

SCHEDULE VII—MISCELLANEOUS—Continued

Items	Permitted use
(10) Terne metal.....	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings:	(11)
(i) Dry pipe seat rings.....	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead-base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.
(13) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(13) For items permitted elsewhere in these schedules or as specifically authorized in writing by the National Production Authority.
(14) Clutch and brake facings when produced by the process of powder metallurgy.	(14) Not more than 10 percent by weight of tin powder.
(15) Carbon brushes when produced by the process of powder metallurgy.	(15) Tin powder up to 12 percent of the copper content by weight.
(16) Hammer metal, die-proofing metal, and filling and sealing metal.	(16) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.

[P. R. Doc. 52-4166; Filed, Apr. 9, 1952; 11:29 a. m.]

[NPA Order M-104 of April 9, 1952]

M-104—METALWORKING MACHINES—FINISHES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.

1. What this order does.
2. Definitions.
3. Restrictions on finishes for metalworking machines.
4. Request for adjustment or exception.
5. Records and reports.
6. Communications.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; sec. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. What this order does. This order limits the preparation for painting and the application of paint on new metalworking machines to the minimum requirements for adequate protective finishes on such machines.

Sec. 2. Definitions. As used in this order:

(a) "Metalworking machine" means any item of plant equipment as defined in section 2 (a) and listed in Exhibit A of NPA Order M-41, as it may be amended from time to time.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "Filler" means any material used to fill in and smooth out irregularities in metal surfaces.

(d) "Primer or sealer" means any permanent protective coating of liquid applied to a metal surface prior to painting such surface.

Sec. 3. Restrictions on finishes for metalworking machines. Commencing April 9, 1952, no producer in the finishing of any new metalworking machine, or of any part or assembly to be incorporated into a new metalworking machine, shall apply any primer, sealer, filler, paint, lacquer, or enamel in excess of the following limitations:

- (a) Not more than one coat of primer or sealer may be applied.
- (b) No filler may be applied except for the spot-filling of bad cavities or fissures.
- (c) Not more than two coats of paint, lacquer, or enamel may be applied.

Sec. 4. Request for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

Sec. 5. Records and reports. (a) Each person participating in any transaction

covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 6. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-104.

Sec. 7. Violations. Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect April 9, 1952.

NATIONAL PRODUCTION
AUTHORITY.

By JOHN B. OLVERSON,
Recording Secretary.

[P. R. Doc. 52-4165; Filed, Apr. 9, 1952; 11:29 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service,
Department of the InteriorPART 13—ADMISSION, GUIDE, ELEVATOR,
AND AUTOMOBILE FEESAUTOMOBILE FEES, YORKTOWN BATHING
BEACH AND PICNIC AREA, COLONIAL NATIONAL HISTORICAL PARK

Part 13 is amended by adding a new § 13.14 and reading as follows:

§ 13.14 *Automobile fees, Yorktown bathing beach and picnic area, Colonial National Historical Park.* (a) There shall be charged a fee of 25 cents for each passenger car and a fee of 50 cents for each bus or truck entering the Yorktown bathing beach and picnic area on Saturdays, Sundays and holidays from May 30 through Labor Day.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. sec. 3)

Issued this 4th day of April 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[P. R. Doc. 52-4056; Filed, Apr. 9, 1952;
8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

INCONTESTABILITY

1. The text of § 6.45 is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 6.45 *Incontestability of United States Government Life Insurance.*

(b) Discharge or release of an insured from military or naval service for the reason of fraudulent enlistment shall not invalidate United States Government life insurance issued on the basis of such service unless the Administrator determines that the insured was mentally or legally incapable of entering into a contract of enlistment. In such case the United States Government life insurance so issued will be canceled as of the effective date of such insurance.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. Section 8.62 is amended to read as follows:

§ 8.62 *Incontestability.* Subject to the provisions of § 8.61, all National Service life insurance policies heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion, except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States: *Provided*, That discharge or release of an insured from military or naval service for the reason of fraudulent enlistment shall not invalidate National Service life insurance issued on the basis of such service unless the Administrator determines that the insured was mentally or legally incapable of entering into a contract of enlistment. In such case the National Service life insurance so issued will be canceled as of the effective date of such insurance.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective April 10, 1952.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[P. R. Doc. 52-4101; Filed, Apr. 9, 1952;
8:51 a. m.]

PART 17—MEDICAL

PROVISIONAL REGULATIONS

Immediately below § 17.155 add the centerhead "Provisional Regulations" and insert new § 17.950.

§ 17.950 *Instructions relating to the processing of applications for hospital and/or outpatient treatment of persons applying for such benefits under Public Law 239, 82d Congress.* (a) Public Law 239, 82d Congress, provides:

That, for the purpose of hospital and medical treatment, including outpatient treatment, authorized under laws administered by the Veterans' Administration, a veteran of World War II (as defined in Veterans Regulation Numbered 10, as amended) developing an active psychosis within two years from the date of separation from active service in such war shall be deemed to have incurred such disability in such active service.

(b) An application for hospital or outpatient treatment under Public Law 239, 82d Congress, must be made on or after October 30, 1951, the date of enactment of said law, since service-connection granted thereunder can be effective only as of the date of application, and in no event prior to October 30, 1951 (Instruction 2, Pub. Law 239, 82d Cong.).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652 as amended; 38 U. S. C. 706, 706a)

This regulation is effective April 10, 1952.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[P. R. Doc. 52-4102; Filed, Apr. 9, 1952;
8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION; SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. In § 21.6, paragraph (a) is amended to read as follows:

§ 21.6 *Application for a course of education or training.*

(a) If an application is not complete at the time of the original submission, the veteran will be notified of the evidence necessary to complete the application, and, if such evidence is not received within 1 year from the date of request therefor, benefits may not be paid by virtue of the application. (See par. I (2), Part I, Veterans Regulation 2 (a), as amended by Veterans Regulation 2 (d), under Pub. No. 2, 73d Cong.)

2. In § 21.7, the introduction of paragraph (a) is amended to read as follows:

§ 21.7 *Application for a course of institutional on-farm training.* (a) Applications for a course of institutional on-farm training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be made by submitting a properly executed VA Form 7-1921, Application for Course of Institutional on-Farm Training. When the veteran has not had any previous training under Part VIII, the original, a certified copy, or a photostatic copy of the appropriate discharge document should be submitted with VA Form 7-1921. Such application shall be transmitted directly to that institution which has been designated by the appropriate agency of the State responsible for offering institutional on-farm training courses in the veteran's locality. The institution will determine the course of training which the veteran needs and the type of farming for which he needs training, after giving due consideration to the size and character of his farm. The institution will then indicate its approval on VA Form 7-1921 and transmit it through channels designated by the State approval agency to the proper regional office of the Veterans' Administration.

3. In § 21.9 (b), a new subparagraph (1) is added as follows:

§ 21.9 *Application for change of course and/or change of institution.*

(b)

(1) The effective date of a supplemental certificate issued in response to a request made by a veteran while he is in a training status will be the date next following the last day of attendance in his present course.

4. The text of § 21.11 is designated paragraph (a) and new paragraphs (b) through (e) are added as follows:

§ 21.11 *Certificate of eligibility and entitlement.*

(b) In order that the validity of Certificates of Eligibility and Entitlement may be properly established and that they shall be acceptable in full faith by schools and training establishments, determinative action upon the basis of applications will be completed only when the records in the Veterans' Administration show that no impediment to, or limitations on, eligibility or entitlement exists. If it is determined that a veteran has obtained and/or executed a Certificate of Eligibility and Entitlement with intent to defraud, as defined in penal statutes, the Veterans' Administration may not legally make any payments whatsoever to him.

(c) All certificates, original and supplemental, issued after May 25, 1951, will bear appropriate "legends" in order to enable veterans and schools or training establishments to determine readily the validity of Certificates of Eligibility and Entitlement (VA Form 7-1953) which are presented after July 25, 1951. These legends will be typed under item 8 (b) on each certificate in the exact form shown in this paragraph.

(1) Legend "A". (i) "Valid only for (name of course) at (name of school or training establishment), course must be (commenced) (resumed) on or before (date)."

(ii) Legend "A" will be inscribed on all Certificates of Eligibility and Entitlement, original or supplemental, where the specified course is to be commenced or resumed on or prior to July 25, 1951, or the date 4 years from the veteran's discharge, whichever is the later.

(2) Legend "B". (i) "Valid only for (name of course) at (name of school or training establishment) for enrollment at the beginning of the (designate fall, winter, spring, summer term or semester) school year 19..."

(ii) Legend "B" will be inscribed on all supplemental Certificates of Eligibility and Entitlement issued for use in entering or resuming the specified course under Public Law 346 subsequent to July 25, 1951 (or other applicable delimiting date), at educational institutions which operate on a semester, quarter, or term basis.

(3) Legend "C". (i) "Valid only for (name of course) at (name of school or training establishment) to be commenced on or about (date)."

(ii) Legend "C" will be inscribed on all supplemental Certificates of Eligibility and Entitlement issued for use in entering or resuming the specified course subsequent to July 25, 1951 (or other applicable delimiting date), in institutions and establishments not operating on a semester, quarter, or term basis. The date "on or about" will be construed to mean within 15 days preceding or following the date shown.

(iii) In view of the fact regional offices will seldom have readily available the information necessary to designate a firm commencing date, legend "C" will be inscribed on all supplemental certificates of eligibility issued for use at approved foreign educational institutions (except in the Philippine Republic) after applicable delimiting dates. In such cases, the date "on or about" will be construed to mean within 30 days preceding or following the date shown, unless the veteran concerned can demonstrate to the satisfaction of central office or the Attaché for Veterans Affairs Office concerned that the date indicated by the issuing office was unrealistic.

(d) A veteran pursuing a course of education or training under the provisions of Part VIII, Veterans Regulation 1 (a), as amended, must obtain from the Veterans' Administration a supplemental Certificate of Eligibility and Entitlement before he may be authorized to change his course, change his training institution, or pursue an additional course of education or training.

(1) The period of entitlement shown on a supplemental certificate will be that period of entitlement properly remaining unused or unencumbered after deductions are made for all previous periods of training.

(2) Where a veteran withdraws or interrupts prior to the completion of a period of instruction as defined in § 21.52 (g), the period of entitlement indicated on the supplemental certificate will be

that period which remains unencumbered after his entitlement has been debited for the period considered as a unit for the payment of tuition.

(e) The Veterans' Administration will require an affirmative report of conduct and progress from the school or training establishment in all cases where the veteran requests a supplemental Certificate of Eligibility and Entitlement for the purpose of changing his course or his institution or for securing additional education or training, since such a report serves as a basis for determining whether a supplemental certificate may be issued.

5. In § 21.17, paragraph (f) is amended to read as follows:

§ 21.17 Discharge or release. * * *

(f) Discharge for purpose of changing status. A discharge during service on or after September 16, 1940, which did not interrupt the performance of active service but was for the purpose of accepting a commission, appointment as a warrant officer, or for any other change of status, will not meet the requirements of Part VIII for a "discharge or release from active service" unless at the time of such discharge or release for change in status the person involved was eligible for release under the point system, length of service system, or any other criteria then in effect. If the veteran was not eligible for release, the entire active service will be held to constitute one period of service, and eligibility for education and training may not be established until the final discharge occurs. It is pointed out that the governing principle is whether the person was, at the time the change in status occurred, otherwise eligible for actual discharge or release from active service and was so discharged or released. In all cases of this type, the veteran must present a discharge or other certificate evidencing separation from the service.

6. In § 21.30, paragraph (d) is amended and a new paragraph (e) is added as follows:

§ 21.30 Conditions conferring eligibility. * * *

(d) That the person makes application for and initiates the course of education or training before July 26, 1951, or within 4 years from the date of his first discharge after July 25, 1947. (See §§ 21.35 and 21.55)

(e) Veterans who have had 2 periods of active service during World War II on which eligibility under Part VIII may be established may initiate a course of education or training within 4 years after discharge or release from the second period of service, even where the second discharge or release occurs after July 25, 1947.

7. In § 21.31, paragraphs (a) (4), (7), and (b) are amended to read as follows:

§ 21.31 Basic evidence. Eligibility for education or training and the extent of entitlement shall be predicated upon the best available evidence of official character.

(a) Length and character of military service. The length and character of

military service shall be determined on the basis of official evidence from the appropriate service department which may be:

(4) Copy of applicant's terminal leave orders which reflect at least 8 days of terminal leave, the exact date of expiration of terminal leave, and the date he is to be discharged. (Cases under sec. 1507, title VI, Pub. Law 346, 78th Cong., as added by sec. 10, Pub. Law 268, 79th Cong.)

(7) The eligibility and extent of entitlement of a veteran who served with the military or naval forces of an Allied Government will be determined on the basis of the facts shown (cases under sec. 1506, title VI, Pub. Law 346, 78th Cong., as added by sec. 10, Pub. Law 268, 79th Cong.) Such shall include an affidavit stating (i) that the applicant was a citizen of the United States at the time of enlistment in the allied service, (ii) that he was a resident of the United States at the time of filing application, and (iii) that he has not applied for and received the same or similar educational benefits from the Allied Government with which he served during World War II.

(b) Questionable discharges. In all cases where the discharge is neither honorable nor dishonorable and it is not clear whether the circumstances under which the veteran was discharged or released from active duty under other than honorable conditions might bar eligibility to education or training, the cases will be referred by memorandum to the adjudication division, regional office, or claims division, veterans claims service, central office, for appropriate certification prior to initiating further action toward the issuance of Certificate of Eligibility and Entitlement to education or training. (See secs. 300 and 1503, Pub. Law 346, 78th Cong.)

8. A new § 21.36 is added as follows:

§ 21.36 Special considerations concerning the pursuit of education or training after the statutory delimiting date—

(a) Change of course. (1) For the purpose of § 21.35 (d) and (e) a veteran may be authorized under the conditions of § 21.35 to change his course only if his application for such change is received in the Veterans' Administration while he is in actual and active pursuit of his course or while he is in a temporary interrupted status for a reason determined to be valid under § 21.35.

(i) The period intervening the completion of a course and the pursuit of additional education or training in normal progression within the meaning of § 21.35 (e) (3) is defined to be a period of interruption for a valid reason for the purpose of § 21.35 (c); Provided: (a) The veteran's application for such additional education or training is received in the Veterans' Administration on or prior to the date of completion of the course or within 30 days immediately following such date; and (b) that following completion of the course the veteran does actually commence pursuit of the

additional education or training on the first date as of which enrollment of students in the course is permitted or within 30 days, whichever is later. (Attendance during normal summer vacation periods is optional for those veterans pursuing courses in schools organized on a term, quarter or semester basis.)

9. Sections 21.40 and 21.41 are amended to read as follows:

§ 21.40 *Conditions for vocational rehabilitation.* (a) *Veteran of World War II.* A veteran of World War II may be eligible for vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), provided he meets the following conditions:

(1) Active military or naval service after September 15, 1940, and prior to the termination of World War II (July 25, 1947, Pub. Law 239, 80th Cong.). This includes persons who served in the active military or naval service of any Government allied with the United States in World War II, provided they were citizens of the United States at the time of entrance into such active service, were residents of the United States at the time of filing their application, had not received the same or similar benefits from the Government with whose military forces they served: *And, provided further,* That the period of active service between September 15, 1940, and July 26, 1947, was at a time when that Government was at war with the common enemies.

(2) A discharge or release from active service under conditions other than dishonorable and under conditions other than those specified in section 300, Public Law 346, 78th Congress, as amended. The requirement for actual discharge does not apply to those persons who are applicants for the benefit while hospitalized, pending final discharge or release from active military or naval service, or who are on terminal leave (sec. 1507, Pub. Law 346, 78th Cong., added by sec. 10, Pub. Law 268, 79th Cong.).

(3) A compensable disability incurred in or aggravated by active service on or after September 16, 1940, and prior to the termination of World War II (July 25, 1947, Pub. Law 239, 80th Cong.)

(4) Need for vocational rehabilitation to overcome the handicap due to such disability.

(5) Vocational rehabilitation of veterans whose only service was during the period specified in subparagraph (1) of this paragraph cannot extend beyond July 25, 1956.

(b) *Veteran with service on or after June 27, 1950.* A person may be found eligible under Public Law 894, 81st Congress, as amended, for vocational rehabilitation training under Part VII, as amended, provided he meets the following conditions:

(1) Active military, naval, or air service in the Armed Forces of the United States on or after June 27, 1950, and prior to the termination date thereafter determined by Presidential proclamation or concurrent resolution of the Congress.

(2) A discharge or release from active service under conditions other than dishonorable and under conditions other

than those specified in section 300, Public Law 346, 78th Congress, as amended. The requirement for actual discharge does not apply to those persons who are applicants for the benefits of Public Law 894, 81st Congress, as amended, while hospitalized, pending final discharge or release from active military, naval, or air service, or who are on terminal leave (sec. 1507, Pub. Law 346, 78th Cong., added by sec. 10, Pub. Law 268, 79th Cong.).

(3) A disability which is determined by duly constituted claims authority to have been incurred in or aggravated by such service, and for which compensation is payable under the provisions of Part I, Veterans Regulation 1 (a), as amended (or would be but for the receipt of retirement pay or because such person is hospitalized pending final discharge from the service).

(4) Need of vocational rehabilitation training to overcome the handicap due to such disability.

(5) Vocational rehabilitation training under Pub. Law 894, 81st Congress, as amended, may not be afforded beyond 9 years following the termination date determined by Presidential proclamation or concurrent resolution of the Congress.

(6) A person who was not a citizen of the United States at the time of active service on or after June 27, 1950, shall be afforded vocational rehabilitation training under Public Law 894, as amended, only in a State, Territory, or possession of the United States, or in the District of Columbia. A person who was a citizen of the United States at the time of active service on or after June 27, 1950, shall be afforded vocational rehabilitation training under Public Law 894, as amended, only in a State, Territory, or possession of the United States or in the District of Columbia: *Provided,* That vocational rehabilitation training under Public Law 16 in an approved educational institution in a foreign country may be afforded, subject to central office approval, if adequate training for the employment objective is not available in the United States, and if the training can be pursued under the direct supervision of the Veterans' Administration: *And provided further,* That training in the Republic of the Philippines may be afforded to a United States citizen who is residing therein and is otherwise eligible for training. Determination respecting the applicant's citizenship during his period of active service will not be required, except where it is proposed to conduct the course of vocational rehabilitation training at any place not within either a State, Territory, or possession of the United States or the District of Columbia.

§ 21.41 *Severance of service-connection or reduction of disability rating to noncompensable degree.* (a) An official adjudication action which proposes either the severance of service-connection or the reduction to a noncompensable rating evaluation of the disability or any combination of disabilities upon which need for training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), or Public Law 894, 81st Congress, as amended, is based,

shall constitute notice to responsible vocational rehabilitation and education personnel that, depending upon the circumstances in the individual case, the following actions are in order with respect to the veteran's entitlement to vocational rehabilitation training:

(1) If the veteran is an applicant for or a potential inductee into Part VII or Public Law 894 training at the time the proposed adjudication action is made of record, all processes respecting determination of entitlement, need or induction into training shall be immediately suspended. In no event shall any veteran be inducted into Part VII or Public Law 894 training during the interim period provided in § 3.9 (d) and (e) of this chapter prior to the finality of action. If the proposed adjudication action becomes final, the application for vocational rehabilitation will be denied.

(2) If the veteran has been previously inducted into and is currently pursuing Part VII or Public Law 894 training when the proposed adjudication action is made of record, he may be continued in training until such time as the proposed adjudication action becomes final, at which time the following procedures will be observed:

(i) If the action results in a reduction to a noncompensable rating evaluation of the disability, or any combination of disabilities upon which need for training was based, the veteran may still be retained in Part VII or Public Law 894 training until the attainment of his objective, except where training is discontinued under § 21.283.

(ii) If the adjudication action results in a severance of the service-connection of the disability, or combination of disabilities upon which need for training was based, the veteran's Part VII or Public Law 894 training must be terminated as of the last day of the month in which such action becomes final.

(b) When the final adjudication action results in a denial of the veteran's application for vocational rehabilitation, or the termination of his training under Part VII or Public Law 894, the veteran will be informed of the determination and of his right to appeal therefrom. If eligibility and entitlement are shown to exist under Part VIII, the veteran should be informed of his eligibility for education or training under that part.

10. In § 21.53, a new subdivision (f) is added to paragraph (a) (4) and paragraph (b) is amended to read as follows:

§ 21.53 *Extension of entitlement.*

• • • • •

(f) A veteran cannot elect to pay for a portion of the quarter, semester, or term for which he is enrolled and thereby extend his entitlement.

(b) *School, college, or university courses.* Where it is shown by the facts of record that a veteran's entitlement will expire during a certified period of enrollment in a course of training pursued in a school, college, or university, extensions of entitlement will be made in accordance with the limitations set forth below.

(1) If the course is pursued in a school, college, or university which is organized on a quarter, term, or semester basis and the charges for tuition and related fees do not exceed the rate of \$500 for a full-time course for an ordinary school year, the registration officer will ascertain from official publications of the school, college, or university or other official source the beginning and ending dates of the particular quarter, term, or semester (as defined herein) of the specific course in which the veteran is enrolled and will fix the "mid-point" of such period in accordance with such official information. If the veteran's remaining entitlement is sufficient to enable him to proceed to any point beyond the "mid-point" thus ascertained, his entitlement shall be extended to the end of the quarter, term, or semester.

(2) If the course is pursued in a school, college, or university which does not subdivide the year and the customary charges for tuition, fees, and supplies do not exceed the rate of \$500 for an ordinary school year, determination as to extension of entitlement will be made in accordance with the following:

(i) If entitlement expires at a point which is less than 8½ weeks from the termination of the course, entitlement will be extended to the end of the course.

(ii) If entitlement is not sufficient to extend to the end of the course as set out in subdivision (i) of this subparagraph, then the course will be divided from the beginning into 17-week segments. Thus, if the veteran's entitlement is sufficient to complete more than half of any 17-week segment in which his entitlement expires, his entitlement will be extended to the end of such 17-week segment.

(iii) In any course or period of enrollment of less than 17 weeks' duration but not less than 10 weeks' duration, entitlement will be extended to the end of the course only where the veteran's period of entitlement is sufficient to cover more than half of such course or period of enrollment.

(3) If the charges for tuition, fees, and supplies are in excess of the rate of \$500 for an ordinary school year, determination as to extension of entitlement will be made in accordance with the following:

(i) A veteran's entitlement will be extended to the end of the course or school year where his remaining entitlement converted into dollar value at the rate of \$2.10 for each day of entitlement is sufficient to carry him to a point from which the remainder of the charges at the full-time rate for tuition, fees, and supplies is an amount which is less than (a) \$125, if the course or school year consists of 2 semesters or is not divided into quarters or semesters or (b) \$84, if the course or school year consists of three quarters (provided in either case that the same extension would be in order for a veteran enrolled in the same institution on a nonexcess cost basis).

(ii) (a) Where the veteran's entitlement is not sufficient to permit an extension to the end of the course or school year consisting of 2 semesters as set out in subdivision (i) of this subparagraph, the institutional charges for the course or school year will be divided into

segments of \$250 each. If a veteran's entitlement converted into dollar value at the rate of \$2.10 for each day of entitlement is sufficient to cover more than half of such \$250 segment in which his entitlement expires, his entitlement will be extended to the end of such \$250 segment. (Provided, That a comparable extension to the end of the first semester of a school year consisting of 2 semesters would be possible for a veteran enrolled in the same institution on a nonexcess cost basis.)

(b) Where the veteran's entitlement is not sufficient to permit an extension to the end of the school year consisting of three quarters, as set out in subdivision (i) of this subparagraph, the charges for the school year will be divided into segments of \$167 each. If a veteran's entitlement converted into dollar value at the rate of \$2.10 for each day of entitlement is sufficient to cover more than half of such \$167 segment in which his entitlement expires, his entitlement will be extended to the end of such \$167 segment. (Provided, That a comparable extension to the end of the first quarter would be possible for a veteran enrolled in the same institution on a non-excess cost basis.)

(iii) In any case where the enrollment as certified by the veteran and the institution is for less than a school year, i. e., a summer quarter (as defined in paragraph (a) of this section), on a single semester, a single quarter, or 2 quarters within a school-year determination with respect to extension of entitlement for such period of enrollment will be made by applying the principle set forth in subdivisions (i) and (ii) of this subparagraph to the charges for tuition, fees, and supplies which are assessed for the period of enrollment as certified.

(iv) The dollar value of remaining entitlement so determined will represent the limit that may be paid in charges for tuition, fees, and supplies, and the veteran's subsistence allowance will be discontinued in point of time corresponding to the last day represented by such charges.

(v) Where the total charges for tuition, fees, and supplies for a short, full-time excess cost course or short period of enrollment 10 weeks or more in length are less than \$250, the veteran's remaining entitlement will be converted into dollar value at the rate of \$2.10 for each day of entitlement and entitlement will be extended to the end of such course only if such dollar value represents more than one-half of the total charges for the course.

(vi) It is emphasized that \$500 is the maximum that may be paid for any course of less than 30 weeks.

(vii) If the veteran is pursuing an excess cost course on a part-time basis, his entitlement may be extended, if in order, through application of the criteria contained in this section on a fractional basis, i. e., the segments will be one-quarter, one-half, or three-quarters of a \$250 or \$167 full-time segment, as applicable.

(viii) In determining date of discontinuance of subsistence allowance where payable in flight courses which provide for minimum and maximum number of

hours of instruction and varying costs, the determinations respecting extension of entitlement will be premised in each case upon the maximum cost of the course divided by the maximum length of the course in weeks as expressed in the contract. The average hours of training per week for subsistence allowance rates will be determined by dividing the maximum number of hours of instruction by the maximum number of weeks of training. The ending date of subsistence allowance payments will be derived by dividing the dollar value of remaining entitlement by the cost per day of instruction, e. g., veteran with \$250 value of remaining entitlement including extension enters flight course on September 1 which has maximum cost of \$360 and maximum completion time of 12 weeks or 84 days. Dividing the maximum cost of \$360 by 84 days equals \$4.28 cost per day. \$250 entitlement value divided by \$4.28 equals 58 days of entitlement. Therefore, for subsistence allowance purposes the award will be terminated as of the 58th day, that is, October 28. This will not alter the standing policy of terminating subsistence allowance upon expiration of the average length of flight training course in weeks as stipulated by the contract where the dollar value of remaining entitlement is sufficient to complete the course.

(ix) In all excess cost courses where the dollar value of remaining entitlement including any statutory extension is not sufficient to cover the term, semester, or period of enrollment, the converted value of the veteran's remaining entitlement, having been determined by the registration officer and reported on VA Form 7-1907c or VA Form 7-1907c-1, will not be exceeded by the finance activity, and this amount may be paid regardless of the time in the course when charges for tuition, fees, supplies, etc., fall due; the time limit determined for subsistence payment shall not preclude the payment of the total amount of charges for tuition, etc., as authorized in this section in an extension of entitlement.

11. Section 21.53a is amended to read as follows:

§ 21.53a *Termination of entitlement.* On the exact date that entitlement, as defined in § 21.50 or in § 21.53, has been exhausted in accordance with the charges made against entitlement pursuant to the provisions of § 21.52, training status will be terminated for all purposes under the law. (See § 21.55.)

12. In § 21.56, paragraphs (c) (5) and (d) are added as follows:

§ 21.56 *Adjustments in entitlement through renouncement of leave or training status extensions.*

(c) (5) A veteran will not be permitted to refund subsistence allowance in an amount less than that which represents the whole of any particular period for which his training status was extended or for which leave was granted.

(d) When a veteran has secured one extension of entitlement through repurchase of leave or training status extension

sion, he will have no further entitlement remaining after completion of the quarter, term, or semester in which the extension was granted, and he may not thereafter create additional entitlement by refund, repurchase of leave, or otherwise.

13. A new § 21.153 is added as follows:

§ 21.153 *Study in a foreign country under the auspices of an approved institution of higher learning in the United States.* A veteran who is enrolled under the provisions of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), in an institution of higher learning located in the United States, may pursue a part of his course in a foreign country for graduate or undergraduate credit, provided the following conditions are met:

(a) A responsible official of the parent institution in which the veteran is enrolled certifies to the regional office having jurisdiction:

(1) That the veteran is enrolled as a bona fide student in the parent institution for course specified.

(2) The date the veteran will actually begin his training abroad and the date he will complete his training abroad.

(3) Where the course is undergraduate, the number of semester hours per semester of credit (or the equivalent in terms of quarter hours or other units) to be awarded for the course or, where the course is graduate, whether such course is one-fourth, one-half, three-fourths, or full time.

(4) As to how the veteran will be supervised by the parent institution and the means or methods by which the veteran's conduct and progress will be determined, subject to subparagraph (5) of this paragraph.

(5) That the parent institution:

(i) Will obtain information once each month as to the veteran's conduct and progress. (This information may be based on written reports of progress made to the parent institution by the institution or individual where or under whom the trainee is studying in the foreign country, or, in the case of a graduate student engaged in research, on the written reports which such student submits to the dean of the graduate school or the chairman of his committee.)

(ii) Will notify the regional office immediately at any time the institution has evidence, through the reports submitted or otherwise, that the veteran is no longer pursuing his course according to the established standards and practices of the institution or that his conduct or program is unsatisfactory in accordance with the standards and practices of the institution.

(b) Payment will be made by the Veterans' Administration to the parent institution for tuition, fees, books, supplies, and equipment at the rates customarily charged other (nonveteran) students pursuing the same courses. Payment for books, supplies, and equipment will be limited to those items customarily required to be owned personally by all other students (nonveteran) taking the same or comparable course, and in no instance will the items be greater in variety, quality, or amount than re-

quired of other students. No payment will be made directly or indirectly to cover cost of transportation, board, lodging, laundry, sightseeing tours, or other noninstructional expenses not ordinarily covered by charges for tuition and fees.

(c) The parent institution will assume full responsibility for compensating the foreign institution, establishment, or individual, where or under whom the veteran is pursuing training, for all costs of instruction, supplies, and equipment, and other allowable charges incident to such training.

(d) Subsistence allowance will be authorized if otherwise in order for the time actually spent in pursuit of the course of training but not for time spent in travel.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 288, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation is effective April 10, 1952.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-4103; Filed, Apr. 9, 1952; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 24]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 4th day of April A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby suspended until 11:59 p. m., May 31, 1952, on all freight cars except cars described in the current Official Railway Equipment Register, Agent M. A. Zenobia's I. C. C. 302, supplements thereto and reissues thereof, as Class "G"—Gondola Car Type and Class "F"—Flat Car Type.

It is further ordered, that this amendment shall become effective at 7:00 a. m., April 9, 1952, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 394, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-4085; Filed, Apr. 9, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 932]

[Docket No. AO-33-A18]

MILK IN FORT WAYNE, INDIANA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS

Notice is hereby given that the time within which interested parties may file written exceptions to the recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, which was issued on March 24, 1952, and published in the FEDERAL REGISTER on March 27, 1952 (17 F. R. 2675), is hereby extended to the close of business on April

10, 1952. Exceptions filed pursuant to this notice should be filed with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., in quadruplicate.

Dated: April 7, 1952, at Washington, D. C.

[SEAL]

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-4108; Filed, Apr. 9, 1952; 8:52 a. m.]

[7 CFR Part 980]

[Docket No. AO-183-A3]

HANDLING OF MILK IN THE TOPEKA, KANSAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of