

Commission will routinely review section 37 reports to determine whether the reporting manufacturers have fulfilled their obligations under both sections 37 and 15(b) in a timely manner. Such a review may also engender a request for additional information, including the dates on which final orders were entered in each of the lawsuits reported under section 37. The Commission will treat any subsequent submission of information by the manufacturer as a submission under section 37(c)(2)(B) subject to the restrictions on public disclosure contained in sections 6(a) and (b) of the Consumer Product Safety Act.

Dated: July 29, 1992.
 Sadye E. Dunn,
 Secretary, Consumer Product Safety
 Commission.
 [FR Doc. 92-18419 Filed 8-3-92; 8:45 am]
 BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 155

[Docket No. 88P-0373]

Canned Green Beans and Canned Wax Beans; Amendment of the Standard of Identity

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for canned green beans and canned wax beans to permit the optional use of glucono delta-lactone. Glucono delta-lactone will serve to lower the pH, reduce processing time and temperature, and thereby enhance the color, flavor, and texture of the product. This action will, to the extent practicable, provide greater flexibility in the processing of canned green beans and canned wax beans and will promote honesty and fair dealing in the interest of consumers.

DATES: Effective October 5, 1992, for all products initially introduced or initially delivered for introduction into interstate commerce on or after this date. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51 of a certain publication in 21 CFR 155.120(b)(2)(i), effective October 5, 1992.

FOR FURTHER INFORMATION CONTACT: Frederick E. Boland, Center for Food

Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-4701.

SUPPLEMENTARY INFORMATION:

I. The Proposal

In the Federal Register of October 11, 1990 (55 FR 41346), FDA issued a proposal to amend the standard of identity for canned green beans and canned wax beans in § 155.120 (21 CFR 155.120). The proposal responded to a citizen petition submitted jointly by the Seymour Canning Co., Seymour, WI 54185, the American National Can Co., Chicago, IL 60631, and Finnsugar Biochemicals, Inc., Schaumburg, IL 60173. The petition requested that FDA amend the standard of identity for canned green beans and canned wax beans (§ 155.120) to permit the optional use of added glucono delta-lactone, either alone or in combination, with other acidulants permitted by the standard. According to the petition, glucono delta-lactone acts as a pH control agent and serves to lower the equilibrium pH to below 4.6, reduce the time and temperature parameters for thermal processing, and thereby enhance the color, texture, and flavor of canned green beans and canned wax beans.

On its own initiative, FDA proposed to update the method of analysis in § 155.120(b)(2)(i) to refer to the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC), 15th ed. (1990), as well as reference the new address of the AOAC office. Since development of the proposal, the address has been corrected in the existing regulation. Interested persons were given until December 10, 1990, to submit comments. No comments were received in response to the proposal.

II. Reproposed Rule

The petition submitted by the Seymour Canning Co., the American National Can Co., and Finnsugar Biochemicals, Inc., was filed under section 701(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)) which requires formal rulemaking in any action for the amendment of a food standard. However, on November 8, 1990, the Nutrition Labeling and Education Act (the 1990 amendments) was signed into law. The 1990 amendments removed food standards, except for the amendment or repeal of standards of identity for dairy products (21 CFR Parts 131, 133, and 135) and maple sirup (21 CFR 168.140), from the formal rulemaking procedures of 21 U.S.C.

371(e). Consequently, further action on the petition submitted by the Seymour Canning Co., the American National Can Co., and Finnsugar Biochemicals, Inc., is now subject to the informal rulemaking procedures (notice and comment rulemaking) of section 701(a) of the act (21 U.S.C. 371(a)). To reflect this change in the statutory authority and to ensure that no one is prejudiced by this change in procedure, FDA published a repropounded rule in the Federal Register of June 4, 1991 (56 FR 25385). Interested persons were given until July 5, 1991, to comment.

III. Comments

No comments were received in response to the repropounded rule.

The agency believes, as explained in the proposal, that it is reasonable to provide for the use of glucono delta-lactone as a pH control agent in canned green beans and canned wax beans, and that such use will promote honesty and fair dealing in the interest of consumers. Therefore, in the absence of comments opposed to this action, the agency is amending the standard of identity for canned green beans and canned wax beans in § 155.120(a)(3) and (b)(2), as set forth below to permit the optional use of glucono delta-lactone. In addition, the agency is updating the method of analysis in § 155.120(b)(2)(i) to refer to the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th ed. (1990), vol. 2, p. xii, Table 1.

IV. Economic Impact

FDA has examined the economic implications of this final rule to amend 21 CFR Part 155 as required by Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354). Executive Order 12291 compels agencies to use cost-benefit analysis as a component of decisionmaking. The Regulatory Flexibility Act requires regulatory relief for small businesses where feasible. FDA noted in the repropounded rule that this amendment would permit increased flexibility in the processing of these foods to both large and small entities. Thus, FDA tentatively concluded that the regulation would have zero costs associated with it. FDA has received no new information or comments that would alter the tentative finding that it set out in the repropounded rule that there is no substantive economic issue in this rulemaking, and that this is not a major rule as determined by the Executive Order 12291 or the Regulatory Flexibility Act.

V. Environmental Impact

The agency has determined under 21 CFR 25.24(b)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 155

Food grades and standards, Incorporation by reference, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Part 155 is amended as follows:

PART 155—CANNED VEGETABLES

1. The authority citation for 21 CFR part 155 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 376).

2. Section 155.120 is amended by redesignating paragraphs (a)(3)(xiii) and (a)(3)(xiv) as paragraphs (a)(3)(xiv) and (a)(3)(xv), respectively; by adding a new paragraph (a)(3)(xiii); and by revising paragraph (b)(2)(i) to read as follows:

§ 155.120 Canned green beans and canned wax beans.

(a) * * *

(3) * * *

(xiii) Glucono delta-lactone.

* * *

(b) * * *

(2) * * *

(i) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of a U.S. No. 8 circular sieve with openings of 2.36 mm (0.0937 in), which has been previously weighed. The diameter of the sieve is 20.3 cm (8 in) if the quantity of contents of the container is less than 1.36 kg (3 lb) and 30.5 cm (12 in) if such quantity is 1.36 kg (3 lb) or more. The bottom of the sieve is woven-wire cloth that complies with the specifications of such cloth set forth in "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th ed. (1990), vol. 2, p. xii, Table 1, "Nominal Dimensions of Standard Test Sieves (USA Standard Series)," under the heading "Definitions of Terms and Explanatory Notes," which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Association of Official Analytical Chemists, Inc., 2200 Wilson Blvd., suite 400, Arlington, VA 22201-3301, or may be examined at the Office of the Federal Register, 800 North

Capitol St. NW., Seventh Floor, suite 700, Washington, DC. Without shifting the material on the sieve, incline the sieve 17 to 20° to facilitate drainage. Two minutes after drainage begins, weigh the sieve and the drained material. Record in grams (ounces) the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

Dated: July 15, 1992.
Michael R. Taylor,
Deputy Commissioner for Policy.

[FR Doc. 92-18389 Filed 8-3-92; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 169

[Docket No. 91P-0149]

Mayonnaise; Amendment of the Standard of Identity

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for mayonnaise by deleting the term "mayonnaise dressing" as an alternative common or usual name for this standardized food. The amendment will simplify labeling requirements and make the term "mayonnaise dressing" available for use as the common or usual name for new products that resemble mayonnaise organoleptically but do not comply with the standard of identity (e.g., that contain less vegetable oil than required by the standard). The term "mayonnaise dressing" may be used in conjunction with a descriptive statement of how the new product differs from the standardized food to create names for alternative mayonnaise-type products. This action is based on an industry petition and will promote honesty and fair dealing in the interest of consumers.

EFFECTIVE DATE: October 5, 1992, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5106.

SUPPLEMENTARY INFORMATION:

I. The Proposal

In the Federal Register of October 25, 1991 (56 FR 55244), FDA issued a proposal to amend the standard of identity for mayonnaise (21 CFR 169.140) by deleting the term "mayonnaise dressing" from paragraph (a) and deleting "or 'Mayonnaise dressing'" from paragraph (e). This action is based on a petition submitted by the Association for Dressings and Sauces, 5775 Peachtree-Dunwoody Rd., Atlanta, GA 30342. The purpose of the proposed action is to make the term "mayonnaise dressing" available for use in the naming of alternative mayonnaise-type products.

II. Comments

The agency received 10 comments from manufacturers of mayonnaise and other types of dressings, 2 comments from trade groups representing the industry, and 1 comment from a foreign government. All comments supported the proposed amendment in its entirety. Many comments stated that this amendment will help eliminate confusion over the availability of the term "mayonnaise dressing" for naming alternative mayonnaise-type products. Several comments maintained that the term "mayonnaise dressing" is not currently used by manufacturers of mayonnaise products, and that this action will aid consumer recognition of mayonnaise and alternative products. In addition, one comment stated that this action will encourage free market competition for alternative mayonnaise-type products.

After considering the comments received, FDA concludes that revising the standard of identity for mayonnaise by deleting the term "mayonnaise dressing" will simplify labeling of alternative mayonnaise-type dressings and will promote honesty and fair dealing in the interest of consumers.

FDA advises that the general principles set forth in 21 CFR 102.5 continue to apply to the naming of nonstandardized foods. In the absence of a common or usual name for a substitute food, the food may be labeled with an appropriately descriptive term (21 CFR 101.3). Such name must be consistent with regulations set forth in 21 CFR Parts 101, 102, and 105. In addition, descriptive terms used to characterize the level of any nutrient in food will have to comply with the provisions of section 403(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)), which was added by the Nutrition Labeling and Education Act of 1990, and with the regulations

promulgated to implement that section, after the effective date of that section and those regulations. The agency notes that in the Federal Register of November 27, 1991 (56 FR 60421), it proposed to define nutrient content claims that include the terms "low," "free," "reduced," and "lite" or "light."

III. Economic Impact

FDA has examined the economic implications of this final rule to amend 21 CFR Part 169 as required by Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354). Executive Order 12291 compels agencies to use cost-benefit analysis as a component of decisionmaking. The Regulatory Flexibility Act requires regulatory relief for small businesses where feasible. FDA noted in the proposal that labels would not need to be changed and that any reformulation would be unlikely. Thus, the agency tentatively concluded that the regulation would have zero costs associated with it. FDA has received no new information or comments that would alter the tentative finding that it set out in the proposal that there is no substantive economic issue in this rulemaking, and that this is not a major rule as defined by either Executive Order 12291 or the Regulatory Flexibility Act.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(b)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 169

Food grades and standards, Oils and fats, Spices and flavorings.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 169 is amended as follows:

PART 169—FOOD DRESSINGS AND FLAVORINGS

1. The authority citation for 21 CFR part 169 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 376).

2. Section 169.140 is amended by revising paragraphs (a) and (e) to read as follows:

§ 169.140 Mayonnaise.

(a) *Description.* Mayonnaise is the emulsified semisolid food prepared from vegetable oil(s), one or both of the

acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg yolk-containing ingredients specified in paragraph (c) of this section. One or more of the ingredients specified in paragraph (d) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (d)(7) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. Mayonnaise contains not less than 65 percent by weight of vegetable oil. Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(e) *Nomenclature.* The name of the food is "Mayonnaise".

Dated: July 15, 1992.
Michael R. Taylor,
Deputy Commissioner for Policy.
[FR Doc. 92-18390 Filed 8-3-92; 8:45 a.m.]
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 4

[Docket No. R-92-1491; FR-2805-F-02]

RIN 2501-AB02

Prohibition of Advance Disclosure of Funding Decisions; Amendments

AGENCY: Office of the Secretary, HUD.
ACTION: Interim rule.

SUMMARY: On May 13, 1991 (56 FR 22088), the Department published a final rule, codified at 24 CFR part 4, implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989. Section 103 proscribes the communication of certain information by HUD employees to persons not authorized to receive that information during the selection process for the award of assistance by the Department. The purpose of section 103 is to avoid unfair competition, by controlling the flow and timing of information concerning the competition.

This interim rule amends part 4 to clarify certain of the non-disclosure requirements of section 103, and to further elaborate on the circumstances to which section 103 applies.

DATES: Effective Date: September 3, 1992. Comment Due Date: October 5, 1992.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Arnold J. Haiman, Director, Office of Ethics, Room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone number (202) 708-3815 (voice/TDD). (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 103 of the Department of Housing and Urban Development Reform Act (Pub. L. 101-235, approved December 15, 1989) (section 103) proscribes the communication of certain information by Department employees to persons not authorized to receive that information during the selection process for the award of assistance by the Department. The specific information with which section 103 is concerned is addressed in the Department's rule implementing section 103, codified at 24 CFR part 4. This information, referred to as "covered selection information" in part 4, is defined to mean "information: (1) That is required by statute, regulation, or order to be confidential; (2) that is contained in an application or request for assistance; and (3) that is otherwise used in arriving at the Secretary's decision to make assistance available, unless that information is generally available to the public." (See 24 CFR 4.5) The objective of section 103, and part 4, is to preclude any person from receiving or obtaining information from the Department that would give an applicant an unfair advantage over other applicants who are competing for financial assistance.

In issuing the part 4 final rule (published May 13, 1991, 56 FR 22088), the Department believed that the rule's provisions were sufficient to meet the objective of section 103 without inhibiting the exchange of information that serves the purpose of the individual HUD-funded program and the overall objective of the agency. However, during the Federal Fiscal Year 1991 funding cycle, questions about section