2. Section 515.515 is hereby amended to read as follows:

§ 515.515 Transfers of securities to blocked accounts in domestic banks.

(a) Transactions ordinarily incident to the transfer of securities from a blocked account in the name of any person to a blocked account in the same name in a domestic bank are hereby authorized provided such securities shall not be transferred from any blocked account if such transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize the transfer of securities held in a blocked account or subaccount thereof to a blocked account or subaccount under any name or designation which differs from the name or designation of the specific blocked account or subaccount in which such securities were held.

3. Section 515.803 is hereby amended to read as follows:

§ 515.803 Decision.

The Office of Foreign Assets Control of the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

4. Section 515.804 is hereby amended to read as follows:

§ 515.804 Records and reporting.

(a) Records are required to be kept by every person engaging in any transaction subject to the provisions of this chapter, as provided in § 515.601.

(b) Reports may be required from any person with respect to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest, as provided in § 515.602.

5. Section 515.809 is hereby added to the Cuban Assets Control Regulations:

§ 515.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to to made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC–5 and any other form used in connection with the Cuban Assets Control Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67–8568; Filed, July 24, 1967; 8:49 a.m.]

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

Miscellaneous Amendments

Section 520.803 is amended to state for purposes of clarity that the decision of the Office of Foreign Assets Control constitutes final agency action, in lieu of the existing statement that the decision of the Foreign Assets Control is final.

Section 520.804 is being amended to set forth in the description of procedures in connection with the regulations the fact that reports are required to be filed in certain instances.

Section 520.809(a) is added to adopt 31 CFR Part 1, "Disclosure of Records," which sets forth regulations governing the availability of records and documents of the adopting office. Section 520.809(b) states where FAC forms may be obtained.

1. Section 520.803 is hereby amended to read as follows:

§ 520.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

2. Section 520.804 is hereby amended to read as follows:

§ 520.804 Records and reporting.

(a) Records are required to be kept by every person engaging in any transaction subject to the provisions of this chapter, as provided in § 520.601.

(b) Reports may be required from any person with respect to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest, as provided in § 520.602.

3. Section 520.809 is hereby added to the Foreign Funds Control Regulations.

§ 520.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC–23 and any other form used in connection with the Foreign Funds Control Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67–8570; Filed, July 24, 1967; 8:49 a.m.]

PART 525—RHODESIAN TRANSACTION REGULATIONS

Miscellaneous Amendments

Section 525.803 is amended to state for purposes of clarity that the decision of the Office of Foreign Assets Control constitutes final agency action, in lieu of the existing statement that the decision of the Foreign Assets Control is final.

Section 525.802 is being revoked and § 525.809(a) is being added to the regulations in order to revoke old office procedures and adopt 31 CFR Part 1, "Disclosure of Records," which sets forth regulations governing the availability of records and documents of the adopting office. Section 525.809(b) states where Foreign Assets Control forms may be obtained.

1. Section 525.803 is hereby amended to read as follows:

§ 525.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 525.802 [Revoked]

2. Section 525.802 is hereby revoked and § 525.809 is hereby added to the Rhodesian Transactioin Regulations to read as follows:

§ 525.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC–25 and any other form used in connection with the Rhodesian Transaction Regulations may be obtained in person from or by writing to

the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8571; Filed, July 24, 1967; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

1. The center title immediately preceding § 1.500 is amended and a preamble is added to read as follows:

RELEASE OF INFORMATION FROM VETERANS ADMINISTRATION CLAIMANT RECORDS

NOTE: Sections 1.500 through 1.527 concern the availability and release of information from files, records, reports, and other papers and documents in Veterans Administration custody pertaining to claims under any of the laws administered by the Veterans Administration. As to the release of information from Veterans Administration records other than claimant records, see §§ 1.550 through 1.558. Sections 1.500 through 1.526 implement the provisions of 38 U.S.C. 3301, 3302.

2. In § 1.500, paragraphs (c) and (d) are added to read as follows:

§ 1.500 General.

* * * * *

(c) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of §§ 1.501 through 1.526 unless the regulations in this part currently contain such designations. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Manager or Contact Officer in the nearest Veterans Administration Regional Office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for Veterans Administration Central Office and most field stations. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by §13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head.

(d) Upon denial of a request under paragraph (c) of this section, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.527.) In each instance of denial of a request, the denial will be made a matter of record and the record will contain a citation to the specific provision of Veterans Administration regulations upon which the denial is based.

3. Sections 1.501 and 1.502 are revised to read as follows:

§ 1.501 Release of information by the Administrator.

The Administrator of Veterans Affairs or the Deputy Administrator may release information, statistics, or reports to individuals or organizations when in his judgement such release would serve a useful purpose.

§ 1.502 Disclosure of the amount of monetary benefits.

The monthly rate of pension, compensation, dependency and indemnity compensation, retirement pay, subsistence allowance, or educational assistance allowance of any beneficiary shall be made known to any person who applies for such information.

4. Section 1.507 is revised to read as follows:

§ 1.507 Disclosures to Members of Congress.

Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator, Deputy Administrator, or staff or department head for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See 38 U.S.C 3301.) Information concerning the beneficiary designation of a United States Government Life Insurance or National Service Life Insurance policy is deemed confidential and privileged and during the insured's lifetime shall not be disclosed to anyone other than the insured or his duly appointed fiduciary unless the insured or the fiduciary authorizes the release of such information.

5. In § 1.508, paragraph (b) is amended to read as follows:

§ 1.508 Disclosure in cases where claimants are charged with or convicted of criminal offenses.

* * * * *

(b) When desired by a U.S. district court, the Chief Attorney or the General Counsel may supply information as to whether any person charged with crime served in the military or naval service of the United States and whether the Veterans Administration has a file on such person. If the file is desired either by the court or by the prosecution or defense, it may be produced only in accord with §§ 1.501 through 1.526.

6. Sections 1.509 and 1.510 are revised to read as follows:

§ 1.509 Disclosure to courts in proceedings in the nature of an inquest.

The Chief Benefits Director, Department of Veterans Benefits, Chief Attorneys, and station heads are authorized to make disclosures to courts of competent jurisdiction of such files, records, reports, and other documents as are necessary and proper evidence in proceedings in the nature of an inquest into the mental competency of claimants and other proceedings incident to the appointment and discharge of guardians, curators, or conservators to any court having jurisdiction of such fiduciaries in all matters of appointment, discharge, or accounting in such courts.

§ 1.510 Disclosure to insurance companies cooperating with the Department of Justice in the defense of insurance suits against the United States.

Copies of records from the files of the Veterans Administration will, in the event of litigation involving commercial insurance policies issued by an insurance company cooperating with the Department of Justice in defense of insurance suits against the United States, be furnished to such companies without charge, provided the claimant or his duly authorized representative has authorized the release of the information contained in such records. If the release of information is not authorized in writing by the claimant or his duly authorized representative, information contained in the files may be furnished to such company if to withhold same would tend to permit the accomplishment of a fraud or miscarriage of justice. However, before such information may be released without the consent of the claimant, the request therefor must be accompanied by an affidavit of the representative of the insurance company, setting forth that litigation is pending, the character of the suit, and the purpose for which the information desired is to be used. If such information is to be used adversely to the claimant, the affidavit must set forth facts from which it may be determined by the General Counsel or Chief Attorney whether the furnishing of the information is necessary to prevent the perpetration of a fraud or other injustice. The averments contained in such affidavit should be considered in connection with the facts shown by the claimant's file, and, if such consideration shows the disclosure of the record is necessary and proper to prevent a fraud or other injustice, information as to the contents thereof may be furnished to the insurance company or copies of the records may be furnished to the court, workmen's compensation, or similar board in which the litigation is pending upon receipt of

a subpoena duces tecum addressed to the Administrator of Veterans Affairs, or the head of the office in which the records desired are located. In the event the subpoena requires the production of the file, as distinguished from the copies of the records, no expense to the Veterans Administration may be involved in complying therewith, and arrangements must be made with the representative of the insurance company causing the issuance of the subpoena to insure submission of the file to the court without expense to the Veterans Administration.

7. In § 1.511, paragraphs (d) and (e) are amended to read as follows:

§ 1.511 Judicial proceedings generally.

* * * * *

(d) Requests received from attorneys or others for copies of records for use in suits in which the Government is not involved, not accompanied by a subpoena or court order, will be handled by the service or division having jurisdiction over the subject matter. If the request is such as can be complied with under § 1.503 or § 1.504, the records requested will be furnished upon receipt of the required fee. If, however, the records cannot be furnished under such sections, the applicant will be advised of the procedure to obtain copies of records for court use as set forth in paragraph (c) of this section.

(e) In suits by or against the Administrator under 38 U.S.C. 1820, the files pertaining to the loan guaranteed, insured, or made by the Veterans Administration may be made available by the General Counsel or the Chief Attorney subject to the usual rules of evidence, after clearance with the Department of Justice or U.S. Attorney, if appropriate.

8. Section 1.512 is revised to read as follows:

§ 1.512 Disclosure of loan guaranty information.

In general, the facts in loan guaranty files will be made available to any party privy to a loan guaranteed, insured or made by the Veterans Administration if deemed proper by a Loan Guaranty Officer or Chief Attorney. Information in the claims folder, insurance or other file, will be released to lenders or prospective lenders only in accord with §§ 1.501 through 1.526: *Provided*, That the fact of adjudication of incompetency by court or rating board may be made known in appropriate circumstances to a lender or prospective lender.

9. In § 1.513, the headnote and paragraphs (a) and (b) (1) (iv) and (2) are amended to read as follows:

§ 1.513 Disclosure of information contained in Armed Forces service and related medical records in Veterans Administration custody.

(a) *Service records.* Information received by the Veterans Administration from the Departments of the Army, Navy, Air Force, and the Department of Transportation relative to the military or naval service of a claimant is furnished solely for the official use of the Veterans Administration, but such information may be disclosed under the limitations contained in §§ 1.501 through 1.526.

(b) *Medical records.* Information contained in the medical records (including clinical records and social data) may be released under the following conditions:

(1) * * *

(iv) The Department of Transportation (Coast Guard).

* * * * *

(2) In addition to the authorizations in subparagraph (1) of this paragraph, the Department of Justice, the Department of the Treasury, and the Post Office Department may, on request, be given pertinent information from medical records for use in connection with investigations conducted by these departments. Each such request shall be considered on its merits, and the information released should be the minimum necessary in connection with the investigation conducted by these departments.

* * * * *

10. In § 1.514(b), subparagraph (2) is amended and subparagraph (3) is added to read as follows:

§ 1.514 Disclosure to private physicians and hospitals other than Veterans Administration.

* * * * *

(b) Such information may be released without charge and without consent of the patient, his representative, or nearest relative when a request for such information is received from:

* * * * *

(2) Any fee basis physician or institution in connection with authorized treatment of the veteran as a Veterans Administration beneficiary, or

(3) Any physician or medical installation treating the veteran under emergent conditions.

11. Section 1.516 is revised to read as follows:

§ 1.516 Disclosure of information to undertaker concerning burial of a deceased veteran.

When an undertaker requests information believed by him to be necessary in connection with the burial of a deceased veteran, such as the name and address of the beneficiary of the veteran's Government insurance policy, name and address of the next of kin, rank or grade of veteran and organization in which he served, character of the veteran's discharge, or date and place of birth of the veteran, and it appears that the undertaker is holding the body awaiting receipt of the information requested, the undertaker, in such instances, may be considered the duly authorized representative of the deceased veteran for the purpose of obtaining said information. In ordinary cases, however, the undertaker will be advised that information concerning the beneficiary of a Government insurance policy is confidential and cannot be disclosed; the beneficiary will be advised immediately of the inquiry, and the furnishing of the desired information will be discretionary with the beneficiary. In no case will the undertaker be informed of the net amount due under the policy or furnished information not specifically mentioned in this section.

12. In § 1.518, paragraph (c) is amended to read as follows:

§ 1.518 Addresses of claimants.

* * * * *

(c) When an address is requested that may not be furnished under §§ 1.500 through 1.526, the person making the request will be informed that a letter, or in those cases involving judicial actions, the process or notice in judicial proceedings, enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs will be forwarded by the Veterans Administration. If a request indicates that judicial action is involved in which a process or notice in judicial proceedings is required to be forwarded, the Veterans Administration will inform the person who requests the forwarding of such a document that the envelope must bear sufficient postage to cover costs of mailing and certified or registered mailing fees, including cost of obtaining receipt for the certified or registered mail when transmission by this type special mail is desired. At the time the letter, process, or notice in judicial proceedings is forwarded, the station's return address will be placed on the envelope. When the receipt for certified or registered mail or the undelivered envelope is returned to the Veterans Administration, the original sender will be notified thereof: However, the receipt or the envelope will be retained by the Veterans Administration. This provision will be applicable only when it does not interfere unduly with the functions of the service or division concerned. In no event will letters be forwarded to aid in the collection of debts.

13. Section 1.523 is revoked.

§ 1.523 Veterans Administration installation from which authorized disclosure will be made. [Revoked]

14. Section 1.524 is revised to read as follows:

§ 1.524 Persons authorized to represent claimants.

A duly authorized representative will be (a) any person authorized in writing by the claimant to act for him, or (b) his legally constituted fiduciary, if the claimant is incompetent. Where for proper reasons no legally constituted fiduciary has been or will be appointed, his wife, his children, or, if the claimant is unmarried, either of his parents shall be recognized as the fiduciary of the claimant.

15. In § 1.525, paragraphs (a) (1) and (b) (5) and (6) are amended to read as follows:

§ 1.525 Inspection of records by or disclosure of information to recognized representatives of organizations.

(a) (1) The accredited representatives of any of the organizations recognized

under 38 U.S.C. 3402 holding appropriate power of attorney may, subject to the restrictions imposed by subparagraph (2) of this paragraph, inspect the claims, insurance and allied folders of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him to the claimant or, if the claimant is incompetent, to his legally constituted fiduciary. Under the same restrictions, it is permissible to release information from and permit inspection of loan guaranty folders in which a request for a waiver of the debt of a veteran or his spouse has been received, or where there has been a denial of basic eligibility for loan guaranty benefits. All other information in the files shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection with the presentation to officials of the Veterans Administration of the claim of the claimant. The heads of field stations and the directors of the services concerned in Central Office will each designate a responsible officer to whom requests for all files must be made, except that managers of centers with insurance activities will designate two responsible officials, recommended by the division chiefs concerned, one responsible for claims and allied folders and the other for insurance files. The term "claimant" as used in this paragraph includes insureds.

* * * * *

(b) * * *

(5) Under no circumstances shall any paper be removed from a file, except by a Veterans Administration employee, for purpose of having an authorized copy made. Copying of material in a file shall not be permitted except in connection with the performance of authorized functions under the power of attorney.

(6) In any case involving litigation against the Government, whether contemplated or initiated, inspection, subject to the foregoing, shall be within the discretion of the General Counsel or Chief Attorney, except that in insurance suits under 38 U.S.C. 775, 784, inspection shall be within the discretion of the official having jurisdiction of the claim. Files in such cases may be released to the Department of Justice, but close liaison will be maintained to insure their return intact upon termination of the litigation.

* * * * *

16. In § 1.526, paragraphs (b), (e), (g), (i), (j), and (k) are amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(b) The types of services provided by the Veterans Administration for which a schedule of fees is established in paragraph (i) of this section are (1) copying, (2) certification, (3) search and (4) handling of files under court subpoena.

* * * *

(e) The following are circumstances under which services may be provided free at the discretion of station heads or responsible Central Office officials:

(1) When requested by a court, when the copy will serve as a substitute for personal court appearance of a Government witness.

(2) When furnishing the service free saves costs or yields income equal to the direct costs of the agency providing the service. This includes cases where the fee for the service would be included in a billing against the Government (for example, in cost-type contracts, or in the case of private physicians who are treating Government beneficiaries at Government expense).

(3) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial or other benefits to which they may be entitled.

(4) When a service is occasional and incidental, not of a type that is requested often, and if it is administratively determined that a fee would be inappropriate in such an occasional case.

* * * * *

(g) In those cases where it is determined that a fee shall be charged, the applicant will be advised to deposit the amount of the lawful charge for the copy desired. The amount of such charge will be determined in accordance with the schedule of fees prescribed in paragraph (i) of this section. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposted over the lawful charge will be returned to the applicant. When a deposit is received with an application, such a deposit will be returned to the applicant should the application be denied.

* * * * *

(i) Schedule of fees:

(1) Typewritten pages, each page or fraction thereof	$1.50
(2) Photocopy reproductions from all types of copying processes. Each reproduced page	.25
(3) Certification	.25
Seal, including certification	.50
(4) Searching, per hour (minimum charge one-half hour)	2.50
(5) Abstracts or copies of medical and dental records which are furnished by Veterans Administration hospitals and outpatient clinics to insurance companies. Per request	3.00
(6) Office handling of files under court subpoena.—(i) When the file is in the office served with the subpoena	3.00
(ii) When the file must be shipped from a different geographical area to the office served with the subpoena	10.00

(j) If the copy is to be transmitted by certified or registered mail, airmail, or special delivery mail, the postal fees therefor shall be added to the other fees provided in paragraph (i) of this section (or the order must include postage stamps or stamped return envelopes for the purpose).

(k) Those Veterans Administration installations not having copying equipment are authorized to arrange with the nearest Veterans Administration installation having such equipment to make the necessary authorized copies of records or documents.

* * * * *

17. Section 1.527 is added to read as follows:

§ 1.527 Administrative review.

(a) Any person may, in the event of a denial of his request to inspect or obtain information from or copies of records within the purview of §§ 1.501 through 1.526, appeal such denial. Such appeal, stating the circumstances of the denial, should be addressed, as appropriate, to the field station, department, or staff office head.

(b) A denial action not reversed by a field station, department, or staff office head on appeal, will be referred through normal channels to the Administrator.

(c) The final agency decision in such appeals will be made by the Administrator or the Deputy Administrator.

18. Sections 1.550 through 1.558 are added to read as follows:

RELEASE OF INFORMATION FROM VETERANS ADMINISTRATION RECORDS OTHER THAN CLAIMANT RECORDS

NOTE: Sections 1.550 through 1.558 concern the availability and release of information from files, records, reports, and other papers and documents in Veterans Administration custody other than those pertaining to claims under any of the laws administered by the Veterans Administration. As to the release of information from Veterans Administration claimant records, see §§ 1.500 through 1.527. Section 1.550 series implement the provisions of 5 U.S.C. 552.

§ 1.550 General.

The Veterans Administration's policy is one of disclosure of information from agency records to the extent permitted by law. This includes the release of information which the Veterans Administration is authorized to withhold under 5 U.S.C. 552(b) (see § 1.554) if it is determined (a) by the Administrator of Veterans Affairs or the Deputy Administrator that disclosure of such information will serve a useful purpose or (b) by a department, staff office, or field station head or his designee under § 1.556(a) that disclosure will not adversely affect the proper conduct of official business or constitute an invasion of personal privacy.

§ 1.551 Publication in the Federal Register as constructive notice of information that affects the public.

(a) The Assistant Administrator for Management Engineering and Evaluation, with the approval of the Administrator, will submit to the Director of the Federal Register, for publication for the guidance of the public, descriptions of Veterans Administration organization and functional responsibilities, Central Office and field, and the designations of places at which the public may secure information, obtain forms and applications, make submittals or requests, or obtain decisions. Such descriptions and designations will be maintained current through submission, for publication, of

all amendments, revisions, or repeals of the foregoing.

(b) Department and staff office heads will develop, with the approval of the Administrator, for submission by the Assistant Administrator for Management Engineering and Evaluation to the Director of the Federal Register, for publication for the guidance of the public, Veterans Administration regulations containing:

(1) Statements of the general course and method by which Veterans Administration functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(2) Rules of procedure and instructions as to the scope and contents of all papers, reports, or examinations.

(3) Substantive rules of general applicability adopted by the Veterans Administration as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Veterans Administration.

(4) Every amendment, revision, or repeal of the foregoing.

(c) Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required by this section to be published in the FEDERAL REGISTER and not so published.

§ 1.552 Public access to information that affects the public when not published in the Federal Register as constructive notice.

(a) All final orders in such actions as entertained by the Board of Contract Appeals, those statements of policy and interpretations adopted by the Veterans Administration but not published in the FEDERAL REGISTER, and administrative manuals and staff instructions that affect any member of the public, unless promptly published and copies offered for sale, will be indexed. Both the index and the materials indexed as required by this paragraph will be made available to the public, for inspection and copying. Public reading facilities for this purpose will be maintained in Veterans Administration Central Office and Veterans Administration field stations, open to the public during the normal duty hours of the office in which located. Orders made in the adjudication of individual claims under laws administered by the Veterans Administration are confidential and privileged by statute (38 U.S.C. 3301) and so are exempt from this requirement.

(b) The voting records of the Board of Contract Appeals will be maintained in a public reading facility in the Office of the Board in Central Office and made available to the public upon request.

(c) When publishing or making available to the public any opinion, order, statement of policy, interpretation, staff manual or instruction to staff, identifying details will be deleted, and the deletion justified in writing, to the extent required to prevent a clearly unwarranted invasion of personal privacy.

(d) No final order, opinion, statement of policy, interpretation, staff manual or instruction which is issued, adopted, or promulgated after July 4, 1967, that affects any member of the public may be relied upon, used, or cited as precedent against any private party unless it has been indexed and either made available or published as provided in this section or unless that private party shall have actual and timely notice of the terms thereof.

§ 1.553 Public access to other identifiable records.

Identifiable records in Veterans Administration custody, or copies thereof, other than records made available to the public under the provisions of §§ 1.551 and 1.552, will be made promptly available, except as provided in § 1.554, to any person upon request. Such request must be in writing, over the signature of the requester and must contain a reasonably specific description of the record desired so that it may be located with relative ease. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Manager or Contact Officer in the nearest Veterans Administration Regional Office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for Veterans Administration Central Office and most field stations.

§ 1.554 Exemptions from public access to agency records.

(a) The exemptions in subparagraphs (1) through (9) of this paragraph constitute authority to withhold from disclosure certain categories of information in Veterans Administration records.

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.

(2) Related solely to internal Veterans Administration personnel rules and practices.

(3) Specifically exempted from disclosure by statute (see §§ 1.500 through 1.527).

(4) Trade secrets and commercial or financial information obtained from any person and privileged or confidential.

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Veterans Administration.

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Geological and geophysical information and data (including maps) concerning wells.

(b) Information in the categories exempted under paragraph (a) of this section, other than in subparagraph (3) which is applicable to Veterans Administration claimant records, will be released only as authorized in § 1.550. The release of information from Veterans Administration claimant records will be made only in accordance with §§ 1.501 through 1.526.

§ 1.555 Fees.

(a) Charges will not be made for the use of reading facilities for examination of materials which are to be available to the public under § 1.552. Charges will be made, except as provided in paragraphs (c), (d), and (e) of this section, in accordance with the schedule of fees in § 1.526, to recover the costs of duplicating, reproducing, certifying or authenticating copies of such materials in response to requests from the public. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned.

(b) Charges will be made, except as provided in paragraphs (c), (d), and (e) of this section, on each request from the public to examine, copy, or to be furnished copies of other identifiable records under § 1.553. Such charges, in accordance with the schedule of fees in § 1.526, will be made to recover direct and indirect costs for searching requested records and, if requested, reproducing copies and certifying or authenticating them. Searches will not be undertaken until the requester has paid, or has provided sufficient assurance that he will pay, whatever fee is determined to be appropriate. Desired copies will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned. When a deposit is received with a request, such a deposit will be returned if the request is denied.

(c) Where a contract with a reporting service requires that copies of transcripts be sold only by the service, the copy in Veterans Administration's possession may be made available for inspection. If a copy is requested, the requester will be referred to the reporting service.

(d) No charges will be made when services are rendered to or for other agencies or branches of the Federal Government, or State and local governments. When information, statistics, or reports are approved by the Administrator or the Deputy Administrator for release under § 1.550, the fee charge, if any, will be determined upon the merits of each individual application.

(e) Under the following circumstances services may be provided free at the discretion of station heads or responsible Central Office officials:

(1) When requested by press, radio, television, or other information representatives for dissemination to the general public.

(2) When furnishing the service free is in conformance with generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees.

(3) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial or other benefits to which they may be entitled (e.g., employees with workmen's compensation claims).

(4) To an individual directly concerned in a hearing or other formal proceeding involving security requirements for Federal employment, one copy of any transcript made of such hearing or other proceeding.

§ 1.556 Requests for other identifiable records.

(a) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of § 1.553. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head.

(b) Upon denial of a request, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.557.)

(c) The disposition of each request will be made a matter of record. For each denial of a request, the record will contain a citation to the specific provision of Veterans Administration regulations upon which the denial is based.

§ 1.557 Administrative review.

(a) Any person may, in the event of a denial of his request for information from identifiable agency records subject to release under § 1.553, appeal such denial. Such appeal, stating the circumstances of the denial, should be addressed, as appropriate, to the filed station, department, or staff office head.

(b) A denial action not reversed by field station, department, or staff office head on appeal, will be referred through normal channels to the Administrator.

(c) The final agency decision in such appeals will be made by the Administrator or Deputy Administrator.

§ 1.558 Judicial review.

Any person from whom the Veterans Administration has withheld information or records after proper request as provided in § 1.553 may file a complaint in the appropriate United States district court as provided in 5 U.S.C. 552(a)(3). The district court review is designed to follow final action at the agency head level.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective July 4, 1967.

Approved: July 20, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-8614; Filed, July 24, 1967; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-12—LABOR

Subpart 1-12.2—Convict Labor

APPLICABILITY OF CONVICT LABOR CLAUSE

This amendment of the Federal Procurement Regulations revises the provisions of Subpart 1-12.2, Convict Labor, for the purpose of clarifying the applicability of the Convict Labor clause to the employment of Federal prisoners. As revised, the subpart now provides that the clause does not prohibit the employment of Federal prisoners authorized by the Attorney General to work at paid employment during their term of confinement.

The introductory text of § 1-12.202 is amended to read as follows:

§ 1-12.202 Applicability.

The requirement set forth in § 1-12.201 applies, except as stated in this § 1-12.202, to all contracts involving the employment of labor within the United States. The requirement does not prohibit the employment of persons on parole or probation, Federal prisoners authorized by the Attorney General under 18 U.S.C. 4082(c)(2) to work at paid employment during the term of their imprisonment, or persons who have been pardoned or who have served their terms. Furthermore, the requirement does not apply to contracts:

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 19, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-8519; Filed, July 24, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 55—INTERCHANGE OF PERSONNEL WITH STATES

Sec.
55.1 Definitions.
55.2 Purpose and coverage.
55.3 Assignments of personnel.
55.4 Initiation of proposals.
55.5 Duration of assignment.
55.6 Nature and type of assignment.
55.7 Personnel provisions.
55.8 Modification of agreement.
55.9 Termination of agreement.
55.10 Reports and evaluation.

AUTHORITY: The provisions of this Part 55 issued under sec. 314, 58 Stat. 693, as amended by 80 Stat. 1180, 1189, 42 U.S.C. sec. 246(f)(9). Interpret or apply sec. 314(f), 58 Stat. 693, as amended by sec. 3, 80 Stat. 1181, 42 U.S.C. sec. 246(f).

§ 55.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act (amended by the Comprehensive Health Planning and Public Health Services Amendments of 1966; P.L. 89-749, 80 Stat. 1180).

(b) "Secretary" means (except when used in § 55.7(b)(6), (c)(2), and (d)(3)) the Secretary of Health, Education, and Welfare, or his delegatee.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(e) "State agency" means a State or a political subdivision of a State, or any agency of either (including State or local health or health planning agencies), engaged in any activities related to health or designated or established pursuant to section 314(a)(2)(A) of the Act.

(f) "Officers and employees" means officers of the Commissioned Corps of the Public Health Service and all civilian officers and employees of the Department in either the excepted or competitive service.

(g) "Commissioned Officer" means an officer, Regular Corps or Reserve Corps, serving on active duty, in the Commissioned Corps of the Public Health Service (i.e., officers appointed pursuant to section 203 of the Act (42 U.S.C. sec. 204)).

§ 55.2 Purpose and coverage.

(a) *Authority for assignment.* Under section 314(f) of the Act, the Secretary is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Department and assignment of officers and employees of the Department engaged in work related to health to States, for work which the Secretary determines will aid the Department in more effectively discharging its responsibilities in the field of health as authorized by law.