e) is amended as follows:

§ 3.155 *Combined ratings.* * * *

(e) The statutory allowance provided by section 202 (3), World War Veterans' Act, 1924, as amended, and re-enacted by Public No. 141, 73d Congress, even though predicated upon a "no percent" rating under the 1925 Schedule of Disability Ratings, may be added to the compensation payable for disability incurred in a peacetime enlistment or in World War II and paid as one award.

* * * * *

26. Section 3.168 is amended as follows:

§ 3.168 *Ratings of total disability on history.* In the case of disabilities which have undergone some recent improvement, a rating of total disability may be made under Public No. 2, 73d Congress, without regard to the rating schedule: *Provided,* (a) That the disability must in the past have been of sufficient severity to warrant a total disability rating, (b) that it must have required extended, continuous or intermittent hospitalization, or have produced total industrial incapacity for at least one year, or be subject to recurring, severe, frequent or prolonged exacerbations, and (c) that it must be the opinion of the rating agency that despite the recent improvement of the physical condition, the veteran will be unable to effect an adjustment into a substantially gainful occupation. Due consideration will be given to the frequency and duration of totally incapacitating exacerbations since incurrence of the original disease or injury, and to periods of hospitalization for treatment, in determining whether the average person could have re-established himself in a substantially gainful occupation. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707; interpret secs. 8, 9, 43 Stat. 1306, 1307, sec. 3, 48 Stat. 9; 38 U. S. C. 473–491, 703)

27. In § 3.185, paragraphs (c) (3) and (c) (4) are amended as follows:

§ 3.185 *Re-examinations for disability rating purposes.* * * *

(c) * * *

(3) *Examinations in prisoner of war cases.* Rating action which will result in denying monetary benefits will not be accomplished in prisoner of war cases until complete examination by the Veterans' Administration has been obtained. In any case early examinations should be given special attention. Complete examination will be ordered "at once" following rating action resulting in the allowance of monetary benefits (except in cases where such action is accomplished on the basis of service department clinical records as well as report of examination at discharge or on Veterans' Administration examination); whenever the records are considered inadequate for rating purposes; whenever the veteran complains regarding his initial rating, or whenever he complains regarding adequacy of an initial examination. Such "at once" examinations will be given priority over all others, except emergency cases. (See Veterans' Administration medical procedures.) Examinations, and if necessary the first re-examination will also be ordered without the requirement of medical evidence in cases where the veteran expresses dissatisfaction with his rating. Neuropsychiatric examination will be accomplished in each case in special reference to manifestations of metabolic origin, neurasthenoid character, or other syndrome consequent to malnutrition, avitaminosis, exposure, or other circumstances under which the veteran was held as a P. O. W. The examiners should feel a special obligation to ascertain and report any causes of reduced efficiency whether or not expressible in formal diagnostic nomenclature. A common complaint is that although weight has been regained, weakness and fatigability continue. This should be reported on as accurately as possible. Retinitis is not uncommon following malnutrition. With history of intestinal disease, or unexplained underweight condition, tests for intestinal parasites should be routine. The existence of any chronic disease which may be associated with the circumstances of imprisonment should be carefully checked and reported on.

(4) *Examinations in psychoneurosis cases.* In these cases the examiner should record the veteran's complaints and subjective symptoms separately from the examiner's objective findings, ob-

servations and analysis of the case. A study of the longitudinal view of the case should be made. The examiner should note any change in behavior pattern attributable to the disease, or their absence, and report on these or their absence. In any case where it has been established that the veteran suffered from a psychoneurosis of combat origin, a change of diagnosis to one reflecting psychopathic personality should not be proposed without full consideration of the veteran's combat experience and effects thereof. Where any veteran with combat experience has manifested symptomatology initially classified as "combat fatigue," "exhaustion," or under any other of a number of special terms, a subsequent reclassification as psychopathic personality should not be made or continued without the same full consideration. By proper direction of his questions, as to time and circumstances of onset, the examiner should ensure that these become a part of the report of examination. In making an examination the examiner should familiarize himself with all earlier diagnosis in the case and assure himself that changes are fully explained and justified. The examiner should endeavor as far as possible to return a correct diagnosis on initial examination by the Veterans' Administration, as well as on subsequent examinations. Particular care is necessary when there are combinations of symptoms in part referable to organic diseases and in part referable to psychoneurotic reactions. Conference of examiners is usually advisable under these circumstances to determine whether one diagnosis may cover all the symptoms or for the allocation of the symptoms to the separate diagnoses.

* * * * *

28. In § 3.212, paragraph (d) is added as follows:

§ 3.212 *Effective dates of awards of disability compensation.* * * *

(d) The effective date of an award of disability compensation or pension (original or amended) to or for a veteran who has (1) been issued an honorable discharge pursuant to the findings of a Department of the Army, Department of the Air Force, Treasury Department, or Department of the Navy Board of Review under section 301, Public 346, 78th Congress, or (2) has had his military or naval record corrected pursuant to section 207, Public 601, 79th Congress, shall be:

(1) The date of separation from active service or the date of the happening of the contingency upon which compensation or pension is allowed, whichever is the later date, if application is filed within 1 year from the date of separation from active service.

(2) Date of application or the date of the happening of the contingency upon which compensation or pension is allowed, whichever is the later date, if claim is filed more than one year from the date of separation from active service. (For purposes of this paragraph the "date of the happening of the contingency" is the date of the action of the board under section 301, Public 346, 78th Congress, or under section 207, Public 601, 79th Congress.)

29. Section 3.213 is amended as follows:

§ 3.213 *Effective dates of awards pursuant to Part III, Veterans Regulation No. 1 (c).* Awards pursuant to Part III, Veterans Regulation No. 1 (a), as amended, will be effective as of the date of the receipt of a claim or the date upon which permanent total disability arose, whichever is the later. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, secs. 1, 7, 48 Stat. 8, 9; 38 U. S. C. 11, 11a, 426, 701, 707)

30. Section 3.217 is hereby canceled.

[§ 3.217 *Right of election of benefits payable.* Canceled.]

31. In § 3.236, paragraphs (c) (4) and (5), are amended as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress.* * * *

(c) * * *

(4) With the requirements for any of the rates provided in paragraphs (l) to (n), and additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding), independently ratable at 50 percent or more, the rate will be intermediate, i. e., halfway, between the rate authorized for the subparagraph whose requirements are met, and the next higher rate authorized in paragraphs (m) to (o).

(5) With the requirements for any of the rates provided in paragraphs (l) to (n), and additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be the next higher rate authorized in paragraphs (m) to (o).

* * * * *

32. In § 3.237, paragraph (c) is amended as follows:

§ 3.237 *Additional allowance for nurse or attendant.* * * *

(c) *Resumption full rate.* In every case where a beneficiary who is receiving an allowance or increased compensation for a nurse or attendant is admitted to a hospital for treatment as a beneficiary of the Veterans' Administration, a report will be forwarded to the rating board, field office, or the central disability board, claims division, veterans claims service, showing the inclusive date of hospital treatment. Where the additional allowance or increased compensation for a nurse or attendant has been properly authorized to patients with amputations, or in those cases wherein the basic condition requiring a nurse or attendant is essentially permanent as defined in Veterans' Administration claims procedures, or in terminal cases, a redetermination by the rating board following dehospitalization is not required for reinstatement of this benefit. Upon receipt of the necessary notice that such veteran is no longer being maintained in an institution by the Veterans' Administration, appropriate awards action for the purpose stated above will be accomplished at once and in such instances it will not be necessary to await receipt of the hospital report prior to resuming the additional allowance or increased compensation. In other cases not involving amputations or conditions essentially permanent the additional allowance or increased compensation for a nurse or attendant may be reawarded only upon a determination by the rating board that the veteran concerned is in further need of such services. The additional allowance or increased compensation for nurse or attendant is not to be reinstated for the purpose of applying the provisions of § 3.9 (e), which are applicable only to the proper running award. Where the veteran is not hospitalized and evidence is received indicating there is no further need for nurse or attendant, the provisions of § 3.9 (e) are for application.

33. In § 3.255, paragraph (c) is amended as follows:

§ 3.255 *Reduction when disabled person is in a Veterans' Administration institution or other institution at the expense of the Veterans' Administration. (Section 1, Public Law 662, 79th Congress.)* * * *

(c) Any veteran subject to the provisions of paragraphs (a) and (b) of this section shall be deemed to be single and without dependents in the absence of satisfactory proof to the contrary; and in no event shall increased compensation, pension or retirement pay be granted for any period more than one year prior to the receipt of satisfactory evidence showing that the veteran has a wife, child or dependent parent. In those instances where the required proof of dependents is not of record, statements, on VA Form 8–404 or otherwise, as to dependency status, will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that in the event it is not submitted within sixty days award will be adjusted on the basis of a veteran without dependents, effective the date of last payment. Should the necessary evidence be received subsequent to the expiration of the 60 day period, a retroactive adjustment may be effected.

34. In § 3.256, paragraph (a) is amended as follows:

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* (a) Where a veteran whose pension, compensation or retirement pay has been reduced or discontinued as provided in § 3.255 (a) and (c) is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home, that maximum benefits have been received, or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation or retirement pay has been reduced; when the reduction or discontinuance has been effected pursuant to

the provisions of § 3.255 (b), payment of the amount equal to the amount by which the pension, compensation, or retirement pay was reduced, will be awarded 6 months following the finding of competency, or in the event treatment or care is terminated by the veteran against medical advice, or as the result of disciplinary action, on or after August 8, 1946, payment of the amount by which the pension, compensation, or retirement pay was reduced will be awarded the veteran at the expiration of 6 months after the termination of treatment or care. Where a veteran in the last category is subsequently readmitted and continues such treatment or care until discharged upon certification by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under § 3.255 (a) subsequent to such readmission.

* * * * *

35. Sections 3.266, 3.292, and 3.293 are amended as follows:

§ 3.266 *Resumption of discontinued award where veteran subsequently reports for physical examination.* If, after suspension of his award, the veteran should subsequently report for physical examination and the evidence clearly establishes to the satisfaction of the rating agency concerned that during the period of his failure to report the disability in fact existed to a compensable degree, an award may be approved effective the date of suspension. However, if the evidence discloses a change in physical condition and that the disability is no longer compensable in degree, no action will be taken to reopen the award during the period of suspension. Where the disability is ratable in a lesser degree, the award under the reduced rating will be effective as of the date of suspension. Where the disability is ratable in a greater degree, the award at the increased rate may be made effective the date of physical examination by the Veterans' Administration, and from the date of suspension, the effective rate payable on the date of suspension will be awarded: *Provided*, That if the evidence is insufficient to evaluate the disability over any part or the whole of the period intervening between the date of suspension and the date the veteran subsequently reports for examination, such intervening period or periods will be covered by the notation "evidence insufficient to evaluate from _____ to _____." (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

§ 3.292 *Award action upon failure to return questionnaire as to income under Part III, Veterans Regulation No. 1 (a) (38 U. S. C. ch. 12).* At the expiration of the appropriate follow-up period if the questionnaire, FL 8–59, is not returned, the award will be discontinued effective the date of last payment and the veteran notified as to the reason for the discontinuance. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

§ 3.293 *Restoration of award upon receipt of questionnaire.* If the questionnaire, FL 8–59, is returned within one year from the date of issuance, the award will be resumed, if otherwise in order, effective the date of discontinuance. If the questionnaire is not returned within one year, the award will be resumed, if otherwise in order, the date of receipt of the questionnaire. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

36. In § 3.296, paragraphs (b) and (c) are amended as follows:

§ 3.296 *Concurrent payment of benefits to same person.* * * *

(b) For the purposes of Veterans Regulation 1 (a), Part II, paragraph I (38 U. S. C. ch. 12), as amended by Public No. 159, 75th Congress (act of June 23, 1937), compensation shall not be paid concurrently with active duty pay or United States employees compensation. Reserve officers or members of the enlisted reserves of the United States Army, Navy, Marine Corps or Coast Guard entitled to disability compensation and United States employees compensation shall elect which benefit to receive. Reserve officers who are entitled to retirement pay under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. Pension under the Veterans' Administration may be paid concurrently, if otherwise in order, with compensation under the United States employees compensation act of September 7, 1916, as amended.

(c) The annual military and naval appropriation acts contain prohibitions, primarily for application by the service departments, against the concurrent payment of funds from such appropriations and disability pension, compensation or retired pay. Service in the National Guard after its return to state control is not considered active military service in the armed forces of the United States and discontinuance of compensation, pension, or retirement pay is not required by the laws administered by the Veterans' Administration. However, service in the organized reserves or the Naval or Marine Corps Reserves may involve periods of active duty in the armed forces of the United States. Public No. 766, 80th Congress, making appropriations for military functions administered by the National Military Establishment for the fiscal year beginning July 1, 1948, authorizes the waiver or relinquishment of compensation, pension or retirement pay during periods of active duty. However, in view of the above statutory prohibitions it is necessary for a Naval or Marine Corps reservist to renounce the benefit he is receiving from the Veterans' Administration before entering upon active duty for training. (Decision of the Assistant Comptroller General, April 1, 1948, B–73 830). Upon completion of training duty a Naval or Marine Corps reservist may reopen his claim with the Veterans' Administration, however, such claim shall have the attributes of an original application (sec. 3, Public No. 144, 78th Congress). (50 Stat. 305, sec. 5, 53 Stat. 557, sec. 3, 57 Stat. 554; 10 U. S. C. 369a, 456, 38 U. S. C. ch. 12 note)

37. Sections 3.297, 3.299, 3.300 and 3.302 are amended as follows:

§ 3.297 *Awards to custodians of incompetent or minor beneficiaries.* Where possible under State statutes, a legal custodian may be recognized in any claim otherwise requiring the appointment of a fiduciary because of the incompetency or minority of the claimant, subject to the limitations as to amounts set forth in § 14.205 of this chapter. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

§ 3.299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the armed forces of the United States, or active service in the United States Coast Guard, benefits will be suspended, effective the day preceding re-entrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran reentered active duty status will be ascertained and a corrected Stop (or Suspended) Payment Notice, VA Form 521, or amended award then executed as of the correct date. In view of the express prohibitions contained in the annual naval appropriation acts it is necessary for a member of the organized Naval or Marine Corps reserves to renounce the benefit he is receiving from the Veterans' Administration before entering upon active duty for training. Upon completion of training duty such Naval or Marine Corps reservist may reopen his claim with the Veterans' Administration but such claim shall have the attributes of an original application. Official information showing the date upon which the veteran actually re-entered and terminated active duty will be secured. When it becomes necessary to discontinue payments of disability compensation, pension, or retirement pay because the veteran has re-entered active military or naval service, the representatives, including duly accredited service organization or attorney of record, will be informed by being furnished copy of the letter to the veteran notifying him of the discontinuance of payments. Payments may be resumed but not to Naval or Marine Corps reservists who enter upon active duty for training the day following release from active duty, provided the person is otherwise entitled. The determination of service connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount, will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. The appropriate form of the 3101 series will be secured and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. However, in instances where veterans of the military or naval forces also served during the present war and are discharged by reasons other than disability,

such as to accept employment in an essential war industry, any examination indicated with reference to the condition for which disability benefits were formerly authorized may be conducted immediately upon presentation of the original discharge certificate. An effort should be made to see that the examination is completed by the time pertinent service data is received, and final adjudication should then be accomplished. A certified copy or abstract of the veteran's discharge certificate will be made and placed in the case file and the original certificate returned to the veteran. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 3.27.) (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 15, 57 Stat. 559; 38 U. S. C. 11, 11a, 426, 707, ch. 12 note)

§ 3.300 *Military and naval retirement pay.* Under existing law, the only prohibitions against receipt of pension, compensation, emergency officers or regular retirement pay by a veteran on account of his own service are: (a) That not more than one award of such benefits shall be made concurrently, and (b) that such benefits shall not be paid while the person is in receipt of active service pay. (See § 3.296.) Therefore, an officer or enlisted man entitled to retirement with pay (retainer pay is in the nature of reduced retirement pay), who is also entitled to compensation or pension, may elect which of the benefits he desires to receive. Such election does not bar him from making a subsequent election of the other benefit to which he is entitled. The provisions of section 212, Public No. 212, 72d Congress, as amended, do not apply to compensation or pension, and do not in any way preclude such election. In initial elections this interpretation may be applied retroactively if the claimant was not advised of his rights of election and the effect thereof, but in no event prior to July 13, 1943. Moreover, any person in receipt of regular retirement pay may by filing with the department by which such retired pay is paid a waiver of a part of such retired pay, equal in amount to the pension or compensation to which he is otherwise entitled, receive such pension or compensation concurrently with the balance of his retired pay. (Public Law 314, 78th Congress.) However, such a retired person, who on the day of his retirement elected under section 212, Public No. 212, 72d Congress, to take the salary of his civilian office rather than the retired pay to which he would have been entitled but for his appointment to the civilian office, may not receive pension or compensation under Public Law 314, 78th Congress. (See Veterans' Administration claims procedures.) (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 15, 57 Stat. 230; 38 U. S. C. 11, 11a, 26c, 426, 707, ch. 12 note)

§ 3.302 *Right of election.* Where a person has a right to benefits under two or more laws, he may elect to take under any law, regardless of whether it is the greater or lesser benefit, and even though his election results in reducing the benefits of his dependents. Any person who elects to receive monetary benefits under any law, places the right under another law in suspense and may at any time, on election, cause the suspension to be lifted by again electing monetary benefits under the other law. However, benefits pursuant to a re-election are payable only from the date of receipt of the claim (formal or informal) constituting the re-election. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

38. In the cross reference immediately following § 3.302, the words "See Veterans' Administration Legal Procedures" should be changed to "See §§ 14.650, 14.651, and 14.655 through 14.659 of this chapter."

39. In § 3.311, paragraphs (c) and (d) are amended as follows:

§ 3.311 *Table of apportionments.* * * *

(c) Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife is unknown, and all reasonable means to locate the wife have been unsuccessful or where she states in writing that she desires no share of the award, or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment on her account except that amount authorized by Public Law 877, 80th Congress, to be paid on her account at such time as her whereabouts may be ascertained. If there are children not in the veteran's custody the award will be apportioned according to the table provided in paragraph (a) of this section on the basis of the disabled person and child or children until such time as the whereabouts of the wife may be ascertained or she expresses a desire to claim her share of the award. In such event the award will be reapportioned on the basis of the disabled person, wife and child or children.

(d) That part of the benefit which is payable to a veteran under Public Law 877, 80th Congress, by virtue of his having a dependent father or mother, or both, will be apportioned and paid directly to the dependent when it appears that the claimant has neglected or refused to contribute to his, her, or their support in substantially the amount which he, she, or they would receive if apportionment were made: *Provided,* That no apportionment will be made where the duly appointed guardian under orders of the court of appointment makes or has made like contribution for the support of the parent or parents (Section 1 (b), Public Law 662, 79th Congress). (Public Law 877, 80th Congress)

40. In § 3.312 paragraphs (a) and (b) (1) are amended as follows:

§ 3.312 *Apportionment not authorized.* * * *

(a) Where the wife of a disabled person has been found guilty of conjugal infidelity by a court of competent jurisdiction, except the additional amounts specifically authorized by Public No. 877, 80th Congress, to be paid on her account.

(b) (1) Where the child of the disabled person has been legally adopted other than by the disabled person, except the additional amount specifically authorized by Public No. 877, 80th Congress, to be paid on account of the child. This provision is not applicable to death benefits. (Public Law 877, 80th Congress)

41. Sections 3.315 and 3.316 are amended as follows:

§ 3.315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.276, 3.310, and 3.311, or the fact that no apportionment is authorized under § 3.312, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, who will determine without regard to the provisions of §§ 3.276, 3.310, 3.311, and 3.312, the disability pension, service pension, disability compensation or emergency officers retirement pay, which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such apportionment be received the case file will be referred to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, VA Form 8, properly prepared, will be approved. Thereafter regular appellate procedure will be for application. (See Veterans' Administration appeals procedures.) (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

§ 3.316 *Effective date of apportionments.* The effective date of an apportionment will be the first day of the month next succeeding that in which the notice of estrangement, that the child or children are not in the custody of the disabled person, or that the disabled person is not contributing to the support of a dependent parent is received in the Veterans' Administration, and the disabled person's award will be immediately adjusted in order to make payable to him or her only the apportioned amount to which he or she would be entitled under §§ 3.310 and 3.311: *Provided,* That in initial awards benefits or apportionments will be granted over the entire period covered by the initial awards in accordance with the facts found. The effective date of an apportionment under § 3.310 (c) and (d) will be the date on which the veteran's award is suspended or the date from which an institutional award in his behalf is made: *Provided,* That in initial awards apportionments as authorized herein will be granted over the entire period covered by the initial awards in accordance with the facts found. (Sec.

5, 43 Stat. 608 secs. 1, 2, 46 Stat. 1016, secs. 4, 7, 48 Stat. 9, sec. 3, 54 Stat. 1195; 38 U. S. C. 11, 11a, 49a note, 704 707)

42. In Part 3, §§ 3.341, 3.342, 3.343, 3.344, 3.345, 3.346, 3.347, 3.352, 3.354, 3.357 and 3.1502 are hereby canceled.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 49-968; Filed, Feb. 8, 1949; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CHINA

In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowwan (Fort Bayard))* 13 F. R. 9130), amend paragraph (c) (2) to read as follows:

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by agreement between the Economic Cooperation Administration and the Chinese authorities must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, clothing, including shoes, and mailable medical and health supplies, not exceeding $50.00 in value.

(ii) The combined total domestic retail value of all butter, and other edible fats and oils included in each parcel must not exceed $5, and that the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each parcel also may not exceed $5.

(iii) When a relief parcel is presented for mailing under these regulations in this part the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and also on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the ECA regulations have been met.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-953; Filed, Feb. 8, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NETHERLANDS

In § 127.309 *Netherlands* (13 F. R. 9189) amend the table of rates contained in subparagraph (1) of paragraph (c) *U. S. A. gift parcels.* (Netherlands), to read as follows:

Pounds:	Rate	Pounds:	Rate
1	$0.06	12	$0.72
2	.12	13	.78
3	.18	14	.84
4	.24	15	.90
5	.30	16	.96
6	.36	17	1.02
7	.42	18	1.08
8	.48	19	1.14
9	.54	20	1.20
10	.60	21	1.26
11	.66	22	1.32

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-952; Filed, Feb. 8, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

RUMANIA

In § 127.341 *Rumania* (13 F. R. 9211) amend paragraph (b) *Parcel post* (Rumania), subparagraph (5) *Observations* by adding the following:

(vii) *Prepayment of customs duty on gift parcels.* Gift parcels containing only food and used clothing may be mailed with customs duty prepaid by the sender if the following procedure is followed:

(*a*) The prospective mailer should send two customs declarations for each parcel to the Rumanian Legation, Office of the Commercial Attache, 26 West 56th Street, New York 19, N. Y. No particular form of declaration is prescribed, but the following information must be furnished; (*1*) Name and address of sender; (*2*) weight of the parcel; (*3*) list of contents, with articles of food itemized and used clothing stated as such; (*4*) name and address of addressee. The declarations must be accompanied by a stamped envelope for reply and by a check or money order covering the customs duty at the rate of 13 cents per pound. This remittance covers only the Rumanian customs duties; postage at the regular rates must be paid in the usual manner when parcels are mailed. The Rumanian Legation will return the two declarations, stamped; a receipt with duplicate on colored paper indicating payment of the customs duty; and a yellow label bearing the receipt number and the words "Taxa Vamala Platita".

(*b*) The sender should enclose one of the stamped declarations and the colored copy of the receipt within the parcel, and paste the yellow label on the outside. The other declaration and original receipt may be either retained by the sender or sent to the addressee by letter to assist in customs clearance of the parcel.

(*c*) Parcels mailed under this arrangements must bear two customs declarations (Form 2966) and one dispatch note (Form 2972) and otherwise comply with the normal requirements for parcels sent as gifts to Rumania.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-951; Filed, Feb. 8, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PORTUGUESE TIMOR

In § 127.335 *Portuguese Timor* (13 F. R. 9209) amend the table of rates contained in subparagraph (1) *Table of rates* of paragraph (b) *Parcel post.* (Portuguese Timor), to read as follows:

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.35	12	$2.37
2	.49	13	2.51
3	.70	14	2.65
4	.84	15	2.79
5	.93	16	2.93
6	1.12	17	3.07
7	1.26	18	3.21
8	1.48	19	3.35
9	1.62	20	3.49
10	1.76	21	3.63
11	1.90	22	3.77

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-950; Filed, Feb. 8, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

SALVADOR (EL)

In § 127.345 *Salvador (El)* (13 F. R. 9213) make the following changes:

1. In paragraph (b) (6) *Observations* amend subdivisions (i) to (v) to read as follows:

(6) *Observations.* (i) Parcels exceeding $50.00 in value require commercial invoices, visaed by a Salvadoran consular officer. These invoices are not to be enclosed in the parcel, but should be sent to the addressee by letter.

(ii) Certificates of origin are required only if exemption from or modification of customs duty is claimed under a trade agreement.

2. Redesignate subdivision (vi) as subdivision (iii).

3. Redesignate subdivision (vii) as subdivision (iv).

4. Redesignate subdivision (viii) as subdivision (v).

5. Redesignate subdivision (ix) as subdivision (vi).

6. In paragraph (b) (7) *Prohibitions* add the following:

(iii) Sanitary certificates are required for parcels containing seeds or other plant material; flour; lard; olive oil.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-949; Filed, Feb. 8, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Chap. IX]

(Docket No. AO-197-A1)

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING SUGGESTED FINDINGS OF FACT AND CONCLUSIONS, AND BRIEFS IN SUPPORT THEREOF

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given that the time for filing suggested findings of fact and conclusions and briefs in support thereof on the evidence adduced at the public hearing on a proposed marketing agreement and order, regulating the handling of milk in the Lima, Ohio, milk marketing area, which was held in Lima, Ohio, November 15-19, 1948, following the issuance of notice on October 11, 1948 (13 F. R. 6020), is hereby extended to February 15, 1949.

At the conclusion of the hearing, the date for filing was announced as February 5, 1949. At the request of opponents of the proposed marketing agreement and order, the time for filing suggested findings of fact and conclusions and briefs in support thereof is extended for ten days and until February 15, 1949.

Dated: February 3, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-959; Filed, Feb. 8, 1949; 8:49 a. m.]

[7 CFR, Ch. IX]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND TO PROPOSED AMENDMENTS TO ORDERS, AS AMENDED

Correction

In Federal Register Document 49-752, appearing at page 444 of the issue for Tuesday, February 1, 1949, the fifth line of paragraph (b) under amending paragraph 2 of the "Order relative to handling" should read "books and records required by this order".

NOTICES

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Rochester Rehabilitation Center, Inc., 233 Alexander Street, Rochester 7, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1949, and expires January 31, 1950.

Philadelphia Society for Crippled Children and Adults, 2000 South College Avenue, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1949, and expires January 31, 1950.

Volunteers of America, 1432 First Street, Detroit 26, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1949, and expires January 31, 1950.

Minnesota Homecrafters, Inc., 2624 Hennepin Avenue, Minneapolis, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1949, and expires January 31, 1950.

Minnesota Homecrafters, Inc., 1719 West Superior Street, Duluth 2, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1949, and expires January 31, 1950.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 1st day of February 1949.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 49-970; Filed, Feb. 8, 1949; 8:52 a. m.]

Wage and Hour Division

[Administrative Order 387]

APPOINTMENT OF A SPECIAL INDUSTRY COMMITTEE FOR VIRGIN ISLANDS

1. By virtue of and pursuant to the authority vested in me by section 5 (e) of the Fair Labor Standards Act of 1938, as amended, (section 3 (c), 54 Stat. 615; 29 U. S. C. 205 (e)), I, William R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a Special Industry Committee for the Virgin Islands, composed of the following representatives:

For the public. Canute A. Brodhurst, Chairman, Christiansted, St. Croix, Virgin Islands. Caroline F. Ware, Vienna, Virginia.

For the employees. Ludvig E. Harrigan, Christiansted, St. Croix, Virgin Islands. Bertha C. Boschulte, Charlotte Amalie, St. Thomas, Virgin Islands.

For the employers. Isidore Paiewonsky, Charlotte Amalie, St. Thomas, Virgin Islands. Victor H. Gibean, Christiansted, St. Croix, Virgin Islands.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511), shall meet beginning on March 15, 1949, at 10:00 a. m., in the Municipal Council Chamber, Charlotte Amalie, St. Thomas, Virgin Islands, and beginning on March 21, 1949, at 10:00 a. m. in the Federal Court Room, Christiansted, St. Croix, Virgin Islands, and shall proceed to investigate conditions in the industries in the Virgin Islands in such order as the Committee may elect and recommend to the Administrator minimum wage rates for all employees in said islands who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 3d day of February 1949.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 49-969; Filed, Feb. 8, 1949; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6737, 8454, 9110]

SOUTHERN CALIFORNIA BROADCASTING CO. (KWKW) ET AL.

ORDER CONTINUING HEARING

In re applications of Marshall S. Neal, Paul Buhlig, E. T. Foley, and Edwin Earl, d/b as Southern California Broadcasting Company (KWKW) Pasadena, California, Docket No. 6737, File No. BP-3710; George W. Berger, George A. Raymer, Fred Forgy, and John W. Swallow, d/b as Orange County Broadcasting Company, Santa Ana, California, Docket No. 8454, File No. BP-5936; Leon E. Sidebottom, Don J. Jackson, Walter S. Murra, Paul E. Kain, Glenn E. Jackson, and Karl Jackson, a partnership, d/b as Airtone Company, Santa Ana, California, Docket No. 9110, File No. BP-6021; for construction permits.

The Commission having scheduled a hearing on the above-entitled applications for February 14, 1949, at Washington, D. C.; and

It appearing, that on May 9, 1947, the Commission published a notice of proposed rule-making with respect to daytime skywave transmissions of standard broadcast stations (Docket 8333) and stated therein that it would defer action on all pending applications requesting daytime or limited time operation on United States I-A or I-B frequencies until a decision was announced in the said hearing (Mimeo No. 6630); and

It further appearing, that the above-entitled application of Southern California Broadcasting Company (KWKW), Pasadena, California, requests the use of 830 kc, 50 kw, daytime only; that the above-entitled application of Orange County Broadcasting Company, Santa Ana, California, requests the use of 850 kc, 1 kw, daytime only, and that the above-entitled application of Airtone Company, Santa Ana, California, requests the use of 850 kc, 250 watts, daytime only;

It is ordered, This 28th day of January, 1949 on the Commission's own motion, that the hearing upon the above-entitled applications is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-972; Filed, Feb. 8, 1949; 8:55 a. m.]

[Docket Nos. 7820, 8298]

SCENIC CITY BROADCASTING CO., INC. AND RHODE ISLAND BROADCASTING CO. (WRIB)

ORDER CONTINUING HEARING

In re applications of Scenic City Broadcasting Company, Inc., Middletown, Rhode Island, Docket No. 7820, File No. BP-4902; Rhode Island Broadcasting Company (WRIB), Providence, Rhode Island, Docket No. 8298, File No. BMP-2479; for construction permits.

The Commission having under consideration a petition filed January 27, 1949, by Scenic City Broadcasting Company, Inc., Middletown, Rhode Island, requesting a 30-day continuance in the hearing upon the above-entitled application for construction permit, presently scheduled for January 31, 1949, at Washington, D. C.;

It is ordered, This 28th day of January 1949, that the petition be granted; and that the hearing upon the above-entitled application be continued to 10:00 a. m., Monday, March 14, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-971; Filed, Feb. 8, 1949; 8:54 a. m.]

[Docket No. 9157]

FORT INDUSTRY CO. (WSPD) AND NORTHEASTERN INDIANA BROADCASTING CO., INC. (WKJG)

ORDER CONTINUING HEARING

In the matter of the petition of The Fort Industry Company (WSPD) for designation for hearing of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Fort Wayne, Indiana, for modification of construction permit, Docket No. 9157, File No. BMP-3332.

The Commission having under consideration a joint petition filed January 17, 1949, by The Fort Industry Company and Northeastern Indiana Broadcasting Company, Inc. (WKJG), Fort Wayne, Indiana, requesting a continuance in the hearing presently scheduled for January 31, 1949, in the above-entitled matter;

It is ordered, This 28th day of January 1949, that the petition be granted; and that the hearing be continued to 10:00 a. m., Wednesday, April 6, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-973; Filed, Feb. 8, 1949; 8:55 a. m.]

KOKO AND KSFT

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on October 28, 1948, there was filed with it an application (BTC-723) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of station KSFT, Trinidad, Colorado, from E. O. Schoembs and B. C. Bulson to Ellis P. Lupton. Also there was filed with it on December 16, 1948, an application (BTC-724) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of station KOKO, La Junta, Colorado, from E. O. Schoembs and B. C. Bulson, individually and as attorneys-in-fact for the transferors to Ellis P. Lupton. Under the arrangements the transferors agree to sell and the transferee to buy, subject to the approval of the Federal Communications Commission, 162 shares (32.4%) of the stock of the Trinidad Broadcasting Corporation which, when considered in connection with the 125 shares (25%) of such stock now held by Ellis P. Lupton which he also offers for sale, making a total of 287 shares (57.4%) of the Trinidad Broadcasting Corporation, and 126 shares (63%) of the stock of the Southwest Broadcasting Company, for a total consideration of $58,250 cash, which price includes the price of Mr. Lupton's stock shown above, individually offered for sale by him, and other consideration. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 25, 1949 that starting on January 24, 1949 notice of the filing of the application would be inserted in The Chronicle News, a newspaper of gen-

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

eral circulation at Trinidad, Colorado, and the La Junta Tribune Democrat at La Junta, Colorado, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from January 24, 1949 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-974; Filed, Feb. 8, 1949; 8:55 a. m.]

KCOI

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF PERMIT [1]

The Commission hereby gives notice that on January 24, 1949, there was filed with it an application (BAP-103) for its consent under section 310 (b) of the Communications Act to the proposed assignment of permit for station KCOI, Coalinga, California, from D. O. Kinnie to Albert F. Blain, Richard K. Newman, Jr., and Forrest W. Hughes, d/b as KCOI Broadcasting Company. The proposal to assign the permit arises out of a contract of December 15, 1948, pursuant to which the said D. O. Kinnie will assign the construction permit and assets of station KCOI for the sum of $500. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 24, 1949, that starting on January 25, 1949, notice of the filing of the application would be inserted in The Fresno Bee, a newspaper of general circulation in Coalinga, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from January 25, 1949, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-975; Filed, Feb. 8, 1949; 8:55 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

KVAI

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on January 15, 1949, there was filed with it an application (BTC-730) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of station KVAI, Amarillo, Tex., to R. G. Hughes. The proposal to transfer control arises out of a contract of December 4, 1948 pursuant to which R. G. Hughes agrees to purchase a total of 366.375 shares or 56.37% of the total stock of the Plains Empire Broadcasting Company from 3 present stockholders as follows: Lonnie J. Preston 167¾ shares, Alice Howenstine 167¾ shares and V. M. Preston 30⅞ shares. The consideration to be paid for the stock to be transferred is $30,000 plus the payment of an additional sum as set forth in the contract of December 4, 1948, not to exceed $58,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 17, 1949 that starting on January 18, 1949 notice of the filing of the application would be inserted in a newspaper of general circulation at Amarillo, Tex., in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from January 18, 1949, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-976; Filed, Feb. 8, 1949; 8:55 a. m.]

WTRR

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on January 17, 1949, there was filed with it an application (BAL-826) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WTRR, Sanford, Florida, from James S. Rivers, tr/as Southeastern Broadcasting Systems to Myron A. Reck, d/b as Radio Station WTRR. The proposal to assign the license arises out of a contract of November 19, 1948, pursuant to which assignor agrees to sell and assignee to buy the physical properties of station WTRR for a total consideration of $50,000. In addition seller agrees to hire buyer immediately as general manager of station WTRR. The buyer will receive as consideration for his services the net profits of the station. This employment agreement is to run until this Commission has approved or disapproved the instant application. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on December 14, 1948, that starting on December 9, 1948, notice of the filing of the application would be inserted in the Sanford Herald, a newspaper of general circulation at Sanford, Florida, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 9, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-977; Filed, Feb. 8, 1949; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1968]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

FEBRUARY 4, 1949.

Notice is hereby given that, February 3, 1949, the Federal Power Commission issued its order entered February 1, 1949, authorizing issuance of license (major) in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-963; Filed, Feb. 8, 1949; 8:50 a. m.]

[Project No. 1994]

HEBER LIGHT AND POWER PLANT

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

FEBRUARY 2, 1949.

Public notice is hereby given that Heber City, Midway Town and Charleston Town, doing business as Heber Light and Power Plant, Heber City, Utah has made application for a license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric project (No. 1994) designated as the proposed Snake Creek power plant which would consist principally of a concrete intake box at the mouth of Mountain Lake Tunnel near the head of Snake Creek Canyon, a steel pipe line

about 16,300 feet long, a power house containing a 750 kilowatt generating unit operating under an effective head of about 1,700 feet and a transmission line about four and one-half miles long from the power house to Midway, Utah.

Any protest against the approval of this application or request for hearing thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before March 28, 1949, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-948; Filed, Feb. 8, 1949; 8:46 a. m.]

[Docket No. G-1154]

SOUTHERN UNION GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 4, 1949.

Notice is hereby given that, on February 2, 1949, the Federal Power Commission issued its findings and order entered February 1, 1949, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-964; Filed, Feb. 8, 1949; 8:50 a. m.]

[Docket No. ID-1080]

RICHARD R. DUNN

NOTICE OF AUTHORIZATION

FEBRUARY 4, 1949.

Notice is hereby given that, on February 3, 1949, the Federal Power Commission issued its order entered February 1, 1949, in the above-designated matter, authorizing Applicant to hold certain positions in the Potomac Electric Power Company and the Braddock Light & Power Company, Inc., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-962; Filed, Feb. 8, 1949; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

WATER CARRIERS AND FREIGHT FORWARDERS ORGANIZATION AND ASSIGNMENT OF WORK

FEBRUARY 3, 1949.

The Interstate Commerce Commission announces that on January 26, 1949, it amended its order as to assignment of work, entered June 8, 1942, pursuant to the provisions of section 17 of the Interstate Commerce Act, as amended, by eliminating the following shown for the Bureau of Water Carriers and Freight Forwarders under the heading "Bureaus of the Commission":

Water Carriers and Freight Forwarders, Commissioner in Charge, Division One.

Tariff matters, Commissioner in Charge, Division Two.

Finance matters, Commissioner in Charge, Division Four.

and substituting therefor the following:

Water Carriers and Freight Forwarders, Commissioner in Charge, Division One.

Compliance, Commissioner in Charge, Division One.

Section 5a Applications, Commissioner in Charge, Division Two.

Operating Authorities, Commissioner in Charge, Division Four.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-960; Filed, Feb. 8, 1949; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2031]

KENTUCKY UTILITIES CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION 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 2d day of February A. D. 1949.

Kentucky Utilities Company ("Kentucky"), a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issue and sale, at competitive bidding, of $10,000,000 principal amount of its First Mortgage Bonds, Series B, __% due 1979; and

The Commission having, by order dated January 25, 1949, permitted said declaration, as amended, to become effective, subject to the condition that the proposed issue and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed; and

Kentucky having, on February 2, 1949, filed a further amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, the following bids for said bonds have been received:

Bidding group headed by—	Coupon rate	Price to company (percent of principal amount [1])	Cost to company
	Percent		*Percent*
Kidder, Peabody & Co.	3¼	100.89	3.2036
Union Securities Corp., Merrill Lynch, Pierce, Fenner & Beane	3¼	100.844	3.2060
Equitable Securities Corp.	3¼	100.765	3.2101
Halsey, Stuart & Co., Inc.	3¼	100.519	3.2230
Blyth & Co., Inc.	3¼	100.46	3.2260
The First Boston Corp., Lehman Bros.	3¼	100.34	3.2323
Harriman Ripley & Co., Inc.	3¼	100.181	3.2405

[1] Plus accrued interest from Jan. 1, 1949.

Said amendment having further stated that Kentucky has accepted the bid of Kidder, Peabody & Co., as set out above, and that said bonds will be offered for sale to the public at a price of 101.54% of the principal amount thereof, plus accrued interest from January 1, 1949, resulting in an underwriters' spread of .65% of the principal amount of said bonds; and

The Commission having examined said amendment and having considered the records herein and finding no basis for imposing terms and conditions with respect to the price to be received by Kentucky for said bonds, the interest rate thereon or the underwriters' spread:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released and that said declaration as further amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-955; Filed, Feb. 8, 1949; 8:47 a. m.]

HORACE H. COPPLE

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of February A. D. 1949.

These proceedings were instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether it is in the public interest to revoke the registration as a broker and dealer of Horace H. Copple, 507 National Mutual Bldg., Tulsa, Okla., for alleged willful violations of section 17 (a) of the act and Rules X-17A-3 and X-17A-5 promulgated thereunder.

After appropriate notice hearings were held before a hearing examiner at which the respondent appeared in person. The hearing examiner has filed a recommended decision finding that the respondent willfully violated section 17 (a) and Rule X-17A-5, but recommending that under the circumstances it would be in the public interest to dismiss the proceedings. On the basis of an independent review of the record we make the following findings.

Respondent's registration as a broker and dealer became effective in 1937 and has not been revoked or suspended. On a number of occasions he was advised by representatives of this Commission of the requirement of Rule X-17A-3 that every registered broker and dealer maintain current books and records relating to his business, and of the requirement of Rule X-17A-5 that he file a report of his financial condition during each calendar year commencing January 1, 1943. Respondent repeatedly stated his intention to prepare and maintain the necessary books and records, but up to the time of the hearings he had not done so. He

failed also to file the required reports of his financial condition for the calendar years 1943, 1945, 1946 and 1947.

During the course of the hearing respondent requested a further opportunity to prepare the required books and records and file the required reports. The hearing was continued. When it was reconvened evidence was presented showing that during the interim respondent had substantially complied with the requirements of Rule X–17A–3, and had stated he would endeavor to comply fully with the rule by keeping his books and records current in the future. In addition, respondent filed a report of his financial condition as of October 30, 1948, in accordance with Rule X-17A–5.

Upon the record in this proceeding we must conclude that respondent's failure to keep the required books and records relating to his business and his failure to file reports of financial condition during the years 1943, 1945, 1946, and 1947 constituted willful violations of section 17 (a) of the act and Rules X-17A–3 and X-17A–5. However, in view of the fact that respondent has now substantially complied with Rule X-17A–3, has filed a report of his financial condition in accordance with Rule X-17A–5, and has also indicated an intention to comply with the rules in the future, we are of the opinion that, under all of the circumstances, the public interest does not require the revocation of his registration. Accordingly,

It is ordered, That the proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Horace H. Copple should be revoked be, and the same hereby are, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–956; Filed, Feb. 8, 1949; 8:48 a. m.]

ROY CULP

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 1st day of February A. D. 1949.

The Commission having instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether Roy Culp, 4800 Bryan St., Dallas, Texas, willfully violated section 17 (a) of the act and Rule X-17A–5 promulgated thereunder and whether it is in the public interest to revoke his registration as a broker and dealer;

A hearing having been held after appropriate notice, a hearing examiner's recommended decision having been filed and exceptions thereto having been filed by counsel for the Division of Trading and Exchanges; and

The Commission having considered the record and having this day issued its findings and opinion herein;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Roy Culp as a broker and dealer be, and the same hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–958; Filed, Feb. 8, 1949; 8:49 a. m.]

WILLIAM MONROE LAYTON

ORDER REVOKING REGISTRATION WITHOUT PREJUDICE TO RIGHT TO REOPEN PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of February A. D. 1949.

Proceedings having been instituted to determine whether the registration as a dealer of William Monroe Layton, P. O. Box 493, Centralia, Ill., a sole proprietorship, should be revoked, pursuant to section 15 (b) of the Securities Exchange Act of 1934;

A hearing having been held after appropriate notice, the hearing officer having filed a recommended decision, and the Commission having this day filed its findings and opinion; on the basis of said findings and opinion

It is ordered, That the registration of William Monroe Layton be, and it hereby is, revoked without prejudice to the right of William Monroe Layton to move to reopen these proceedings and set aside said revocation upon a proper showing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–957; Filed, Feb. 8, 1949; 8:48 a. m.]

VETERANS' ADMINISTRATION

CENTRAL OFFICE

ORGANIZATION

1. Paragraphs (i) (3) and (j) (3), section 2, are amended as follows:

SEC. 2. *Central office.* * * *

(i) *Office of the assistant administrator for legislation.* * * *

(3) *Organization.* The assistant administrator for legislation has jurisdiction over and is responsible to the Administrator for the proper conduct of the functions of the office of the assistant administrator for legislation which consists of the office of executive assistant for legislation, legislative projects service I, legislative projects service II, legislative projects service III, and the congressional liaison service. * * *

(j) *Office of the chief medical director.* * * *

(3) *Organization.* The office of the chief medical director, department of medicine and surgery, consists of the deputy medical director, the executive officer, special boards, management and planning staff, professional service, dental service, research and education service, nursing service, prosthetic and sensory aids service, auxiliary service, and the hospitalization and requirements service. A special medical advisory group composed of members of the medical and allied scientific professions advises the Administrator, through the chief medical director, and the chief medical director direct, relative to the care and treatment of disabled veterans, and other matters pertinent to the department of medicine and surgery.

* * * * *

[SEAL] O. W. CLARK, *Executive Assistant Administrator.*

[F. R. Doc. 49–966; Filed, Feb. 8, 1949; 8:50 a. m.]

ORGANIZATION; LIST OF STATIONS

MISCELLANEOUS AMENDMENTS

The alphabetical list of stations appearing in section 5 (a) is revised as follows:

1. Add "Alexandria, Va., Madison and North Pitt Streets: Eastern publications depot."

2. Add "Clinton, Iowa; Domiciliary center."

3. Change "Fort Harrison, Mont.: Regional office" and "Fort Harrison, Mont.: Hospital" to read "Fort Harrison, Mont.: Center (hospital and regional office)."

4. Add "Grand Junction, Colo.: Hospital."

5. Add Medford, Oreg.: Domiciliary center."

6. Add "Providence, R. I., Davis Park: Hospital."

7. Add "Thomasville, Ga.; Domiciliary center."

[SEAL] O. W. CLARK, *Executive Assistant Administrator.*

[F. R. Doc. 49–967; Filed, Feb. 8, 1949; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12619]

AUGUSTUS COE GURNEE ET AL.

In re: Trust agreement dated January 6, 1925, between Augustus Coe Gurnee and Bankers Trust Company and trust under the will of Friedrich Kirchherr, deceased. File No. D–28–4109 G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Kirchherr, Lore Kirchherr, Carl Racky, Elisabeth Racky, Ernst Racky, Johana Racky, Kathe Racky, Heine Racky, Franz Racky and Marta Racky, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subpara-

graph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 6, 1925, by and between Augustus Coe Gurnee and Bankers Trust Company and in and to the trust created under the will of Friedrich Kirchherr, deceased, presently being administered by the Bankers Trust Company, as trustee, 16 Wall Street, New York 15, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-978; Filed, Feb. 8, 1949; 8:55 a. m.]

[Vesting Order 12699]

PAUL H. BRADBURN ET AL.

In re: Paul H. Bradburn, et al., plaintiffs, vs. Edward Baier, et al., defendants. File No. D-28-12518; E. T. sec. 16726.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Driftheiser, Karl Driftheiser, Lawrence Driftheiser, William (Wilhelm) Keppner and Henry (Heinrich) Keppner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of William (Wilhelm) Keppner and of Henry (Heinrich) Keppner and the heirs, names unknown, of Anna Casper Driftheiser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all the property and estate of the persons identified in subparagraphs 1 and 2 hereof in the possession, custody or control of Paul H. Bradburn, as receiver in a proceeding entitled Paul H. Bradburn, et al., Plaintiffs, vs. Edward Baier, et al., defendants, subject however to all lawful fees, charges of and disbursements by the said Paul H. Bradburn, as receiver, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Paul H. Bradburn, as receiver, acting under the judicial supervision of the Circuit Court of Dunklin County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of William (Wilhelm) Keppner and of Henry (Heinrich) Keppner and the heirs, names unknown, of Anna Casper Driftheiser, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-979; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12700]

CARL GEORGE BOKER AND NATIONAL CITY BANK OF NEW YORK

In re: Trust agreement dated January 12, 1928 between Carl George Boker, settlor, and The National City Bank of New York, trustee. File F-28-19005-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Wilhelm Wupperman, Erna Julia Wupperman, Herman Theodore Wupperman, Werner Wupperman, Arnold Oscar Wupperman and Erica Eleanor Wupperman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Herman Wilhelm Wupperman and next-of-kin, names unknown, of Herman Wilhelm Wupperman, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 12, 1928 by and between Carl George Boker, settlor, and The National City Bank of New York, trustee, presently being administered by The National City Bank of New York, 22 William Street, New York, New York, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the descendants, names unknown, of Herman Wilhelm Wupperman and next-of-kin, names unknown, of Herman Wilhelm Wupperman, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-980; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12708]

REGINA HERRMANN

In re: Estate of Regina Herrmann, deceased. File No. D-28-12467; E. T. sec. 16680.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Landraint, Elise Becker, Elsa Hoier, Walter Stoecker, Anna Wil-

bert Kalb, Peter Wilbert, Margaret Wilbert Spurzem, Jacob Wilbert, Nicholaus Wilbert and Joseph Wilbert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Regina Herrmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert Stoecker, as executor, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-981; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12716]

EUGEN ERNST LUDWIG LUEDECKE

In re: Estate of Eugen Ernst Ludwig Luedecke a/k/a Eugen Ernst Ludwig Ludecke, deceased. File No. D-28-11639; E. T. sec. 15862.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna (Annie) Karapasis, Eugen Ernst Luedecke (Ludecke) and Vera Ferdinande Anna Luedecke (Ludecke), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Eugen Ernst Ludwig Luedecke a/k/a Eugen Ernst Ludwig Ludecke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Benjamin D. Burdick, as administrator, acting under the judicial supervision of the Probate Court for the County of Wayne, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-982; Filed, February 8, 1949; 8:56 a. m.]

[Vesting Order 12724]

MARY CATHERINE PRUENTE

In re: Estate of Mary Catherine Pruente, deceased. File No. D-28-2464; E. T. sec. 3490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schnettler, Elisabeth Duessener, Theresia Merten (Martin), Anna Margarete Pruente, Elisabeth Pruente, Josef Eberhard Pruente and Adolf Pruente, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Mary Catherine Pruente, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Rev. Henry F. Schuermann, as executor, acting under the judicial supervision of the Probate Court for Cape Girardeau County, Jackson, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-983; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12736]

FUJIE HATAKEYAMA ET AL.

In re: Bank accounts owned by Fujie Hatakeyama, Natsuno Hatakeyama, Sekiro, Hatakeyama, Jitsuwa Hatakeyama, Sao Hatakeyama, and Kasaburo Hatakeyama. D-39-18735-E-1, D-39-18736-E-1, D-39-18737-E-1, D-39-18738-E-1, D-39-18742-E-1, D-39-18743-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujie Hatakeyama, whose last known address is No. 24, Kitakoyama, Atimano Mura Imadate Gun, Fukuiken, Japan; Natsuno Hatakeyama, whose last known address is No. 33, Nishikakuma, Kami Ikeda Mura Imadate Gun, Fukui Ken, Japan; Sekiro Hatakeyama, whose last known address is No. 41, 25 Shimomagara, Kitashinjo Imadate Gun, Fukuiken, Japan; Jitsuwa Hatakeyama, whose last known address is No. 81 Kamikoji, Sabiecho Imadate Gun, Fukuiken, Japan; Sao Hatakeyama, whose last known address is No. 26, Yokawa, Ajimono Mura, Imadate Gun, Fukuiken, Japan; and Kasaburo Hatakeyama, whose last known address is No. 35, Minowaki, Ajimano Mura, Imadate Gun, Fukuiken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Fujie Hatakeyama by the Old National Bank of Spokane, Spokane, Washington, arising out of a checking account, entitled Fujie Hatakeyama, maintained at the aforementioned bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, our owing to, or which is evidence of ownership or control by Fujie

Hatakeyama, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Natsuno Hatakeyama by the Old National Bank of Spokane, Spokane, Washington, arising out of a checking account entitled Natsuno Hatakeyama, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Natsuno Hatakeyama, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation owing to Sekiro Hatakeyama by the Old National Bank of Spokane, Spokane, Washington, arising out of a checking account entitled Sekiro Hatakeyama, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Sekiro Hatakeyama, the aforesaid national of a designated enemy country (Japan);

5. That the property described as follows: That certain debt or other obligation owing to Jitsuwa Hatakeyama by The Old National Bank of Spokane, Spokane, Washington, arising out of a checking account entitled Jitsuwa Hatakeyama maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Jitsuwa Hatakeyama, the aforesaid national of a designated enemy country (Japan);

6. That the property described as follows: That certain debt or other obligation owing to Sao Hatakeyama by The Old National Bank of Spokane, Spokane, Washington, arising out of a checking account entitled Sao Hatakeyama, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Sao Hatakeyama the aforesaid national of a designated enemy country (Japan);

7. That the property described as follows: That certain debt or other obligation owing to Kasaburo Hatakeyama by The Old National Bank of Spokane, Spokane, Washington, arising out of a checking account entitled Kasaburo Hatakeyama, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kasaburo Hatakeyama, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

8. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-926; Filed, Feb. 7, 1949; 8:56 a. m.]

[Vesting Order 12739]

ANNA LEHMKUHL ET AL.

In re: Debts owing to Anna Lehmkuhl, Heinrich Gentzsch and Frieda Spatz. F-28-26516-C-1, F-28-25646-C-1, F-28-26093-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Lehmkuhl, Heinrich Gentzsch and Frieda Spatz, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of George G. Shiya, 115 Broadway, New York 6, New York, representing the distributive share of Anna Lehmkuhl in the estate of John Peters, Deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, subject however to any and all lawful claims of Alfred Gliedt, 423—38th Street, Union City, New Jersey, for legal services,

b. That certain debt or other obligation of George G. Shiya, 115 Broadway, New York 6, New York, representing the distributive share of Heinrich Gentzsch in the estate of John Peters, Deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of George G. Shiya, 115 Broadway, New York 6, New York, representing the distributive share of Frieda Spatz in the estate of John Peters, Deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, subject however to any and all lawful claims of Alfred Gliedt, 423—38th Street, Union City, New Jersey, for legal services, and

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-984; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12740]

SHIGEO MATSUMOTO

In re: Debt owing to Shigeo Matsumoto. F-39-5137 A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeo Matsumoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shigeo Matsumoto, by Hunt, Hill & Betts, 120 Broadway, New York 5, New York, in the amount of $57.60, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of

ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-985; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12748]

RALPH MOTTO

In re: Personal property owned by Ralph Motto, also known as Rinzo (Rindo) Iwamoto, and Yasu Motto, also known as Yasu Iwamoto. F-39-3793.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ralph Motto, also known as Rinzo (Rindo) Iwamoto, and Yasu Motto, also known as Yasu Iwamoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Personal property presently in the possession of the Attorney General of the United States, particularly described as follows: One (1) Five Dollar ($5.00) Gold Coin, dated 1885. One (1) Gold Brooch, with three diamonds, and Three (3) Stick Pins, each with a semi-precious stone,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-927; Filed, Feb. 7, 1949; 8:56 a. m.]

[Vesting Order 12760]

MARIE DREISBACH

In re: Estate of Marie Dreisbach, deceased. File No. D-28-12495; E. T. sec. 16703.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Schonenbach, Frederick Dreisbach, Maria Frech, Henry Rosenbaum, Joseph Rosenbaum, Marie Schlechtriem, William Schlechtriem, Rudolph Schlechtriem, and Otto Schlechtriem, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Marie Dreisbach, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph W. R. Dally, Goshen, New York, Administrator, c. t. a., of the estate of Katherina Dreisbach, deceased administratrix of the estate of Marie Dreisbach, deceased, acting under the judicial supervision of the Surrogate's Court of Orange County, Goshen, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-928; Filed, Feb. 7, 1949; 8:57 a. m.]

[Vesting Order 12775]

ELISE S. SCHMIDT

In re: Trust under the will of Elise S. Schmidt, deceased. File No. D-28-10638 G-1-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Walter Petri, Mrs. Marie Ackermann, sister, Mrs. Elizabeth Rosa Gaitsch, also known as Rosa Gaitsch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Eberhardt Ackermann, Horst Ackermann, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Clara Petri, deceased; of Mrs. Elizabeth Rosa Gaitsch, also known as Rosa Gaitsch; of Eberhardt Ackermann; of Horst Ackermann; of Mrs. Marie Ackermann, sister; and of Mrs. Marie Ackermann, deceased, sister-in-law, except Marie Ackermann Oliva, also known as Margarethe Doerfler, a resident of Austria; who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title and interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Marie Ackermann Oliva, also known as Margarethe Doerfler, a resident of Austria, in and to the trust created under the will of Elise S. Schmidt, deceased, presently being administered by the Safe Deposit and Trust Company of Baltimore, Baltimore 2, Maryland, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and Eberhardt Ackermann, Horst Ackermann, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Clara Petri, deceased; of Mrs. Eliz-

abeth Rosa Gaitsch, also known as Rosa Gaitsch; of Eberhadt Ackermann; of Horst Ackerman; of Mrs. Marie Ackermann, sister; and of Mrs. Marie Ackermann, deceased, sister-in-law, except Marie Ackermann Oliva, also known as Margarethe Doerfler, a resident of Austria are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-929; Filed, Feb. 7, 1949; 8:57 a. m.]

[Vesting Order 12741]

FRIEDRICH MEYER AND LINA TECHLENBURG

In re: Claims owned by Friedrich Meyer and Lina Techlenburg. F-28-29198 C-1, F-28-29199 C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Meyer and Lina Techlenburg, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich Meyer, by Aksella K. Meyer, 4328 Carpenter Avenue, New York 66, New York, representing the proceeds of certain collections heretofore made on behalf of said Friedrich Meyer, presently on deposit at The Seamen's Bank for Savings in the City of New York, in Account Number 1165600, entitled Aksella K. Meyer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich Meyer, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Lina Techlenburg, by Aksella K. Meyer, 4328 Carpenter Avenue, New York 66, New York, representing the proceeds of certain collections heretofore made on behalf of said Lina Techlenburg, presently on deposit at the East River Savings Bank, in Account Number 224041, entitled Aksella K. Meyer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lina Techlenburg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-986; Filed, Feb. 8, 1949; 8:56 a. m.]

[Vesting Order 12749]

GEORGE MICHAEL FOERTSCH

In re: Real property, a property insurance policy and a claim owned by George Michael Foertsch, also known as George M. Foertsch.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Michael Foertsch, also known as George M. Foertsch, whose last known address is Schulgasse 1, Bamberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the City of Baltimore, State of Maryland, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the person named in subparagraph 1 hereof in and to Fire Insurance Policy No. 22869 issued by Insurance Company of North America, 1600 Arch Street, Philadelphia, Pennsylvania, in the amount of $6,250.00, which policy expires April 14, 1949, and insures the property described in subparagraph 2-a hereof,

c. That certain debt or other obligation owing to the person named in subparagraph 1 hereof by Charles H. Behn, Esq., 2 East Lexington Street, Baltimore 2, Maryland and/or George H. Mann, 2 East Lexington Street, Baltimore 2, Maryland, including but not limited to those sums received as rentals from the property described in subparagraph 2-a hereof and from funds received as the result of the liquidation of real property, situated at 822 North Howard Street, Baltimore, Maryland, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot and parcel of real estate situate, lying and being in the City of Baltimore, State of Maryland, and more particularly described as follows: Lot No. 119 Section B as shown on the plat of Montebello Park recorded among the Land Records of Baltimore County in Plat Book WPC No. 4 folio 16.

[F. R. Doc. 49-989; Filed, Feb. 8, 1949; 8:57 a. m.]