

## 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.

(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.

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## 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]

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#### 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

paragraph (c)(1); and by adding new paragraph (d), to read as follows:

**§ 178.3770 Polyhydric alcohol esters of oxidatively refined (Gersthofen process) montan wax acids**

(d) The polyhydric alcohol esters identified in this paragraph may be used as lubricants in the fabrication of vinyl chloride plastic food contact articles prepared from vinyl chloride polymers. Such esters meet the following specifications and are produced by partial esterification of oxidatively refined (Gersthofen process) montan wax acids with glycerol followed by neutralization:

(1) Dropping point 79 to 85 °C, as determined by the American Society for Testing and Materials (ASTM), Method D-566-76 (Reapproved 1982), "Standard Test Method for Dropping Point of Lubricating Grease," which is incorporated by reference in accordance with 5 U.S.C. 552(a). The availability of this incorporation by reference is given in paragraph (a)(1) of this section.

(2) Acid value 20 to 30, as determined by ASTM Method D-1386-78 "Standard Test Method for Saponification Number (Empirical) of Synthetic and Natural Waxes" (Revised 1978) (which is incorporated by reference in accordance with 5 U.S.C. 552(a); the availability of this incorporation by reference is given in paragraph (a)(2) of this section), using as a solvent xylene-ethyl alcohol in a 2:1 ratio instead of toluene-ethyl alcohol in a 2:1 ratio.

(3) Saponification value 130-160, as determined by ASTM Method D-1387-78 "Standard Test Method for Acid Number (Empirical) of Synthetic and Natural Waxes" (Revised 1978), (which is incorporated by reference in accordance with 5 U.S.C. 552(a); the availability of this incorporation by reference is given in paragraph (a)(3) of this section), using xylene-ethyl alcohol in a 2:1 ratio instead of ethyl alcohol in the preparation of potassium hydroxide solution.

(4) Ultraviolet absorbance limits specified in paragraph (a)(4) of this section, as determined by the analytical method described therein.

Dated: June 25, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-15781 Filed 7-6-90; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[T.D. 8304]

RIN 1545-AO00

#### Returns Relating to Cash in Excess of \$10,000 Received in a Trade or Business

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Temporary regulations.

**SUMMARY:** This document contains temporary regulations that require a person who currently must report the receipt of cash in excess of \$10,000 with respect to a transaction to also make a report each time subsequent cash payments received within a one-year period with respect to the same transaction or a related transaction aggregate an amount in excess of \$10,000. These regulations enable law enforcement authorities to ascertain the magnitude of large transfers of cash with respect to the same transaction. The regulations affect trades or businesses that are currently required to report large receipts of cash.

**EFFECTIVE DATE:** These regulations are effective for amounts received after December 31, 1989.

**FOR FURTHER INFORMATION CONTACT:** Philip W. Scott, 202-566-3826 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act

This regulation is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1545-0892. The estimated annual burden per respondent varies from 11 minutes to 26 minutes, depending upon individual circumstances, with an average of 18 minutes.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

For further information concerning this collection of information, and where

to submit comments on this collection of information, the accuracy of the estimated burden, and suggestions for reducing this burden, please refer to the preamble to the cross-reference notice of proposed rulemaking published in the Proposed Rules section of this issue of the Federal Register.

#### Background

This document contains temporary regulations amending the Income Tax Regulations under section 6050I of the Internal Revenue Code of 1986 relating to returns required in the case of cash in excess of \$10,000 received in a trade or business.

#### Explanation of Provisions

The temporary regulations require persons engaged in a trade or business who currently must report the receipt of cash in excess of \$10,000 with respect to a transaction to also make a report each time that subsequent payments received within a one-year period with respect to the same transaction or a related transaction aggregate an amount in excess of \$10,000. Under existing regulations, a report must be made only if a single subsequent payment exceeds \$10,000. The temporary regulations will enable law enforcement authorities to ascertain the magnitude of large transfers of cash with respect to the same transaction.

#### Special Analyses

These rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Act Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

#### Need for Temporary Regulations

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with prior notice as required by subsection (b) of section 553 of title 5 of the United States Code.

#### Drafting Information

The principal author of these temporary regulations is Philip W. Scott