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Washington, Thursday, August 31, 1939

The President

EXECUTIVE ORDER

AUTHORIZING THE INSPECTION OF CERTAIN RETURNS MADE UNDER THE INTERNAL REVENUE CODE

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code (53 Stat. 29), it is hereby ordered that the following-designated returns made under the said Code shall be open to inspection in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of such returns, approved by me this date:¹

Income (including income of personal holding companies and unjust enrichment income), excess-profits, capital stock, estate, and gift tax returns, and returns of employment tax on employers under Subchapter C of Chapter 9 of the Internal Revenue Code.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 28, 1939.

[No. 8230]

[F. R. Doc. 39-3183; Filed, August 29, 1939; 3:23 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY²

§ 71.4 *Men with dependents, including married men.* (a) No man with a dependent, or dependents, in any of the following classes will be accepted for

original enlistment in the Regular Army in time of peace:

- (1) Lawful wife.
- (2) Legitimate children, step children, or adopted children under twenty-one years of age, who are legally or in fact dependent upon the applicant for support.
- (3) Mother, who is in fact dependent upon the applicant for her chief support.
- (4) Any other persons who are in fact dependent upon the applicant for support.

(b) Marriage will not affect reenlistment of enlisted men in grades 1, 2, or 3.

(c) (1) Enlisted men except those in grades 1, 2, or 3, who marry without the written permission of the corps area commander after June 30, 1939, will be discharged without delay for the convenience of the Government and will not be reenlisted.

(2) Permission to marry may be granted in worthy cases to enlisted men in the fourth grade only who have completed eight or more years service in the Army. Such permission will be granted by corps area commanders and will be given in writing. Appropriate notation will be made under "Remarks" in the enlisted man's Service Record (W.D., A.G.O. Form No. 24), indicating the authority and date. For this purpose corps area commanders will have jurisdiction over all enlisted personnel stationed within their respective corps areas.

(d) Men who married in accordance with the conditions indicated in (b) and (c) (2) above, but who have been reduced in grade or rating so that their status is below that specified may be reenlisted at the discretion of corps area commanders, due regard being had to the interests of the individual and the Government.

(e) The obtainment of a divorce will not render eligible for reenlistment an applicant who, under the provisions of these regulations was, at any time during

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his current or last enlistment, rendered ineligible for reenlistment.

(f) Marriage will not affect the reenlistment of the following classes of enlisted men now in the service:

- (1) Those in the first three grades.
- (2) Noncommissioned officers below grade 3 who married with or without the

¹ See page 3778.
² These regulations supersede Section 71.4, Chapter VII, Title 10, Code of Federal Regulations.



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consent of their post commander prior to July 1, 1939, and who are discharged with character excellent and who apply for reenlistment within 20 days.

(3) Those who obtained permission to marry under the provisions of (c) (2) above.

(4) Those who can present to the corps area commander authentic evidence of having been granted military permission to marry prior to July 1, 1939, provided the enlisted man can maintain his dependents on his pay.

(5) Those who have previously been reenlisted as married men, even though military permission had not been obtained to marry, provided the enlisted man can maintain his dependents on his pay.

(g) Enlisted men of the Philippine Scouts and the 65th Infantry in Puerto Rico may be granted permission to marry, and their reenlistment may be authorized, under regulations prescribed by the commanding general, Philippine Department, and the commanding general, Puerto Rican Department, respectively, due consideration being given to the interests of the enlisted man and the Government.

(h) No man will be accepted for enlistment or reenlistment conditional upon any written, verbal, or implied promise that any portion of his pay will be allotted to a relative or other person. (41 Stat. 765; 10 U.S.C. 42) (Par. 14, A.R. 600-750, April 10, 1939, as amended by Cir. 65, W.D., August 22, 1939)

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-3185; Filed, August 30, 1939; 9:31 a. m.]

TITLE 26—INTERNAL REVENUE BUREAU OF INTERNAL REVENUE

[T. D. 4929]

PART 463C—INSPECTION OF RETURNS

REGULATIONS GOVERNING THE INSPECTION OF CERTAIN RETURNS UNDER THE INTER- NAL REVENUE CODE.*†

To Collectors of Internal Revenue and others Concerned:

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SUBPART A

Introductory

§ 463C.0 *Introductory.* Section 55 (a) (1) of the Internal Revenue Code provides:

(1) Returns made under this chapter upon which the tax has been determined by the Commissioner shall constitute public records; but, except as hereinafter provided in this section, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President.

*Sections 463C.0 to 463C.38 are issued under authority contained in secs. 55 (a), 508, 603, 702 (a), 1204, and 1604 (c) of the Internal Revenue Code (53 Stat. 29, 111, 111, 116, 171, 186).

†The source of sections 463C.0 to 463C.38 is Treasury Decision 4929, approved August 28, 1939.

Section 55 (a) (2) of the Internal Revenue Code provides:

(2) And all returns made under this chapter, subchapters A, B, and D of chapter 2, subchapter B of chapter 3, chapters 4, * * * shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

Section 508 of the Internal Revenue Code (relating to surtax on personal holding companies) provides:

All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1, shall insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by this subchapter, except that the provisions of section 131 shall not be applicable.

Section 603 of the Internal Revenue Code (relating to excess-profits tax) provides:

All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by section 600, except that the provisions of section 131 of that chapter shall not be applicable.

Section 702 (a) of the Internal Revenue Code (relating to unjust enrichment tax) provides:

(a) All provisions of law (including penalties) applicable with respect to taxes imposed by chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable with respect to the taxes imposed by this subchapter, except that the provisions of sections 101, 131, 251, and 252 shall not be applicable.

Section 1204 of the Internal Revenue Code (relating to capital stock tax) provides:

Returns required to be filed for the purpose of the tax imposed by section 1200 shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under chapter 1, except that paragraph (2) of subsections (b) and (f) of section 55 shall not apply.

Section 1604 (c) of the Internal Revenue Code (relating to employment tax on employers) provides:

(c) **PUBLICITY.** Returns filed under this subchapter shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under chapter 1, except that paragraph (2) of subsections (a), (b) and (f) of section 55 shall not apply.

Section 55 (f) (1) of the Internal Revenue Code (relating to income tax) provides:

It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or

any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment.

Pursuant to the above-quoted provisions of law, it is hereby ordered that certain returns of individuals, partnerships, estates, trusts, corporations, associations, joint-stock companies, and insurance companies made pursuant to the requirements of the Internal Revenue Code, shall be open to inspection in accordance and upon compliance with the following rules and regulations:*†

SUBPART B

Income Returns (Including Personal Holding Company and Unjust Enrichment Returns), and Excess-Profits and Capital Stock Tax Returns, and Returns of Employment Tax on Employers Under Subchapter C of Chapter 9 of the Internal Revenue Code

§ 463C.1 *Terms used.* The word "return" when used in Subpart B of these regulations shall include only income returns (including personal holding company and unjust enrichment returns), and excess-profits and capital stock tax returns; and returns of employment tax on employers under subchapter C of chapter 9 of the Internal Revenue Code. Any other word or term used in these regulations which is defined in any chapter of the Internal Revenue Code shall be given the definition contained in the chapter which is applicable with respect to the particular return made.*†

§ 463C.2 *Return of individual.* The return of an individual shall be open to inspection (a) by the person who made the return, or by his duly constituted attorney in fact; (b) if the maker of the return has died, or become legally incompetent, by the administrator, executor, trustee, or guardian of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; (c) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of such deceased person, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and (d) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for the inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue

Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.3 *Joint return of husband and wife.* A joint return of a husband and wife shall be open to inspection (a) by either spouse for whom the return was made, upon satisfactory evidence of such relationship being furnished, or by his or her duly constituted attorney in fact; (b) if either spouse has died, or become legally incompetent, by the administrator, executor, trustee, or guardian of his or her estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; and (c) in the discretion of the Commissioner by any heir at law, next of kin, or beneficiary under the will, of such deceased spouse, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return. With respect to inspection on behalf of States or political subdivisions thereof, see section 55 of the Internal Revenue Code.*†

§ 463C.4 *Partnership return.* The return of a partnership shall be open to inspection (a) by any individual who was a member of such partnership during any part of the time covered by the return, or by his duly constituted attorney in fact, upon satisfactory evidence of such membership in the partnership being furnished; (b) if a member of such partnership during any part of the time covered by the return has died, or become legally incompetent, by the administrator, executor, trustee, or guardian, of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; (c) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of such deceased person, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and (d) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for the inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the gov-

ernor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.5 *Estates.* The return of an estate shall be open to inspection (a) by the administrator, executor, or trustee of such estate, or by his duly constituted attorney in fact; (b) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of the deceased person for whose estate the return is made, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, or if any such heir at law, next of kin, or beneficiary has died or become legally incompetent, by his administrator, executor, trustee, or guardian of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian, upon a showing of material interest which will be affected by information contained in the return; and (c) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.6 *Trusts.* The return of a trust shall be open to inspection (a) by the trustee or trustees, jointly or severally, or the duly constituted attorney in fact of such trustee or trustees; (b) by any individual who was a beneficiary of such trust during any part of the time covered by the return, or by his duly constituted attorney in fact, upon satisfactory evidence being furnished that the individual was such beneficiary; (c) if any individual who was a beneficiary of such trust during any part of the time covered by the return has died, or become legally incompetent, by the administrator, executor, trustee, or guardian, of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; (d) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of such deceased person, or by the duly constituted attorney in fact of such heir at law, next of kin, or bene-

ficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and (e) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for the inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.7 *Corporations.* The return of a corporation shall be open to inspection (a) by any person designated by action of its board of directors, or other similar governing body, upon submission of satisfactory evidence of such action, or (b) by any officer or employee of such corporation upon written request to the Commissioner signed by any principal officer and attested by the Secretary, or other officer under the corporate seal, if any, or (c) by the duly constituted attorney in fact of such corporation. The return of a corporation which has since been dissolved, shall, in the discretion of the Commissioner, be open to inspection by any person who under these regulations might have inspected the return at the date of dissolution. Returns of corporations under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner, and at such time and in such manner as the Commissioner may prescribe, shall be open to inspection by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

SUBPART C

Estate and Gift Tax Returns Under the Internal Revenue Code

§ 463C.20 *General.* Estate tax returns and notices and gift tax returns, filed under the Internal Revenue Code, shall be treated as privileged communications and shall not be inspected nor their con-

tents disclosed except as hereinafter provided.*†

§ 463C.21 *Application for inspection.* Upon application to the collector, internal revenue agent in charge, or Commissioner, an estate tax return or notice may be inspected by the executor, or his successor in office, or by his duly authorized attorney in fact. Upon like application a gift tax return may be inspected by the donor or his duly authorized attorney in fact.*†

§ 463C.22 *Disclosures for investigation purposes.* An internal revenue officer engaged in an official investigation of an estate tax or gift tax liability may disclose the returned value of any item or the amount of any specific deduction, or other limited information, if such disclosure is necessary in order to verify the same or to arrive at a correct determination of the tax. This right of disclosure, however, is limited to the purposes of the investigation, and in no case extends to such information as the amount of the estate, the amount of tax, or other general data.*†

§ 463C.23 *Inspection by State officials.* A return or notice may be exhibited, or information contained therein may be disclosed, to an officer of any State, for official use in connection with an estate, inheritance, legacy, succession, gift, or other tax of the State, provided a like cooperation is given by the State to the Commissioner or his representatives for use in the administration of the Federal tax laws. Such officer may also be permitted to inspect schedules, lists, and other statements designed to be supplemental to or to become a part of, the original return, and other records and reports which contain information included or required by statute to be included in the return.*†

§ 463C.24 *Inspection discretionary with Commissioner in certain cases.* If any other person has a material interest in ascertaining any fact disclosed by the return, or in obtaining information as to the payment of the tax, he may make a written application to the Commissioner for such information, setting forth the nature of his interest and the purpose of the application. Thereupon, the Commissioner may permit an inspection of, or furnish a copy of the return, or may furnish such information as he deems advisable.*†

SUBPART D

General Provisions

§ 463C.30 *Scope.* The following provisions, unless otherwise stated, are applicable to all returns referred to in Subparts B and C of these regulations.*†

§ 463C.31 *Permission to inspect.* The Commissioner, upon written application setting forth fully the reason for the request, may grant permission for the inspection of returns in accordance with these regulations.*†

§ 463C.32 *Treasury Department officials and employees.* The officers and employees of the Treasury Department

whose official duties require inspection of returns may inspect any such returns without making such written application. If the head of a bureau or office in the Treasury Department, not a part of the Internal Revenue Bureau, desires to inspect, or to have an employee in his bureau or office inspect a return, in connection with some matter officially before him, for reasons other than tax administration purposes, the inspection may, in the discretion of the Secretary, be permitted upon written application to him by the head of such bureau or office, showing in detail why the inspection is desired.*†

§ 463C.33 *Inspection by branch of Government other than Treasury Department.* Except as provided in section 463C.34, if the head of an executive department (other than the Treasury Department), or of any other establishment of the United States Government, desires to inspect or to have some other officer or employee of his branch of the service inspect a return in connection with some matter officially before him, the inspection may, in the discretion of the Secretary of the Treasury, be permitted upon written application to him by the head of such executive department or other Government establishment. The application shall be signed by such head and shall show in detail why the inspection is desired, the name and address of the taxpayer who made the return, and the name and official designation of the person it is desired shall inspect the return. The information obtained under this section and section 463C.32 may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.*†

§ 463C.34 *Inspection by Government attorneys.* Any return shall be open to inspection by a United States attorney or by an attorney of the Department of Justice where necessary in the performance of his official duties. The request for inspection shall be in writing and, except as provided in section 463C.37, shall be addressed to the Commissioner, and shall state the purpose for which inspection is desired. It may be signed by the Attorney General, the Assistant to the Attorney General, an Assistant Attorney General, or a United States Attorney.*†

§ 463C.35 *Information returns.* Information returns, schedules, lists, and other statements designed to be supplemental to, or to become a part of, the returns shall be subject to the same rules and regulations as to inspection as are the returns themselves. In any case where inspection of the return is authorized by these regulations, the Commissioner may, in his discretion, permit inspection of other records and reports which contain information included or required by statute to be included in the return.*†

§ 463C.36 *Place of inspection.* Generally, returns may be inspected only in

the Bureau of Internal Revenue, Washington, D. C., unless such returns are in the custody of a collector of internal revenue or internal revenue agent in charge or the head of a field division of the Technical Staff, in which event the returns may be inspected in the office of such collector or agent in charge or head of division, but only in the presence of an internal revenue officer, designated by the collector or agent or head of division for that purpose.*†

§ 463C.37 *Applications for inspection.* Except as provided in section 463C.33, and as hereinafter provided, all applications for permission to inspect returns must be made in writing to the Commissioner of Internal Revenue. When a return is in the custody of a collector of internal revenue or internal revenue agent in charge or the head of a field division of the Technical Staff, such collector or revenue agent in charge or head of division, upon written application to him, is authorized to permit the inspection of such return by a United States attorney, or an attorney in the Department of Justice, or by the taxpayer or his duly authorized attorney in fact, in accordance with these regulations.*†

§ 463C.38 *Penalties.* Section 55 (f) (1) of the Internal Revenue Code makes it a misdemeanor, punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both, at the discretion of the court, for any person to print or publish in any manner whatever not provided by law information contained in any income return, and further provides that if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. The penalties provided in section 55 (f) (1) of the Internal Revenue Code are applicable also to disclosure of information contained in excess-profits, unjust enrichment, and capital stock tax returns and returns made under subchapter C of chapter 9 of the Internal Revenue Code.*†

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

Approved, August 28, 1939.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 39-3184; Filed, August 29, 1939; 3:23 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

ELIGIBILITY OF EX-MEMBERS OF THE MILITARY OR NAVAL FORCES FOR HOSPITAL OR DOMICILIARY CARE

Revision of Sec. 6.6047 (F):¹

Retired officers or retired enlisted men of the United States army, navy, marine

corps and coast guard, who served honorably during a war period as defined in (A) (1) above, may be supplied hospital treatment under (A), or hospital treatment and domiciliary care under (C) or (E) above, subject to the same conditions applying therein to war veterans. Hospital treatment or domiciliary care for these applicants will be furnished in facilities under the direct and exclusive jurisdiction of the Veterans' Administration. (July 19, 1939) (Public No. 198, 76th Congress)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 39-3188; Filed, August 30, 1939; 11:20 a. m.]

REVISION OF REGULATIONS

TRANSPORTATION AND TRAVELING EXPENSES OF CLAIMANTS AND BENEFICIARIES

Attendants Accompanying Traveling Beneficiaries

§ 6.6105 (A) *Authority to employ.* An attendant or attendants, to accompany a claimant or beneficiary admitted to, discharged or transferred from a facility, or traveling to or from out-patient examination or treatment, may be authorized when, in the opinion of a chief medical officer or clinical director or their designates, such attendance is necessary because of the mental or physical condition of the claimant or beneficiary. The employment of attendants must be kept to the absolute minimum required for safe care of traveling claimants or beneficiaries. See applicable instructions for detailed procedure regarding travel precautions relative to psychotic or tuberculous beneficiaries.

(B) *Persons not in the regular civilian employment of the Government.* These may be authorized to act as attendants. When the condition of a beneficiary indicates, in the judgment of a chief medical officer or clinical director, that medical observation and services will be required en route, a private physician, such as the one who is treating the patient in his home community, may be employed to accompany the beneficiary as a physician-attendant. Attendants appointed under this paragraph will be furnished necessary transportation, meal and lodging requests. Claim for reimbursement of actual expenses incurred by such attendants for meals and lodging en route will not be certified for payment unless (as in emergency admissions) such requests have not been issued, or, if issued, are returned for cancelation and satisfactory reasons are given for not using them. These circumstances, if occurring, are to be shown on the reimbursement voucher when and if it is certified for payment. In addition to expenses of necessary transportation and meals and lodging en route, persons other than relatives of the claimant or beneficiary concerned, employed as attendants under this paragraph may be paid

a fee as hereinafter provided. The said relatives will not be entitled to a fee for attendant service. A relative for the purpose of this section, will comprehend a spouse, parent, son, daughter, brother, sister, son-in-law or daughter-in-law. The payee will be required to certify, in support of the voucher for the service, that he is not a relative, as thus defined, of the claimant or beneficiary for whom he was employed as the attendant.

(C) *Persons in the regular civilian employment of the Government.* These, including employees of the Veterans Administration (subject to the conditions hereinafter specified) may be authorized to act as attendants, and when so assigned are entitled to transportation and other necessary traveling expenses, but not to a fee therefor. They may be allowed per diem in lieu of subsistence upon issuance of authorization therefor, and will not be issued meal and lodging requests. Employees of the Veterans Administration will not be detailed as attendants if their regular duties require their presence at their stations. A full-time physician or nurse of a station may be assigned as an attendant to accompany a traveling beneficiary, only when, in the judgment of the chief medical officer or clinical director, such attendance is demanded in an individual case. Administrative officers, technical and other highly trained personnel (other than physicians or nurses as provided) will not be detailed as attendants. When proposed travel of a beneficiary is not at Government expense; the beneficiary, his guardian or representative requests assignment of a trained attendant from a station of the Veterans Administration; the services of the desired employee can be spared, and he is entitled to sufficient annual leave, his application for such leave for such purpose may be granted, provided that no expense of such service will be borne by the Government, and all arrangements therefor will rest between him and the beneficiary, his guardian or representative.

(D) In selecting an attendant due regard will be had to his physical vigor, personality, experience and fitness in general to perform his responsible duty.

(E) *Fees for attendance.* (1) A maximum fee of \$5.00 for 24 hours of service; \$2.50 for the first 6 hours or any fraction thereof; \$1.25 for the next 6 hours or fraction thereof up to 12 hours; and \$5.00 for any period of 12 hours or more up to 24 hours, may be authorized attendants. For any service in excess of 24 hours, the same fractional rates will be applied. Less than the maximum fees will be authorized if satisfactory service at lower rates can be procured in the community.

(2) A private physician employed as a physician-attendant may be allowed not to exceed \$10 for 24 hours service, \$5.00 for the first 6 hours or fraction thereof, \$2.50 for the next 6 hours or fraction thereof up to 12 hours, and \$10 for any period of 12 hours or more up to 24

¹ 4 F.R. 1394 DI.

hours. For physician-attendant service in excess of 24 hours, the same rates will apply. Upon specific authority from the medical director, a fee of more than \$10 but not to exceed \$20.00 per 24 hours, with corresponding fractioning of rates for periods less than 24 hours, may be paid a physician-attendant in exceptional cases.

(3) Fees will be authorized only for the time actually needed to complete the assignment, but not in excess of the time required for travel by available common carrier; unless it is specified in the authorization that, because of the condition of the claimant or beneficiary, travel is to be performed by ambulance or other special conveyance. In the latter event, authorization may be given for payment of the attendant's fee on the basis of time actually required for completion of the assignment by the specified mode of conveyance, without consideration of the travel time that would have been taken if a common carrier were used. An attendant on a fee basis, after delivery of the claimant or beneficiary to the point designated, will (unless instructed to accompany the claimant or beneficiary on his return to the place from which he proceeded) be required to complete his return trip without delay and by the mode of travel authorized. (September 1, 1939) (48 Stat. 9; 38 U.S.C. 706)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 39-3189; Filed, August 30, 1939;
11:20 a. m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5222]

IN THE MATTER OF GREAT LAKES AND INLAND WATERS SURVEY

NOTICE OF HEARING

Notice is hereby given that hearings in the above-entitled matter will be resumed on September 7, 1939, at 10 o'clock a. m., in the offices of the Commission at Washington, D. C.

It is desired to obtain at this time all available information to date concerning the operation of radiotelephone facilities on the Great Lakes under the special temporary arrangement provided for by the Commission and the Canadian radio authorities.

Since it is intended that the coming session will be the last in this hearing, the Commission will welcome any additional information that may assist in determining what radio facilities are necessary or desirable for safety purposes on vessels navigating the Great Lakes and inland waters of the United States.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3187; Filed, August 30, 1939;
11:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 32-165]

IN THE MATTER OF EDISON SAULT ELECTRIC COMPANY

ORDER RELATIVE TO ISSUE AND SALE OF BONDS AND STOCK

Edison Sault Electric Company (hereinafter called the "Company"), a subsidiary of American States Utilities Corporation, a registered holding company, having filed an application or declaration, and an amendment thereto, pursuant to Section 6 (b) or Section 7 (whichever is held applicable) of the Public Utility Holding Company Act of 1935 in regard to the issue and sale of (1) its First Mortgage Sinking Fund Bonds, Series B, 4½%, due October 1, 1961, in the principal amount of \$60,000, and (2) 2,400 shares of its Common Capital Stock without par value (stated value \$25 per share); the application or declaration having stated that the Company proposes to increase the stated value of 20,000 shares of its Common Capital Stock now outstanding from \$22 a share to \$25 a share by a charge of \$60,000 to earned surplus, thus making uniform at \$25 a share the stated value of the 32,000 shares of such stock now outstanding; and, insofar as the proposed increase in stated value of such shares may be classified as an alteration in the "priorities, preferences, voting power, or other rights of the holders of an outstanding security," the Company having requested that its application or declaration be treated as a declaration with respect thereto;

A public hearing having been held on said application or declaration, as amended, after appropriate notice; no member of the public having requested an opportunity to be heard; the Commission having examined the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That the issue and sale of the said Bonds and Stock be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; and that the declaration with respect to the increase in the stated value of the shares of Stock of the Company be and become effective forthwith;

It is further ordered, That the following terms and conditions be imposed upon the Company:

(1) That the issue and sale of the Bonds and Stock shall be accomplished in accordance with the terms and condi-

tions of and for the purposes represented by the application or declaration, as amended;

(2) That the exemption granted herein of the issue and sale of the Bonds and Stock shall terminate without further order of this Commission in the event that the authorization of the Michigan Public Service Commission shall be revoked or otherwise terminated;

(3) That within ten days after the issue and sale of the Bonds and Stock, the Company shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, the application or declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3186; Filed, August 30, 1939;
10:52 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 32-168]

IN THE MATTER OF NEW YORK POWER AND LIGHT CORPORATION

ORDER RELATIVE TO ISSUE AND SALE OF BONDS, ETC.

New York Power and Light Corporation, a direct subsidiary of Niagara Hudson Power Corporation, and an indirect subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for the exemption from the provisions of Section 6 (a) thereof of the issue and sale by New York Power and Light Corporation of not to exceed \$66,582,000 principal amount of its First Mortgage Bonds, 3⅜% Series due 1969 and 3½% Series due 1964, said bonds to be issued under the Indenture securing New York Power and Light Corporation's presently outstanding First Mortgage Bonds, 4½% Series due 1967, and a Supplemental Indenture dated as of August 1, 1939, as follows:

(a) Bonds of the 3⅜% Series due 1969 in an aggregate principal amount equal to the aggregate principal amount of New York Power and Light Corporation's presently outstanding First Mortgage Bonds, 4½% Series due 1967, which may be presented by the holders thereof in exchange for bonds of the 3⅜% Series due 1969, and

(b) Bonds of the 3½% Series due 1964 in an amount equal to the difference between \$66,582,000 and the aggregate principal amount of Bonds of the

3 $\frac{3}{8}$ % Series due 1969 which may be issued in exchange for Bonds of the 4 $\frac{1}{2}$ % Series due 1967, but not more than \$44,000,000 principal amount thereof, said Bonds of the 3 $\frac{1}{2}$ % Series due 1964 to be sold privately at a price to the New York Power and Light Corporation of not less than 106.5% of their principal amount plus accrued interest; and

New York Power and Light Corporation also having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by New York Power and Light Corporation of such of its First Mortgage Bonds, 4 $\frac{1}{2}$ % Series due 1967, presently outstanding in the aggregate principal amount of \$66,000,000, as may be presented in response to the proposed offer by New York Power and Light Corporation to issue its First Mortgage Bonds, 3 $\frac{3}{8}$ % Series due 1969, in exchange for Bonds of the 4 $\frac{1}{2}$ % Series due 1967, at par, and

A public hearing on the applications, as amended, having been duly held after appropriate notice;¹ no representatives of investors or consumers or members of the public having appeared or requested an opportunity to be heard; applicant having waived a Trial Examiner's report, submission to it of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file briefs and make oral argument before the Commission prior to the making of the Commission's findings herein and the entry of this

¹ 4 F.R. 3668 DL.

order; and the Commission having as of the date hereof made and filed its findings herein;

It is ordered

(1) That the said issue and sale by New York Power and Light Corporation of its First Mortgage Bonds, 3 $\frac{3}{8}$ % Series due 1969 and 3 $\frac{1}{2}$ % Series due 1964 in the proposed amounts as set forth above be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935;

(2) That the said acquisition by New York Power and Light Corporation of those of its First Mortgage Bonds 4 $\frac{1}{2}$ % Series due 1967 as may be exchange for its First Mortgage Bonds 3 $\frac{3}{8}$ % Series due 1969 be and the same is hereby approved;

(3) That in connection with the said issue and sale of said First Mortgage Bonds of the 3 $\frac{3}{8}$ % Series due 1969, and of the 3 $\frac{1}{2}$ % Series due 1964, and the acquisition of said First Mortgage Bonds of the 4 $\frac{1}{2}$ % Series due 1967, the following terms and conditions be and they are hereby imposed upon New York Power and Light Corporation:

(a) That the issue and sale by New York Power and Light Corporation of its Bonds of the 3 $\frac{3}{8}$ % Series due 1969 and of the 3 $\frac{1}{2}$ % Series due 1964, and the acquisition by said New York Power and Light Corporation of its presently outstanding Bonds of the 4 $\frac{1}{2}$ % Series due 1967 pursuant to the Exchange Offer will be effected in accordance with the terms and conditions of, and for the purposes represented by, its applications, as amended, and in accordance with the terms and conditions of the order dated

August 9, 1939 of the Public Service Commission of the State of New York;

(b) That if the express approval of the Public Service Commission of the State of New York of the issue and sale by New York Power and Light Corporation of its Bonds of the 3 $\frac{3}{8}$ % Series due 1969 and of the 3 $\frac{1}{2}$ % Series due 1964, or if the approval by said Commission of the acquisition by said Corporation of its Bonds of the 4 $\frac{1}{2}$ % Series due 1967 pursuant to the terms and conditions of the Exchange Offer, shall be revoked or otherwise terminated in whole or in part, this approval of said transactions shall immediately terminate to the same extent without further order of this Commission; and

(c) That within 10 days after consummation of said issue and sale by New York Power and Light Corporation of its Bonds of the 3 $\frac{3}{8}$ % Series due 1969 and of the 3 $\frac{1}{2}$ % Series due 1964 and said acquisition by said Corporation of Bonds of the 4 $\frac{1}{2}$ % Series due 1967, respectively, said Corporation shall file with this Commission Certificates of Notification showing that said issue and sale and said acquisition of bonds have been effected in accordance with the terms and conditions of, and for the purposes represented by, said Corporation's respective applications and in accordance with the terms and conditions of the order dated August 9, 1939, of the Public Service Commission of the State of New York.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3190; Filed, August 30, 1939; 12:35 p. m.]