requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. sec. 4332) including the requirement of section 102(2)(C) of NEPA for a detailed environmental statement where the action is a major action significantly affecting the quality of the human environment. Before making the final selection of a site for a facility which is determined by OCD to be required principally for civil defense functions and for which OCD is requested to make a financial contribution toward any of the planning, design, construction, and equipment costs, the State shall assess the environmental consequences of the proposed action. Such assessment will be made in accordance with guidance, including regulatory material, furnished by OCD (such as the guidelines of the Council on Environmental Quality). If it is determined that the action is not a major action significantly affecting the quality of the human environment, the assessment will be reduced to writing and made an attachment to the project application for inclusion in the review process. If it is determined that the action is a major action significantly affecting the quality of the human environment, the State shall prepare a draft environmental impact statement and process it in accordance with guidance furnished by OCD, which statement will accompany the project application through the review process.

(c) *Real property acquisition.* (1) When acquiring real property for a facility which is determined by OCD to be required principally for civil defense functions and for which OCD is requested to make a financial contribution toward any of the planning, design, construction, and equipment costs, the State or political subdivision, as the case may be, will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646, 84 Stat. 1894 (hereinafter referred to as the Relocation Act) and property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Relocation Act. No project application will be approved for a financial contribution toward the costs of planning, design, construction, or equipping of any facility which is determined by OCD to be required principally for civil defense functions and for which the acquisition of real property will result in the displacement of any person, unless OCD receives satisfactory assurances from the State, and where applicable its political subdivision, that the above referenced requirements will be met and that: (i) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of the Relocation Act; (ii) relocation assistance programs offering the services described in section 205 of the Relocation Act shall be provided to such displaced persons; (iii) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of the Relocation Act; and (iv) the affected persons will be adequately informed of the available benefits and the policies and procedures relating to the payment of these benefits.

(2) Until July 1, 1972 the assurances are required only to the extent the requirements can legally be met. The assurances of the State or political subdivision shall be accompanied by a statement in which it specifies any provisions of the assurances which it is legally unable to provide in whole or in part. In the event a State or political subdivision maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of its chief legal official. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances. On or after July 1, 1972, all the assurances, applicable to all persons to be displaced, must be provided OCD prior to its approval of the project application.

(3) Compliance with sections 301 and 302 of the Relocation Act is required where legally possible under State law. In providing the assurance that it will be guided to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302 of the Relocation Act, if the State or political subdivision indicates it is unable to comply fully, its statement shall be supported by an opinion of its chief legal officer containing a full discussion of the issues involved and citing legal authority in support of its conclusion.

(4) The cost to the State or political subdivision in providing payments and assistance pursuant to sections 206, 210, 215, and 305 of the Relocation Act shall be included as part of the cost of the OCD approved project, and shall be eligible for a financial contribution in the same manner and to the same extent as other costs of the project, except that OCD will pay the first $25,000 of the cost to the State or political subdivision of providing payments and assistance pursuant to the cited sections of the Relocation Act on account of any acquisition or displacement occurring prior to July 1, 1972. No payment or assistance under section 210 or 305 of the Relocation Act shall be included as a project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by OCD to have a substantially equivalent purpose and effect and to be part of the cost of the project.

(d) *Labor standards.* Contributions for projects involving construction are subject to compliance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-7) respecting wage rates for federally assisted construction contracts in excess of $2,000; the Copeland "Anti-Kickback" Act (40 U.S.C. 276c); and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.). See OCD regulations at Part 1808 of this chapter and regulations of the Secretary of Labor at 29 CFR Parts 3, 5, 5a, and 1518.

(e) *Civil rights.* In addition to the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), as amended, and implementing regulations, applying to federally assisted programs, contributions for projects involving construction are subject to compliance with the provisions of Executive Order 11246 dated September 24, 1965, as amended, regarding equal employment opportunity. See OCD regulations at Parts 1811 and 1812 of this chapter and regulations of the Secretary of Labor, including those appearing at 41 CFR Part 60–1.

(f) *Bonding and insurance.* In contracting for construction or facility improvement covered by a contributions project application, the State or political subdivision, as the case may be, shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, the following minimum requirements shall be met:

(1) Obtain from each bidder a bid guaranteed equivalent to 5 percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) Obtain a performance bond for 100 percent of the contract price to secure fulfillment of all the contractor's obligations under the contract.

(3) Obtain a payment bond on the part of the contractor for 100 percent of the contract price to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: January 26, 1972.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72–1628 Filed 2–3–72;8:49 am]

PART 1808—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

Miscellaneous Amendments

Part 1808 of Chapter XVIII of Title 132 of the Code of Federal Regulations is amended as follows:

§ 1808.1 [Amended]

1. In § 1808.1, the first and last sentences are amended by substituting the words "29 CFR Parts 5 and 5a" in place of the words "29 CFR Part 5."

2. In § 1808.3, paragraph (a) is revised to read as follows:

§ 1808.3 Project applications.

* * * * *

(a) The State hereby agrees, as a condition of this project application, to conform to each and every obligation required on its part by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) and by regulations Part 1808 and guidance material of the Office of Civil Defense, Office of the Secretary of the Army as now or hereafter provided. The obligations of the State include without limitation: The requirement that the State include, verbatim, in each contract involving construction work in excess of $2,000 and cause to be included, verbatim, in each subcontract thereunder, the provisions prescribed in § 1808.4(a) of the Office of Civil Defense, Office of the Secretary of the Army and cause to be attached the applicable wage determination decision of the Secretary of Labor; and, in addition, the requirement that the State include, verbatim, in each construction contract in excess of $10,000, and cause to be included in each subcontract thereunder, the provisions prescribed in § 1808.4(b) of the Office of Civil Defense, Office of the Secretary of the Army.

* * * * *

3. Section 1808.4 is revised to read as follows:

§ 1808.4 Contract provisions.

(a) Each contract involving construction work in excess of $2,000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(1) *Minimum wages.* (i) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less than once a week and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor, the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particularly weekly period, are deemed to be constructively made or incurred during such weekly period.

(ii) The contracting officer of the (write in the name of the State or political subdivision) shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor for final determination.

(iii) The contracting officer of the (write in the name of the State or political subdivision) shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor for determination.

(iv) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) *Overtime requirements.* (As used in this clause, the terms "laborers" and "mechanics" include watchmen and guards.) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of 8 hours in any calendar day or in excess of 40 hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than 1½ times his basic rate of pay for all hours worked in excess of 8 hours in any such calendar day or in excess of 40 hours in any such workweek, as the case may be.

(3) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of clauses (1) or (2) the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, in the event of any violation of clause (2), such contractor and subcontractor shall be liable to the United States (in the case of work under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic (including watchmen and guards) employed in violation of clause (2), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by clause (2).

(4) *Withholding for liquidated damages and unpaid wages.* The (write in the name of the State or political subdivision) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in clause (3).

In the event of failure to pay any laborer or mechanic, including apprentices and trainees, employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the (write in the name of the State or political subdivision) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(5) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(ii) The contractor will submit weekly a copy of all payrolls to the (write in the name of the State or political subdivision) accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "weekly Statement of Compliance" which is required under this contract and the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 20 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the (write in the name of the State and the political subdivision, if any); the Office of Civil Defense, Office of the Secretary of the Army; and the Department of Labor; and will permit such representatives to interview employees during working hours on the job.

(6) *Apprentices and trainees*—(i) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted

to the contractor as to his entire work force under the registered program. Any employee lised on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

(ii) *Trainees.* Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and, where subdivision (iii) of this subparagraph is applicable, in accordance with the provisions of Part 5a of this subtitle.

(iii) *Application of 29 CFR Part 5a.* On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR Part 5.2(c) shall also be subject to the provisions of 29 CFR Part 5a. Apprentices and trainees shall be hired in accordance with the requirements of 29 CFR Part 5a.

(b) The following contract clauses set forth apprentice and trainee employment requirements as prescribed by the Secretary of Labor, under 29 CFR Part 5a, and shall be included as conditions of each construction contract in excess of $10,000 ("Contract" or "contractor" includes any construction contract or construction subcontractor regardless of tier as well as the primary contract or prime contractor unless otherwise specified):

(1) The contractor agrees: (i) That he will make a diligent effort to hire for the performance of the contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as determined by the Secretary of Labor;

(ii) That he will assure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (*a*) the availability of training opportunities for first year apprentices, (*b*) the hazardous nature of the work for beginning workers, (*c*) excessive unemployment of apprentices in their second and subsequent years of training.

(iii) That during the performance of the contract he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of subdivisions (i) and (ii) of this subparagraph.

(2) The contractor agrees to maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(3) The contractor who claims compliance based on the criterion stated in 29 CFR 5a.4(b) agrees to maintain records of employment, as described in 29 CFR 5a.3(a)(2), on non-Federal and nonfederally assisted construction work done during the performance of this contract in the same labor market area. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(4) The contractor agrees to supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Federal agency compliance officers. The contractor also agrees to supply at 3-month intervals during performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the agency concerned, and one to the Secretary of Labor.

(5) The contractor agrees to insert in any subcontract under this contract the requirements contained in this paragraph (29 CFR 5a.3(a)(1), (2), (3), (4), and (5). Sections 5a.4, 5a.5, 5a.6, and 5a.7 of 29 CFR Part 5a shall also be attached to each such contract for the information of the contractor. The term "contractor" as used in such classes in any subcontract shall mean the subcontractor.

(c) The following contract clauses are also prescribed by the Secretary of Labor under 29 CFR Part 5a and are to be included for information of the contractor in each construction contract in excess of $10,000:

(1) *Criteria for measuring diligent effort.* A contractor will be deemed to have made a "diligent effort" as required by 29 CFR 5a.3 if during the performance of his contract he accomplishes at least one of the following three objectives:

(i) The contractor employs on this project a number of apprentices and trainees by craft as required by the contract clauses at least equal to the ratios established in accordance with 29 CFR 5a.5.

(ii) The contractor employs, on all his public and private, construction work combined in the labor market area of this project, an average number of apprentices and trainees by craft as required by the contract clauses, at least equal to the ratios established in accordance with 29 CFR 5a.5.

(iii) (*a*) Before commencement of work on the project, the contractor if covered by a collective bargaining agreement will give written notice to all joint apprenticeship committees; the local U.S. Employment Security Office; local chapter of the Urban League, Workers Defense League, or other local organization concerned with minority employment; and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality. The Contractor if not covered by a collective bargaining agreement will give written notice to all the groups stated above except joint apprenticeship committees; this contractor also will notify all nonjoint apprenticeship sponsors in the labor market area.

(*b*) The notice will include at least the contractor's name and address, the job site address, value of contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with 29 CFR 5a.5.

(*c*) The contractor must employ all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by the applicable provision of 29 CFR 5a.5.

(2) *Determination of ratios of apprentices or trainees to journeymen.* The Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation shall be as follows:

(i) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is to be undertaken, set forth in collective bargaining agreements or other employment agreements, and available through the Regional Manager for the Bureau of Apprenticeship and Training for the applicable area.

(ii) For any occupation for which no such ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the contractor in accordance with the recommendations set forth in the standards of the National Joint Apprentice Committee for the occupation, which are filed with the U.S. Department of Labor's Bureau of Apprenticeship and Training.

(iii) For any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

(3) *Variations, tolerances, and exemptions.* Variations, tolerances, and exemptions from any requirement of this part with respect to any contract or subcontract may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary, U.S. Department of Labor, Washington, D.C. 20210.

(4) *Enforcement.* (i) Each Federal agency concerned shall insure that the contract clauses required by 29 CFR 5a.3(a) are inserted in every federally assisted construction contract subject thereto. Federal agencies administering assistance programs for construction work for which they do not contract directly shall promulgate regulations and procedures necessary to insure that contracts for the construction work subject to 29 CFR 5a.3(a) will contain the clauses required thereby.

(ii) Enforcement activities, including the investigation of complaints of violations, to assure compliance with the requirements of this part, shall be the primary duty of the Federal agency providing the Federal assistance. The Department of Labor will coordinate its efforts with the Federal agencies, as may be necessary, to assure consistent enforcement of the requirements of this part. Enforcement of these provisions shall be in accordance with the procedures outlined in 29 CFR 5.6.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991 E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Effective date. These revisions shall be applicable to every invitation for bids, and to every negotiation, request for proposals, or request for quotations, for a federally assisted construction contract, issued after January 30, 1972, and to every such contract entered into on the basis of such invitation or negotiation.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72-1629 Filed 2-3-72;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

Part 1 of Chapter I of Title 38 is amended as follows:

1. In § 1.526(i), subparagraph (7) is amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(i) Schedule of fees:

* * * * *

(7) Fees to be determined based on actual costs.

The fee to be charged for special information, statistics, reports, tapes (direct copies of existing tapes or special tapes created to contain specific data such as a listing of veterans by name and address), audiovisual items (motion pictures, film strips, slide sets, sound recordings, video tapes, or combinations thereof), drawings, specifications, photographs, etc., will be based on the actual cost to the agency, including labor, reproduction machine time, computer time, material and overhead expenses.	Fee to be determined by the official authorized to release the information or his designee under § 1.556(a).

* * * * *

2. Section 1.553 is revised to read as follows:

§ 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 Director or Veterans Assistance Officer in the nearest Veterans Administration regional office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 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.

3. Section 1.555 is revised to read as follows:

§ 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), (e), and (f) 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), (e), and (f) 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 for services rendered to or for other agencies or branches of the Federal Government, or State and local governments when the Veterans Administration, veterans and their beneficiaries, or the general public has a substantial interest in the purpose for which the service is requested.

(e) 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.

(f) 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.

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

These VA regulations are effective the date of approval.

Approved: January 28, 1972.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

[FR Doc. 72-1674 Filed 2-3-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Fenthion

A petition (PP 1F1019) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities rice straw at 0.5 part per million and rice at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the proposed tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material it is concluded that:

1. The established tolerances in meat, fat, and meat byproducts of cattle and poultry at 0.1 part per million and in milk at 0.01 part per million (negligible residue) are adequate for residues from dermal application and from feeding treated crops. A tolerance regarding eggs is unnecessary because § 180.6(a)(3) applies.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic

Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.214 is amended by adding the new paragraph "0.5 part per million * * *" after the paragraph "5 parts per million * * *", by revising the paragraph "0.1 part per million * * *", and by adding the new paragraph "0.1 part per million in or on rice" after the revised paragraph, as follows:

§ 180.214 Fenthion; tolerances for residues.

* * * * *

0.5 part per million in or on rice straw.
0.1 part per million in meat, fat, and meat byproducts of cattle and poultry.
0.1 part per million in or on rice.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20250, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-4-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 28, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1642 Filed 2-3-72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

Availability of Final Opinions and Orders of the Oil Import Appeals Board

Departmental regulations concerning availability of final opinions and orders, contained in Part 2, Subtitle A, Title 43, are amended, as set forth below, to provide a change of address for the location at which members of the public may make requests for copies of records, or to inspect or copy records, of the Oil Import Appeals Board within the Office of Hearings and Appeals of the Department of the Interior, under provisions of 5 U.S.C. section 552 (1970).

1. In § 2.4, paragraph (d) is amended to read as follows:

§ 2.4 Opinions in adjudications of cases; administrative manuals.

* * * * *

(d) Copies of final opinions and orders issued by the Oil Import Appeals Board are available for inspection and copying in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

* * * * *

Dated: January 27, 1972.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1679 Filed 2-3-72;8:49 am]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5154]

[Utah 15498]

UTAH

Withdrawal for National Forest Geological Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Little Brush Creek Cave

T. 1 S., R. 21 E.,
Sec. 24, lots 1-4, inclusive, E½NE¼, W½NW¼, S½;
Sec. 25, all;
Sec. 36, NE¼.
T. 1 S., R. 22 E.,
Sec. 19, lots 1-4, inclusive, E½, E½W½;
Sec. 29, NW¼, S½;
Sec. 30, lots 1-4, inclusive, E½, E½W½;
Sec. 31, lots 1, 2, NE¼, E½NW¼;
Sec. 32, N½.

The area described contains 3,538.18 acres in Uintah County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 31, 1972.

[FR Doc.72-1681 Filed 2-3-72; 8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1089]

PART 1033—CAR SERVICE

New York Dock Railway Authorized To Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of February 1972.

It appearing, that the Bush Terminal Railroad Co., in Finance Docket No. 25896, was authorized to abandon its entire line of railroads; that the Bush Terminal Railroad Co. ceased railroad operations on December 15, 1971; that the New York Dock Railway has agreed to operate the trackage abandoned by the Bush Terminal Railroad Co.; that the Commission is of the opinion that there is need for railroad service to industries located on this trackage; that operations over this trackage by the New York Dock Railway are necessary to restore railroad service to these industries in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1089 Service Order No. 1089.

(a) *New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Co.* The New York Dock Railway be, and it is hereby, authorized to operate over trackage abandoned by the Bush Terminal Railroad Co.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 3, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 3, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of