

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Los Angeles	Monrovia	H 06 037 2220 05 through H 06 037 2220 13	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 167 South Broadway, Los Angeles, CA 90012, and 1405 Market St., San Francisco, CA 94103.	Public Works Department, City of Monrovia, 415 South Ivy Ave., Monrovia, CA 91016.	Sept. 18, 1970.
Do.	Kern	Unincorporated areas.				Sept. 14, 1971.
Maryland	Prince Georges	Laurel				Do.
Massachusetts	Bristol	Dartmouth				Do.
Missouri	Cape Girardeau	Jackson				Do.
New Jersey	Morris	Lincoln Park Borough.	H 34 027 1690 05 through H 34 027 1690 08	Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, NJ 08625.	Borough Clerk's Office, Municipal Bldg., Lincoln Park, N.J. 07035.	Oct. 23, 1970.
New York	Nassau	Hempstead				Sept. 14, 1971.
Oregon	Josephine	Unincorporated areas.	H 41 033 0000 11 through H 41 033 0000 29	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, OR 97310.	Josephine County Planning Office, 130 Northwest B St., Grants Pass, OR 97526.	Jan. 8, 1971.
Pennsylvania	Somerset	Somerset Borough.				Sept. 14, 1971.
South Carolina	Beaufort	Fort Royal				Do.
Do.	Horry	Surfside Beach				Do.
West Virginia	Logan	Mau	H 54 945 1620 02.	West Virginia Insurance Department, 1800 Washington St. East, Charleston, WV 25305.	Office of the Recorder, City Bldg., Town of Mau, Man, W. Va. 25635.	Feb. 9, 1971.
Wisconsin	St. Croix	North Hudson				Sept. 14, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective Aug. 13, 1971, 36 F.R. 16701, Aug. 25, 1971)

Issued: September 14, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-13490 Filed 9-14-71;8:45 am]

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.
AMF, Inc.
Aerojet General Corp.
Aerospace Corp.
Air America, Inc.
Airlift International, Inc.
Alaska Barge & Transport Co.
Americargo Shipping Corp.
American Airlines, Inc.
AMBAC Industries, Inc.
American Export Isbrandtsen Lines.
American Manufacturing Co. of Texas.

American President Lines, Ltd.
American Telephone & Telegraph Co.
ARO, Inc.
Asiatic Petroleum Corp.
Atlantic Richfield Co.
Atlas Chemical Industries, Inc.
Avco Corp.
Ayers, N. W. and Son, Inc.
B P Trading Ltd.
Battelle Memorial Institute.
Beach Aircraft Corp.
Bell Aerospace Corp.
Bendix Corp.
Boeing Co.
Braniff Airways, Inc.
Bunker Ramo Corp.
California, University of.
Caltex 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.
Chromalloy American Corp.
Chrysler Corp.
Clevite Corp.
Collins Radio Co.
Colts, Inc.
Columbia Steamship Co., Inc.
Computer Sciences Corp.
Condec Corp.
Continental Air Lines, Inc.
Control Data Corp.

Cornell Aeronautical Lab., Inc.
Curtis Wright Corp.
Cutler Hammer, Inc.
Day & Zimmerman, Inc.
De Laval Turbine, Inc.
Donovan Construction Co.
Downs, Tony Foods Co.
du Pont, E. I. de Nemours & Co.
Dynalectron Corp.
E. G. & G., Inc.
Eastman Kodak Co.
Emerson Electric Co.
Esso International Corp.
F M C Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries.
Federal Cartridge Corp.
Federal Electric Corp.
Flying Tiger Corp.
GTE Sylvania, Inc.
Garrett Corp.
Gary Aircraft Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Motors Corp.
General Time Corp.
Global Associates.
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Grumman Aerospace Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries Inc.
Han Jin Transportation Co., Ltd.
Harvey Aluminum Sales.

Hayes International Corp.
Hazelton Corp.
Heckethorn Manufacturing Co.
Hercules, Inc.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Humble Oil & Refining Co.
ITT Research Institute.
ITT Arctic Services.
ITT Gilfillan Inc.
Illinois, University of.
Institute for Defense Analysis.
International Business Machine Co.
International Dairy Engineering Co.
International Telephone & Tel. Corp.
Interstate Electronics.
Iowa Beef Packers Inc.
Itek Corp.
Jacksonville Shipyards Inc.
Johns Hopkins University.
Kaman Corp.
Kentron Hawaii Ltd.
Kidde Walter & Co., Inc.
Kisco Co., Inc.
Kollman Instrument Corp.
Korea Oil Corp.
Kraftco Corp.
Kurz Charles & Co.
LTV Electrosystems.
LTV Aerospace Corp.
Lear Siegler Inc.
Letourneau R. G., Inc.
Ling Temco Vought, Inc.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Luther Werke GmbH & Co.
Luzon Stevedoring Corp.
Lykes Bros. Steamship Co., Inc.
Magnavox Co.
Martin Marietta Corp.
Mason & Hanger Silas Mason Co.
Massachusetts Institute of Technology.
Mayer, Oscar & Co., Inc.
McDonnell Douglas Corp.
McGraw Edison Co.
Meadow Gold Dairies.
Minnesota Mining & Manufacturing Co.
Mitre Corp.
Mobil Oil Corp.
Moore McCormack Lines, Inc.
Motorola, Inc.
NHA Inc.
National Presto Industries, Inc.
Needham Packing Co., Inc.
Newport News Shipbuilding & Dry Dock Co.
Norris Industries Inc.
North American Rockwell Corp.
Northrop Corp.
Northwest Airlines, Inc.
Okmulgee Refining Co.
Olin Corp.
Overseas National Airways, Inc.
PRD Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pacific Far East Line, Inc.
Page Aircraft Maintenance, Inc.
Pan American World Airways, Inc.
Parsons, Ralph M., Co., Inc.
Phileo Ford Corp.
Powerline Oil Co.
Procter & Gamble Distributing Co.
Radiation Inc.
RCA Corp.
RCA Global Communications, Inc.
Rand Corp.
Ravenna Arsenal, Inc.
Raymond Morrison Knudsen.
Raytheon Co.
Remington Arms Co.
Reynolds, R. J., Industries, Inc.
Teledyne Ryan Aeronautical Co.
Sanders Associates, Inc.
Saturn Airways, Inc.
Sea Land Services, Inc.
Seaboard World Airlines, Inc.
Seatrains Lines, Inc.
Serv Air, Inc.

Shipping & Coal Co.
Sierra Research Corp.
Simplex Wire & Cable Co.
Singer General Precision, Inc.
Southern Airways Inc.
Sovereign Construction Co., Ltd.
Sperry Rand Corp.
Standard Oil Co. of California.
Stanford Research Institute.
States Marine Lines Inc.
States Steamship Co.
Sundstrand Corp.
Susquehanna Corp.
Swift & Co.
System Development Corp.
TRW, Inc.
Tasker Industries.
Teledyne CAE.
Teledyne, Inc.
Teledyne Industries, Inc.
Tesoro Alaskan Petroleum Corp.
Texaco Export, Inc.
Texas Instruments, Inc.
Textron, Inc.
Thiokol Chemical Corp.
Tracor, Inc.
Trans International Airlines, Inc.
Trans World Airlines, Inc.
Uniroyal, Inc.
United Air Lines, Inc.
United Aircraft Corp.
United States Lines Co.
United States Steel Corp.
Universal Airlines, Inc.
Varian Associates.
Vinnell Corp.
Vitro Corp. of America.
Waterman Steamship Corp.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
World Airways, Inc.
World Wide Meats, Inc.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives Division OASD
(Administration).*

[FR Doc.71-13569 Filed 9-14-71;8:49 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

Compilation of Reports and Studies; Cost of Recovery

Regulations codified in § 262.7 of Title 39, Code of Federal Regulations (36 F.R. 4774) are amended to include therein regulations formerly codified under § 113.5 of the 1970 edition of Title 39, as amended. (See 35 F.R. 12462).

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

§ 262.7 Schedule of fees.

(a) *Record retrieval.* * * *

(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 and overhead costs attributable to the employees directly involved; computer time, if any; and other costs of mechan-

ical 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.

(39 U.S.C. 401)

DAVID A. NELSON,
*Senior Assistant Postmaster
General and General Counsel.*

[FR Doc.71-13546 Filed 9-14-71;8:47 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 59—GRANTS FOR FAMILY PLANNING SERVICES

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Part 59, which relate solely to grants for family planning services pursuant to section 1001 of the Public Health Service Act (42 U.S.C. 300) because, for good cause it has been found, that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, and the limited time for which funds are available for these purposes. Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing, in triplicate to Director, National Center for Family Planning Services, Health Services and Mental Health Administration, 5600 Fishers Lane, Rockville, MD 20852. All comments received in response to this publication will be available for public inspection in the Office of the Grants and Contracts Officer, National Center for Family Planning, Room 12A-54, Parklawn Building, 5600 Fishers Lane, Rockville, MD weekdays between 9 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (9-15-71).

Subpart A—Project Grants for Family Planning Services

Sec.	
59.1	Applicability.
59.2	Definitions.
59.3	Eligibility.
59.4	Application for a grant.
59.5	Project requirements.
59.6	Evaluation and grant award.
59.7	Payments.
59.8	Use of project funds.
59.9	Civil rights.
59.10	Confidentiality.
59.11	Inventions or discoveries.
59.12	Publications and copyright.
59.13	Grantee accountability.

- Sec.
59.14 Records, reports, and inspection.
59.15 Additional conditions.
59.16 Early termination and withholding of payments.

AUTHORITY: The provisions of this Part 59 issued under sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-4; sec. 6(c), 84 Stat. 1506, 42 U.S.C. 300.

Subpart A—Project Grants for Family Planning Services

§ 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 no 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 and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(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 calculated by the Assistance Payments Administration, Social and Rehabilitation Service, 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 pre-

scribe.¹ 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 amount of grant funds 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 durational 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 or is under legal obligation 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;

(6) Family planning medical services will be performed under the direction

of a physician with special training or experience in family planning;

(7) All services purchased for project participants will be authorized by the Project Director or his designee on the project staff;

(8) Services provided will be solely on a voluntary basis and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other programs of the applicant; and

(9) The project will not provide abortions as a method of family planning.

(b) 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.

(c) Provision for pre- and in-service training for all project personnel.

(d) Provision for medical services related to family planning including physician's consultation, examination, prescription, continuing supervision, laboratory examination, contraceptive supplies, and necessary referral to other medical facilities when medically indicated.

(e) Provision for social 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.

(f) Provision for the effective usage of contraceptive devices and practices.

(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.

¹ Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

(1) A description of the standards and qualifications which will be required for personnel (including the project director) and facilities utilized in the various aspects of carrying out the project plan.

§ 59.6 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist in the establishment and operation of those project applications which will in his judgment best promote the purposes of section 1001 of the Act, taking into account:

(1) The number of patients, and in particular the number of low income patients, to be served;

(2) The extent to which family planning services are needed locally;

(3) The relative need of the applicant;

(4) The capacity of the applicant to make rapid and effective use of such assistance;

(5) The adequacy of the applicant's facilities and staff;

(6) The relative availability of non-Federal resources within the community to be served and the degree to which those resources are committed to the project; and

(7) The degree to which the project plan adequately provides for the elements set forth in § 59.5.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the performance of the project; *Provided, however,* That no grant shall be made for an amount equal to the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of project costs, costs for which Federal funds from other sources have been or may be claimed or received, or costs used to match other Federal grants unless otherwise authorized by Federal statute, or costs to be met from the Federal share of grant related income (except as may be permitted by Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual²) may not be included.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project of portion thereof but this provision shall not preclude the Secretary from making upward adjustments to actual costs as to amounts awarded on a provisional basis. For continuation support, grantees must make separate application periodically

at such times and in such form as the Secretary may direct.

§ 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. 200d et seq.) and in particular section 601 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 Title VI, which 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 arrange-

ments inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 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 or right in the Government to reproduce, translate, publish, use, disseminate, and dispose 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 grant awards. 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; *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(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) *Retention of material for other 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; *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

² Available for purchase at the Government Printing Office (GPO 894-523).

or future Federal grant or contract, and (ii) if within the period of their useful life the material is transferred by sale or 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) *Sale or other disposition of material, crediting of proceeds or value.* The material may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or it may be used or disposed of in any manner by the grantee or crediting to the grant account the Federal share of the fair market value on the termination date. To the extent material purchased from grant funds is used for credit or trade-in on the purchase of new material, the accounting obligation shall apply to the same extent to such new material.

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

(c) *Accounting for grant related income—(1) Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for 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.

(2) *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 costs 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.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout—(1) 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.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

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

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

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

(iv) 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 assignees 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. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(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 and other resources 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 may with respect to any grant award 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.

Dated: August 13, 1971.

VERNON E. WILSON,
Administrator, Health Services
and Mental Health Adminis-
tration.

Approved: September 7, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-13560 Filed 9-14-71; 8:40 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-56; Amdts. 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—SHIPMENTS 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 only to those motor vehicles required to be marked or placarded.

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 Code.

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 §§ 171.7(a) and 173.286(a), the scope of the regulations is changed to read, "170-189".

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

In section	Delete
173.144(b)	and Part 397 of this title.
173.197(a)	and 297.
173.260(d)	and Part 397 of this title.
173.260(e)	and Part 397 of Chapter III of this title.
173.260(g)	and 397 of this title.
173.263(b) (2)	and Part 297 of this chapter.
173.277(d),	
(d) (1)	and Part 397 of this title.
173.277(e)	and Part 397 of this title.
173.279(b)	and Part 397 of this title.
173.286(b)	and Part 397 of this title.
173.306(a),	
(b), (c),	
(d) (2), (e),	
(e) (2)	and Part 397 of this title.
173.359(e)	and Part 297 of this chapter.
173.364(a)	and Part 397 of this title.
173.369(b)	and Part 397 of this title.
173.370(b)	and Part 397 of this title.
173.377(f)	and Part 397 of this title.

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

In section	Change	To read
174.532(b) (2)	363.77	363.77.
177.834(j)	Part 293	Part 393.
177.835(i)	Part 292	Part 392.
177.854(a)	292.22 to 292.36	392.22 to 392.36.
177.854(f) (1)	292.22, 292.33, 292.34, and 292.35	392.22, 392.33, 392.34, and 392.35.
177.854(f) (2)	§§ 292.35 and 292.36	§§ 392.35 and 392.36.
177.856(d)	Part 292	Part 392.
177.856(h)	Part 292	Part 392.
178.340-2(b)	Part 293	Part 393.

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

In section	Delete
173.300(b) (4) Note 1	2 Pennsylvania Plaza, New York, NY 10001. American Railroads Building.
174.506(a)	1920 L Street, NW., Washington, DC 20036. Telephone (202) 293-4048.
174.596(c) (1)	2 Pennsylvania Plaza, New York, NY 10001.
174.655(j) (3) Note 2	2 Pennsylvania Plaza, New York, NY 10001.
177.815(f)	2 Pennsylvania Plaza, New York, NY 10001.

In section	Delete
177.861(a) Note 2	2 Pennsylvania Plaza, New York, NY 10001.
178.1-9(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.3-9(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.4-8(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.5-9(a)	63 Vesey Street, New York 7, NY.
178.6-10(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.7-8(a)	2 Pennsylvania Plaza, New York, NY 10001.
178.14-8(a)	2 Pennsylvania Plaza, New York, NY 10001.

(E) In the following sections "Commission" is corrected to read "Department":

In section:
173.53(q)
177.824(e) (4) (ii)
178.32-2 Note 1
178.37-5(a) Note 1
178.156-12(a) (3) Note 1

(F) In the following sections "Interstate Commerce Commission" shown on the labels is changed to read "Department of Transportation":

173.405(a)
173.406(a)
173.407(a) (1), (a) (2), (a) (3)
173.408(a) (1), (a) (2)
173.409(a) (1), (a) (2), (a) (3)
173.410(a)
173.411(a)
173.412(a) (1)
178.59-20(b) report

(G) In the following sections "ICC" is corrected to read "DOT":

173.119(b) (3) Note 1 (2 places)
178.191-9(a) (1)
178.205-36 Heading
179.101-1(a) Table, Note 11

(H) In § 172.5(a) Commodity List, delete the following entry:

Hydrazine solution containing 50 percent or less of water

(I) In § 173.28 paragraph (n) (1) (ii) second line of example, a zero is added to read: "TESTED 2/70".

(J) In § 173.34 paragraph (e) (10), in the fifth sentence, the spelling of the word "cylinders" is corrected.

(K) In § 173.64 paragraph (a), at the beginning of the 11th line the word "as" is removed.

(L) In § 173.119 paragraph (f) (3), Note 2 was inadvertently omitted in the 1965 edition of the CFR, it is now reinserted to read:

NOTE 2: When the vapor pressure exceeds 40 pounds per square inch, absolute, at 100° F., these flammable liquids are classed as flammable compressed gases and must be described, packed, and shipped as prescribed for such articles.

(M) In § 173.158, paragraph (a) (2) was amended in Docket No. HM-32; Amendment No. 173-27 (35 F.R. 10858), July 3, 1970. This amendment was not reflected in the 1971 edition of the Code. It is now amended as shown in the above reference:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) * * *

(2) Spec. 21C (§ 178.224 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 § 173.304 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, "178.33a" is amended to read "178.33".

(Q) In § 174.506, 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 § 177.823 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 § 177.824 paragraph (h), in the 17th line, "magnetic article" is corrected to read "magnetic particle".

(T) In § 177.848 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 § 178.219-4, 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 "§ 78.289-13" 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:

Specifications	Minimum tensile strength (p.s.i.) welded condition	Minimum elongation in 2 inches (percent) welded condition
ASTM A 201 Gr. A.....	55,000	25
ASTM A 201 Gr. B.....	60,000	28
ASTM A 212 Gr. A.....	65,000	20
ASTM A 212 Gr. B.....	70,000	30
ASTM A 285 Gr. A.....	45,000	29
ASTM A 285 Gr. B.....	50,000	29
ASTM A 285 Gr. C.....	55,000	20
ASTM A 302 Gr. B.....	80,000	20

(BB) In § 179.100-7 paragraph (b), the third column of the table is amended to read:

25, 28, 23, 18, 16, 14, 18, 18, 18, 18, and 5.

(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 each 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 tensile test bar, laid in the transverse direction, may test bar cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 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 85 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

$$\frac{\text{stress (pounds per square inch)}}{30,000,000 \text{ (pounds per square inch)}} + 0.005 \text{ (inches per inch)}$$

shall be recorded as the elastic limit.

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

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

(Secs. 831-835 of title 18, U.S.C.; sec. 9 of the Department of Transportation Act (49 U.S.C. 1657); title VI and sec. 902(b), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

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

W. F. 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.

[FR Doc. 71-13509 Filed 9-14-71; 8:45 am]

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

§ 397.2 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, inclusive, of this subchapter when he is transporting hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title. However, except as specified in § 394.6 of this subchapter, the rules in Part 394 of this subchapter relating to the reporting of accidents do not apply to a private carrier of property.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, 18 U.S.C. 834, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued: September 3, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.
[FR Doc. 71-13557 Filed 9-14-71; 8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5107]

[Colorado 2486]

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, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$."

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 (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 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.

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 impracticable and unnecessary, and it shall become effective upon publication in the FEDERAL REGISTER (9-15-71).

(Sec. 7, 80 Stat. 929; 16 U.S.C. 668dd(c)(d))

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *
IDAHO
Bear Lake National Wildlife Refuge.

* * * * *
J. P. LINDUSKA,
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).