

container requirements currently in effect for Florida limes; (2) Florida lime handlers are aware of this action which was recommended by the committee at a public meeting and they will need no additional time to comply with the relaxed requirements; (3) shipment of the 1990-91 season Florida lime crop is currently underway, and handlers should be given an opportunity to take advantage of the additional container as soon as possible; and (4) the proposed rule provided a 30-day comment period, and no comments were received.

#### List of Subjects in 7 CFR Part 911

Florida, Limes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 911 is amended as follows:

#### PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 911 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 911.329 is amended by revising paragraph (a)(2)(i) to read as follows:

Note: This action will appear in the Code of Federal Regulations.

#### § 911.329 Florida lime container regulation.

(a) \* \* \*

(2) \* \* \*

(i) Containers with inside dimensions of 7½ by 11¾ by 4¼ inches: *Provided*, That such containers shall contain not less than 5.5 pounds or 2.5 kilograms net weight of limes.

\* \* \* \* \*

Dated: July 3, 1990.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable  
Division.

[FR Doc. 90-15825 Filed 7-6-90; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 989

[Docket No. FV-89-088FR]

#### Raisins Produced From Grapes Grown in California, Monitoring Raisins Produced From Grapes Grown Outside the State of California and Received by Handlers Inside the State

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the administrative rules and regulations of

the marketing order regulating raisins produced from grapes grown in California. This action will establish an identification and surveillance system for monitoring raisins produced from grapes grown outside the State of California and received by handlers inside the State. This action was unanimously recommended by the Raisin Administrative Committee (RAC), which is responsible for local administration of the marketing order. The monitoring system will provide the RAC with the necessary information to help determine the extent to which California raisin handlers and handling non-California raisins and will be in effect for the 1990-91 and 1991-92 seasons. Once this information is gathered and reviewed, further action on this matter may be warranted to help ensure that all California raisins are being handled in accordance with the provisions of the marketing order.

EFFECTIVE DATE: August 8, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 382-1754.

SUPPLEMENTARY INFORMATION: This final is issued under marketing agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This rule has been reviewed by the U.S. Department of Agriculture (USDA) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 25 handlers of raisins who are subject to regulation under the raisin marketing order and approximately 5,000 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts for the last three years of less than \$500,000 and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of producers and a minority of handlers of California raisins may be classified as small entities.

The raisin production area in the United States has historically been limited to the central San Joaquin Valley of California. In recent years, limited tonnage of raisins has also been produced from grapes grown in Southern California. All such raisins are currently regulated under the federal raisin marketing order, which covers raisins produced from grapes grown within the production area of the State of California.

The RAC has learned that some California raisin handlers are receiving raisins produced from grapes grown in Arizona and Mexico. Since these raisins were produced outside of California, they are not regulated under the order. The RAC is concerned that such non-California raisins could be utilized in programs established under the marketing order for California raisins.

For example, an Export Replacement Incentive Program is authorized under the order to promote the sale of California raisins in export markets. Under this program, handlers who ship free tonnage California raisins to approved foreign countries may receive prescribed amounts of reserve pool California raisins at a reduced price. Free tonnage raisins are raisins which may be shipped immediately to any market. Reserve raisins are held by handlers in a reserve pool for the account of the RAC. The RAC is concerned that handlers could ship non-California raisins rather than free tonnage California raisins under this export program. Only California raisins should be used in such programs established under the order.

Therefore, the RAC has recommended that an identification and surveillance system be established to monitor non-California raisins received by California raisin handlers. Accordingly, non-California raisins received by handlers will be identified, stored separately, reported to the RAC, and kept under surveillance until such raisins are disposed of by handlers. The monitoring system will provide the RAC with the

necessary information to help determine the extent to which California raisin handlers are handling non-California raisins.

Under the identification and surveillance system, as non-California raisins are received on handlers' premises, such raisins will be observed and marked with an RAC control card by a USDA (federal) inspector. The inspection service may request information needed to properly mark such raisins for identification (e.g., door receipts or weight certificates). Such raisins will not be subject to incoming inspection requirements established under the order but will be tagged with an RAC control card for the purpose of identifying such raisins as non-California raisins.

The handler will notify the inspection service in writing at least one business day in advance of the time such handler plans to begin receiving non-California raisins, unless a shorter time period is acceptable to the inspection service. Handlers will not be permitted to unload non-California raisins unless a federal inspector is present to observe the unloading. If an inspector is not available, the raisins may be unloaded if the handler has a written statement from the inspection service that an inspector will not be available at that time. When an inspector becomes available at a later time, such raisins will be properly marked and identified.

Handlers will also be required to store these marked non-California raisins separate and apart from California raisins. Storage of such raisins will be deemed "separate and apart" if the containers are properly marked as non-California raisins and placed so as to be readily and clearly identified.

The inspection service will also observe the processing and disposition of such non-California raisins. Handlers of non-California raisins will notify the inspection service in writing at least one business day in advance of the time such processing and/or disposition is to occur, unless a shorter period is acceptable to the inspection service.

Non-California raisins will not be required to meet outgoing inspection standards established under the order for California raisins. In addition, handlers receiving non-California raisins will pay fees assessed by the inspection service to identify and maintain surveillance of such raisins. Fees for such identification and surveillance will be charged by the inspection service (7 CFR 52.42).

Authority for the establishment of this identification and surveillance system is provided in § 989.36(l) of the order. This section, which describes the RAC's

specific duties, gives the RAC authority to establish, with the approval of the Secretary, rules and regulations necessary to administer its duties as well as the provisions of the California raisin order.

New reporting provisions proposed by this action will require California raisin handlers to file two new reports with the RAC. It is estimated that providing additional information will take less than ten minutes per form per handler to complete and thus will present no significant burden to handlers. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and assigned OMB No. 05810083.

The first report will specify the receipt of non-California raisins and will be filed by handlers on a monthly basis. This report is needed to help the RAC determine the extent to which non-California raisins are being received by handlers. This report will contain the following information: (1) The varietal type(s) of non-California raisins received; (2) the net weight (pounds) of such raisins categorized as natural condition or packed for the current month as well as a cumulative quantity from the previous August 1; and (3) the State or country where such raisins were produced. With each report, handlers will be required to submit a copy of the door receipt, weight certificate, or such other document as required by the RAC that includes, but is not limited to, the name of the tenderer (equity holder) from whom such raisins were received, the varietal types of raisins, the net fruit weight, the number and type of containers in the lot, the date of delivery, and the address including State or country where such raisins were produced.

A second report will indicate the disposition of non-California raisins and will be filed by the handler with the RAC on or before the eighth day of each month. This report is needed to help the RAC monitor the disposition of non-California raisins. This report will contain similar information to that which is currently submitted on California raisin shipment reports: (1) The varietal type(s) of non-California raisins shipped; (2) the net weight (pounds) of such raisins shipped; (3) the destination (domestic, export, and other disposition such as distilleries, livestock feeders, or concentrate) of such shipments; and (4) the types of raisin packages (carton, bag, or bulk) shipped.

Authority for requesting these additional reports is contained in

§ 989.73(d) of the order. This section provides that, upon request of the RAC, with the approval of the Secretary, each handler shall furnish to the RAC such other information as may be necessary to enable the RAC to exercise its powers and perform its duties.

In addition, this action will be temporary in nature in that it will only be in effect for the 1990-91 and 1991-92 seasons. This time period should be sufficient for the RAC to implement the monitoring system, and thus determine the extent to which non-California raisins are being handled by California handlers. Once this information is gathered and reviewed, further action on this matter may be warranted to help ensure that all California raisins are being handled in accordance with the provisions of the marketing order.

A proposed rule was published in the April 11, 1990, issue of the Federal Register (55 FR 13540). It afforded interested persons the opportunity to submit written comments until May 11, 1990. Two comments were received. One comment was received from Ms. Cora O. Lewis, Senior Counsel and Assistant Secretary for Del Monte Corporation (Del Monte), in opposition to the proposal. One comment was received from Mr. Barry F. Kriebel, President of Sun-Maid Growers of California (Sun-Maid), in support of the proposal. Sun-Maid also made several recommendations regarding the proposed administrative rules and regulations associated with this rule.

Del Monte commented that this action is not necessary because an identification and surveillance system for monitoring non-California raisins is already in effect and is being operated by the USDA. Del Monte stated that the USDA's inspection service currently identifies and tags non-California raisins received by handlers and has access to information needed to properly identify and mark such raisins; that the identification tag, which has a recorded pallet control card number, must be removed by USDA personnel prior to processing at each handler's premise; and that handlers now handling non-California raisins are being charged \$75.00 per hour for this inspection service. Del Monte asserted that it would be inappropriate to replace this system with one controlled by the RAC.

Del Monte's contention that an identification and surveillance system is already in operation by the USDA is inaccurate. Currently, handlers may request the USDA's inspection service to identify and tag non-California raisins received at their handling facility.

However, the identification and surveillance system as proposed by the RAC will apply to all California raisin handlers, not just those who request such action by the inspection service. In addition, Del Monte's statement that handlers of non-California raisins are being charged \$75.00 per hour for this inspection service is also inaccurate. Such handlers are currently being charged \$31.00 per hour for this service (7 CFR 52.42).

Further, under the RAC's monitoring system, California raisin handlers will also be required to submit additional reports to the RAC on the receipt and disposition of non-California raisins. The RAC, which represents growers and handlers in the California raisin industry, unanimously recommended this monitoring system so that it may gather the necessary information to help determine the extent to which California handlers are handling non-California raisins.

Del Monte also commented that perhaps a more appropriate solution to the potential problem of non-California raisins entering the export program would be for the USDA to certify that all raisins sold through the export program are California raisins. Del Monte stated that since the USDA actually performs the identification and monitoring, this additional step could be easily implemented and would not entail the additional paperwork and time that would be required to prepare two monthly reports on the receipt and disposition of non-California raisins.

In accordance with 7 CFR 52.3, an official certificate means to certify with respect to inspection, class, grade, quality, size, quantity, or condition of products. The inspection service does not certify the location of a commodity's production. However, beginning with the 1990-91 season, handlers of California raisins will be required to certify on their disposition report for California raisins that all such raisins were produced in California. This report contains information regarding the destination of California raisins, including export. In addition, the terms and conditions of the export program will be modified, beginning with the 1990-91 season, to specify that only California raisins may be utilized in the program.

Del Monte also stated that the monitoring system would require names and addresses of producers of non-California raisins to be submitted to the RAC. Del Monte asserted that this is proprietary information which is not germane to the duties of the RAC and that such information is not necessary to ensure that California raisins are being

handled in accordance with the provisions of the order.

The RAC believes that, in order to verify the accuracy of handler reports regarding non-California raisins, information regarding the identity of the producer of such raisins is germane and thus needed. In addition, § 989.75 of the marketing order contains provisions concerning the confidentiality of information provided or submitted to the RAC.

Del Monte also commented that the new reporting requirements of the monitoring system will require additional paperwork and expense to handlers. The economic benefits of this action, however, are expected to outweigh any associated costs. In addition, as previously stated, it is estimated that the additional information will take less than ten minutes per form to complete and thus will present no significant burden to handlers. Accordingly, the comment is denied.

Sun-Maid, who commented in support of this action, stated that the collection and dissemination of information regarding non-California raisins, as proposed by the RAC, will be valuable for the proper administration of the raisin marketing order. Sun-Maid stated that several programs, such as the export program, could be adversely affected by the blending or distributing of non-California raisins.

Sun-Maid also requested that the proposed administrative rules and regulations be modified to clarify several points. First, Sun-Maid recommended that the term "grown outside of California" be defined to mean grown in any of the other 49 States as well as in any foreign country. However, no modification to the rules and regulations regarding the term "grown outside of California" is needed. Raisins produced outside of the production area (State of California) would include raisins grown in any of the other 49 States or in any foreign country.

Sun-Maid also recommended that the rules and regulations be modified to state that while this action is temporary in nature for the 1990-91 and 1991-92 seasons, the RAC may extend the monitoring system for subsequent years. However, it is the intent of this rule that at the end of this two-year period, the information collected be thoroughly reviewed by the USDA in cooperation with the RAC. Upon completion of this review, further action may then be warranted to help ensure that all California raisins are being handled in accordance with the provisions of the marketing order. Therefore, no

modification to the rules and regulations is needed regarding the time frame of this action.

Finally, Sun-Maid recommended that the term "receipt" of raisins or the "receiving" of raisins be defined to be broader than the term "acquired" as defined in § 989.17 of the order. Sun-Maid suggested that for these new reporting requirements, the term "receipt" should mean gaining possession for any reason, and should include possession in any condition, whether natural condition, processed condition, or packed. However, "receipt" is a term which is commonly used in part 989 and is applied in appropriate instances to reflect acceptance of raisins by a handler at such handler's packing or processing plant, or at any other established receiving station operated by such handler in any condition, including natural, processed, or packed. The use of the term "receipt" in the proposed rule was intended to adopt that meaning. In addition, it would be confusing to the industry to have two different definitions for the term receipt. Handlers of non-California raisins will be required to indicate the condition of such raisins on the receipt report for non-California raisins.

Accordingly, no modification to the proposed rule is necessary. Therefore, the final rule is identical to the proposed rule.

After consideration of all relevant matter presented, including the RAC's recommendation and other available information, it is found that this final rule tends to effectuate the declared policy of the Act.

Based on the above information, the Administrator of the AMS has determined that issuance of this rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

#### **PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674.

**Subpart—Administrative Rules and Regulations**

2. A new § 989.157 is added to read as follows:

**§ 989.157 Raisins produced from grapes grown outside of California.**

(a) Any raisins produced from grapes grown outside the State of California that are received by a handler shall be observed and marked for identification by an inspector. As provided in § 989.173(b)(7), the inspection service may request information needed to properly mark such raisins for identification; it shall be the handler's responsibility to arrange for such identification and furnish required documentation promptly.

(b) In the absence of an inspector to observe and mark such raisins for identification, the handler shall not permit the unloading to occur unless the handler has a written statement from the inspection service that an inspector cannot be furnished within a reasonable time; *Provided*, That raisins so unloaded shall be observed and marked properly upon an inspector being available.

(c) The handler shall notify the inspection service in writing at least one business day in advance of the time such handler plans to begin receiving raisins produced from grapes grown outside the State of California, unless a shorter period is acceptable to the inspection service.

(d) Raisins produced from grapes grown outside of the State of California and received by a handler shall be marked for identification by the inspector affixing to one container on each pallet or to each bin in each lot a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed until the raisins are processed and disposed of or disposed of as natural condition raisins. The cards shall be removed only by an inspector of the inspection service or authorized Committee personnel.

(e) Each handler shall store raisins produced from grapes grown outside the State of California separate and apart from all other raisins held by such handler to the satisfaction of the Committee. Storage of such raisins shall be deemed "separate and apart" if the containers are marked as raisins produced from grapes grown outside the State of California and placed so as to be readily and clearly identified.

(f) Any raisins received by a handler produced from grapes grown outside the State of California shall be processed and/or disposed of under the surveillance of the inspection service. The handler shall notify the inspection

service in writing at least one business day in advance of the time such processing and/or disposition will occur, unless a shorter period is acceptable to the inspection service.

(g) The handler receiving raisins produced from grapes grown outside of California shall pay fees assessed by the inspection service to identify and maintain surveillance of such raisins.

3. Section 989.173 is amended by adding new paragraph (b)(7), by redesignating paragraph (c)(3) as paragraph (c)(4), and by adding new paragraph (c)(3) to read as follows:

**§ 989.173 Reports.**

(b)(7) *Receipt of raisins produced from grapes grown outside the State of California.* Each handler who receives raisins produced from grapes grown outside the State of California shall submit to the Committee, on an appropriate form provided by the Committee so that it is received by the Committee not later than the eighth day of each month, a report of the receipt of such raisins. This report shall include: The varietal type of raisins received; the net weight (pounds) of raisins categorized as natural condition or packed for the current month as well as a cumulative quantity from August 1; and the State or country where the raisins were produced. With each report, the handler shall submit a copy of the door receipt, weight certificate, or such other document as required by the Committee that includes, but is not limited to, the name of the tenderer (equity holder) from whom such raisins were received, the varietal type(s) of raisins, the net fruit weight, the number and type of containers in the lot, the date of delivery, and the address including State or country where such raisins were produced.

\* \* \* \* \*

(c) \* \* \*  
(3) *Disposition by handlers of raisins produced from grapes grown outside the State of California.* Each handler who receives raisins produced from grapes grown outside the State of California shall submit to the Committee, on or before the eighth day of each month, a report, on the appropriate form provided by the Committee, of all shipments of such raisins made during the preceding month. This report shall include:

- (i) The varietal type(s) of raisins shipped;
- (ii) The net weight (pounds) of raisins shipped;
- (iii) The destination (domestic, export, and other disposition such as distilleries, livestock feeders, or concentrate) of such shipments; and

(iv) The types of raisin packages (carton, bag, or bulk) shipped.

\* \* \* \* \*  
Dated: July 3, 1990.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable  
Division.

[FR Doc. 90-15826 Filed 7-6-90; 8:45 am]  
BILLING CODE 3410-02-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 168**

[Docket No. 86P-0101/CP]

**Lactose; Amendment of the Standard of Identity; Confirmation of Effective Date**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date for compliance with the final rule that amended the standard of identity for lactose to reduce the required minimum lactose content, change the pH range, make editorial changes, and update the referenced method for the determination of loss on drying.

**EFFECTIVE DATE:** April 10, 1990, for all products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

**FOR FURTHER INFORMATION CONTACT:** Arthur R. Johnson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington DC 20204, 202-485-0112.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of March 8, 1990 (55 FR 8458), FDA issued a final rule amending the standard of identity for lactose (21 CFR 168.122) to: (1) Reduce the required minimum lactose content from not less than 99 percent to not less than 98 percent, mass over mass, calculated on a dry basis; (2) change the pH range from not less than 4.5 nor more than 7.0 to not less than 4.5 nor more than 7.5; (3) make editorial changes to cite newly adopted methods of analysis of the Association of Official Analytical Chemists; and (4) update the referenced method for the determination of loss on drying at 120 °C. The final rule was issued in consideration of a petition, dated February 25, 1986, filed by the

American Dairy Products Institute. The final rule provided that any person who would be adversely affected by the regulation could at any time, on or before April 9, 1990, file written objections and request a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were filed in response to the final regulation.

#### List of Subjects in 21 CFR Part 168

Food grades and standards, Sugar

#### PART 168—SWEETENERS AND TABLE SIRUPS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 403, 701, 706 (21 U.S.C. 321, 341, 348, 371, 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Food Safety and Applied Nutrition (21 CFR 5.62), notice is given that no objections were received and that the final regulation amending the standard of identity for lactose (21 CFR 168.122), as promulgated in the Federal Register of March 8, 1990 (55 FR 8458), became effective April 10, 1990.

Dated: June 25, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-15782 Filed 7-6-90; 8:45 am]

BILLING CODE 4180-01-M

#### 21 CFR Part 178

[Docket No. 88F-0310]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of glyceryl esters of oxidatively refined montan wax acids as lubricants in the production of food-contact articles prepared from vinyl chloride polymers. This action is in response to a petition filed by Hoechst-Celanese, Inc. FDA is also making editorial changes in 21 CFR 178.3770.

DATES: Effective July 9, 1990; written objections and requests for a hearing by August 8, 1990.

ADDRESSES: Written objections to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

#### FOR FURTHER INFORMATION CONTACT:

Vir D. Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of September 27, 1988 (53 FR 37646), FDA announced that a food additive petition (FAP 8B4108) had been filed by Hoechst-Celanese, Inc., 1150 17th St. NW., Washington, DC 20036, proposing that § 178.3770 *Polyhydric alcohol diesters of oxidatively refined (Gersthoffen process) montan wax acids* (21 CFR 178.3770) be amended to provide for the safe use of glyceryl esters of oxidatively refined (Gersthoffen process) montan wax acids as lubricants in the production of food-contact articles prepared from polyvinyl chloride and/or vinyl chloride copolymers.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations in 21 CFR 178.3770 should be amended as set forth below.

The agency finds that the word "Gersthoffen" used in § 178.3770 is correctly spelled "Gersthofen". Therefore, the agency is making editorial corrections in § 178.3770 in the section heading, introductory paragraph, introductory text of paragraphs (a), (b), and (c), and paragraph (c)(1) to use this correct spelling. Further, considering the fact that the proposed amendment will add "glyceryl esters" to the list of substances in the section, FDA is making editorial changes in the section heading and the introductory paragraph of § 178.3770 to make clear that the regulation authorizes the use of all esters described therein.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the 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, contained in an

environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before August 8, 1990, 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.

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

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, 21 CFR part 178 is amended as follows:

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

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.3770 is amended by revising the section heading; by removing "diesters" and replacing it with "esters" and by removing "Gersthoffen" and replacing it with "Gersthofen" in the introductory paragraph, the introductory text of paragraphs (a), (b), and (c), and