

chase from the party who sold the product to the owner and reimbursement of reasonable transportation costs incurred in returning the product in accordance with provisions of § 1500.202.

The Commission concludes that the greatest benefit would result to both consumers and industry if any party in the chain of distribution were allowed to offer replacement or modification as an alternative to repurchase. The Commission can foresee that if a manufacturer went out of business before a defect in the product were discovered which caused that product to be a "banned hazardous substance," the duty to repurchase that product would continue for all other parties in the chain of distribution. Notwithstanding the absence of the manufacturer, section 15 of the FHSA would continue to require retailers to repurchase the banned product from consumers to whom they sold it; similarly, the act would require distributors to repurchase from their retail customers. In these circumstances, some party other than the manufacturer might be able to devise a satisfactory alternative to repurchase. For these reasons, the Commission declines to modify the proposal in the manner requested in this comment.

6. Comments from the association of newspaper publishers and the member of the public request changes in the provisions of 16 CFR 1500.202 and proposed § 1500.203 relating to notification of owners of banned products that repurchase or modification is offered.

The association of newspaper publishers urges a change to require publication of the notice in at least one newspaper of general circulation in each area where the product was distributed, one day a week for three consecutive weeks. A brochure accompanying this comment cites several newspaper readership studies in support of the proposition that the newspaper is the best medium to convey inexpensively a precise and timely message to the general public.

The comment from the member of the public suggests that the notice requirements should be changed to require the notification of defect and the offer to modify or repurchase to be attached to each of the banned products displayed for sale, and mailed to each purchaser of the banned product in question. This comment urges that the notification include a statement regarding the nature of the defect and the hazard presented by the product.

Section 1500.202(f) prescribes a mechanism by which manufacturers and all other parties in the chain of distribution, including retailers, are to notify their customers when a product is subject to repurchase as a "banned hazardous substance." This section requires retailers to post signs at the place of sale to advise consumers of the specific products which the retailer sells or has sold which are subject to repurchase, the nature of the hazard presented by each such product, and the procedures to be followed to obtain repurchase of any banned product.

The Commission is presently unaware of information indicating that the present notification system by the posting of signs required under § 1500.202(f) is inadequate to reach those persons to whom the retailer's duty to repurchase extends. The Commission will, however, investigate the effectiveness of the present notification requirements and propose changes to the regulations if an evaluation indicates that such changes are warranted. Accordingly, the Commission declines to modify the notification requirements as requested by these comments.

Having considered the comments received and other relevant information, the Commission concludes that the proposal, with changes, should be adopted as set forth below (in addition to the changes discussed above, other changes, for purposes of clarification, have been made).

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 10(a), 15, 74 Stat. 378, 380, as amended, 83 Stat. 189-90; 15 U.S.C. 1269 (a), 1274), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079 (a)), a new section is added to 16 CFR Part 1500 as follows:

§ 1500.203 Modification or replacement of banned hazardous substances in lieu of repurchase.

(a) *Scope.* This section clarifies and sets forth the conditions whereby repurchase of a banned hazardous article or substance will not be required under section 15 of the act and section 202 of this Part 1500. Generally, repurchase will not be required whenever, with the consent of the owner, the banned hazardous article or substance is replaced or modified so as to no longer be considered banned.

(b) *Modification.* Any article or substance which is a "banned hazardous substance" as that term is used in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the regulations issued thereunder in this Subchapter C, (including any article or substance which became a banned hazardous substance because of some alteration which occurred after its introduction into interstate commerce and before its sale to an ultimate consumer) but which is thereafter modified so that it is no longer a banned hazardous substance shall not be subject to repurchase under provisions of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and § 1500.202. Provided, however, that if the owner of a particular product which is a banned hazardous substance (for a reason other than an alteration by the owner) will not consent to modification of the product as an alternative to repurchase, the obligation of the party who sold that product to repurchase that product in accordance with section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and § 1500.202 shall not be affected by the provisions of this § 1500.203.

(c) *Replacement.* Any party who is obligated to repurchase an article which is a banned hazardous substance may replace it with an equivalent product which is not a banned hazardous substance in satisfaction of the requirements of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and the provisions of 16 CFR 1500.202. Provided however, that if the owner of the particular product which is a banned hazardous substance (for reasons other than an alteration by the owner) will not consent to replacement with an equivalent product which is not a banned hazardous substance, the obligation of the party who sold the banned hazardous substance to repurchase that product and refund the purchase price in accordance with section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and § 1500.202 shall not be affected by the provisions of this § 1500.203.

(d) *Notification.* In any case where a manufacturer, distributor, or dealer elects to offer to modify a banned hazardous substance or to replace it with an equivalent product which is not a banned hazardous substance as an alternative to repurchase, the notice provided pursuant to the requirements of section 1500.202(f) may be written to indicate the availability of the alternative of modification or replacement of the banned hazardous substance. Such notice, however, shall indicate that the owner of the banned hazardous substance may insist on repurchase.

(e) *Expenses.* In any case where a manufacturer, distributor, or dealer elects to offer to modify a banned hazardous substance or to replace it with an equivalent product which is not a banned hazardous substance as an alternative to repurchase, all expenses incurred in connection with the modification or replacement, absent any agreement between the parties to the contrary, shall be borne by the party originally offering the modification or replacement.

Effective date. The regulation promulgated above (16 CFR 1500.203) shall become effective January 24, 1977.

(Secs. 10(a), 15, 74 Stat. 378, 380, as amended 83 Stat. 189-90; 15 U.S.C. 1269(a), 1274.)

Dated: December 20, 1976.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc.76-37714 Filed 12-22-76; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-4]

PART 1—GENERAL PROVISIONS

Grand Rapids, Mich.

On October 14, 1976, there was published in the FEDERAL REGISTER (41 FR 45015) a notice of a proposal to establish a Customs port of entry at Grand Rapids, Michigan, in the Detroit, Michigan, Customs district (Region IX). No comments.

were received in response to this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), Grand Rapids, Michigan, is hereby designated as a Customs port of entry in the Detroit, Michigan, Customs district (Region IX).

The geographical limits of Grand Rapids, Michigan, port of entry shall include all that area beginning at the northwesternmost corner of the City of Walker, Michigan, and extending in an easterly direction along the northern boundaries of the City of Walker, the City of Grand Rapids, Grand Rapids Township, and Ada Township, all in Michigan, to the northeasternmost point of Ada Township, then proceeding in a southerly direction along the eastern boundaries of Ada Township, Cascade Township, and Caledonia Township, Michigan, to 84th Street, then proceeding in a westerly direction along 84th Street to its intersection with the boundary line between Kent County and Ottawa County, Michigan, then proceeding in a northerly direction along the boundary line between Kent County and Ottawa County, Michigan, to the northwesternmost corner of the City of Walker, Michigan.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by inserting "Grand Rapids, Michigan (T.D. 77-4)" directly below "Battle Creek, Michigan," in the column headed "Ports of entry" in the Detroit, Michigan, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date. This amendment shall become effective January 24, 1977.

Dated: December 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc. 76-37723 Filed 12-22-76; 8:45 am]

[T.D. 77-5]

PART 1—GENERAL PROVISIONS

Erie, Pennsylvania

On September 14, 1976, a notice of proposal to extend the port limits of Erie, Pennsylvania, in the Cleveland Ohio, Customs district (Region IX) was published in the FEDERAL REGISTER (41 FR 39030). No comments were received regarding the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II),

and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), the port limits of Erie, Pennsylvania, in the Cleveland, Ohio, Customs district (Region IX), are extended to include all the territory within the corporate limits of the City of Erie and all of Mill Creek Township in Erie County, Pennsylvania.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by adding the language "(including territory described in T.D. 77-5)" directly after "Erie, Pa." in the column headed "Ports of entry" in the Cleveland, Ohio, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date. This amendment shall become effective January 24, 1977.

Dated: December 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc. 76-37724 Filed 12-22-76; 8:45 am]

[T.D. 77-3]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money

Amendment of the listing of countries entitled to suspension and discontinuance of foreign discriminating duties of tonnage and impost with respect to vessels and certain imports; § 4.22 of the Customs Regulations, amended.

Section 4.22 of the Customs Regulations (19 CFR 4.22) lists the nations whose vessels are exempted by treaties, Presidential proclamations, or orders of the Secretary of the Treasury from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. On October 7, 1976, the Department of State requested the Department of the Treasury to remove the Republic of Viet-Nam and Palestine from the list. On October 15, 1976, the Department of State requested the Department of the Treasury to change the listing for "China" to "Republic of China".

Accordingly, to reflect these changes, the list set forth in § 4.22 of the Customs Regulations is amended by deleting "Palestine" and "Viet-Nam, Republic of" therefrom and by substituting "China, Republic of" for "China".

(R.S. 251, as amended, R.S. 4219, as amended, R.S. 4225, as amended, R.S. 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141).)

Since these amendments reflect either the change in name of a country currently on the list or the deletion of names of countries in conformity with the law allowing an exception only as long as reciprocity is possible, notice and public procedure is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective December 23, 1976.

Dated: December 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.
[FR Doc. 76-37722 Filed 12-22-76; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION [COGDS-76-08R]

PART 127—SECURITY ZONES

Hampton Roads, James River, Newport News, Virginia

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the James River in the area of the Newport News Shipbuilding and Drydock Company, Newport News, Virginia as a security zone. This security zone is established to prevent interference with the launching of the USS CINCINNATI at the Newport News Shipbuilding and Drydock Company, Newport News, Virginia.

This amendment is issued without publication of a notice of proposed rule making, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.510 to read as follows: § 127.510 Hampton Roads, James River, Newport News, Virginia.

The waters within the following boundary is a security zone: A line beginning at a point on Newport News Shipbuilding Pier 2 at position 36°58'48" N, 76°26'26" W, to a position at 36°57'53" N, 76°26'42" W, thence to a position at 36°59'07" N, 76°27'57" W, thence to a point on shore at position 36°59'35" N, 76°26'55" W, thence to the point of beginning.

(40 Stat. 220, as amended, (§ 1, 63 Stat. 503), § 6(b), 80 Stat. 937; 50 U.S.C. § 191 (14 U.S.C. § 91), 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, O. 10352, E.O. 11249; 3 CFR 1947-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Effective date. This amendment is effective from 10:30 a.m. to 2 p.m., Saturday 19 February 1977.

Dated: December 16, 1976.

C. R. THOMPSON,
Captain, U.S. Coast Guard,
Hampton Roads, Captain of the Port.

[FR Doc. 76-37705 Filed 12-22-76; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Increased Disability Compensation and Dependency and Indemnity Compensation; Burial Benefits

An page 48747 of the FEDERAL REGISTER of November 5, 1976, there was published

a notice of proposed regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 94-433 (90 Stat. 1374).

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA regulations are effective October 1, 1976 except § 3.21 which is effective December 16, 1976.

Approved: December 16, 1976.

R. L. ROUDEBUSH,
Administrator.

1. In § 3.5, paragraphs (e) (3) and (4) are revised to read as follows:

§ 3.5 Dependency and indemnity compensation.

(e) *Widow's or widower's rate.* * * *

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(b) for each child.

(4) If the widow or widower is determined to be in need of aid and attendance under the criteria in § 3.352 or is a patient in a nursing home, the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(c).

2. Section 3.21 is added to read as follows:

§ 3.21 Monetary rates.

The rates of compensation, dependency and indemnity compensation, and pension as well as the income limitations applicable to pension and parent's dependency and indemnity compensation as published in tabular form in Appendix B of Department of Veterans Benefits Manual M21-1¹ are to be given the same force and effect as if published in the regulations (Title 38, Code of Federal Regulations).

3. In § 3.309, paragraphs (a) and (b) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after January 1, 1947.

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.

Bronchiectasis.

Calculi of the kidney, bladder, or gallbladder.
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement 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 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)

Cirrhosis of the liver.

Coccidioidomycosis.

Diabetes mellitus.

Encephalitis lethargica residuals.

Endocarditis. (This term covers all forms of valvular heart disease.)

Endocrinopathies.

Epilepsies.

Hansen's disease.

Hodgkin's disease.

Leukemia.

Myasthenia gravis.

Myelitis.

Myocarditis.

Nephritis.

Other organic diseases of the nervous system.

Osteitis deformans (Paget's disease).

Osteomalacia.

Palsy, bulbar.

Paralysis agitans.

Psychoses.

Purpura idiopathic, hemorrhagic.

Raynaud's disease.

Sarcoidosis.

Scleroderma.

Sclerosis, amyotrophic lateral.

Sclerosis, multiple.

Syringomyelia.

Thromboangiitis obliterans (Buerger's disease).

Tuberculosis, active.

Tumors, malignant, of the brain or spinal cord or peripheral nerves.

Ulcers, peptic (gastric or duodenal) (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 following diseases may be considered for service connection as a result of tropical service, although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limit under § 3.307 or § 3.308 following service in a period of war or following peacetime service.

Amebiasis.

Blackwater fever.

Cholera.

Dracontiasis.

Dysentery.

Filariasis.

Hansen's disease.

Leishmaniasis, including kala-azar.

Loiasis.

Malaria.

Onchocerciasis.

Oroya fever.

Pinta.

¹ Available in VA regional offices and VA centers.

Plague.

Schistosomiasis.

Yaws.

Yellow fever.

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

4. In § 3.350, the introductory portion of paragraphs (a), (b), (c), (e) and (i) preceding subparagraph (1) and paragraphs (d), (f) (1) and (2) (i) through (iv) and (h) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye, having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed \$879 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (1) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed \$1,231 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance.

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less.

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p).*—(1) *Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is \$924.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m).

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is \$1,034.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is \$924.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, eversion or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m).

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, eversion or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is \$1,034.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, eversion, or other ob-

vious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314(n).

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate (\$1,231) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b) (2) as to continuance following admission for hospitalization.) The rate is \$528. Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum \$1,231 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or household; 38 U.S.C. 314(s).* The special monthly compensation provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

5. In § 3.351, the section heading, paragraph (a) and the introductory portion of paragraph (c) preceding subparagraph (1) are revised to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Spanish-American War Veterans (38 U.S.C. 512) and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pension for widows and widowers in need of regular aid and attendance is provided for widows and widowers of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World War II or the Korean conflict (38 U.S.C. 544). Additional compensation is provided for a married veteran receiving compensation of the 50 percent rate or greater whose spouse is in need of regular aid and attendance. (38 U.S.C. 315(1) (I)). Additional dependency and indemnity compensation and death compensation for widows and widowers and for parents in need of regular aid and attendance is provided for widows and widowers and for parents of veterans of all periods of service. (38 U.S.C. 322(b); 411(c); 415(h)).

(c) *Aid and attendance; criteria.* The veteran, spouse, widow, widower, or parent will be considered in need of regular aid and attendance if he or she:

6. In § 3.401 the introductory language, paragraphs (a) and (c) are revised to read as follows:

§ 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

(a) *Aid and attendance (§ 3.552).* (1) Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b) (2)). (2) Date of departure from hospital, institution, or domiciliary. (3) Spouse, additional compensation for aid and attendance: Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b) (2)).

(c) *Divorce (Annulment) of veteran and wife (husband).* See § 3.501(d).

7. In § 3.501, the introductory text, paragraph (b) (3) is added and paragraphs (d) and (i) (2) are revised to read as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(b) *Aid and attendance.* * * *

(3) *Aid and attendance for spouse.* End of month in which award action is taken if need for aid and attendance has ceased.

(d) *Divorce or annulment (38 U.S.C. 3012(b) (2)).* Last day of the calendar year in which divorce or annulment occurred.

(i) *Hospitalization.* * * *

(2) § 3.551(c). First day of third calendar month following admission if veteran without spouse or child or, though married, is receiving pension at rate provided by 38 U.S.C. 521(b).

8. In § 3.502, the section heading, the introductory portion preceding paragraph (a), and paragraph (c) are revised to read as follows:

§ 3.502 Widows (widowers).

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow (widower) will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(c) *Legal widow (widower) entitled.* Date of last payment on award to another woman (man) as widow (widower). See § 3.657.

9. In § 3.503, the introductory portion preceding paragraph (a) and paragraphs (b) and (i) are revised to read as follows:

§ 3.503 Children.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow (widower) on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(b) *Enters service* (§§ 3.450(b), 3.458(e)). Date of last payment of apportioned disability benefits for child not in custody of estranged spouse. Full rate payable to veteran. No change where payments are being made for the child to the veteran, his (her) estranged spouse, his widow (her widower), or to the fiduciary of a child not in the widow's (widower's) custody.

(i) *Widow (widower) becomes entitled*. Date of last payment. See § 3.657.

10. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (1), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of \$1,231 because of entitlement to another rate under section 314(1) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314 (1) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be \$968 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314 (m), \$1,099.

(3) If entitlement is under section 314 (n), \$1,231 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314 (p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" the award under 38 U.S.C. 314 (m) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314 (1).

11. In § 3.660, paragraph (a) (2) is revised to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance*. * * *

(2) *Contingency*. Where reduction or discontinuance of a running award is required because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, or because of an increase in corpus of estate or net worth or because dependency of a parent ceased or because dependency ceased due to the dependent's marriage, annulment, divorce or death the award will be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. (38 U.S.C. 3012)

12. In § 3.808, paragraph (a) is revised to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

(a) *Service*. The claimant must have had active military, naval or air service on or after September 16, 1940.

13. In § 3.810, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose service-connected disability is compensable under laws administered by the Veterans Administration is entitled, upon application therefor, to an annual clothing allowance as specified in 38 U.S.C. 362 (payable in a lump sum).

14. In § 3.1600, paragraph (a) is revised and paragraph (g) is added to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

(a) *Wartime veterans*. When a veteran of any war dies, an amount not to exceed \$250 (\$800 if death is service-connected) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to \$125 or \$400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, of otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920. (38 U.S.C. 902; 907; 107(a).)

(g) *Transportation expenses for burial in national cemetery*. Where a veteran dies as the result of a service-connected disability, or at the time of death was in receipt of disability compensation (or but for the receipt of military retired pay or non-service-connected disability pension would have been entitled to disability compensation at time of death) there is payable, in addition to the burial allow-

ance (either \$250 or \$800 if cause of death was service connected), an additional amount for payment of the cost of transporting the body to a national cemetery for burial. This amount may not exceed the cost of transporting the body from the veteran's place of death to the national cemetery nearest the veteran's last place of residence in which burial space is available. The amounts payable under this paragraph are subject to the limitations set forth in §§ 3.1604 and 3.1606.

15. In § 3.1606, the section heading, the introductory portion preceding paragraph (a) and paragraphs (a) (1) and (b) (1) are revised to read as follows:

§ 3.1606 Transportation items.

The transportation costs of those persons who come within the provisions of §§ 3.1600(g) and 3.1605(a), (b), (c) and (d) may include the following:

(a) *Shipment by common carrier*. (1) Charge for pickup of remains from place hospitalized or place of death but not to exceed the usual and customary charge made the general public for the same service.

(b) *Transported by hearse*. (1) Charge for pickup of remains from place hospitalized, or place of death, and

16. In § 3.1609, paragraph (a) is revised to read as follows:

§ 3.1609 Forfeiture.

(a) Forfeiture of benefits for fraud by a veteran during his or her lifetime will not preclude payment of burial and plot or interment allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran.

[FR Doc.76-37765 Filed 12-22-76; 8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5610]

[ES 12792]

WISCONSIN

Partial Revocation of Executive Order of June 8, 1840

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, P.L. 94-579, October 21, 1976, it is ordered as follows:

1. The Executive Order of June 8, 1840, withdrawing public lands for lighthouse purposes, is hereby revoked so far as it affects the following described lands:

FOURTH PRINCIPAL MERIDIAN

T. 34 N., R. 30 E.,

Fractional sec. 14, lots 2 and 3;

Fractional sec. 15, all except approximately 0.01 of an acre (400 square feet) more particularly described as follows:

Commencing at the SE corner of fractional sec. 15, T. 34 N., R. 30 E., thence due