

(c) Liquefied and nonliquefied compressed gas shall be used only in well-ventilated areas.

(d) Not more than one liquefied or nonliquefied compressed gas unit, consisting of one oxygen cylinder and one additional gas cylinder, shall be used to repair any unit of equipment which is in the loading point of any section.

(e) Where liquefied and nonliquefied compressed gas is used regularly in underground shops or other underground structures, such shops or structures shall be on a separate split of air.

(f) Where liquefied and nonliquefied compressed gas is used in any area in which oil, grease, or coal dust is present, oil and grease deposits shall, where practicable, be removed and the entire area within 10 feet of the worksite covered with a heavy coating of rock dust.

(g) Liquefied and nonliquefied compressed gas cylinders shall be located no less than 10 feet from the worksite, and where the height of the coal seam permits, they shall be placed in an upright position and chained or otherwise secured against falling.

(h) Liquefied and nonliquefied compressed gas shall not be used under direct pressure from the cylinder and, where such gases are used under reduced pressure, the pressure level shall not exceed that recommended by the manufacturer.

(i) "Manifolding cylinders" shall only be performed in well-ventilated shops where the necessary equipment is properly installed and operated in accordance with specifications for safety prescribed by the manufacturer.

§ 75.1106-5 Maintenance and tests of liquefied and nonliquefied compressed gas cylinders; accessories, and equipment; requirements.

(a) Hose lines, gages, and other cylinder accessories shall be maintained in a safe operating condition.

(b) Defective cylinders, cylinder accessories, torches, and other welding, cutting, and burning equipment shall be labeled "defective" and taken out of service.

(c) Each qualified person assigned to perform welding, cutting, or burning with liquefied and nonliquefied compressed gas shall be equipped with a wrench specifically designed for use with liquefied and nonliquefied compressed gas cylinders and a suitable torchtip cleaner to maintain torches in a safe operating condition.

(d) Tests for leaks on the hose valves or gages of liquefied and nonliquefied compressed gas cylinders shall only be made with a soft brush and soapy water or soap suds, or other device approved by the Secretary.

§ 75.1106-6 Exemption of small low pressure gas cylinders containing nonflammable or nonexplosive gas mixtures.

Small low pressure gas cylinders containing nonflammable or nonexplosive gas mixtures, which provide for the emission of such gas under a pressure reduced

from a pressure which does not exceed 250 p.s.i.g., and which is manufactured and sold in conformance with U.S. Department of Transportation Special Permit No. 6029 as a calibration test kit for methane monitoring systems, shall be exempt from the requirements of §§ 75.1106-2(c) and 75.1106-4(d), (f) and (g).

[FR Doc.71-16898 Filed 11-18-71;8:48 am]

## Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

### PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals

#### ASSESSMENT OF CIVIL PENALTIES

Pursuant to the authority of the Secretary of Interior contained in the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 803; 30 U.S.C. section 957, § 4.540 of Part 4, Title 43, is amended by revoking paragraph (b) of that section.

This amendment eliminates the requirement that copies of all notices or orders at issue be attached to a petition to assess penalty. This step is being taken by the Office of Hearings and Appeals to help reduce the vast amount of paper work involved in processing these violations. Heretofore, four copies of these violations were required. However, they are considered unnecessary, especially since the operator has received two copies of each notice or order from the Bureau of Mines and the informal assessment process has clearly identified the violations at issue. The Bureau will continue to forward a set of the notices or orders at issue to the Office of Hearings and Appeals for the official administrative record. In addition, the operator or his attorney who desires an additional copy of the notices or orders will be furnished a set upon request.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. However, since this amendment changes internal administrative procedure, further notice and public procedure hereon under 5 U.S.C. 553 are impracticable and good cause exists for making the amendment effective in less than 30 days. Accordingly, this amendment shall become effective upon publication hereof in the FEDERAL REGISTER (11-19-71).

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

NOVEMBER 10, 1971.

[FR Doc.71-16896 Filed 11-18-71;8:48 am]

## Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

### PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Eligibility Standards of Comprehensive Health Services

Part 1061 of Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.  
1061.3-1 Applicability of this subpart.  
1061.3-2 Introduction.  
1061.3-3 Policy.

AUTHORITY: The provisions of this subpart issued under section 222(a), 82 Stat. 1019, 42 U.S.C. 2809.

§ 1061.3-1 Applicability of this subpart.

This subpart applies to comprehensive health services projects funded under section 222(a) of the Economic Opportunity Act.

§ 1061.3-2 Introduction.

This subpart sets forth eligibility standards for comprehensive health services projects.

§ 1061.3-3 Policy.

(a) Services may be provided without charge to:

(1) Residents of the target area of the project who fall within the Office of Economic Opportunity Poverty Guidelines (as set forth in §§ 1060.2-1 through 1060.2-4 of this chapter);

(2) Residents of the target area of the project who qualify under State XIX income standards;

(3) Residents of the target area of the project who qualify under a local poverty health or welfare standard which is integrally involved in the project's operation and which has been specifically approved by the Office of Health Affairs.

(b) Services may be provided without charge to all residents of the target area on an emergency basis without prior determination of eligibility.

(c) In selected cases, a partial and full payment plan may be approved for persons with incomes above the standards for free care set forth in paragraph (a) of this section. Such plans must be approved by the Office of Health Affairs. They will only be approved if one or more of the following conditions exist:

(1) The eligibility criteria for free care were originally approved by the Office of Economic Opportunity on an "area-wide basis";

(2) The Neighborhood Health Center is the sole adequate source of health care in the designated service area;

(3) The proposed plan is an approach that promises to make a significant contribution to the improved administration of health services for low-income population groups.

(d) Partial payment plans approved by the Office of Health Affairs under paragraph (c) of this section shall be in accord with all the following criteria:

(1) The plan shall be approved by the Neighborhood Health Council or equivalent group for the project;

(2) The plan shall give priority to persons meeting criteria for free care and shall demonstrate that the proposed schedule will not make it impossible to serve individuals eligible for free care;

(3) The plan shall not involve the use of Office of Economic Opportunity funds to provide health care for individuals in families with incomes in excess of twice the Office of Economic Opportunity Poverty Guidelines;

(4) No more than 20 percent of the total number of persons registered for care by the project shall be on a partial or full pay basis;

(5) The plan shall include a method of determining the cost of services provided which shall be in line with principles set by the Office of Health Affairs. Pending such a determination, the project may use medicare reimbursement rates if these rates are based upon a review by medicare authorities of the cost of services at the Center. If Medicare rates are not based on the costs of operating the Center, the Center shall devise a cost schedule based either upon the previous year's expenditures for operating the Center or the Center's present year's budget, whichever more accurately reflects the current costs of operating the project. The cost of services must reflect the capital costs of constructing or renovating the facility but may exclude the cost of activities which are not directly related to the provision of services, such as outreach and manpower training activities;

(6) The partial payment plan shall include a graduated scale of payments based on costs of services provided. The scale shall be on a "straight-line" basis between the standards for free care (paragraph (a) of this section) and the standard for full payment (paragraph (d) (3) of this section) except in cases where an established graduated payment schedule which is used by a poverty health or welfare program within the local community is preferred by the project.

WESLEY HJORNEVIK,  
Deputy Director.

[FR Doc.71-16939 Filed 11-18-71;8:51 am]

## Title 49—TRANSPORTATION

### Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-11; Notice 2]

#### PART 566—MANUFACTURER IDENTIFICATION

##### Tire Exemption

The purpose of this correction to Part 566 in Title 49, Code of Federal Regulations,

published on November 2, 1971, 36 F.R. 20977, is to specifically exempt tire manufacturers from coverage in the language of the regulation. While the preamble to Part 566 as issued states that the tire manufacturers' request for an exemption has been granted, the operative language of the regulation inadvertently omitted the exemption.

In consideration of the foregoing, § 566.3 in Part 566 of Title 49, Code of Federal Regulations, is corrected to read as follows:

##### § 566.3 Application.

This part applies to all manufacturers of motor vehicles, and to manufacturers of motor vehicle equipment, other than tires, to which a motor vehicle safety standard applies (hereafter referred to as "covered equipment").

Proposed effective date: February 1, 1972.

This correction is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1401, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on November 11, 1971.

DOUGLAS W. TOMS,  
Administrator.

NOVEMBER 11, 1971.

[FR Doc.71-16912 Filed 11-18-71;8:49 am]

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1078-A]

#### PART 1033—CAR SERVICE

##### Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of October 1971.

Upon further consideration of Service Order No. 1078 (36 F.R. 17649) and good cause appearing therefor:

It is ordered, That:

§ 1033.1078. *Service Order No. 1078*, distribution of boxcars be, and it is hereby, vacated and set aside.

(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 this order shall become effective at 11:59 p.m., November 5, 1971; that copies of this order and direction 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 that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and

by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc.71-16950 Filed 11-18-71;8:52 am]

[Service Order No. 1084]

#### PART 1033—CAR SERVICE

##### Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of November 1971.

It appearing that abandonment of operations by the Chicago and North Western Railway Co. over its line between Council Bluffs, Iowa, and Harlan, Iowa, has been authorized by the Commission in Finance Docket 26081, thus ending railroad service to shippers located on this line; that the Chicago, Rock Island and Pacific Railroad Co. operates over a portion of this line between CNW milepost 490.4 in the vicinity of McClelland, Iowa, and CNW milepost 502.1 in the vicinity of Council Bluffs, Iowa, under authority of Finance Docket 17060; that the provisions of the operating agreement between the Chicago, Rock Island and Pacific Railroad Co. and the Chicago and North Western Railway Co., approved by the Commission in Finance Docket 17060, prohibit the serving of industries located on this portion of the lines of the Chicago and North Western Railway Co. by the Chicago, Rock Island and Pacific Railroad Co.; that the Chicago, Rock Island and Pacific Railroad Co. has agreed to serve industries located on trackage of the Chicago and North Western Railway Co. at McClelland, Iowa, pending approval by the Commission in Finance Docket 17060, of revisions of that operating agreement; that the Commission is of the opinion that service to industries located on the Chicago and North Western Railway Co. at McClelland, Iowa, by the Chicago, Rock Island and Pacific Railroad Co. is necessary 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 30 days' notice.

It is ordered, That:

§ 1033.1084 *Service Order No. 1084.*

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Chicago and North Western Railway Co.* The Chicago, Rock Island and Pacific Railroad Co. be, and it is hereby, authorized to serve shippers located on the tracks of the Chicago and North Western Railway Co. at McClelland, Iowa.

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

(c) *Rates applicable.* Inasmuch as this operation by the Chicago, Rock Island and Pacific Railroad Co. over tracks of the Chicago and North Western Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Chicago, Rock Island and Pacific Railroad Co. over these tracks of the Chicago and North Western Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., November 16, 1971.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 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 that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-16949 Filed 11-18-71;8:52 am]

# Proposed Rule Making

## DEPARTMENT OF THE ARMY

Corps of Engineers

[ 33 CFR Part 209 ]

### CONFIDENTIALITY OF INFORMATION UNDER REFUSE ACT PERMIT PRO- GRAM

#### Proposed Instructions and Procedures

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Secretary of the Army (acting through the Chief of Engineers). The proposed regulation provides instructions and procedures for the internal handling and release to members of the public, and to other Federal agencies of confidential information received from an applicant or permittee under the Refuse Act Permit Program.

While it is considered that cross references to other regulations cited are self-explanatory, the full texts of the referenced regulations are available for inspection at the local Corps of Engineers District Offices. Prior to the adoption of the proposed regulation, consideration will be given to any comment, suggestions, or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Washington, D.C. 20314, Attention: DAEN-CWO-N, within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 16, 1971.

F. P. KOISCH,  
Major General, U.S. Army,  
Director of Civil Works.

#### § 209.133 Confidentiality of information under the Refuse Act Permit Program.

(a) *Purpose.* This section provides instructions and procedures for the internal handling and release to members of the public, and to other Federal agencies of confidential information received from an applicant or permittee under the Refuse Act Permit Program.

(b) *Policy.* (1) In deciding whether information submitted by an applicant or permittee pursuant to the Refuse Act Permit Program is entitled to confidential treatment as hereinafter set forth, it is the policy of the Corps to achieve an effective balance between the legitimate concern of industry for protection of its competitive position and the right of the public to be fully apprised as to the quality of our Nation's environment.

(2) Recognizing the right of the public to be fully apprised of any action which affects our Nation's water resources, it is the policy of the Corps that in no event shall information or data

identifying the nature and frequency of a discharge be entitled to confidentiality.

(3) Recognizing the importance to industry of certain kinds of information and data, it is the policy of the Corps that information or data constituting trade secrets or confidential commercial or financial information shall not be disclosed to members of the public.

(c) *Definitions.*—(1) *Commercial Information.* Commercial information includes but is not limited to such information as research data, inventories, customer lists, and statistics on production and sales, which is not directly utilized for the making, preparing, compounding, treating, or processing of trade commodities, but is, nevertheless, valuable to and necessary for the conduct of an ongoing business.

(2) *Confidential.* Confidential means to be held in confidence, to be released only to authorized persons on a strict need-to-know basis consistent with the needs and purposes of the Refuse Act Permit Program. By definition, a trade secret is confidential.

(3) *Federal agencies.* Agencies, departments, or instrumentalities of the Federal Government.

(4) *Financial information.* Refers to money matters. Such information would include but is not limited to revenues, expenditures, profits, losses, and financial arrangements.

(5) *Members of the public.* Includes but is not limited to private citizens; all non-Federal public and private organizations and institutions; corporations, partnerships, associations, and other commercial organizations; and all non-Federal governmental bodies.

(6) *Trade secrets.* An unpatented, secret, commercially valuable plan, appliance, formula, or process, which is used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities and which provides the user a competitive advantage.

(d) *Responsibilities of applicant or permittees.* (1) To be considered for confidential treatment as hereinafter set forth, information supplied in support of an application for a permit must be supplied by the applicant on a separate sheet(s) of paper entitled "Confidential Answers" and must be accompanied by a written statement of the reasons justifying treatment of the information as a trade secret or commercial or financial information which warrants the protection of the confidential designation.

(2) To be considered for confidential treatment as hereinafter set forth, information supplied by or obtained from a permittee pursuant to the general or special conditions of his permit must be accompanied by a written statement of the reasons justifying treatment of the information as a trade secret or com-

mercial or financial information which warrants the protection of the confidential designation.

(e) *Responsibilities of District Engineers.* (1) District Engineers shall promptly evaluate any request submitted as prescribed in paragraph (d) of this section, for confidential treatment of information supplied by or obtained from an applicant or permittee. In evaluating such request, the District Engineer shall consider the policy stated in paragraph (b) of this section, and the following guidelines:

(i) In determining whether commercial or financial information warrants the protection of the confidential status, the District Engineer shall consider the following: If the commercial or financial information is generally known in the trade or can be acquired or duplicated by members of the public through legal means, such information shall not be entitled to confidential treatment as hereinafter set forth. In this respect, items 14, 16, and column 4 of both parts A and B of section II of the permit application form are identified as possibly constituting confidential commercial information, and in the absence of a specific reason determined by the District Engineer to require release, such information supplied in the manner set forth in this subdivision shall be treated as confidential.

(ii) In determining whether information or data constitutes a trade secret, the District Engineer shall consider the following: If the information or data is generally known in the trade or can be acquired or duplicated by members of the public through legal means, such information or data shall not be deemed to constitute a trade secret.

(2) The applicant or permittee shall be notified in writing of the decision of the District Engineer regarding the applicant's or permittee's request. In the event that the decision of the District Engineer is negative, the written notice to the applicant or permittee shall specify the factual considerations leading to such decision and shall be sent "Return Receipt Requested." The applicant or permittee shall be accorded 30 days from the date of receipt of the notice from the District Engineer in which to present to the District Engineer additional or supplemental supporting data relative to his request. The written notice shall also specify that unless the applicant or permittee supplies to the District Engineer within the 30-day period additional or supplemental supporting data, the decision of the District Engineer shall become a final decision.

(3) Upon submission by the applicant or permittee of additional or supplemental supporting data as per subparagraph (2) of this paragraph, the District Engineer shall promptly reconsider his prior decision and notify the applicant

or permittee in writing of his final decision. Such written notice shall specify the factual considerations leading to the final decision.

(4) During the interim period from receipt by the District Engineer of the request from the applicant or permittee to receipt by the applicant or permittee of the final decision of the District Engineer as per subparagraphs (2) and (3) of this paragraph, the District Engineer shall accord to the information in question confidential treatment as herein-after set forth.

(5) A copy of the District Engineer's final decision together with a cover letter stating whether the information in question should continue to be considered and treated as confidential shall be forwarded to all parties to whom such information was forwarded during the interim period as stated in subparagraph (4) of this paragraph.

(6) An applicant who requests "blanket confidentiality" for his entire application shall be informed that such request is contrary to Corps regulations. If the applicant furnished the information on the application form, he shall be given written notice sent "Return Receipt Requested" to submit within 30 days a revised application in accordance with paragraph (d) of this section. He shall also be advised that if such a revision is not submitted, the application will be processed with all answers on the form being available to the public. If, however, the applicant furnished the information in accordance with paragraph (d) of this section, the District Engineer shall make his determinations as prescribed in subparagraphs (1) through (5) of this paragraph.

(7) If a particular discharge or deposit is involved in pending litigation, the instructions in subparagraphs (1) through (6) of this paragraph shall be followed only after coordination with the local U.S. Attorney.

(f) *In-house handling of confidential information.* (1) Information or data supplied in accordance with the procedures set forth in paragraph (d) of this section, shall immediately be marked For Official Use Only and shall continue to be so marked until such time as the District Engineer determines that it does not constitute trade secrets or confidential commercial or financial information. Information or data determined by the District Engineer to constitute trade secrets or confidential commercial or financial information shall be marked, stored, protected, and transmitted as prescribed by AR 340-16.

(2) For Official Use Only markings on trade secrets and confidential commercial or financial information are excluded from automatic termination under the provisions of paragraph 13, AR 340-16.

(g) *Release of confidential information.* (1) Confidential information shall not be released to the public. Denials of

requests for information will be processed in accordance with paragraphs 7, 11, and 12, AR 345-20 and Chapter 72, ECI.

(2) Requests for confidential information from members of Congress will be processed in accordance with paragraph 8b(2), AR 345-20.

(3) Confidential information may be disclosed to Federal personnel, both in and out of the Corps, on a need-to-know basis consistent with the needs and purposes of the Refuse Act Permit Program. If confidential information is disclosed to Federal personnel outside of the Corps, such information shall be transmitted as prescribed in subparagraph (4) of this paragraph.

(4) Confidential information is releasable to the Environmental Protection Agency as this agency is presumed to have a need-to-know consistent with the needs and purposes of the Refuse Act Permit Program. It shall be transmitted as prescribed by paragraph 10, AR 340-16. In addition, a cover letter shall be included which specifically states the following:

The attached information (here identify the documents) has been determined by the District Engineer to constitute trade secrets or confidential commercial or financial information. Under the provisions of 18 U.S.C. 1905, unlawful disclosure of the attached information is punishable by a fine not to exceed \$1,000, or imprisonment not to exceed one year, or both; and it is further provided by such statute that the person or persons making such unlawful disclosure shall be removed from office or employment.

(5) Requests for confidential information from other Federal agencies shall be processed as follows:

(i) District Engineers shall require the Federal agency to submit complete written justification. District Engineers shall release information to the agency if determined that a need-to-know consistent with the needs and purposes of the Refuse Act Permit Program exists. The information shall be transmitted as prescribed in subparagraph (4) of this paragraph.

(ii) The District Engineer shall not release confidential information if he is not satisfied that the requesting Federal agency has a need-to-know consistent with the needs and purposes of the Refuse Act Permit Program. He shall inform the agency in writing and state his reasons for the denial. He shall also inform the agency that he has forwarded a copy of the request with the denial and all pertinent documents to OCE, Attention: DAEN-GCK for further consideration.

(h) *Classified defense information.* Nothing herein shall be construed as pertaining to classified defense information. The procedures governing the marking, safeguarding and handling of classified defense information are contained in AR 380-5.

[FR Doc. 71-17016 Filed 11-18-71; 8:54 am]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[7 CFR Part 905]

### TANGERINES GROWN IN FLORIDA

#### Proposed Limitation of Shipments

Consideration is being given to the following proposal submitted by the committees, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendation by the committees for more restrictive size requirements on shipments of tangerines made during the period November 26 through December 19, 1971, is based on the increasing available supply of smaller size tangerines. Tangerines of the later maturing Dancy variety are beginning to be shipped in volume to fresh market outlets adding to the currently available supply of the earlier maturing Robinson variety tangerine. Sales of Dancy tangerines of the smaller size are being made at discounted prices causing a general weakening of the price structure for all sizes of tangerines. It is anticipated by the committee that fresh market outlets will accept smaller tangerines after December 19, 1971, at prices which will provide favorable returns to producers.

The proposal is as follows:

Order. In § 905.537 (Tangerine Regulation 42; 36 F.R. 20215) the provisions of paragraph (a) (2) are revised to read as follows:

#### § 905.537 Tangerine Regulation 42.

(a) \* \* \*

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines: *Provided*, That during the period November 26 through December 19, 1971, no handler may ship tangerines, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines.

All written data, views, or arguments submitted in connection with the aforesaid proposal must be received in

quadruplicate, by the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than November 23, 1971. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 15, 1971.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-16957 Filed 11-18-71;8:53 am]

#### [ 7 CFR Part 912 ]

### GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT, FLORIDA

#### Proposed Expenses and Rate of Assessment for Fiscal 1971-72

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, during the period August 1, 1971, through July 31, 1972, will amount to \$28,400.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at \$0.004 per standard packed box.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 16, 1971.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-16956 Filed 11-18-71;8:53 am]

### Rural Electrification Administration

#### [ 7 CFR Part 1701 ]

### AUDIT OF REA BORROWERS' ACCOUNTING RECORDS

#### Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA pro-

poses to issue revised REA Bulletin 185-1: 465-1, Audit of REA Borrowers' Accounting Records. This REA Bulletin requires annual audits by certified public accountants of its electric and telephone borrowers and establishes the minimum standards for such audits. On final issuance of this revised REA Bulletin, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the provisions of the revised REA Bulletin 185-1: 465-1 may submit written data, views, or comments to the Director, Borrowers' Financial Management Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Borrowers' Financial Management Division during regular business hours.

A copy of proposed REA Bulletin 185-1: 465-1 may be secured in person or by written request from the Director, Borrowers' Financial Management Division.

A summary of the changes proposed by REA in the policy and requirements for the audit of the records of its borrowers is as follows:

#### REVISED REA BULLETIN 185-1: 465-1

In accordance with mortgage terms, REA requires its borrowers to have their accounts and supporting records audited annually by independent certified public accountants selected by the borrower and approved by REA. Also the audit reports must be satisfactory in form and substance. This Bulletin sets forth REA policy and requirements for the audit of the records of both telephone and electric borrowers.

A complete revision of Bulletin 185-1: 465-1 was last issued in November 1963 and the proposed revision incorporates changes announced since that time plus additional changes as follows:

1. Addition of a new section establishing new requirements for the audits of borrowers who have executed a common mortgage involving a non-REA lender. These new requirements provide for (a) approval of the CPA firm also by the non-REA lender, (b) furnishing them a copy of the audit report, (c) notifying them in case of indication of irregularity.

2. Modification of requirements for proper supporting working papers including conformance with guidelines similar to those provided in the Statement of Auditing Procedures No. 39 of the American Institute of Certified Public Accountants.

3. Recommended procedures for review by CPA's during off-season prior to commencement of regular audit work. These include tests of: (a) Cash transactions, (b) revenue and billing, (c) payroll process, (d) material and supplies, (e) vouchers, (f) controlling records.

Dated: November 15, 1971.

E. C. WEITZELL,  
Deputy Administrator.

[FR Doc.71-16955 Filed 11-18-71;8:53 am]

#### [ 7 CFR Part 1701 ]

### PROCUREMENT OF ENGINEERING SERVICES BY TELEPHONE BORROWERS

#### Postloan Engineering Service Contract

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 341-3 to provide for changes in REA Form 217, Postloan Engineering Service Contract, Telephone Design and Construction. On issuance of the revised REA Bulletin, Appendix A of Part 1701 will be amended accordingly.

Persons interested in this revision of the postloan engineering service contract prescribed by REA may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Room 1355, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular office hours. A copy of revised REA Form 217 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 341-3 describing the policy and procedure relating to the revised form is as follows:

#### REVISED REA BULLETIN 341-3

##### ENGINEERING AND ARCHITECTURAL SERVICES

I. Purpose. To state (1) Rural Electrification Administration policy concerning selection of telephone engineers by loan applicants and borrowers; (2) the procedure to be followed to obtain engineering services; and (3) announce the revision of the Postloan Engineering Service Contract, Telephone Design and Construction, REA Form 217.

II. Policy.—A. Preloan engineering. All engineering services required by a loan applicant to support its application for a loan shall be rendered by a qualified engineer selected by the applicant. Some applicants may have qualified personnel on their payroll. Neither the selection of the preloan engineer nor the form of preloan engineering service contract are subject to approval by REA. Applicants are requested to discuss their proposed method of obtaining preloan engineering services with the REA field personnel before going ahead with arrangements.

B. Post loan engineering. 1. All engineering services required by a borrower for the construction of its project, including the preparation of plans and specifications, shall be rendered by a qualified engineer selected by the borrower and approved by REA prior to the performance of any of the required services.

2. REA will consider a borrower's request to do its own engineering upon an adequate showing by the borrower of its ability to efficiently perform the required engineering.

III. General. A. Engineering firms interested in performing work for loan applicants or borrowers are requested to keep REA currently informed on the qualifications and experience of the firm's personnel that would be assigned to such work. One copy of REA

Form 179, Architects and Engineers Qualifications, may be submitted to REA for this purpose.

B. REA does not maintain a list of approved telephone engineers but on request will supply the names of engineering firms which have expressed an interest in performing engineering services for borrowers.

IV. *Engineering contract and amendment forms.*—A. *Preloan engineering service contract, telephone system design, REA Form 835.* This is a suggested form of preloan engineering service contract. It provides for the preparation of maps, the area coverage survey and report, the area coverage design, and other services requested by the applicant to support its application for a loan. While the use of this form of contract is not required, it should be reviewed as a basis for determining the services which the applicant desires the engineer to perform.

B. *Post loan engineering service contract, telephone design and construction, REA Form 217.* 1. This contract provides for engineering services required subsequent to the making of a loan, and specifically in connection with the preparation of plans and specifications, staking, supervision of construction, final inspection and inventory and other services. It does not provide for engineering or architectural services on buildings other than unattended dial office buildings.

2. The major changes in the revised contract are:

a. Appropriate wording is included for using the contract with the Rural Telephone Bank financing.

b. Description of the project to be included under the engineering contract has been expanded by describing the project by major facilities and exchange.

c. Services normally required may be excluded from the contract by listing the exchange and description of the excluded services by article and section numbers.

d. Appropriate references are included for the new supplemental loan proposals and the necessary postloan design of outside plant.

e. Compensation for the various services have not been set. Compensation will be mutually agreed upon by the borrower and the engineer. The REA Form 506 "Statement of Engineering Fee—Telephone" has been revised to conform with the revised engineering service contract.

C. *Architectural services contract, REA Form 165.* This contract provides for services required subsequent to the making of a loan in connection with the preparation of plans and specifications, supervision of construction, and final inspection and inventory of headquarters and other buildings. If desired, architectural services on unattended dial office buildings may also be obtained under this contract instead of under REA Form 217.

D. *Amendment of telephone engineering service contract—additional project, REA Form 223.* This amendment provides for engineering services for an additional project to be added to the original contract.

E. *Amendment of engineering service contract, REA Form 241.* This amendment provides payment for services which have been performed by the engineer which are in addition to those required by the contract.

V. *Procedures for contracting for engineering services.*—A. *Preloan engineering services.* 1. Subsequent to making an initial application for a loan and upon further notice from REA that additional data should be prepared in support of the application, the applicant meets with various engineering firms to discuss their interest in an availability of personnel for performing the required engineering services. It is recommended that representatives of at least three

firms be interviewed so that the applicant may ascertain that he has selected a firm which is both competent and capable of proceeding rapidly with the work.

2. When an engineering firm is selected, the services to be performed, the form of contract to be used, and the compensation to be paid are matters to be agreed upon by the applicant and the engineer. The suggested form of preloan engineering service contract, REA Form 835, mentioned in paragraph IV-A is available from REA if this form of contract is desired. In addition to listing the various services normally required, Form 835 contains a provision for compensation which has been proposed by a number of engineering firms. Any form of contract used should specify that the area coverage survey, area coverage design and supplemental loan proposals prepared by the engineer must conform to REA requirements.

B. *Post loan engineering services.* 1. After the loan is made, REA will normally assume that the preloan engineer will be selected to provide the post loan engineering services and will forward four copies of REA Form 217 to the borrower with a letter requesting that, if the preloan engineer is to be retained, three copies of the contract be completed and executed by both parties and returned to REA for approval.

2. If the preloan engineer is not to be retained, another engineering firm should be chosen, and the selection submitted to REA for approval before entering into a contract. When the engineer selection is approved, the section engineer will forward four copies of REA Form 217, Post Loan Engineering Service Contract, Telephone Design and Construction, to the borrower.

3. The borrower and the engineer are to review the contract to be sure that all terms, conditions, and the obligations of both parties are understood. Three copies are to be executed by both parties and forwarded to REA for approval. A detail estimate of the engineering fees is a requirement for approval by REA. The REA Form 506, "Statement of Engineering Fee—Telephone" should be used for preparing and submitting the estimate.

4. Upon approval of the contract by REA, two copies are returned to the borrower. One of these should be forwarded to the engineer.

C. *Architectural services.* 1. Generally the architectural services required in connection with unattended dial central office buildings will be obtained by the borrower through the use of REA Form 217, Post Loan Engineering Service Contract, Telephone System Design and Construction. When the project includes a headquarters or buildings other than unattended dial central office buildings, the architectural services required shall be obtained through the use of REA Form 165, Architectural Services Contract, and the borrower shall furnish REA with the name of the architect it desires to have perform this work.

2. Upon approval, the section engineer will forward three copies of REA Form 165, Architectural Services Contract, to the borrower.

3. The borrower and the architect review the contract form to be sure that all terms and conditions are understood. All three copies are to be executed by both parties and forwarded to REA for approval.

4. Upon approval of the contract by REA, two copies are returned to the borrower. One of these should be forwarded to the architect.

D. *Amendments.* Three copies of the amendment are to be executed by both parties and forwarded to REA for approval. Upon approval of the amendment by REA, two copies will be returned to the borrower.

One of these should be forwarded to the engineer.

Dated: November 12, 1971.

E. F. RENSCHAW,  
Assistant Administrator, Telephone.  
[FR Doc.71-16901 Filed 11-18-71;8:48 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

### LOWFAT CREAMED COTTAGE CHEESE

#### Withdrawal of Previous Proposals and New Proposal Issued

In the matter of establishing a definition and standard of identity for lowfat creamed cottage cheese:

A notice of proposed rule making in the above-mentioned matter, based on a petition from the Milk Industry Foundation, 910 17th Street NW., Washington, DC 20005, was published in the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16546). The New York State Department of Agriculture and Markets and the Ohio Department of Agriculture were copetitioners with the Milk Industry Foundation. In the same notice, the Commissioner of Food and Drugs on his own initiative proposed to amend the existing creamed cottage cheese standard (21 CFR 19.530) rather than to establish a new standard. A correction was published on November 7, 1970 (35 F.R. 17191). Both proposals provided for creamed cottage cheese products with reduced fat content; however, the Milk Industry Foundation petition proposed the name "lowfat creamed cottage cheese" without label declaration of the fat content while the Commissioner's proposal retained the name "creamed cottage cheese" for the reduced fat product as well as for the conventional product and required a declaration of the percentage of fat content following the name of the food on package labels.

Notice is given that the Milk Industry Foundation, with the New York State Department of Agriculture and Markets and the Ohio Department of Agriculture as copetitioners, has withdrawn its petition published on October 23, 1970, and has submitted a new petition. Notice is also given that the Commissioner of Food and Drugs has withdrawn his proposal concerning this matter.

The new petition proposes establishment of a separate identity standard for "lowfat cottage cheese," a product containing from 0.5 to 2 percent milkfat and not more than 82.5 percent moisture. The container lid would bear the statement "Contains not more than 2 percent milkfat" or "Contains \_\_\_\_ percent milkfat," the blank being filled in with the fat content of the product.

The new petition also proposes amending the creamed cottage cheese standard

in § 19.530 (21 CFR 19.530) to change the name of the food to "cottage cheese," to delete the 3 percent limitation on addition of solids to the creaming mixture found in § 19.530(b) (2), and to require on the container lid the statement "Contains not less than 4 percent milkfat" or "Contains ---- percent milkfat," the blank being filled in with the fat content of the product.

Finally, the new petition proposes to amend the cottage cheese standard in § 19.525 (21 CFR 19.525) to change the name of the food to "cottage cheese dry curd" and to limit the fat content of the food to less than 0.5 percent.

Grounds given in support of the proposal are: (1) That most consumers associate the name "cottage cheese" with the product identified in § 19.530 rather than with the one identified in § 19.525; (2) that addition of the words "dry curd" to the name of the product identified in § 19.525 will eliminate confusion and more aptly describe the food; (3) that consumers desire the option of purchasing creamed cottage cheese products with reduced fat content; and (4) that label declaration of the fat content in the conventional product identified in § 19.530 as well as in the new reduced fat level products will facilitate consumer comparison of the available cottage cheese products.

Accordingly, both proposals published on October 23, 1970, are withdrawn and the petitioners now propose that Part 19 be revised:

1. In § 19.525, by revising the section heading and paragraphs (a) and (c), as follows:

**§ 19.525 Cottage cheese dry curd, dry curd cottage cheese; identity.**

(a) Cottage cheese dry curd, dry curd cottage cheese, is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished food contains less than 0.5 percent milkfat. It contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official," on page 272 of "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970.

(c) When the optional process described in paragraph (b) (1) (ii) of this section is used to make cottage cheese dry curd, the label shall bear the statement "Directly set" or "Curd set by direct acidification." Whenever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the statement specified in this paragraph, showing the optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

2. In § 19.530 by revising the section heading, paragraph (a), the introductory text in paragraph (b) (2), and subparagraphs (3) and (4) in paragraph (d) and by adding a new paragraph (e), as follows:

**§ 19.530 Cottage cheese; identity; label statement of optional ingredients.**

(a) Cottage cheese is the soft uncured cheese prepared by mixing cottage cheese dry curd with a creaming mixture as provided in paragraph (b) of this section. The milkfat content is not less than 4 percent by weight of the finished food. The finished food contains not more than 80 percent of moisture, as determined by the method prescribed in § 19.525(a).

(b) \* \* \*

(2) One or any combination of two or more of the ingredients named in this subparagraph may be added to adjust the solids content.

(d) \* \* \*

(3) When the optional process described in § 19.525(b) (1) (ii) is used to make the cottage cheese dry curd used in cottage cheese, the label shall bear the statement "Directly set" or "Curd set by direct acidification."

(4) Wherever the name "cottage cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the label declarations prescribed in this paragraph, showing the optional ingredients present and optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the declaration required by paragraph (e) of this section may intervene.

(e) (1) The statement "Contains not less than 4 percent milkfat" shall appear upon the lid of the container. If the cottage cheese contains more than 4 percent milkfat, the statement on the lid, in lieu of the phrase "Contains not less than 4 percent milkfat" may be "Contains ---- percent milkfat," the blank being filled in with the fat content of the product.

(2) The statement concerning percentage of fat content which is specified in this paragraph shall appear on the lid immediately preceding or following the name of the food without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height.

3. By adding a new § 19.---, as follows:

**§ 19.--- Lowfat cottage cheese; identity; label statement of optional ingredients.**

Lowfat cottage cheese is the food prepared from the same ingredients and in the same manner prescribed in § 19.530 for cottage cheese and complies with all the provisions of § 19.530 (including requirements for the label statement of optional ingredients), except that:

(a) Its content of milkfat is not less than 0.5 percent and not more than 2 percent by weight.

(b) Its moisture content is not more than 82.5 percent.

(c) (1) The following statement shall appear upon the lid of the container of the lowfat cottage cheese: "Contains not more than 2 percent milkfat," or alternatively "Contains ---- percent milkfat," the blank being filled in with the fat content of the product.

(2) The statement concerning percentage of fat content which is specified in this paragraph (c) shall appear on the lid immediately preceding or following the name of the food without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in triplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 16, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-16981 Filed 11-18-71; 8:54 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-139]

### DANGEROUS CARGOES

#### Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to:

1. Authorize the use of butane, isobutane, isobutylene, and propane as proper shipping names.
2. Provide for the transportation of certain flammable liquids in DOT 37-D nonreusable steel drums.
3. Exempt liquid cement, n.o.s. in containers of fiberboard bodies with metal tops and bottoms from specification packaging, marking other than name of contents, and labeling requirements.