

lieu thereof "North Korea, North Vietnam, South Vietnam, or Cambodia".

(b) Wherever the phrase "North Vietnam, North Korea, or Cuba" appears, insert in lieu thereof "North Korea, North Vietnam, South Vietnam, Cambodia, or Cuba".

PART 385—SPECIAL COUNTRY POLICY AND PROVISIONS

5. By revising the heading of § 385.1(a) to read "(a) North Korea, North Vietnam, South Vietnam, and Cambodia" and by deleting the portion of the first sentence of § 385.1(a) that follows the word "Korea" and inserting in lieu thereof a comma and the words "North Vietnam, South Vietnam, or Cambodia".

6. By deleting § 385.4(d).

PART 386—EXPORT CLEARANCE

7. By deleting the words "Communist controlled areas of Vietnam" in § 386.6 (d) (2) (i) (b) and § 386.6(d) (3), and inserting in lieu thereof "North Vietnam, South Vietnam, Cambodia," and

PART 390—GENERAL ORDERS

8. By adding a new § 390.5 to read as follows:

§ 390.5 General order revoking validated licenses for export to South Vietnam and Cambodia.

Effective 12:01 a.m., e.d.t. May 16, 1975, all validated export licenses or authorizations that had not previously been revoked, authorizing export or reexport of any commodity or technical data to South Vietnam or Cambodia, are revoked.

(Sec. 4, 83 Stat. 842 (50 U.S.C. App. 2403); E.O. 11533, 35 FR 5799, 3 CFR, 1970 Comp., p. 134; E.O. 11683, 37 FR 17813, 3A CFR, 1972 Comp., p. 202.)

Effective date of action: 12:01 a.m., e.d.t. May 16, 1975.

LAWRENCE J. BRADY,
Acting Director,
Office of Export Administration.

[FR Doc. 75-13264 Filed 5-15-75; 4:56 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-1986]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bestline Products Corporation, et al.

Correction

In accordance with Commission order of April 22, 1975, reopening the proceeding upon corporate respondents' motion for the purpose of modification of the order to cease and desist (FR Doc. 75-11591) appearing on page 19447 of the FEDERAL REGISTER issue for Monday, May 5, 1975, the following corrections in Part II of the order, in addition to those already effected, are made:

Page 19448, middle column, paragraph 2., line 9: omit "therein";

Page 19449, left-hand column, paragraph 13. (a), lines 1, 2, and 10, omit "orally and", "terms" and "such" respectively.

The Order reopening Proceedings and Correcting Order to Cease and Desist was issued April 22, 1975.¹

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-13204 Filed 5-19-75; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-112]

PART 162—INSPECTION, SEARCH, AND SEIZURE

Examination of Importer and Others

Customs Delegation Order No. 49 (T.D. 75-111) delegates authority to issue citations under section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to regional directors of investigations, assistant regional directors of investigations, special agents in charge, resident agents, Customs attaches, and senior Customs representatives of the United States Customs Service. Such authority was previously delegated to district directors of Customs and regional commissioners of Customs by Customs Delegation Order No. 22 (T.D. 56470, 30 FR 11180), to the area directors of Customs for the Customs district of New York City, New York, by Customs Delegation Order No. 40 (T.D. 71-61, 36 FR 3830), and to special agents in charge and others by Customs Delegation Order No. 38 (T.D. 70-194, 35 FR 14223), which was superseded by Customs Delegation Order No. 49.

Section 162.2 of the Customs Regulations (19 CFR 162.2) presently requires that the citation under section 509, Tariff Act of 1930, as amended, be signed by the district director. The amendment set forth below, by substituting "appropriate Customs officer" for "district director", will have the effect of conforming the Customs Regulations with the Customs delegation orders currently in effect.

Accordingly, the first sentence of § 162.2 of the Customs Regulations (19 CFR 162.2) is amended to read as follows:

§ 162.2 Examination of importer and others.

The citation of a person to appear and testify pursuant to section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), authorizing such examination, shall be in writing and signed by the appropriate customs officer. * * *

(R.S. 251, as amended, secs. 509, 624, 46 Stat. 733, as amended, 759 (19 U.S.C. 60, 1509, 1624))

Because this amendment conforms the regulations with a Customs Delegation

¹ Copy of the order filed with the correction document.

Order and relates to agency management, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective May 20, 1975.

[SEAL] VERNON D. ACRE,
Commissioner of Customs.

Approved: May 7, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the
Treasury.

[FR Doc. 75-13177 Filed 5-19-75; 8:45 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 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Quality Standards for Bottled Water

This order, ruling on the objections and requests for hearing on the final regulation that established a standard of quality for bottled water, confirms the regulation and establishes June 19, 1975 as the new effective date.

A notice of proposed rulemaking was published in the FEDERAL REGISTER of January 8, 1973 (38 FR 1019) to amend 21 CFR Part 11 by adding § 11.7 to Subpart B to establish quality standards for bottled water. Interested persons were invited to submit comments on the proposal within the provided 60-day comment period. A correction of § 11.7(b) (1) (ii) of the proposal was published in the FEDERAL REGISTER of January 23, 1973 (38 FR 2219). The time for filing comments was extended an additional 30 days by notice published in the FEDERAL REGISTER of March 30, 1973 (38 FR 8273). The Commissioner, after evaluating and responding to 33 comments filed in response to the original proposal, issued in the FEDERAL REGISTER of November 26, 1973 (38 FR 32558), a final regulation establishing quality standards for bottled water. A 30-day period was provided for filing objections and requests for hearing by any person adversely affected by the order. Five objections, including one request for hearing, were received from industry representatives and a trade association.

The final order for Subpart A of 21 CFR Part 11, which consists of general procedural rules issued under section 701 (a) of the Federal Food, Drug, and Cosmetic Act, was promulgated in the FEDERAL REGISTER of August 2, 1973 (38 FR 20726) and became effective on February 4, 1974. The validity of those regulations is not at issue.

Each of the objections filed on § 11.7 (21 CFR 11.7) has been reviewed; a summary of the objections and the Commissioner's conclusions are as follows:

1. One objection requested a definition of "analytical unit." No hearing was requested on this objection.

The Commissioner notes that the term "analytical unit" was defined in § 11.2 (21 CFR 11.2), which was promulgated pursuant to section 701(a) of the act in the FEDERAL REGISTER of August 2, 1973, and became effective on February 4, 1974. For clarification, an "analytical unit" is defined as the portion(s) of food (water) taken from a subsample (consumer unit) of a sample for analysis; § 11.2(c) is being amended accordingly. Thus the 5 portions of equal volume taken from each subsample of water constitute an "analytical unit."

2. One objection contended that the final order should specifically provide for labeling that distinguishes between spring water and water from other sources. The objection argued that the regulation, as written, would permit consumers to be misled by deceptive advertising or labeling practices, specifically, failure to prohibit the word "spring" in labeling for water that is not natural spring water. The objection referred to the agency's obligation under section 403 (a) of the act in regard to misleading labeling but agreed that the purity or wholesomeness of nonspring versus natural spring water was not at issue in this proceeding. A hearing was requested if the term "spring" in the labeling of bottled water was not regulated.

The Commissioner concludes, as he did in paragraph 22 of the preamble to the final order (38 FR 32558), that there is no need for a requirement that the source of the bottled drinking water be declared on the label. The source of bottled water is not an issue within the scope of a standard of quality, which is designed to regulate the microbiological, physical, chemical, and radioactive content of bottled water.

Under other provisions of the act, not involved in this regulation, all information on the label and in labeling must be truthful, factual, and in no way misleading. Section 403(a) of the act provides that a food shall be deemed to be misbranded if its labeling is false or misleading in any way. The statutory authority thus provides for regulatory action when false or misleading statements are made about the source or treatment of bottled water.

The Commissioner concludes that the objection does not raise an issue of fact, that it relates to a matter not reasonably encompassed within the involved regulation, and that it is irrelevant to the quality standard for bottled water. Accordingly, there is no basis for holding a hearing on this issue.

3. One objection stated that the order should require bottled water containing fluoride to be so labeled. The objection asserted that consumers who get their water from a public water supply are informed whether it is or is not fluoridated. The objection also argued that a parent or physician has to know whether or not bottled water contains fluoride to determine if a fluoride supplement is

necessary for an infant or child receiving bottled water. A hearing was not requested on this objection.

The Commissioner notes that this objection is essentially the same as those comments received in response to the original proposal. The objection contained no data or information not considered by the Commissioner prior to promulgating the final order. The regulation defines bottled water as water that may contain fluoride and provides limits for it. The limit on fluoride in bottled water was taken directly from the drinking water standards set by the United States Public Health Service (now the responsibility of the Environmental Protection Agency) and, as is true for this entire quality standard, will be revised when necessary to be kept compatible with revisions of the drinking water standards.

As pointed out in paragraph 21 of the preamble to the final order (38 FR 32558), bottled water obtained from municipal water sources and some wells and springs may contain significant amounts of fluoride. The Commissioner concludes that it would be unreasonable to require bottled water to which fluoride has been added to be labeled differently from bottled water containing fluoride naturally present or from municipal water supplies to which fluoride has been added. If any distributor of bottled water wishes to promote his product as containing fluoride, a specific amount of fluoride, or no fluoride, he may properly do so if such claims are accurate and truthful.

4. One objection suggested that the statement of the permissible range for naturally present fluoride in paragraph 21 of the preamble to the final order (38 FR 32558) has a typographical error in the mg./liter figure for "added fluoride."

The Commissioner agrees. The statement "The range of fluoride levels permitted by the drinking water standards is 1.4 to 2.4 mg./liter for naturally present fluoride and 0.8 to 1.17 mg./liter for added fluoride," is hereby corrected to read "The range of fluoride levels permitted by the drinking water standards is 1.4 to 2.4 mg./liter for naturally present fluoride and 0.8 to 1.17 mg./liter for added fluoride."

5. One objection was received regarding the limit on iron established in the final regulation. The objection, which was essentially the same as those comments received in response to the proposed regulation (38 FR 1019), stressed the nutritional significance of iron in certain bottled water and argued that the limit on iron in bottled water should be raised. The objection argued that the limit on iron in the standard may require a reduction in iron content for some products, which would alter the product's taste and result in adverse consumer reaction. The objection suggested that safety should be the sole criterion for establishing limitations on the permissible iron concentrations. The objection also argued that bottled water does not pass through plumbing fixtures, as ordinary

drinking water does, and therefore a limit on iron content to control rust deposition is of questionable logic. No hearing was requested on this objection.

The Commissioner advises that quality standards are promulgated to promote honesty and fair dealing in the consumers' interest, and he may properly establish limits on ingredients, regardless of the question of safety. Bottled water may come from such sources as tap water from municipal water supplies, springs, or wells. The Commissioner concludes that, regardless of the water source, the water will in most cases contact metal equipment surfaces thus contributing iron to the water.

As stated in paragraph 18 of the preamble to the final order (38 FR 32558), the Commissioner concludes that taste and rust deposition are quality attributes. The limit for iron established by the quality standard for bottled water is intended to control rust deposition and taste contributed by iron and should be the same as the limits established in the drinking water standard. The Commissioner also concludes that bottled water cannot be relied upon as a significant source of nutritional minerals because consumption varies, and it comes from a variety of sources in which the type and amount of minerals vary widely.

Bottled water that contains amounts of iron exceeding the limits established in this standard of quality may properly be sold if the label requirement established in § 11.7(f)(2)(ii) (21 CFR 11.7(f)(2)(ii)) is met. However, if nutritional claims are made for a product containing quantities of iron in excess of this standard, the product will be subject to the labeling requirements for dietary supplements or to requirements for nutrition labeling.

6. One objection requested that stabilized chlorine dioxide at 50 parts per million be included in the list of chemical substances permitted by § 11.7(d)(1) (21 CFR 11.7(d)(1)) to be included in bottled water. A hearing was not requested on this objection.

The Commissioner advises that the bottled water standard establishes quantitative limits for certain chemical substances commonly found in bottled water, through addition or otherwise. The standard is not intended to encompass all chemicals that may be found in bottled water, nor is it intended to specify the method by which these substances are added to water. However, substances that are food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act shall be used in bottled water only in accordance with section 409 of the act and regulations promulgated thereunder (21 CFR Part 121).

A GRAS affirmation petition has been submitted to the Food and Drug Administration, notice of which was published in the FEDERAL REGISTER of Mar. 23, 1973 (38 FR 7578), pursuant to § 121.40 (21 CFR 121.40) for use of stabilized chlorine dioxide in potable water. This petition is currently under review, and

the final decision will be published in the *FEDERAL REGISTER*.

7. One objection requested clarification of § 11.7(b)(1) (21 CFR 11.7(b)(1)), stating that it was not clear "how it is possible to determine a most probable number of coliforms by the multiple-tube fermentation technique by a single 5 ml. portion." No hearing was requested on this objection.

Confusion on this point has developed because an error was made in paragraph 16 of the preamble to the final order (38 FR 32558), in response to a comment. The Commissioner advises that the response in paragraph 16 should read as follows: The coliform criteria in the proposal and in § 11.7(b)(1) of the final regulation are essentially the same as those of the drinking water standard. These criteria are based upon the laboratory testing of a representative sample of water from a lot. A sample is composed of 10 subsamples. For the multiple tube fermentation method, from each subsample of water, five portions of equal volume are removed for analysis. The five portions constitute one analytical unit. Not more than one analytical unit may have a MPN (most probable number) of 2.2 or more coliform organisms/100 ml., and none of the analytical units may have an MPN of 9.2 or more coliform organisms/100 ml. Thus this coliform requirement is based upon the results from each analytical unit and not upon the average value of the 10 analytical units.

The Commissioner concludes that the only request for a hearing involved an issue that is irrelevant to establishing a quality standard for bottled water; consequently, there is no basis for granting a hearing; and that the other submitted objections do not justify a change in the regulation.

Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(h), 701, 52 Stat. 1046-1047, 1055-1056, as amended, 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 341, 343(h), 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that (1) the regulation amending § 11.7 as published in the *FEDERAL REGISTER* of November 26, 1973 (38 FR 32558) is confirmed and the effective date is amended to be June 19, 1975, and (2) effective May 20, 1975, § 11.2 is amended by changing the words "a portion" to read "the portion(s)".

Dated: May 14, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.75-13170 Filed 5-19-75;8:45 am]

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs is amending the food additive regulations

in § 121.2520 *Adhesives* (21 CFR 121.2520) to provide for safe use of a preservative in food-packaging materials, effective May 20, 1975.

The Commissioner, having evaluated the data in a petition (FAP 4B2979) filed by Drew Chemical Corp., subsidiary of United States Filter Corp., P.O. Box 248, Parsippany, NJ 07054, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for safe use of tributyltin chloride complex of ethylene oxide condensate of dehydroabietylamine as a preservative in adhesives for food-packaging materials. The preservative effect is to inhibit microbial growth.

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), § 121.2520(c)(5) is amended by alphabetically inserting an item in the list of substances, to read as follows:

§ 121.2520 *Adhesives.*

COMPONENTS OF ADHESIVES	
Substances	Limitations
(c) * * *	
(5) * * *	
Tributyltin chloride complex of ethylene oxide condensate of dehydroabietylamine.	For use as preservative only.

Any person who will be adversely affected by the foregoing order may at any time on or before June 19, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 20, 1975.

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

Dated: May 13, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.75-13171 Filed 5-19-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION

Outdoor Advertising

Subpart B, Part 750, Subchapter H, Chapter I, Title 23, Code of Federal Regulations, is amended to reflect changes made to section 131, Title 23, United States Code, by the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, section 109, January 4, 1975, 88 Stat. 2284 (hereafter referred to as the 1974 Amendments). These changes are:

(1) The 1974 Amendments amended 23 U.S.C. 131(c)(1) by striking the word "other" in referring to directional and official signs. The change made here is only a "housekeeping" measure, designed to keep the language of the National Standards in conformity with the language of 23 U.S.C. 131. No additional outdoor advertising devices will be permitted as a result of this change, nor should existing State standards or procedures governing directional and official signs be altered or broadened. It is the view of the Federal Highway Administration that the striking of the word "other" made no substantial changes in the law. With the foregoing caveat in mind, Subpart B must be amended to reflect this change as follows:

(a) The title of Subpart B is amended by striking the word "Other" and will read: "Subpart B—National Standards for Directional and Official Signs."

§§ 750.151, 750.153, 750.155 [Amended]

(b) Sections 750.151(a)(2), 750.153 (m), and 750.155, 23 CFR, is amended by striking the word "Other" between the words "Directional and" and the words "Official Signs" in the first sentence.

(2) In addition a change similar to those referred to in paragraph (1) above, § 750.152, 23 CFR, must be amended to reflect an expansion in the area subject to control. Thus, existing § 750.152 is revised to read as follows:

§ 750.152 *Application.*

The following standards apply to directional and official signs and notices located within six hundred and sixty (660) feet of the right-of-way of the Interstate and Federal-aid primary systems and to those located beyond six hundred and sixty (660) feet of the right-of-way of such systems, outside of urban areas, visible from the main traveled way of such systems and erected with the purpose of their message being read from such main traveled way. These standards do not apply to directional and official signs erected on the highway right-of-way.

(3) A new definition is added to § 750.153, 23 CFR, as follows:

§ 750.153 Definitions.

(i) Urban area means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized areas in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

These changes become effective on the date of issuance.

Issued on: May 12, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-13152 Filed 5-19-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-333]

PART 215—RENT SUPPLEMENT PAYMENTS

Asset Limits for Tenant Eligibility; Interim Rule

The Department is amending Part 215 by changing the asset limits with respect to tenant eligibility for rent supplement benefits. In the case of the non-elderly, the new asset limit is equal to the dollar amount of the applicable income limit for the particular locality and in the case of the elderly, the new limit is three times the dollar amount of the applicable income limit.

This amendment is necessary because the old limits—\$2,000 for the non-elderly and \$5,000 for the elderly—have not been revised since the inception of the rent supplement program in 1966, notwithstanding the vast economic changes which have occurred since that time. In light of the pressing need for revised asset limits in some localities, the publication of this regulation for comment in advance of the effective date is deemed contrary to the public interest; instead, this amendment is being published as an interim rule effective upon publication.

However, the Department invites interested persons to submit data, views, and suggestions with respect to this rule and is providing 60 days in lieu of the usual 30 days in which to file comments. All relevant material received on or before July 21, 1975, will be considered by the Department before a final rule is adopted. Filings should refer to the above Docket number and should be filed with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451

Seventh Street, SW, Washington, D.C. 20410. Copies of comments submitted will be available during business hours at the above address for examination by interested persons.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability is available for inspection at the above address.

Section 215.20 of Title 24 is amended by revising paragraphs (a) (1), (2) and (3) to read as follows:

§ 215.20 Qualified tenant.

(a) * * *

(1) Have an annual income below the maximum amount established by the Secretary, which amount shall not be higher than can be established in the area where the property is located for occupancy in a low-rent public housing project assisted under the United States Housing Act of 1937. The limits are determined by the Secretary on the basis of recommended limits and supporting data and information received from the Public Housing Agency or the HUD field office serving the locality. The limits are available for inspection in the HUD field office. In computing a tenant's income for the purpose of this section, \$300 shall be deducted for each minor person who is a member of the immediate family of the tenant and residing with the tenant and any earnings of such minor shall not be included in computing the tenant's income.

(2) In a case involving an elderly individual or a family whose head or spouse is elderly, have assets not exceeding three times the dollar amount of the applicable income limit for the locality as determined in accordance with the second sentence in paragraph (a) (1) of this section.

(3) In a case involving other than the elderly, have assets not exceeding the dollar amount of the applicable income limit for the locality as determined in accordance with the second sentence in paragraph (a) (1) of this section.

(Sec. 101(g), 79 Stat. 354 (12 U.S.C. 1701s))

Effective date. This amendment is effective May 20, 1975.

SANFORD A. WITKOWSKI,
Acting Assistant Secretary for
Housing Production and
Mortgage Credit—Federal
Housing Commissioner.

[FR Doc.75-13262 Filed 5-19-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1908—CONTRACTS FOR ON-SITE CONSULTATION PROGRAMS

Notice of Final Rulemaking

1. Background. On January 15, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 2703) concerning regulations under sections 7(c)(1) and 21(c) of the Occupational Safety and Health Act of 1970 (29

U.S.C. 651 et seq.) (hereinafter called the Act) which set out policies and procedures through which on-site consultation services may be furnished to employers by State personnel, with partial Federal funding.

After consideration of the relevant material which has been submitted by interested persons, the proposal is hereby adopted with various changes.

2. Public comments. Numerous public comments were received pursuant to the proposal. Statements of support were received from the Associated Industries of Massachusetts, the Building Trades Employers Association of the City of New York, Richard J. Kos, Gooch Packing Company, Inc., the Painting and Decorating Contractors of America, the National Environmental System Contractors Association, the National Oil Jobbers Council, the Southern Industrial Distributors Association, Senator George McGovern, B. H. Electronics, the Concrete Reinforcing Steel Institute, the National Wholesale Druggists Association, the Nebraska Association of Commerce and Industry and others.

Many important issues were raised in other comments. These comments voiced objection to the use of a consultant's report in a subsequent compliance inspection, the lack of mandatory employee participation, and the limitation to States without approved plans. Questions were also raised concerning qualifications for consultants, number of consultants, action upon discovery of imminent danger, monitoring, and the system of priorities. These comments are discussed below.

3. Discussion of changes. Several substantive changes were made in the regulations as follows:

(a) In consideration of comments received from the Massachusetts Department of Labor and Industries, the New York State Department of Labor, the National Association of Wholesale Distributors, and others, the limitation on the number of consultants each State would be permitted has been revised. Under the final regulation, the number of consultants in each State will be determined by the State's individual needs as determined by the employer demand for consultative services and the recommendation of the Occupational Safety and Health Administration Assistant Regional Director.

(b) The Edison Electric Institute, the U.S. Small Business Administration, and the National Small Business Administration, all recommended that, in addition to using the size of an employer's establishment to determine priority for consultation visits, consideration should be given to the hazardous nature of the business. Therefore, in order to increase the protection to workers whose exposure would be greatest, §§ 1908.1 and 1908.5(c) (2) have been changed to provide for such consideration. Thus, the hazardous nature of an employer's activities has been included as an additional consideration in establishing priorities for consultation.