Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Negotiated Contract Awards

Section 166.11 has been amended by the addition of a new paragraph (d) as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10,000,000 or more.

(d) Fiscal Year 1971.

AAI Corp.
AMP, Inc.
Aerojet General Corp.
Aerospace Corp.
Air America, Inc.
Airlift International, Inc.
Alaska Barge & Transport Co.
Amerijet Shipping Corp.
American Airlines, Inc.
AMBAC Industries, Inc.
American Export-Iabrandt Lines.
American Manufacturing Co. of Texas.

American President Lines, Ltd.
American Telephone & Telegraph Co.
AIB, Inc.
Atlantic Richfield Co.
Atlantic Chemicals Industries, Inc.
Avco Corp.
Ayers, N. W. and Son, Inc.
B & F Tracing Ltd.
Battle Memorial Institute.
Bosch Aircraft Corp.
Bell Aerospace Corp.
Bendix Corp.
Boeing Co.
Branciff Airways, Inc.
Bunker Ramo Corp.
California, University of.
Caltech Oil Products Co.
Campbell Soup Co.
Capitol Airways, Inc.
Carson Oil Co.
Central Beef Co.
Central Gulf Steamship Corp.
Cessna Aircraft Co.
Chamberlain Manufacturing Corp.
Chemtronics American Corp.
Chrysler Corp.
Civitco Corp.
Collins Radio Co.
Colts, Inc.
Columbia Steamship Co., Inc.
Computer Sciences Corp.
Condec Corp.
Continental Air Lines, Inc.
Control Data Corp.

Charles W. Wearing,
Acting Federal Insurance Administrator.

Federal Register, Vol. 36, No. 179—Wednesday, September 15, 1971
Title 39—POSTAL SERVICE
Chapter 1—United States Postal Service
PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF
Compilation of Reports and Studies; Cost of Recovery

Sections 262.7 Schedule of fees, subparagraph (4) is added to paragraph (a) reading as follows:

(4) Record retrieval.

Sections 262.7 Schedule of fees, subparagraph (4) is added to paragraph (a) reading as follows:

(4) Record retrieval.

Revisions codified in § 262.7 of Title 39, Code of Federal Regulations (36 FR 4774) are amended to include therein regulations formerly codified under § 112.3 of the 1970 edition of Title 39, as amended. (See 35 FR 12462).

Accordingly, in § 262.7 Schedule of fees, subparagraph (4) is added to paragraph (a) reading as follows:

(4) For compiling and processing data used in reports made by the U.S. Postal Service, the charge shall consist of the hourly compensation and fringe costs of time and overhead costs attributable to the employees directly involved; computer time, if any; and other costs of mechanical reproduction with minimum charges stated for record retrieval. The action organization shall notify the person requesting such reports of the estimated cost thereof in advance.

Title 39—POSTAL SERVICE
Chapter 1—United States Postal Service
PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF
Compilation of Reports and Studies; Cost of Recovery

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§ 59.1 Applicability.
The regulations in this subpart are applicable to the award of grants pursuant to section 1001 of the Public Health Service Act (42 U.S.C. 300) to assist in the establishment and operation of voluntary family planning projects.

§ 59.2 Definitions.
As used in this subpart:
(a) "Act" means the Public Health Service Act.
(b) "State" means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.
(c) "Nonprofit" private entity means a private entity not part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
(d) "Secretary" means the Secretary of Health, Education, and Welfare for the region in which the project is to be conducted. Charges to be made pursuant to agreements with a schedule of rates and methods of payment for medical services projects supported by the Secretary may require
(e) "Low income family" means a family which has an annual income below the higher of (1) the State figure, if any, for the "medically needy", as determined in accordance with the Aid for Families with Dependent Children figures as used in the calculation of the Federal share of States' medical assistance payments, or (2) the current Social Security Administration poverty income level.

§ 59.3 Eligibility.
(a) Eligible applicants. Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart.
(b) Eligible projects. Grants pursuant to section 1001 of the Act and this subpart may be made to eligible applicants for the purpose of assisting in the establishment and operation of voluntary family planning projects consisting of the educational, comprehensive medical, and social services necessary to aid individuals freely to determine the number and spacing of their children.

§ 59.4 Application for a grant.
(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe. The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, and a budget and justification of the items and amounts requested, and such other pertinent information as the Secretary may require.
(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.
(c) An applicant must indicate that a copy of the application has been contemporaneously forwarded to the appropriate State health planning agency established pursuant to section 314(a) of the PHS Act, and where such an agency has been established, to an area-wide planning agency established pursuant to section 314(b) of the PHS Act for their review and comment.

§ 59.5 Project requirements.
An approvable application must contain each of the following unless the Secretary determines that the applicant has established good cause for its omission:
(a) Assurances that:
(1) Services will be made available without the imposition of any duration of residence or referral requirement;
(2) Services will be made available without regard to religion, creed, age, sex, parity, or marital status;
(3) Services will be made available in such a manner as to protect the dignity of the individual;
(4) Priority in the provision of services will be given to persons from low-income families;
(5) No charge will be made for services provided to any person from a low income family except to the extent that payment will be made by a third party (including a Government agency) which is authorized under legal arrangement to pay such charge. In such case, effort must be made to obtain such third party payments. Where the cost of services is to be reimbursed under title XIX of the Social Security Act, a written agreement with the title XIX agency is required. Reimbursement may be either to the project or in lieu thereof directly to the provider in accordance with the above referred to written agreement. Charges to be made for services to persons other than those from low income families must be in accordance with a schedule submitted and approved as part of the project plan.
(8) Services provided will be solely on a voluntary basis and shall not be a pre-condition to eligibility for or receipt of any other service or assistance from, or to participation in, any other programs of the Secretary.
(b) The project will not provide abortions as a method of family planning.
(c) A description of how persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of the project and will be given an opportunity to participate in the implementation and evaluation of such project.
(d) Provision for pre- and in-service training for all project personnel.
(e) Provision for the effective usage of contraceptive devices and supplies, and necessary referral to other medical facilities where medically indicated.
(f) Provision for medical services related to family planning, including counseling, referral to, and from other social and medical services agencies, and such ancillary services as are necessary to facilitate clinic attendance.
(g) Provision for use of a broad range of medically approved methods of family planning including the rhythm method.
(h) Provision for diagnostic and treatment services for infertility.
(i) Provision for coordination and use of referral arrangements with other providers of health care services, with local health and welfare departments, hospitals, and voluntary agencies, and health services projects supported by other Federal programs.
(j) Provision for informational and educational programs designed to achieve community understanding of the objectives of the program, to inform the community of the availability of services, and to promote continuing participation in the project by persons to whom family planning services may be beneficial.
(k) In those cases in which the project will provide family planning services by contract or other similar arrangement with the actual providers of services, a plan shall be provided establishing rates and methods of payment for medical care. Such payments must be made pursuant to agreements with a schedule of rates and payment procedures maintained by the grantee. The grantee must be prepared to substantiate that rates are reasonable and necessary.
Rules and Regulations

§ 59.7 Payments

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 59.8 Use of project funds

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 59.9 Civil rights

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 801 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing this prohibition applies to grants made under this subpart, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 59.10 Confidentiality

Each grant award is subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 59.11 Inventions or discoveries

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that no personal or other property supported by the grant is used in the conduct of or for purposes other than those specifically authorized for the support of such activity.

§ 59.12 Publications and copyright

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty-free, nonexclusive, and irrevocable license in favor of the United States to reproduce, translate, publish, use, or otherwise make use of such materials and to authorize others to do so.

§ 59.13 Grantee accountability

(a) Accounting for grant award payments. All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other government sources. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this subpart.

(b) Accounting for equipment, materials, or supplies. Expenditures of grant funds for movable or fixed equipment, materials or supplies, all of which are termed in this paragraph as "material", may be charged to grant funds; as direct costs only to the extent such material is required for the conduct of the approved project. Material on hand on the date of termination (excluding expendable supplies within such limitations as the Secretary may prescribe) shall be accounted for, or accountability waived, by one or a combination of the following methods:

1. Authorization by the Secretary for use in Federal health projects. Material may be used without adjustment of accounts on other projects within the scope of section 1001 of the Act, and no other accounting for such material shall be required.

2. Provided, however, (1) That during such period of use no charge for depreciation, amortization, or for other use of the material shall be made against any existing...
RULES AND REGULATIONS

or future Federal grant or contract, and (ii) if within the period of their useful life that the grantee or contractor may dispose of such materials otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) Transfer of title to the Federal Government. To the extent the Secretary so requires or approves, title to materials will be transferred to the Federal Government for such authorized use or disposal as he may direct.

(a) Accounting for grant related income—Interest. Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be liable for any interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest earned on grant funds to the Federal Government.

(b) Royalties. Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the cost of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(c) Other income. Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter I—Hazardous Materials Regulations, of this part, as he may direct.

(d) Grant closeout—Date of final accounting. A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(e) Final settlement. There shall be payable to the Federal Government as final settlement all amounts due the Federal Government as of the date of final accounting as required in paragraph (d) of this section:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section;

(iii) Any credits for material on hand as provided in paragraph (b) of this section;

(iv) Any credits for earned interest, pursuant to paragraph (c) (1) of this section;

(v) Any other settlements required pursuant to paragraph (c) (2) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 59.14 Records, reports, and inspection.

(a) Records and reports. Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations.

(b) Inspection and audit. Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, records, and reports of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 59.15 Additional conditions.

The Secretary, with respect to any grant award, may impose additional conditions prior to or at the time of any award when, in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 59.16 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this subpart or any of the assurances thereunder, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.


Vernon E. Wilson,
Administrator, Health Services and Mental Health Administration.


Eliezer L. Richardson,
Secretary.

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations, Board of Transportation

[Docket No. HM-56; Amends 171-13, 172-11, 173-54, 174-10, 177-17, 178-21, 179-8]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 177—SHIPPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

PART 179—SPECIFICATIONS FOR TANK CARS

Miscellaneous Amendments

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change or delete certain obsolete or incorrect references and to make other editorial corrections. Major changes are described as follows:

1. References to Part 397 are no longer pertinent for small quantity exemptions since this part was revised on March 13, 1971 (36 F.R. 4874) and made applicable by addenda to BAM 3897. Therefore it is being deleted in other sections of the Code.

2. The address of the Bureau of Explosives, AAR, is listed in §171.7(c)(4), therefore it is being deleted in other sections of the Code.

3. Various sections as well as labels which show “Commission” or “Interstate
Commerce Commission” are changed to read “Department” or “Department of Transportation.” This change was effected by Docket No. HM-11 (33 F.R. 17918), published December 3, 1968. Editorially, a number of changes were erroneously overlooked in subsequent publications of the CFR.

Since these amendments concern editorial changes and corrections and impose no burden on any person, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173, 174, 177, 178, and 179 are amended, effective upon publication in the Federal Register (9-15-71), as follows:

(A) In §§ 174.65(j) and 173.284(a), the scope of the regulations is changed to read, “176–199.”

(B) The following sections are amended to delete reference to Part 297 or 397:

In section

<table>
<thead>
<tr>
<th>Delete</th>
<th>To read</th>
</tr>
</thead>
<tbody>
<tr>
<td>173.304</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.305</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.306</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.307</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.308</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.309 (a)</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.310 (a)</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.311 (I)</td>
<td>and Part 397 of this title.</td>
</tr>
<tr>
<td>173.317 (I)</td>
<td>and Part 397 of this title.</td>
</tr>
</tbody>
</table>

(C) The following sections are amended by property referencing the Bureau of Motor Carrier Safety Regulations:

In section

<table>
<thead>
<tr>
<th>Change</th>
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<tbody>
<tr>
<td>171.290 (c) (2)</td>
<td>300, 25</td>
</tr>
<tr>
<td>171.291 (a)</td>
<td>300, 25</td>
</tr>
<tr>
<td>171.292 (b)</td>
<td>300, 25</td>
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<tr>
<td>171.292 (c)</td>
<td>300, 25</td>
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<td>171.292 (d)</td>
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<td>171.292 (e)</td>
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<td>171.292 (f)</td>
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<tr>
<td>171.292 (z)</td>
<td>300, 25</td>
</tr>
</tbody>
</table>

(D) The following sections are amended to delete the address of the Bureau of Explosives, AAR:

In section

<table>
<thead>
<tr>
<th>Delete</th>
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<tbody>
<tr>
<td>172.866 (a) (3) Note 2</td>
<td>Pennsylvania Plaza, New York, NY 10001.</td>
</tr>
<tr>
<td>172.866 (b) (3) Note 2</td>
<td>Pennsylvania Plaza, New York, NY 10001.</td>
</tr>
<tr>
<td>172.866 (c) (3) Note 2</td>
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In section

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<tbody>
<tr>
<td>173.307</td>
<td>and Part 397 of this title.</td>
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<tr>
<td>173.311 (I)</td>
<td>and Part 397 of this title.</td>
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In section

<table>
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<tbody>
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<td>174.506 (a)</td>
<td>300, 25</td>
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<td>174.506 (b)</td>
<td>300, 25</td>
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<tr>
<td>174.506 (c)</td>
<td>300, 25</td>
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<td>174.506 (d)</td>
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<td>174.506 (g)</td>
<td>300, 25</td>
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<td>174.506 (h)</td>
<td>300, 25</td>
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<tr>
<td>174.506 (i)</td>
<td>300, 25</td>
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<tr>
<td>174.506 (j)</td>
<td>300, 25</td>
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In section

<table>
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<th>Delete</th>
<th>To read</th>
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<tbody>
<tr>
<td>173.158</td>
<td>Benzoyl peroxide, dry; chlorobenzoyl peroxide (para), dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or ascorbic acid peroxide, dry.</td>
</tr>
</tbody>
</table>

(A) * * *

(2) Spec 216 (§ 173.224 of this chapter) fiber drums. Authorized only for lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one drum.

* * *

(N) In § 173.268 paragraph (d) (2) second line, the section reference is changed to read, “§ 179.100 and 179.201 (of this chapter).”

(O) In § 173.284 paragraph (a) (1) table, third column, all markings opposite “Ethane” are lowered one line for proper placement in the table.

(P) In § 173.306 paragraph (a) (3) (ii) fifth line, “173.33a” is amended to read “176.33.”

(Q) In § 174.605, the fourth and fifth lines are reversed to read as follows: “and 171.16 of this chapter. In addition, each carrier is requested to report each.”

(R) In § 177.623 paragraph (a) (4), the reference “§ 173.414 (a) and (c)” in the 15th line is amended to read “§ 173.414 (d)”; the word “red” is deleted in the 14th line.

(S) In § 177.624 paragraph (b), in the 17th line, “magnetic particle” is corrected to read “magnetic particle.

(T) In § 177.849 paragraph (a), first line, “Explosives or other dangerous articles” is corrected to read “Hazardous materials.”

(U) In § 177.870 paragraph (b), first line, “dangerous articles” is corrected to read “hazardous materials.”

(V) Following § 178.23, the section number reading “§ 178.22–1” is corrected to read “§ 178.23–1.”

(W) In § 178.210–4, the second paragraph, containing the effective date of the amendment is deleted.

(X) In § 178.341–4 paragraph (b), a period is placed at the end of the right hand column.

(Y) In § 178.342–4 paragraph (c), the parenthesis preceding the word maximum is closed after “§ 178.340–10 (B)”.

(Z) In § 173.314 (c) Table Note 17, the reference “§ 178.289–13” is changed to read “§ 179.100–15”.

(AA) In § 179.100–7 paragraph (a), the table has been inadvertently changed. The following table is inserted:

<table>
<thead>
<tr>
<th>Specifications</th>
<th>Minimum tension (p.s.i.)</th>
<th>Minimum elongation (percent)</th>
<th>Minimum wall thickness (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASTM A 201 Or. A</td>
<td>55,000</td>
<td>25</td>
<td>4</td>
</tr>
<tr>
<td>ASTM A 201 Gr. B</td>
<td>60,000</td>
<td>25</td>
<td>4</td>
</tr>
<tr>
<td>ASTM A 212 Gr. A</td>
<td>65,000</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>ASTM A 212 Gr. B</td>
<td>45,000</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>ASTM A 285 Gr. B</td>
<td>50,000</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>ASTM A 285 Gr. C</td>
<td>55,000</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>ASTM A 302 Gr. B</td>
<td>80,000</td>
<td>20</td>
<td>4</td>
</tr>
</tbody>
</table>

(BB) In § 179.100–7 paragraph (b), the third column of the table is amended.
(CC) Section 179.500-7 was incorrectly printed in the 1970 and 1971 editions of the CFR. It is corrected to read: § 179.500 Specification DOT-107 ** seamless steel tank car tanks.

§ 179.500-7 Physical tests.

(a) Physical tests shall be made on two test specimens 0.505 inch in diameter within 2-inch gage length, taken 180 degrees apart, one from each ring section cut from each end of forged or drawn tube before necking-down, or one from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations shall be heat treated, with the necked-down tank which they represent. The width of the test specimen ring section must be at least its wall thickness. Only when diameters and wall thickness will not permit removal of 0.505 by 2-inch specimen, then the largest diameter specimen obtainable in the longitudinal direction shall be used. Specimens shall have bright surface and a reduced section. When 0.505 specimen is not used the gage length shall be a ratio of 4 to 1 length to diameter.

(b) Elastic limit as determined by extensometer, shall not exceed 70 percent of tensile strength for class I steel or 80 percent of tensile strength for class II and class III steel. Determination shall be made at cross head speed of not more than 0.125 inch per minute with an extensometer reading to 0.0002 inch. The extensometer shall be read at increments of stress not exceeding 5,000 pounds per square inch. The stress at which the strain first exceeds

stress (pounds per square inch) + 30,000,000 (pounds per square inch) + 0.005 (inches per inch)

shall be recorded as the elastic limit.

(1) Elongation shall be at least 18 percent and reduction of area at least 35 percent.

Now 1: Upon approval, the ratio of elastic limit to ultimate strength may be raised to permit use of special allow steels of definite composition that will give equal or better physical properties than steels herein specified.


Issued in Washington, D.C., on September 9, 1971.

W. P. Rea III, Rear Admiral, Board Member, for the U.S. Coast Guard.

Mac E. Rogers, Board Member, for the Federal Railroad Administration.

Robert A. Kaye, Board Member, for the Federal Highway Administration.

James F. Rudolf, Board Member, for the Federal Aviation Administration.

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-16; Notice 71-27]

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

Compliance With Safety Rules;

Correction

On July 12, 1971, the Director of the Bureau of Motor Carrier Safety amended Part 397 of the Motor Carrier Safety Regulations to retain the rule requiring motor carriers transporting hazardous materials to obey the Motor Carrier Safety Regulations (36 F.R. 13269). Some words were inadvertently omitted from that issuance, and the Director is issuing an amendment to correct that error. As has been the case in the past, private carriers are exempt from the rules in part 394 to the extent that those rules require the filing of accident reports and for no other purpose.

In consideration of the foregoing, § 397.3 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) is amended to read as follows:

§ 397.3 Compliance with motor carrier safety regulations.

A motor carrier or other person to whom this part is applicable must comply with the rules in Part 390 through 397, the rules in Title 49, CFR, Part 394 of this subchapter relating to the hunting of upland game, as legislatively permitted. It has been determined that regulated hunting of upland game may be permitted as designated on the Bear Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

Since this amendment benefits the public by relieving existing restrictions on hunting of upland game, and since this amendment is to conform to the State of Idaho game laws, we find that notice and public procedure in accordance with the Administrative Procedures Act (5 U.S.C. 553(b)(B)) are impractical and unnecessary, and it shall become effective upon publication in the Federal Register (9-15-71).

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Bear Lake National Wildlife Refuge, Idaho

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (48 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (69 Stat. 927 as amended; 16 U.S.C. 668dd), that 50 CFR Part 32 is amended by the addition of Bear Lake National Wildlife Refuge, Idaho, to the list of areas open to the hunting of upland game, as legislatively permitted.


ROBERT A. KAYE, Director, Bureau of Motor Carrier Safety.

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS [Public Land Order 5107]

[Colorado 3486]

COLORADO

Withdrawal for National Forest Recreation Areas

Correction

In F.R. Doc. 71-11763 appearing at page 15439 in the issue of Saturday, August 14, 1971, in the description of the Crosho Lake Recreation Area, the first entry under “T. 2 N, R. 86 W.” should read “Sec. 4, south 5 chains of west 10 chains of lot 9, W½S½NW¼, W½E½SW¼NW¼.”

J. P. LINDDUSKA, Acting Director, Bureau of Sport Fisheries and Wildlife.

September 10, 1971.

[FR Doc. 71-13590 Filed 9-14-71; 8:51 am]

PART 32—HUNTING

Bear Lake National Wildlife Refuge, Idaho

The following regulations are issued and are effective on date of publication in the Federal Register (9-15-71).