

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective December 16, 1971.

Bethpage, N.Y.—Grumman-Bethpage Airport; NDB Runway 33, Amdt. 5; Revised.  
Covington, Ky.—Greater Cincinnati Airport; NDB Runway 9R, Amdt. 3; Revised.  
Covington, Ky.—Greater Cincinnati Airport; NDB Runway 18, Amdt. 8; Revised.  
Covington, Ky.—Greater Cincinnati Airport; NDB Runway 36, Amdt. 22; Revised.  
Erie, Pa.—Erie International Airport; NDB Runway 6, Amdt. 6; Revised.  
Erie, Pa.—Erie International Airport; NDB Runway 24, Amdt. 10; Revised.  
Indianola, Miss.—Indianola Legion Field; NDB Runway 18, Original; Established.  
Indianola, Miss.—Indianola Legion Field; NDB Runway 36, Original; Established.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective December 16, 1971.

Covington, Ky.—Greater Cincinnati Airport; ILS Runway 18, Amdt. 8; Revised.  
Erie, Pa.—Erie International Airport; ILS Runway 6, Amdt. 8; Revised.  
Richmond, Va.—Richard Evelyn Byrd International Airport; ILS Runway 33, Original; Established.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective December 16, 1971.

Binghamton, N.Y.—Broome County Airport; Radar-1, Amdt. 4; Revised.  
Covington, Ky.—Greater Cincinnati Airport; Radar-1, Amdt. 12; Revised.  
Erie, Pa.—Erie International Airport; Radar-1, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 5(c), Department of Transportation Act, 49 U.S.C. 1555(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on November 12, 1971.

R. S. SLIFF,  
Acting Director,  
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610). Approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-16789 Filed 11-18-71; 8:45 am]

## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter I—Federal Power Commission

[Docket No. K-369; Order 405-B]

#### PART 154—RATE SCHEDULES AND TARIFFS

##### Interest on Refunds; Rates of Independent Gas Producers and Pipelines in Effect at End of Suspension Period

NOVEMBER 4, 1971.

In accordance with the mandate of the U.S. Court of Appeals for the Third Circuit in "Texaco, Inc. v. Federal Power

Commission," 412 F.2d 740, June 12, 1969, the Commission on October 10, 1969, instituted a rulemaking proceeding, FPC Docket No. R-369, to reconsider the question of the amount of interest to be paid by natural gas companies on refunds ordered by the Commission. As recited in the notice of proposed rule making (34 F.R. 16628, October 17, 1969), the U.S. Court of Appeals for the Third Circuit in Texaco, supra, had set aside for procedural reasons Commission Order No. 362, issued April 2, 1968, in Docket No. R-340 (33 F.R. 5517, April 9, 1968) which added a new § 154.67 and new paragraph (g) to § 154.102, to Part 154, Subchapter E—Regulations under the Natural Gas Act, in Chapter I, Title 18 of the Code of Federal Regulations. As promulgated by Order No. 362, new §§ 154.67 and 154.102(g): *Provided*, That the amount of interest payable on amounts refunded by natural gas companies pursuant to section 4(e) of the Natural Gas Act would be computed at the prescribed rate of interest compounded monthly.

Thereafter, on May 27, 1970, the Commission issued Order No. 405 in Docket No. R-369 (35 F.R. 8633, June 4, 1970). In the preamble to that order, the Commission referred to the mandate of the Court in Texaco, supra, and stated in part that "it would not be in the public interest to impose a compound interest requirement. Consequently, we shall not amend Part 154 of the regulations under the Natural Gas Act by the prescription of a new § 154.67 and the addition of a new paragraph (g) to § 154.102 \* \* \*". Order No. 405-A, issued July 27, 1970 (35 F.R. 12329, August 1, 1970) to clarify Order No. 405, did not change the conclusions of the Commission respecting §§ 154.67 and 154.102(g). Despite this clear expression of Commission intent, the Commission did not formally revoke §§ 154.67 and 154.102(g) of its regulations under the Natural Gas Act. Consequently these sections, in the form promulgated April 2, 1968, by Order No. 362, still appear in Part 154 of the Commission's regulations under the Natural Gas Act as published in the January 1, 1971, revision of Title 18 of the Code of Federal Regulations.

To correct this irregularity and to conform the provisions of the Commission's published regulations to the mandate of the U.S. Court of Appeals for the Third Circuit in "Texaco, Inc. v. Federal Power Commission," 412 F.2d 740 (1969), and to Commission Orders Nos. 405 and 405-A, § 154.67 and paragraph (g) of § 154.102 should be formally revoked.

#### The Commission finds:

(1) The amendments to Part 154 of the Commission's regulations under the Natural Gas Act prescribed herein constitute a clarification of existing orders in this proceeding which were adopted in compliance with the mandate of the U.S. Court of Appeals for the Third Circuit in "Texaco, Inc. v. Federal Power Commission," 412 F.2d 740 (1969), and in compliance with the requirements of 5 U.S.C. 553 after notice and opportunity to submit written comments which were received and considered by the Commission.

(2) Good cause exists that the amendments prescribed herein shall be effective as of May 27, 1970, the date of issuance of Order No. 405.

(3) The amendments prescribed herein are in the public interest and are necessary and appropriate for the administration of the Natural Gas Act.

The Commission acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7 and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717g) orders:

#### § 154.67 [Revoked]

(A) Section 154.67 "Interest on Refunds," in Part 154—Rate Schedules and Tariffs, Subchapter E—Regulations under Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is revoked.

#### § 154.102 [Amended]

(B) Paragraph (g) in § 154.102 "Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure," in Part 154—Rate Schedules and Tariffs, Subchapter E—Regulations under Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is revoked.

(C) This order shall be effective as of May 27, 1970, the date of issuance of Order No. 405.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-16888 Filed 11-18-71; 8:47 am]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 121—FOOD ADDITIVES

##### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

##### PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2596) filed by General Mills Chemicals, Inc., 2010 East Hennepin Avenue, Minneapolis, Minn. 55413, and other relevant material concludes that the food additive regulations should be amended to provide for the safe use of hydroxypropyl guar gum with viscosity in excess of 7,000 centipoises as a component of paper and paperboard in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21

U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526 is amended in the table in paragraph (a)(5) by revising the entry on hydroxypropyl guar gum to read as follows:

| List of substances                                                                                                                                                                                                                                                                                                                                                             | Limitations                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hydroxypropyl guar gum having a minimum viscosity of 5,000 centipoises at 25° C. as determined by RV-series Brookfield viscometer using a No. 4 spindle at 20 r.p.m. (or other suitable method) and using a test sample prepared by dissolving 5 grams of moisture-free hydroxypropyl guar gum in 495 milliliters of a 70 percent by weight aqueous propylene glycol solution. | For use only as a dry strength and formation aid agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 1.5 percent by weight of finished dry paper or paperboard fibers. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

**Effective date.** This order shall become effective on its date of publication in the FEDERAL REGISTER (11-19-71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 11, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance,  
[FR Doc.71-16944 Filed 11-18-71;8:53 am]

#### SUBCHAPTER C—DRUGS

### PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

#### Nitrofurazone-Nifuroxime-Diperodon Hydrochloride Ear Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-612V) filed by Eaton Laboratories, Division of the Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, proposing the safe and effective use of nitrofurazone-nifuroxime-diperodon hydrochloride ear solution for the treatment of certain bacterial ear infections in dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C.

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(a) \* \* \*  
(5) \* \* \*

360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

#### § 135a.19 Nitrofurazone-nifuroxime-diperodon hydrochloride ear solution, veterinary.

(a) **Specifications.** Nitrofurazone-nifuroxime-diperodon hydrochloride ear solution, veterinary, contains on a weight-in-weight basis 0.2 percent nitrofurazone; 0.375 percent nifuroxime, and 2 percent diperodon hydrochloride in a water soluble vehicle.

(b) **Sponsor.** See code No. 013 in § 135.501(c) of this chapter.

(c) **Conditions of use.** The drug is recommended for use in dogs in the treatment of bacterial ear infections caused by organisms sensitive to nitrofurazone and/or nifuroxime. It is administered two or three times daily. The drug is not intended for prolonged use. Sensitivity to the drug may develop. If redness, irritation, or swelling persists or increases, use of the drug should be discontinued and a veterinarian consulted.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (11-19-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: November 10, 1971.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine,  
[FR Doc.71-16945 Filed 11-18-71;8:53 am]

#### SUBCHAPTER D—HAZARDOUS SUBSTANCES

### PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

#### Certain Toys Known as Clacker Balls and Intended for Use by Children; Classification as Banned Hazardous Substances

A notice was published in the FEDERAL REGISTER of April 27, 1971 (36 F.R. 7860), proposing to classify as banned hazardous substances certain unsafe toys

known as clacker balls and intended for use by children. The notice also proposed to exempt from such ban clacker balls that meet specified safety requirements. The notice provided for the filing of comments within 15 days.

Comments were received from a trade association, manufacturers and distributors of the articles involved, a consumer group, and one individual. The principal comments may be summarized as follows:

1. Some commented that the drop test described in § 191.65a(a)(5)(ii)(b) is too severe and would provide a higher safety factor than is needed. Conversely, another comment suggested that the drop test be strengthened.

2. Several commented that it is impossible to prevent the formation of internal voids (holes, cavities, or air bubbles) during the polystyrene injection-molding process and that the presence of such voids does not adversely affect the safety of the clacker balls.

3. The elimination of the cotton swab test was proposed in two comments. Another comment suggested clarification of the fact that the cotton swab test should be performed only on those areas of the ball that may come in contact with the cord during use.

4. It was suggested that the portion of the proposal pertaining to "wicking up" or "running up" be eliminated, because it is difficult to prevent "wicking up" or "running up" in the injection molding of polystyrene balls.

5. One comment suggested that § 191.65(a)(5)(iv)(c), which requires a warning statement in the labeling, not become effective until 60 days after the final order is promulgated.

6. Some comments indicated that the proposal was unclear concerning the requirements for clacker balls that are not fully assembled for use at time of sale; one suggested that these "do-it-yourself" kits be exempted from banning as hazardous substances.

7. It was also suggested that (1) the test severity for the cord and the holding device be reduced; (2) natural as well as synthetic fibers be used for the cord; and (3) § 191.65a(a)(5)(i)(c), which states the procedure to be followed when the cord is attached to the ball by means of a knot, be eliminated.

The Commissioner of Food and Drugs has evaluated the comments and concludes that:

1. The requirement for the drop test provides the necessary safety factor to assure maximum protection to the user.

2. The presence of internal voids (holes, cavities, or air bubbles) in clacker balls made of injection-molded high-impact material does not present a potential hazard as long as the clacker balls comply with all tests required in § 191.65a(a)(5).

3. Section 191.65a(a)(5)(ii)(c), which pertains to the use of the cotton swab tests, should be revised to clarify the fact that the cotton swab test should be performed only on those areas of the ball

that may come in contact with the cord during use.

4. That portion of § 191.65a(a) (5) (i) (b) which pertains to "wicking up" or "running up" the cord should be retained. The "wicking up" or "running up" creates a point on the cord where the cord will wear more rapidly through extensive use, although the required strength test would be satisfied at the time of manufacture. However, this requirement should be revised to clarify the fact that it applies only to "wicking up" or "running up" on the outside of the cord.

5. No portion of the order will become effective until 30 days from the date the final order is published in the FEDERAL REGISTER. Sixty days after the date of publication shall be allowed for relabeling stocks as required by § 191.65a(a) (5) (iv). This will permit time for relabeling in the distribution channels. However, it shall be the responsibility of the manufacturer and/or distributor to see that the labeling has been appropriately revised by all customers before the end of this 60-day period.

6. There shall be no exemptions for clacker ball kits that are not appropriately assembled and labeled for use at time of sale. Such kits present potential hazards because they can be improperly assembled even when they are supplied with instructions. Also, these "do-it-yourself" kits would not be subjected to any of the quality control checks required by the regulations for pre-assembled products.

7. The suggestions (1) to reduce the test severity for the cord and the holding device, (2) to permit the cords to be made of natural as well as synthetic fibers, (3) and to eliminate § 191.65a(a) (5) (i) (c), regarding the procedure if the cord is attached to the ball by means of a knot, are unacceptable because these changes would substantially jeopardize quality control over the safety of the articles.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f) (1) (D), (s), 3(e) (1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 191 is amended by adding a new subparagraph to § 191.9a (a) and another to § 191.65a(a), as follows:

§ 191.9a Banned toys and other banned articles intended for use by children.

(a) \* \* \*

(7) Toys usually known as clacker balls and consisting of two balls of plastic or other material connected by a length of line or cord or similar connector (referred to as "cord" in § 191.65a(a) (5)), intended to be operated in a rhythmic manner by an upward and downward motion of the hand so that the two balls will meet forcefully at the top and bottom of two semicircles thus causing a "clacking" sound, which toys present a mechanical hazard because their design or manufacture presents an unreasonable risk of personal injury from fracture, fragmentations, or dis-

assembly of the toy and from propulsion of the toy or its part(s).

§ 191.65a Exemptions from classification as a banned toy or other banned article for use by children.

(a) \* \* \*

(5) Clacker balls described in § 191.9a (a) (7) that have been designed, manufactured, assembled, labeled, and tested in accordance with the following requirements, and when tested at the point of production or while in interstate commerce or while held for sale after shipment in interstate commerce do not exceed the failure rate requirements of the table in subdivision (vi) of this subparagraph:

(i) The toy shall be so designed and fabricated that:

(a) Each ball: Weighs less than 50 grams; will not shatter, crack, or chip; is free of cracks, flash (ridges due to imperfect molding), and crazing (tiny surface cracks); and is free of rough or sharp edges around any hole where the cord enters or over any surface with which the cord may make contact. Each ball is free of internal voids (holes, cavities, or air bubbles) if the balls are made of materials other than those materials (such as ABS (acrylonitrile butadiene styrene), nylon, and high-impact polystyrene) that are injection-molded and possess high-impact characteristics.

(b) The cord: Is of high tensile strength, synthetic fibers that are braided or woven, having a breaking strength in excess of 100 pounds; is free of fraying or any other defect that might tend to reduce its strength in use; is not molded in balls made of casting resins which tend to wick up or run up on the outside of the cord; and is affixed to a ball at the center of the horizontal plane of the ball when it is suspended by the cord.

(c) When the cord is attached to the ball by means of a knot, the end beneath the knot is chemically fused or otherwise treated to prevent the knot from slipping out or untying in use.

(ii) The toy shall be tested at the time of production:

(a) By using the sampling procedure described in the table in subdivision (vi) of this subparagraph to determine the number of units to be tested.

(b) By subjecting each ball tested to 10 drops of a 5-pound steel impact rod or weight (2 1/4-inch diameter with a flat head) dropped 48 inches in a vented steel or aluminum tube (2 3/8-inch inside diameter) when the ball is placed on a steel or cast iron mount. Any ball showing any chipping, cracking, or shattering shall be counted as a failure within the meaning of the third column of the table in subdivision (vi) of this subparagraph.

(c) By inspecting each ball tested for smoothness of finish on any surface of the ball which may come in contact with the cord during use. A cotton swab shall be rubbed vigorously over each such surface or area of the ball; if any cotton fibers are removed, the ball shall be counted as a failure within the meaning of the fourth column of the table in sub-

division (vi) of this subparagraph. The toy shall also be checked to ascertain that there is no visibly perceptible "wicking up" or "running up" of the casting resins on the outside of the cord in the vicinity where the ball is attached.

(d) By fully assembling the toy and testing the cord in such a manner as to test both the strength of the cord and the adequacy with which the cord is attached to the ball and any holding device such as a tab or ring included in the assembly. The fully assembled article shall be vertically suspended by one ball and a 100-pound test applied to the bottom ball. Any breaking, fraying, or unraveling of the cord or any sign of slipping, loosening, or unfastening shall be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph.

(e) By additionally subjecting any ring or other holding device to a 50-pound test load applied to both cords; the holding device is to be securely fixed horizontally in a suitable clamp in such a manner as to support 50 percent of the area of such holding device and the balls are suspended freely. Any breaking, cracking, or crazing of the ring or other holding device shall be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph.

(f) By cutting each ball tested in half and then cutting each half perpendicularly to the first cut into three or more pieces of approximately equal thickness. Each portion is to be inspected before and after cutting, and any ball showing any flash, crack, crazing, or internal voids on such inspection is to be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph. Balls that are injection-molded and possess high-impact characteristics (such as injection-molded balls made of ABS, nylon, or high-impact polystyrene) though exempt from the requirements that there be no internal voids, must be tested to determine the presence of any flash, crack or crazing. A transparent ball shall be subjected to the same requirements except that it may be visually inspected without cutting.

(iii) The toy shall be fully assembled for use at time of sale, including the proper attachments of balls, cords, knots, loops, or other holding devices.

(iv) The toy shall be labeled:

(a) With a conspicuous statement of the name and address of the manufacturer, packer, distributor, or seller.

(b) To bear on the toy itself and/or the package containing the toy and/or the shipping container, in addition to the invoice(s) and shipping document(s), a code or mark in a form and manner that will permit future identification of any given batch, lot, or shipment by the manufacturer.

(c) To bear a conspicuous warning statement on the main panel of the retail container and display carton and on any accompanying literature: That if cracks develop in a ball or if the cord becomes frayed or loose or unfastened,

use of the toy should be discontinued; and if a ring or loop or other holding device is present, the statement "In use, the ring or loop must be placed around the middle finger and the two cords positioned over the forefinger and held securely between the thumb and forefinger," or words to that effect which will provide adequate instructions and warnings to prevent the holding device from accidentally slipping out of the hand. Such statements shall be printed in sharply contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(v) The manufacturer of the toy shall make, keep, and maintain for 3 years records of sale, distribution, and results of inspections and tests conducted in accordance with this subparagraph and shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration, or any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare, and shall permit such officer or employee to inspect and copy such records and to make such inventories of stock as he deems necessary and otherwise to check the correctness of such records.

(vi) The lot size, sample size, and failure rate for testing clacker balls are as follows:

| Number of units in batch, shipment, delivery, lot, or retail stock | Number of units in random sample | Failure rate constituting rejection when testing per § 75.1106-2 (a) (5) (ii) (b) | Failure rate constituting rejection when testing per § 75.1106-2 (a) (5) (ii) (c), (d), (e), and (f) |
|--------------------------------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 50 or less                                                         | 8                                | 1                                                                                 | 1                                                                                                    |
| 51 to 90                                                           | 13                               | 1                                                                                 | 1                                                                                                    |
| 91 to 130                                                          | 20                               | 1                                                                                 | 1                                                                                                    |
| 131 to 250                                                         | 32                               | 1                                                                                 | 2                                                                                                    |
| 251 to 500                                                         | 50                               | 1                                                                                 | 2                                                                                                    |
| 501 to 1,200                                                       | 80                               | 2                                                                                 | 4                                                                                                    |
| 1,201 to 2,500                                                     | 125                              | 2                                                                                 | 6                                                                                                    |
| 2,501 to 10,000                                                    | 200                              | 3                                                                                 | 10                                                                                                   |
| 10,001 to 35,000                                                   | 315                              | 4                                                                                 | 16                                                                                                   |
| 35,001 to 150,000                                                  | 500                              | 6                                                                                 | 25                                                                                                   |
| 150,001 to 500,000                                                 | 800                              | 8                                                                                 | 40                                                                                                   |
| 500,001 and over                                                   | 1,250                            | 11                                                                                | 62                                                                                                   |

(vii) Applicability of the exemption provided by this subparagraph shall be determined through use of the table in subdivision (vi) of this subparagraph. A random sample of the number of articles as specified in the second column of the table shall be selected according to the number of articles in a particular batch, shipment, delivery, lot, or retail stock per the first column. A failure rate as shown in either the third or fourth column shall indicate that the entire batch, shipment, delivery, lot, or retail stock has failed and thus is not exempted under this subparagraph from classification as a banned hazardous substance.

**Effective date.** This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER. Sixty days after the date of publication shall be allowed for relabeling stocks as required by this order.

(Secs. 2(f) (1) (D), (s), 3(e) (1), 74 Stat. 372, 374, 375 as amended 83 Stat. 187-89; 15 U.S.C. 1261, 1262)

Dated: November 11, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 71-16892 Filed 11-18-71; 8:47 am]

## Title 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

#### PART 75—MANDATORY HEALTH STANDARDS, UNDERGROUND COAL MINES

##### Subpart O—Coal Mine Health and Safety

##### TRANSPORTATION, HANDLING AND STORAGE OF LIQUEFIED AND NONLIQUEFIED COM- PRESSED GAS CYLINDERS

Pursuant to the authority contained in paragraph (a) of section 101 of the Coal Mine Health and Safety Act of 1969 (Public Law 91-173), there was published in the FEDERAL REGISTER for April 21, 1971 (36 F.R. 7513), a notice of proposed rule making setting forth proposed amendments to Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, by adding §§ 75.1106-2 through 75.1106-6 prescribing the safeguards to be employed in the transportation, handling, and storage of compressed and liquid gas cylinders in underground coal mines.

Interested persons were afforded a period of 45 days from the date of publication of the notice in which to submit written comments, suggestions, or objections to the proposed amendments. All of the comments, suggestions, or objections received were given careful consideration. Some of the standards have been revised as suggested, the term "compressed and liquid gas" cylinders has been changed to "liquefied and non-liquefied compressed gas" cylinders and an exemption for small low pressure gas cylinders containing nonflammable or nonexplosive gas mixtures used in calibration test kits for methane monitoring systems has been provided to §§ 75.1106-2(c) and 75.1106-4(d), (f) and (g).

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, is amended by adding §§ 75.1106-2 through 75.1106-6 as set forth below.

**Effective date.** Sections 75.1106-2 through 75.1106-6 shall become effective 45 days after the date of publication in the FEDERAL REGISTER.

HOLLIS M. DOLE,  
Assistant Secretary of the Interior.

NOVEMBER 12, 1971.

##### § 75.1106-2 Transportation of lique- fied and nonliquefied compressed gas cylinders; requirements.

(a) Liquefied and nonliquefied compressed gas cylinders transported into or

through an underground coal mine shall be:

(1) Placed securely in devices designed to hold the cylinder in place during transit on self-propelled equipment or belt conveyors;

(2) Disconnected from all hoses and gages;

(3) Equipped with a metal cap or "headband" (fence-type metal protector around the valve stem) to protect the cylinder valve during transit; and,

(4) Clearly labeled "empty" or "MT" when the gas in the cylinder has been expended.

(b) In addition to the requirements of paragraph (a) of this section, when liquefied and nonliquefied compressed gas cylinders are transported by a trolley wire haulage system into or through an underground coal mine, such cylinders shall be placed in well insulated and substantially constructed containers which are specifically designed for holding such cylinders.

(c) Liquefied and nonliquefied compressed gas cylinders shall not be transported on mantrips.

##### § 75.1106-3 Storage of liquefied and nonliquefied compressed gas cylin- ders; requirements.

(a) Liquefied and nonliquefied compressed gas cylinders stored in an underground coal mine shall be:

(1) Clearly marked and identified as to their contents in accordance with Department of Transportation regulations.

(2) Placed securely in storage areas designated by the operator for such purpose, and where the height of the coalbed permits, in an upright position, preferably in specially designated racks, or otherwise secured against being accidentally tipped over.

(3) Protected against damage from falling material, contact with power lines and energized electrical equipment, heat from welding, cutting or soldering, and exposure to flammable liquids.

(b) Liquefied and nonliquefied compressed gas cylinders shall not be stored or left unattended in any area in by the last open crosscut of an underground coal mine.

(c) When not in use, the valves of all liquefied and nonliquefied compressed gas cylinders shall be in the closed position, and all hoses shall be removed from the cylinder.

##### § 75.1106-4 Use of liquefied and non- liquefied compressed gas cylinders; general requirements.

(a) Persons assigned by the operator to use and work with liquefied and non-liquefied compressed gas shall be trained and designated by the operator as qualified to perform the work to which they are assigned, and such qualified persons shall be specifically instructed with respect to the dangers inherent in the use of such gases in an underground coal mine.

(b) Persons who perform welding, cutting, or burning operations shall wear clothing free from excessive oil or grease.

(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.