support or deny the exemption. The one letter which OCA received, written before the Commission's April 7, 1976 request for comments, stated that labeling alone does not make the product safe for small children to use.

5. A consumer, opposed to the exemption, asserted that the many warnings found on the package of one brand of plastic balloon mixtures clearly indicates that the product is hazardous.

6. Another consumer stated that children should not play with the plastic balloon mixture because of the presence of acetone and that any possible instructions for safe use would be inadequate to protect children.

THE COMMISSION'S CONCLUSION

The term "banned hazardous substance" is defined in section 2(q)(1)(A) of the FHSA. A proviso to this section found at 2(q)(1)(B)(i) authorizes the Commission, by regulation, to grant exemptions from classifications as banned hazardous substances for

> * * * articles, such as chemical sets, which by reason of their functional purpose require the inclusion of the hazardous substance involved, or necessarily present an electrical, mechanical, or thermal hazard and which bear labeling giving adequate directions and warnings for safe use and are intended for use by children who have attained sufficient maturity, and may reasonably be expected to read and heed such directions and warnings * * *

The Commission concludes that these plastic balloon novelty items meet the above requirements for exemption from classification as banned hazardous substances.

The Commission recognizes that the novelty items contain the hazardous substance, acetone, but finds that the substance's presence is necessary because of its functional purpose. The Commission believes that mixtures intended for blowing plastic balloons which contain not more than 25 per cent by weight of acetone are not capable of causing substantial personal injury or illness. In addition, the exemption regulation requires that the articles bear adequate directions and warnings for safe use. Further it is reasonably expected that since the product is difficult to manipulate, the children using these products will be old enough to be able to read and heed such warnings and directions.

On June 20, 1974, the Commission denied on its merits a petition from Consumers' Union to repeal the exemption regulation and to propose a regulation to classify plastic balloon novelties containing acetone as a banned hazardous substance under the provisions of the FHSA. (petition number HP 74-4). No new data has been brought to the attention of the Commission by commentors on the April 7, 1976 notice or others which convinces the Commission that the existing exemption should now be revoked.

Therefore, the Commission finds that the regulation exempting novelty items intended for blowing plastic balloons should be reissued.

The Commission also finds that the 30-day delayed effective date required by section 553(d) of the Administrative Procedure Act for substantive rules is inapplicable to this regulation because the regulation falls within the exception to the 30-day requirement for rules granting or recognizing an exemption or relieving a restriction. (section 553(d)(1)).

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(A), proviso, (i), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261(q)(1)(A), proviso (i)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Stat. 1231; 15 U.S.C. 2079(a)), the Commission reissues the regulation at 16 CFR 1500.85(a)(6) as follows:

§ 1500.85 Exemptions from classification as banned hazardous substances.

(a) The term "banned hazardous substances" as used in section 2(q)(1)(A) of the act shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

* * * * *

(6) Novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 per cent by weight of acetone, and intended for blowing plastic balloons.

NOTE.—Because this exemption regulation was not proposed for public comment before being issued by the Food and Drug Administration at October 28, 1967 (32 FR 14946), the Commission proposed the exemption for public comment on April 7, 1976 (41 FR 14790), and reissued it on August 29, 1977. The exemption has continued in effect without interruption during these proceedings.

AUTHORITY: Sec. 2(q)(1)(A)(i), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261(q)(1)(A)(i); sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a).

Effective Date: August 29, 1977.

Dated: August 24, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-24969 Filed 8-26-77;8:45 am]

PART 1505—ELECTRICALLY OPERATED TOYS OR OTHER ARTICLES INTENDED FOR USE BY CHILDREN

Amendment to Labeling Requirement for Date of Manufacture

AGENCY: Consumer Product Safety Commission.

ACTION: Amendment to regulation.

SUMMARY: The Commission issues an amendment to its requirements for electrically operated toys or other electrically operated articles intended for use by children to change the labeling requirement concerning the date of manufacture. The current regulation requires that the shelf pack or package and the instructions provided with the toy be labeled with the date (month and year) of manufacture (or appropriate codes). The amendment will allow as an alternative the date of manufacture to be placed on the toy itself rather than on the instructions provided with the toy. The shelf package is still required to bear the date of manufacture. The Commission believes this amendment will provide some economic benefit to manufacturers while assuring that consumers are as well or better protected as they were before the amendment.

EFFECTIVE DATE: The amendment is effective August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, CPSC, Washington, D.C. 20207 (301-492-6453).

SUPPLEMENTARY INFORMATION: On September 12, 1974, the Commission received a petition from Hasbro Industries, Inc. requesting that 16 CFR 1505.3, which establishes labeling Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children, be changed to allow the manufacturer, at his discretion, to put the required date of manufacture label on either the instruction sheet or the toy itself, in addition to putting it on the shelf pack or package. Presently, the regulation requires that the date of manufacture be placed on both the shelf pack of the toy and the instructions that are provided with the toy.

The petitioner points out that if the date labeling were permitted to be placed on the toy, instead of on the instruction sheet, the date labeling would remain with the toy until the toy is eventually discarded. On the other hand, date labeling on the instruction sheet would be lost if the instruction sheet were to be discarded shortly after the toy's purchase.

The Commission agrees with the petitioner that the option of allowing the manufacturer to place the date code on the toy itself instead of on the instruction sheet is as adequate in protecting children from potential electric hazards as the present requirement. The reason that placement of the date code on the instruction sheet was initially required was a concern that the consumer might not keep the shelf pack. The Commission notes that placement of the date on the toy addresses this concern. In addition, the Commission believes the amendment will provide a small economic benefit for manufacturers who prefer not to reprint or date stamp their stocks of instruction sheets or coordinate dated instruction sheets with the appropriate production units of toys.

The Commission is issuing this amendment as a final document without notice and comment procedures because the Commission, for good cause, finds, in accordance with 5 U.S.C. 553(b)(B), the Administrative Procedure Act, that notice and public procedure thereon are unnecessary. Under the amendment manufacturers retain the option (previously the requirement) of placing the date of manufacture on the instruction

sheet. Therefore, the amendment results in only a minor change to the electrical toy regulation's labeling provisions. In addition, consumers are as well or better protected if manufacturers choose to exercise their option of placing date codes on the toys themselves.

The Commission also notes in accordance with 5 U.S.C. § 553(d)(2), that the normal 30 day period between publication and effective date is inapplicable to this amendment. Section 553(d)(2) creates an exception to the delayed effective date requirement for any substantive rule "which grants or recognizes an exemption or relieves a restriction." Since the amendment relieves a restriction by allowing manufacturers the option of date coding the toys themselves or the instruction sheets, it falls within the exception. The amendment is, therefore, effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (r), (s), (t), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 83 State 187–189; 15 U.S.C. 1261, 1262), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–753, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR 1505.3 by adding a new paragraph (b)(1)(iii) and by amending paragraph (b)(3), as follows (paragraph (d) is included for purposes of clarity):

§ 1505.3 Labeling.

(a) * * *

(b) *Specific items.* (1) The toy shall be marked in accordance with the provisions of paragraph (d) of this section to indicate:

(i) * * *

(ii) * * *

(iii) The date (month and year) of manufacture (or appropriate codes). As an alternative to putting this information on the toy itself, it may be included in the instructions provided with the toy (see paragraph (b)(3) of this section below).

(2) * * *

(3) Each toy shall be provided with adequate instructions that are easily understood by children of those ages for which the toy is intended. The instructions shall describe the applicable installation, assembly, use, cleaning, maintenance (including lubrication), and other functions as appropriate. Applicable precautions shall be included as well as the information required by paragraphs (b)(1) and (b)(2) of this section, except that the date of manufacture information described in paragraph (b)(1)(iii) of this section need not be included in the instructions provided with the toy if it is placed on the toy itself. The instructions shall also contain a statement addressed to parents recommending that the toy be periodically examined for potential hazards and that any potentially hazardous parts be repaired or replaced.

* * * * *

(d) *Markings.* (1) The markings required on the toy by paragraph (b) of this section shall be of a permanent nature, such as paint-stenciled, die-stamped, molded, or indelibly stamped. The markings shall not be permanently obliterable by spillage of any material intended for use with the toy and shall not be readily removable by cleaning with ordinary household cleaning substances. All markings on the toy and labeling of the shelf pack or package required by paragraph (b) of this section shall contrast sharply with the background (whether by color, projection, or indentation) and shall be readily visible and legible. Such markings and labeling shall appear in lettering of a height not less than that specified in paragraph (d)(2) of this section, except that those words shown in capital letters in paragraph (e) of this section shall appear in capital lettering of a height not less than twice that specified in paragraph (d)(2) of this section.

(2) Minimum lettering heights shall be as follows:

SURFACE AREA DISPLAY MARKING, MINIMUM HEIGHT OF LETTERING

Square Inches:	*Inches*
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
100 or more and under 400	1/4
400 or more	1/2

Effective date: The amendment is effective August 29, 1977.

Dated: August 24, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-24968 Filed 8-26-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 747-77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart X—Authorization with Respect to Personnel and Certain Administrative Matters

DELEGATING PERSONNEL AUTHORITY TO THE DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS

AGENCY: Department of Justice.

ACTION: Final rule.

EFFECTIVE DATE: June 5, 1977.

SUMMARY: Under existing Justice Department regulations, the Office of Management and Finance has authority with respect to non-attorney personnel in U.S. Attorney's Offices, and the Executive Office of U.S. Attorneys. This order transfers to the Director of the Executive Office for U.S. Attorneys, subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General, the authority of the Attorney General to take final action in matters pertaining to the employment, direction, and general administration of U.S. Attorney and Executive Office personnel in General Schedule grades, GS–1 through GS–15, and in Wage Board positions, but excluding therefrom all attorney positions. The purpose of this order is to formally announce the transfer of certain authority to the Director of the Executive Office for U.S. Attorneys and to accurately reflect shifts in personnel responsibility within the Department.

FOR FURTHER INFORMATION CONTACT:

William B. Gray, Director, Executive Office for U.S. Attorneys, Department of Justice, Washington, D.C. 20530 (202–739–2121).

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Chapter I of Title 28, Code of Federal Regulations, is hereby amended effective June 5, 1977, as follows:

Section 0.138 of Subpart X is amended to read as follows:

§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, and Law Enforcement Assistance Administration.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, and the Director of the Executive Office for U.S. Attorneys are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel in General Schedule grades GS–1 through GS–15 and in Wage Board positions, but excluding therefrom all attorney positions. Such officials and the Administrator of the Law Enforcement Assistance Administration, are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)). All personnel actions taken under this section shall be subject to postaudit and correction by the Assistant Attorney General for Administration.

Dated: August 17, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-25037 Filed 8-26-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Flint Hills National Wildlife Refuge, Kansas, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: As established by State law.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316–364–8381.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; Big game, for individual wildlife refuge areas.

Public hunting of deer, with bow and arrows, on the Flint Hills National Wildlife Refuge, Hartford, Kansas, is permitted during periods as established by Kansas State law, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, P.O. Box 128, Hartford, Kansas 66854, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Refuge hunting shall be subject to the following special conditions:

1. The area is open to big game hunting for white-tailed deer only.

2. The use of rifles or pistols are prohibited on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: August 22, 1977.

MICHAEL J. LONG,
Refuge Manager.

[FR Doc.77-24999 Filed 8-26-77;8:45 am]

PART 32—HUNTING

Opening of Flint Hills National Wildlife Refuge, Kansas, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Hunting Seasons determined by applicable State Laws.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316–364–8381.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of small game animals, upland game birds, fur bearing animals and non game animals on the Flint Hills National Wildlife Refuge, Kansas, is permitted from October 1, 1977, through September 30, 1978, inclusive, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Hartford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State laws and regulations governing the hunting of small game animals, upland game birds, fur bearing animals and non game animals subject to the following special conditions:

1. The use of rifles or pistols are prohibited on the refuge.

2. Vehicle access shall be restricted to designated parking areas and existing roads.

3. Dogs may be used only for hunting and retrieving small game animals and game birds. Dogs may not be used for hunting fur bearing animals and non-game animals, either by sight or trailing by scent.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: August 11, 1977.

MICHAEL J. LONG,
Refuge Manager.

[FR Doc.77-25000 Filed 8-26-77;8:45 am]

PART 32—HUNTING

Opening of Flint Hills National Wildlife Refuge, Kansas, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Flint Hills National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Season dates as established by State and Federal Laws.

FOR FURTHER INFORMATION CONTACT:

Michael J. Long, P.O. Box 128, Hartford, Kansas 66854, telephone 316–364–8381.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; Migratory Game Birds hunting; for individual wildlife refuge areas.

Public hunting of ducks, geese, coots and mergansers on the Flint Hills National Wildlife Refuge, Kansas, is permitted, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Hartford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. All applicable opening and closing hunting dates as established by State and Federal Laws apply, as well as all other State and Federal regulations. Refuge hunting shall be subject to the following special conditions:

1. Vehicle access shall be restricted to designated parking areas and to existing roads.

2. Blind construction by the public is permitted but limited to temporary above ground construction. Constructed blinds become the property of the government. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come-first-serve basis.