action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(5).

Any person who will be adversely affected by this regulation may at any time on or before January 21, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection.

Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food Additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.1005 by revising paragraph (e)(1) to read as follows:

§ 178.1005 Hydrogen peroxide solution.

* * * * *

(e) *Conditions of use.* (1) Hydrogen peroxide solution identified in and complying with the specifications in this section may be used by itself or in combination with other processes to treat food-contact surfaces prepared from ionomeric resins complying with § 177.1330 of this chapter, ethylene-methyl acrylate copolymer resins complying with § 177.1340 of this chapter, ethylene-vinyl acetate copolymers complying with § 177.1350 of this chapter, olefin polymers complying with § 177.1520 of this chapter, polyethylene terephthalate polymers complying with § 177.1630 of this chapter (excluding polymers described in § 177.1630(c)), and polystyrene and rubbers-modified polystyrene polymers complying with § 177.1640 to attain commercial sterility at least equivalent to that attainable by thermal processing for metal containers as provided for in Part 113 of this chapter.

* * * * *

Dated: December 10, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-30102 Filed 12-19-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 232 and 235

[Docket No. R-85-1269; FR-2195]

Mortgage Insurance—Changes in Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This change in the regulations decreases the maximum allowable interest rate on section 232 (Mortgage Insurance for Nursing Homes) and on section 235 (Homeownership for Lower Income Familes) insured loans. This final rule is intended to bring the maximum permissible financing charges for these programs into line with competitive market rates.

EFFECTIVE DATE: December 13, 1985.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Chief Mortgage and Capital Market Analysis Branch, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-7270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following amendments to 24 CFR Chapter II have been made to decrease the maximum interest rate which may be charged on loans insured by this Department under section 232 (fire safety equipment) and section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA section 232 (fire safety equipment) and section 235 insurance programs has been lowered from 11.00 percent to 10.50 percent.

The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this final rule effective immediately.

HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in paragraph (*l*) of § 50.20, the preparation of an Environmental Impact Statement or Finding of No Significant Impact is not required for this rule.

This rule does not constitute a "major

rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local governmental agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small increase in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 29, 1985 (50 FR 4166) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.108, 14.117, and 14.120.

List of Subjects

24 CFR Part 232

Fire prevention, Health facilities, Loan programs: Health, Loan programs: Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

Accordingly, the Department amends 24 CFR Parts 232 and 235 as follows:

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

1. The authority citation for 24 CFR Part 232 continues to read as follows:

Authority: Secs. 211, 232, National Housing Act, (12 U.S.C. 1715b, 1715w); sec. 7(d), Department of Housing and Urban Development, (42 U.S.C. 3535(d)).

2. In § 232.560, paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.50 percent per annum, except that where an application for commitment was received by the Secretary before December 13, 1985, the loan may bear interest at the maximum rate in effect at the time of application.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

3. The authority citation for 24 CFR Part 235 continues ot read as follows:

Authority: Sec. 211, 235, National Housing Act, (12 U.S.C. 1715b, 1715z); sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

4. In § 235.9, paragraph (a) is revised to read as follows:

§ 235.9 Maximum interest rate.

(a) The mortagage shall bear interest at the rate agreed upon by the mortgage and the mortgagor, which rate shall not exceed 10.50 percent per annum, except that where an application for commitment was received by the Secretary before December 13, 1985, the loan may bear interest at the maximum rate in effect at the time of application.

* * * * *

5. In § 235.540, paragraph (a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) On or after December 13, 1985, the loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10.50 percent per annum, with the exception of applications submitted pursuant to feasibility letters, or outstanding conditional or firm commitments, issued prior to the effective date of the new rate. In these instances, applications will be processed at a rate not exceeding the applicable previous maximum rates, if the higher rate was previously agreed upon by the parties. Notwithstanding these exceptions, the application will be processed at the new lower rate if requested by the mortgagee.

* * * * *

Dated: December 12, 1985.

Janet Hale,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-30003 Filed 12-19-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 576]

Appellations of Origin and Geographic Corporate and Trade Names

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General statement of policy.

SUMMARY: This document relates to regulations governing the use of appellations of origin and geographic corporate and trade names on labels for wine. It arises from the decision in *Wawszkiewicz v. Department of the Treasury*, 480 F.Supp. 739 (D.D.C. 1979), *aff'd in part, rev'd in part*, 670 F.2d 296 (D.C. Cir 1981). The Court of Appeals remanded the case to the lower court with instructions that these regulations (among others) be remanded to ATF for reconsideration and review. ATF has reconsidered and reviewed these regulations and concludes that they do not need to be amended. Definitions of various winemaking terms used on labels of wine, a separate issue involved in the litigation cited above, will be handled separately.

DATE: Policy statement issued on December 20, 1985.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum or James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF issued a final rule, Treasury Decision ATF-53 (43 FR 37672, 54624), which revised various regulations governing the labeling of wine. T.D. ATF-53 provided, in part, that wine may be labeled with an appellation of origin if at least 75 percent of the wine is derived from fruit or other agricultural products grown in the appellation area indicated. In the same final rule, ATF also decided not to amend regulations governing the use of geographic corporate and trade names.

The plaintiffs in *Wawszkiewicz* challenged regulations governing the use of appellations of origin and geographic corporate and trade names, among other regulations. They argued that when the grapes used to make a wine are not 100 percent from the stated appellation of origin, the label is misleading unless the percentages from each appellation of origin are shown on the label. Additionally, they argued that the rules governing the use of geographic corporate and trade names sanctioned misleading labeling.

District Court

The District Court decision dwelt primarily on the varietal labeling rule. In summarizing, the court held that similar shortcomings applied to the other contested rules: appellation of origin percentages, geographic brand names, geographic corporate and trade names, and the use of winemaking terminology on labels. The court held that the use of a grape variety name, or an appellation of origin, implied that 100 percent of the wine was derived from grapes known by that name (in the case of a wine named for a grape variety name), or from grapes grown in the named area (in the case of a wine claiming an appellation of origin). 480 F.Supp. at 743.

The court concluded that the same rationale requires that wine labels making representations as to geographic origin (*i.e.* geographic brand names and geographic corporate and trade names) should couple such representations with a more precise indication of what minimum percentages attach to the claims made. *id.* at 745.

The District Court ordered that the regulations be remanded to ATF for revision consistent with the conclusion described above.

Court of Appeals

The Court of Appeals disagreed with the District Court's rationale in that a court reviewing agency action is not empowered to substitute its judgment for that of the agency. The Court of Appeals held that an agency's decision should be upheld where there is a rational basis for the decision in the facts of the record. 670 F.2d at 301. Pursuant to this test, the court upheld the regulations governing varietal labeling but found that the regulations concerning statements as to geographic origin and winemaking terminology had not been adequately explained, "either by reference to the record or by a reasoned statement." *id.* at 304. The Court of Appeals remanded the case to the District Court with instructions that the regulations governing statements as to geographic origin [appellation of origin percentages, geographic brand names, geographic corporate and trade names] and winemaking terminology be remanded to ATF for review and reconsideration in light of the appellate court's decision. No specific instructions were provided by either court nor were any dates set in connection with the review or reconsideration.

New Rulemaking Projects

The issuance of this general statement of policy allows ATF to explain its decision on appellations of origin percentages and geographic corporate and trade names, by reference to the record and by reasoned statement.

In previously published notices of proposed rulemaking, ATF has proposed revisions of the geographic brand names regulation, Notice Nos. 522, 534, and 542 (49 FR 19330, 28417, and 34847).

Definitions of various winemaking terms which are indicative of specific processes used in the production of wine will be handled separately.

Reconsideration and Review

Appellation of Origin. One of the areas of contention in the *Wawszkiewicz* litigation was the qualifying requirement for use of an appellation of origin. In general, at least 75 percent of the wine must be derived from fruit or other agricultural products grown in the area indicated by the appellation of origin. (27 CFR 4.25a).

The 75 percent requirement was not, and is not, an arbitrary figure. In 1935, ATF's predecessor agency, the Federal Alcohol Administration, proposed regulations on the use of appellations of origin on wine labels. The proposed rule would have required that 100 percent of the volume of the wine be derived from grapes grown and fermented in the area indicated by the appellation of origin. Careful consideration was given to the concept of geographical descriptions of the origin of wines.

At the hearing in November 1935, testimony was presented indicating that the distinctive geographic characteristics of grapes would be preserved by permitting a wine to be labeled with an appellation of origin when 75 percent of the volume of the wine is derived from grapes grown in the area named. The 75 percent rule would also allow for necessary blending. Thus, the 75 percent requirement is basically unchanged since the repeal of Prohibition.

When the minimum qualifying percentage requirement is met for an appellation of origin, no percentages are required to appear on the label. However, when a multi-county or multi-state appellation of origin is used, all of the grapes used to produce the wine must come from the indicated areas. Since different viticultural characteristics may be associated with different areas when a multi-county or multi-state appellation of origin is used, the percentage of the volume of the wine from each area must be shown on the label. (27 CFR 4.25a (c) and (d)).

Having re-examined this question, ATF believes that the current regulations protect the geographic characteristics. ATF believes that the consumer is protected and adequately informed. No new facts or materials have been presented which would warrant a regulatory change.

Geographic Corporate and Trade Names. The name of the bottler or packer of the wine and the place where bottled or packed (city and State) must appear on labels of wine preceded by the legend "bottled (packed) by." (27 CFR 4.35). Although the corporate or trade name of the winemaker or bottler may be geographic in nature, it must be approved by ATF before it may appear on labels of wine. ATF does not approve names which are considered to be misleading.

The name of the bottler appears in direct conjunction with the city and State, *i.e.* no other information may appear between the corporate or trade name and the actual location of the bottling or packing. ATF believes that the appearance of the city and State in direct conjunction with a geographic corporate or trade name precludes any misleading impressions about the origin of the wine.

However, a geographic brand name does not appear in direct conjunction with the city and State where the wine was bottled or packed. Therefore, a different rule is necessary in the case of a geographic brand name. (27 CFR 4.39(i)). This regulation is under review in a separate rulemaking project, as discussed above.

The Court of Appeals states that the Bureau never explained why it chose to regulate misleading geographic brand names but not equally deceptive geographic corporate or trade names. 670 F.2d at 304. The reason is implicit in the regulation requiring that a geographic corporate or trade name appear in direct conjunction with the city and State where the wine was bottled or packed. Because the corporate or trade name appears in direct conjunction with the address of bottling or packing, a geographic corporate or trade name is not misleading in comparison to a geographic brand name. This point was never made clear during the litigation.

ATF believes that the usage of geographic corporate and trade names is sufficiently regulated to prevent the conveyance of any misleading impressions to consumers. The regulations governing geographic corporate and trade names have remained virtually unchanged since 1935. No facts or materials have been submitted to ATF which would warrant amending the present regulation.

Summary

ATF believes that the existing regulations on appellations of origin and geographic corporate and trade names are valid because they were established in public rulemaking projects, with the proposed rules modified in response to public comments. Since these regulations adequately provide the consumer with sufficient information on the origin of wines, ATF does not intend to amend these regulations.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

Drafting Information

The principal author of this document is John A. Linthicum of the FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205.

Signed: November 12, 1985.

Stephen E. Higgins,

Director.

Approved: November 18, 1985.

David D. Queen,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 85-30017 Filed 12-19-85; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Parts 4, 5 and 7

[T.D. ATF 210]

Disclosure of Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms, (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This final rule amends the labeling regulations in 27 CFR Parts 4, 5 and 7, by requiring the following statement on labels of alcohol beverages continuing the artificial sweetener saccharin: "Use of this product may be harzadous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals."

EFFECTIVE DATE: The effective date of this final rule is December 20, 1985.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

The Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e)(2), vests authority in the Director of the Bureau of Alcohol, Tobacco and Firearms, as a delegate of the Secretary of the Treasury, to prescribe regulations which will provide the consumer with "adequate information" as to the identity and quality of alcohol beverage products. Under this authority, labeling requirements are prescribed in Title 27, Code of Federal Regulations, Parts 4, 5, and 7 for wines, distilled spirits and malt beverages, respectively. The regulations requiring basic mandatory labeling information for alcohol beverage products have been in effect for over 50 years.

In recent years, the Bureau has considered numerous petitions for regulation changes with respect to the ingredient labeling of alcohol beverage products. Such requests have petitioned ATF to require full ingredient labeling, partial ingredient labeling, even health warning statements for specific ingredients found in alcohol beverages which were alleged to be a health hazard. In response to such requests, the Bureau has established a regulatory policy with respect to ingredient labeling and the need to disclose to consumers the presence of specific ingredients, found to be present in alcohol beverage products, which have been determined to pose health risks.

The Bureau, on October 6, 1983, published a final rule (T.D. ATF-150, 48 FR 45549), rescinding the ingredient labeling regulations for alcohol beverage products. However, mandatory label disclosure was required for alcohol beverages containing the color additive FD&C Yellow No. 5. The Bureau found, as a result of its rulemaking effort, that there was evidence establishing that consumers of the few alcohol beverage products containing that color additive may have adverse reactions to the ingredient. The Bureau also determined, at that time, that there was no clear evidence in the record that any other ingredient being used in the production of alcohol beverages posed a recognized health problem.

Pursuant to T.D. AF-150, the Bureau specifically stated it "will look at the necessity of mandatory labeling of other ingredients on a case-by-case basis through its own rulemaking initiative, or on the basis of petitons, or on the basis of petitions for rulemaking under 5 U.S.C. 553(e) and 27 CFR 71.41(c)."

Recently, ATF has been petitioned by members of the alcohol beverage industry to use the sugar substitute saccharin in the production of alcohol beverages.

Presently, Food and Drug Administration regulations, 21 CFR 180.37 (21 U.S.C. 348, 371), do not preclude the use of saccharin in the production of alcohol beverages. However, while use is not prohibited, the Saccharin Study and Labeling Act (21 U.S.C. 343) mandates that if saccharin is present in a food, then the following warning must also appear on the label of that product:

> Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals.

It is clear that Congress, after an exhaustive consideration of this issue, determined that all products containing saccharin shall display this health warning so that all consumers would be informed about the potential health risks associated with its use.

In recognition of this congressional mandate as expressed in the Saccharin Study and Labeling Act and pursuant to section 5(e)(2) of the Federal Alcohol Administration Act, which relates to providing the consumer with adequate information, the Bureau has determined that any alcohol beverage product which contains saccharin (including sodium saccharin, calcium saccharin and ammonium saccharin) must bear on its label a health warning statement identical to that set forth in the Saccharin Study and Labeling Act. This statement shall appear on a front or back label, separate and apart from other information, in the required size of type, and on a completely contrasting background.

Administrative Procedure Act

Because this Treasury decision implements the national policy expressed in the Saccharin Study and Labeling Act with respect to the labeling of products containing saccharin, it is found that it is impractical and unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation in section 553(d).

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) do not apply to this final rule because no notice of proposed rulemaking is required by 5 U.S.C. 553(b).

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The author of this document is Coordinator James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, and Wine.

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, and Packaging and containers.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, and Labeling.

Authority and Issuance

PART 4—[AMENDED]

27 CFR Part 4—Labeling and Advertising of Wine is amended as follows:

Par. 1. The authority citation for 27 CFR Part 4 is revised to read as follows, and the authority citations following §§ 4.23, 4.23a, 4.25, 4.25a, 4.26, 4.39 are removed:

Authority: 27 U.S.C. 205.

Par. 2. Section 4.32 is amended by adding a new paragraph (d) as follows:

§ 4.32 Mandatory label information.

* * * * *

(d) There shall be stated on a front or back label, separate and apart from all other information, the following statement when saccharin is present in the finished product: Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals.

PART 5—[AMENDED]

27 CFR Part 5—Labeling and Advertising of Distilled Spirits is amended as follows:

Par. 3. The authority citation for Part 5 is revised to read as follows:

Authority: 26 U.S.C. 5301, 7805; 27 U.S.C. 205.

Par. 4. Section 5.32 is amended to add a new paragraph (b)(6) and to redesignate paragraphs (b) (6), (7), and (8) as paragraphs (b) (7), (8), and (9), respectively, as follows:

§ 5.32 Mandatory label information.

* * * * *

(b) On the brand label or on a back label:

* * * * *

(6) The following statement when saccharin is present in the finished product: Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals.

* * * * *

PART 7—[AMENDED]

27 CFR Part 7—Labeling and Advertising of Malt Beverages is amended to read as follows:

Par. 5. The authority citation for 27 CFR Part 7 is revised to read as follows:

Authority: 27 U.S.C. 205.

Par. 6. Section 7.22 is amended by adding a new paragraph (b)(5) as follows:

§ 7.22 Mandatory label information.

* * * * *

(b) * * *

(5) The following statement, separate and apart from all other information, when saccharin is present in the finished product: Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals.

Signed: October 25, 1985.

Stephen E. Higgins,

Director.

Approved: December 9, 1985.

David D. Green,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 85-29707 Filed 12-19-85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Hazard Communication; Interpretation Regarding Lubricating Oils

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of interpretation.

SUMMARY: OSHA has received a number of inquiries in recent months regarding the application of the Hazard Communication Standard (HCS) (29 CFR 1910.1200), to lubricating oils. This notice summarizes the Agency's position on this issue, and indicates further actions to be taken.

DATE: The interpretations described in this notice go into effect December 20, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3637, Washington, DC 20210; (202) 523-8148.

SUPPLEMENTARY INFORMATION: On November 25, 1983, OSHA published a final standard in the **Federal Register** entitled "Hazard Communication", at 48 FR 53280, and which is codified at 29 CFR 1910.1200. The rule requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and all employers in the manufacturing sector to transmit such hazard information to their employees by means of labels on containers, material safety data sheets, and employee training programs.

The requirements for evaluation of the hazards of chemicals under the rule are primarily performance-oriented. OSHA has provided definitions of hazards, general criteria for evaluation, and possible reference sources, but allows employers considerable flexibility in applying professional judgment to the evaluation process. This performance-oriented approach is amply supported by the rulemaking record, and was