Section 200.7(c) of the regulations provides that:

(1) A penalty charge of 6 percent per year shall be assessed on any debt that is delinquent for more than 90 days.

(2) The penalty charge shall accrue from the date on which the debt became delinquent.

(3) A debt is delinquent if it has not been paid in full by the 30th day after the date on which the initial demand letter was first mailed or hand-delivered, or, if the debt is being repaid under an installment payment agreement, at any time after the debtor fails to satisfy his or her obligation for payment thereunder.

Section 12(o) of the Railroad Unemployment Insurance Act provides that benefits payable to an employee with respect to days of sickness shall be payable regardless of the liability of any person to pay damages for such infirmity. The Board shall be entitled to reimbursement from any sum or damages paid or payable to such employee or other person through suit, compromise, settlement, judgment, or otherwise on account of any liability (other than a liability under health, sickness, accident, or similar insurance policy) based upon such infirmity, to the extent that it will have paid or will pay benefits for days of sickness resulting from such infirmity. Upon notice to the person against whom such right or claim exists or is asserted, the Board shall have a lien upon such right or claim, any judgment obtained thereunder, and any sum or damages paid under such right or claim, to the extent of the amount to which the Board is entitled by way of reimbursement.

Section 341.6 of the Board's regulations provides that a person or company subject to the lien must notify the agency within five days of a settlement or judgment and must pay the agency the amount withheld to satisfy the lien within 30 days. In the case where a lien arises in favor of the Board as a result of a settlement or judgment but the Board is not notified of the settlement or judgment in a timely manner, the employer or third party who has been served with a Notice of Lien and notice of the amount of that lien already has notice of the existence and amount of the debt. Accordingly, interest should accrue from the date of settlement or judgment, but would be waived if paid within 30 days in accordance with § 200.7(g)(l) of the Board's regulations.

Likewise, a section 12(o) debt should be considered delinquent if the lien is not satisfied within 30 days after settlement or entry of judgment.

Consequently, the Board amends § 200.7 of its regulations to provide for the accrual of interest on section 12(o) debts and for the accrual of penalties on such debts when they become delinquent.

On January 14, 1994, the Board published this rule as a proposed rule (59 FR 2318), inviting comments on or before February 14, 1994. No comments were received.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 200

Railroad employees, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, part 200 of the Code of Federal Regulations is amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; section 200.4 also issued under 5 U.S.C. 552; section 200.5 also issued under 5 U.S.C. 552(a); section 200.6 also issued under 5 U.S.C. 552b; and section 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.7 is amended by redesignating paragraphs (b)(3) and (b)(4) as paragraphs (b)(4) and (b)(5), respectively, and adding a new paragraph (b)(3) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(b) * * *

(3) In the case of a lien for reimbursement of sickness benefits pursuant to part 341 of this chapter, interest on the amount of the lien shall accrue from the date of settlement or the entry of final judgment.

* * * * *

3. Section 200.7 is amended by adding a new paragraph (c)(4) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(c) * * *

(4) In the case of a lien for reimbursement of sickness benefits pursuant to part 341 of this chapter, the amount of the lien is delinquent if it has not been paid in full by the 30th day after the date of settlement or entry of final judgment.

* * * * *

Dated: March 24, 1994.

By Authority of the Board.

For the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 94–7666 Filed 3–30–94; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 5, 101, 105, and 130

[Docket No. 94N–0103]

RIN 0905–AD08 and 0905–AB68

Food Labeling; Date of Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is clarifying matters regarding the interpretation of the "date of applicability" for the regulations governing mandatory nutrition labeling of food products. The agency reaffirms that a product labeled after May 8, 1994, that does not comply with the mandatory nutrition labeling and nutrient content claims provisions of the Federal Food, Drug, and Cosmetic Act (the act), which were added by the Nutrition Labeling and Education Act of 1990 (the 1990 amendments), is misbranded. Also, the agency states that no further extension to the date of applicability is possible under the act.

DATES: FDA will apply section 403(q) and 403(r)(2) of the act (21 U.S.C. 343(q) and 343(r)(2)) and the regulations that implement this section of the act (21 CFR 101.9 implements section 403(q) except 403(q)(4) of the act; 21 CFR 101.13, subpart D of 21 CFR part 101, and 21 CFR 130.10 implement section 403(r)(2) of the act) on May 8, 1994, for all products labeled on or after that date.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Nutrition (HFS–150), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

SUPPLEMENTARY INFORMATION: FDA is announcing that May 8, 1994, is the date of application for the regulations governing the mandatory status of nutrition labeling and nutrient content claims. In the **Federal Register** of August 18, 1993 (58 FR 44033), the agency stated that, "* * * the date, May

8, 1994, * * * will apply to all food products labeled on or after May 8, 1994, rather than to all food products initially introduced into interstate commerce on or after that date." The Nutrition Labeling and Education Act of 1990 (the 1990 amendments), the amendments to the act that provided the explicit authority for these regulations, does not permit the agency to establish a later date of application. In fact, the May 8, 1994, date already represents agency exercise of the maximum flexibility provided to it by Congress in the 1990 amendments. Without an explicit FDA finding that undue economic hardships would result, the date of application of the regulations would have been May 8, 1993 (58 FR 2070). Therefore, nonexempt products labeled on or after May 8, 1994, and not bearing required nutrition labeling will be out of compliance with the act.

Recently, two issues have been brought to the agency's attention:

1. In the **Federal Register** of August 18, 1993 (58 FR 44033 at 44035), the agency stated "The term 'labeled' means the date that the label is affixed to the product or product container." It has been reported that there are some in the food industry who are interpreting this sentence as permitting the manufacture of food product containers bearing labels in conformance with existing regulations and then warehousing the finished containers to be filled with food products after the May 8, 1994, date of application. Under this scenario, a manufacturer could stockpile huge quantities of empty containers and avoid changing labels for weeks or even months.

This view is a complete misreading of the August 18, 1993, document. FDA included the term "or product container" in the sentence in question to ensure that the sentence covered situations in which food is labeled by affixing a label to the container in which it is enclosed, as well as those in which the label is affixed to the food. The sentence was not included to provide a means of avoiding the May 8, 1994, applicability date.

The agency expects that all products coming off a manufacturer's production line on May 8, 1994, after 12:01 a.m. will bear the required nutrition labeling, whether the food is directly labeled or put into containers. FDA inspectors will be instructed to examine the product as it leaves the production line. Any manufacturer who is filling improperly labeled containers will not be in compliance with the act.

2. Recently, the agency has received a number of requests from a variety of manufacturers asking for extensions of time to comply with, or even for exemptions from, the nutrition labeling regulations. Many of these requests cite potentially significant monetary losses because large quantities of label inventory must be destroyed. Others state that they will be unable to comply with the regulations because they have been unable to obtain necessary nutrient values, or because printing facilities have become saturated.

As stated previously in the document, FDA has no authority to grant exemptions from nutrition labeling beyond those in the act and provided for in the agency's regulations. Also, FDA cannot further delay the date of applicability beyond May 8, 1994, regardless of the economic hardships on the specific manufacturer. The agency further points out that the labeling in question is required nutrition information that both Congress and FDA consider important to the public health. The food industry has known since November 8, 1990, that such labeling would be required and, thus, has had over 3 years to plan for this transition. Additionally, even if FDA were able to grant extensions, the agency would question the fairness to the large segment of the food industry that has already invested the time and expense of converting its food labels in order to meet the May 8, 1994, date of applicability.

FDA recognizes that there may be a very small number of firms that will be unable to come into compliance despite all good faith efforts to do so. While FDA is not unwilling to consider the extraordinary circumstances presented by these few firms, the agency advises generally that a nonexempt product failing to bear nutrition labeling or bearing nutrition information inconsistent with the regulations of January 6, 1993, as modified on August 18, 1993, will be out of compliance if labeled on or after May 8, 1994.

FDA has received reports of firms that have a significant supply of containers or labels that will not be used up by the May 8, 1994, applicability date. The agency points out that such firms need not dispose of such containers or labels but can use them if they can be brought into compliance through the use of stickers that comply with the new regulations placed on the noncomplying container or label. In no case, however, can FDA grant an exemption in these circumstances.

Thus, FDA will not be issuing letters of exemption or extensions to the mandatory nutrition labeling regulations beyond those confirming exemptions or extensions formally recognized under the act or provided for under 21 CFR 101.9(g)(9) because compliance is technologically infeasible or impracticable.

The agency reaffirms that a product labeled after May 8, 1994, that does not comply with section 403(q) and 403(r)(2) of the the act is misbranded. Also, the agency states that no further extension to the date of applicability is possible under the act.

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94-7632 Filed 3-28-94; 1:49 pm]

BILLING CODE 4160-01-F

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21 CFR Parts 20 and 101

[Docket No. 85N-061D]

RIN 0905-AB67

Food Labeling; General Requirements for Health Claims for Dietary Supplements; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the Federal Register of January 4, 1994 (59 FR 395). The document amended the food labeling regulations to provide for health claims for dietary supplements. The document was published with an editorial error. This document corrects that error.

EFFECTIVE DATE: July 1, 1994.

FOR FURTHER INFORMATION CONTACT: James R. Taylor, Jr., Center for Food Safety and Applied Nutrition (HFS-158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5099.

In FR Doc. 93-31815, appearing on page 395 in the **Federal Register** of Tuesday, January 4, 1994, the following corrections are made:

On page 395, in the first column, in the "**EFFECTIVE DATE**" caption, the "July 5, 1994" is corrected to read "July 1, 1994".

§ 101.14 [Corrected]

2. On page 425, in the third column, in § 101.14 *Health claims: general requirements* in paragraph (e)(6), in line 1, the phrase "Except for dietary supplements," is corrected to read "Except for dietary supplements or where provided for in other regulations in part 101, subpart E,".

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7626 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 101

[Docket No. 91N–384D]

RIN 0905–AD96

Food Labeling; Requirements for Nutrient Content Claims for Dietary Supplements of Vitamins, Minerals, Herbs, and Other Similar Nutritional Substances; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of January 4, 1994 (59 FR 378). The document amended the food labeling regulations to provide for nutrient content claims for dietary supplements of vitamins, minerals, herbs, and other similar nutritional substances. The document was published with some errors. This document corrects those errors.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Camille E. Brewer, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5483.

In FR Doc. 93–31814, appearing on page 378 in the **Federal Register** of Tuesday, January 4, 1994, the following corrections are made:

1. On page 378, in the third column, in line 4 of the title of the document, the word "Nutritionnal" is corrected to read "Nutritional".

2. On page 382, in the second column, in the second full paragraph, in line 14, the parenthetical phrase "(except as limited by section 411(b)(2)(B) of the act)" is added after the words "for sugar".

3. On page 385, in the third column, in line 10, the word "provides" is corrected to read "provide".

4. On page 386, in the third column, in the second full paragraph, in line 9, the phrase "comment 25" is corrected to read "comments 25 and 26".

§ 101.13 [Corrected]

5. On page 394, in the first column, in § 101.13 **NUTRIENT CONTENT CLAIMS—GENERAL PRINCIPLES** in paragraph (j)(1)(i)(B), in the last line, " and" is added after the word "multivitamin)".

§ 101.54 [Corrected]

6. On page 394, in the first column, in § 101.54 *Nutrient content claims for "good source," "high," and "more"* in paragraph (b)(1), in line 3, the word "and" is corrected to read "or".

Dated: March 25, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–7628 Filed 3–30–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 130 and 155

Food Standards; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations for canned vegetable products by correcting certain inadvertent errors; and its regulations for temporary marketing permits by correcting a mailing address used for filing such applications. This action is being taken to improve the accuracy of the regulations. These actions are editorial in nature and do not change the substance of any of the regulations in question.

EFFECTIVE DATE: March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Nannie H. Rainey, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION: FDA has discovered that certain inadvertent errors have been incorporated into the agency's codified regulations pertaining to temporary marketing permits and to canned tomatoes and certain other canned vegetables. Because these errors are nonsubstantive, FDA finds that there is good cause to correct them without engaging in rulemaking. Given the nature of the errors, notice and public procedure are unnecessary under the Administrative Procedure Act (5 U.S.C. 553). This final rule addresses the following errors in the regulations:

1. In § 130.17(c) (21 CFR 130.17(c)), the agency is correcting the office name and address for the place where temporary marketing permit applications should be filed. As a result of the 1992 reorganization of the Center for Food Safety and Applied Nutrition, the correct name and address is the Food Standards Branch, Office of Food Labeling, Center for Food Safety and Applied Nutrition (HFS–158), 200 C St. SW., Washington, DC 20204. Accordingly, FDA is correcting § 130.17(c).

2. In § 155.190(a)(3)(iv) (21 CFR 155.190(a)(3)(iv)), the reference to "§§ 155.191 and 155.192," should be changed to "§ 155.191." Section 155.192 was removed in the **Federal Register** of January 28, 1983 (48 FR 3946 at 3956) and the effective date confirmed in the **Federal Register** of March 31, 1993 (58 FR 16771).

3. In 21 CFR 155.200(g), the reference to "§ 101.122" is incorrect. The correct reference is "§ 101.22".

List of Subjects

21 CFR Part 130

Food additives, Food grades and standards.

21 CFR Part 155

Food grades and standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 130 and 155 are amended as follows:

PART 130—FOOD STANDARDS: GENERAL

1. The authority citation for 21 CFR part 130 continues to read as follows:

Authority: Secs. 201, 306, 401, 403, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 336, 341, 343, 371).

2. Section 130.17 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity* is amended in the introductory text of paragraph (c) by removing the words "Deputy Director, Division of Food Chemistry and Technology, Center for Food Safety and Applied Nutrition (HFF–410), Food and Drug Administration" and adding in its place "Chief, Food Standards Branch, Office of Food Labeling, Center for Food Safety and Applied Nutrition (HFS–158)".

PART 155—CANNED VEGETABLES

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

Authority: Secs. 201, 401, 403, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U S.C. 321, 341, 343, 348, 371, 379e).

§ 155.190 [Amended]

4. Section 155.190 *Canned tomatoes* is amended in paragraph (a)(3)(iv) by removing the phrase "§§ 151.191 and 155.192" and adding in its place "§ 155.191".