

the new interested persons and new divisions of payments. CCC shall make eligible cost-share payments upon presentation of an assignment of rights or other evidence that title had passed.

(b) If such persons are not willing to become parties to the modified contract or for any other reason a modified contract is not executed, CCC shall terminate the contract and may require that all cost-share payments may be forfeited, refunded, or both.

(c) The signatories to the contract prior to the change of ownership or operation shall be jointly and severally responsible for refunding the cost-share payments pursuant to paragraph (b).

(d) With respect to any and all payments owed to participants, CCC shall bear no responsibility for any full payments or partial distributions of funds between the original party and that party's successor. In the event of a dispute or claim on the distribution of cost-share payments, CCC may withhold payments without the accrual of interest pending a settlement or adjudication on the rights to the funds.

§ 1470.11 Termination of contracts.

(a) The State Conservationist may, by mutual agreement with the parties to the contract, consent to the termination of the contract where:

(1) The parties to the contract are unable to comply with the terms of the contract as the result of conditions beyond their control;

(2) Compliance with the terms of the contract would work a severe hardship on the parties to the contract; or

(3) Termination of the contract would, as determined by the State Conservationist, be in the public interest.

(b) If a contract is terminated in accordance with the provisions of this section, the State Conservationist may allow the participants to retain any cost-share payments received under the contract.

§ 1470.12 Violations and remedies.

In the event of a violation of a contract or any associated WHDP, CCC may give the parties to the contract reasonable notice and an opportunity to voluntarily correct the violation within 30 days of the date of the notice, or such additional time as CCC may allow.

§ 1470.13 Misrepresentation and scheme or device.

(a) A person who is determined to have erroneously represented any fact affecting a program determination made in accordance with this part shall not be entitled to contract payments and must refund all payments, plus interest

determined in accordance with this part.

(b) A person who is determined to have knowingly:

(1) Adopted any scheme or device that tends to defeat the purpose of the program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination shall refund to CCC all payments, plus interest determined in accordance with part 1403 of this chapter received by such person with respect to all contracts. The person's interest in all contracts shall be terminated.

§ 1470.14 Offsets and assignments.

(a) Except as provided in paragraph (b) of this section, any payment or portion thereof to any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the land, or proceeds thereof, in favor of the owner or any other creditor except agencies of the U.S. Government. The regulations governing offsets and withholdings found at part 1403 of this chapter shall be applicable to contract payments.

(b) Any person entitled to any payment may assign any payments in accordance with regulations governing assignment of payment found at part 1404 of this chapter.

§ 1470.15 Appeals.

(a) Any person may obtain reconsideration and review of determinations affecting participation in this program in accordance with part 614 or 780 of this title, as appropriate.

(b) Before a person may seek judicial review of any action taken under this part, the person must exhaust all administrative appeal procedures set forth in paragraph (a) of this section.

Signed at Washington, D.C. on November 6, 1996.

Pearlie Reed,

Acting Chief, Natural Resources Conservation Service, Acting Vice President, Commodity Credit Corporation.

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Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 96-022P]

RIN 0583-AC15

Nutrition Labeling; Reference Daily Intakes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to establish Reference Daily Intakes (RDI's) for vitamin K, selenium, manganese, chromium, molybdenum, and chloride for use in calculating the "percent daily values" of these nutrients per serving of a meat or poultry product. Percent daily values are presented in the "Nutrition Facts" boxes on meat, poultry, and other food product labels. FSIS is also proposing to modify the units of measure of the RDI's for calcium, folate, biotin, and phosphorous. The proposed actions would help provide consumers with accurate, informative labeling on meat and poultry products that conforms with the labeling on other foods.

DATES: Comments must be received on or before February 11, 1997.

ADDRESSES: Submit an original and two copies of comments to: FSIS Docket Clerk, Docket #96-022P, Room 3806, 1400 Independence Avenue, SW, Washington, DC 20250-3700. Reference material cited in this document and any comments received will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1 p.m. and from 2 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Facilities, Equipment, Labeling & Compounds Review Division, Office of Policy, Program Development, and Evaluation, (202) 418-8900.

SUPPLEMENTARY INFORMATION:

Background

The meat and poultry inspection regulations at 9 CFR part 317, subpart B, and 381, subpart Y, establish, among other things, the voluntary nutrition labeling requirements for raw, single-ingredient, meat and poultry products and the mandatory nutrition labeling requirements for all other meat and poultry products. The FSIS nutrition labeling regulations parallel, to the extent possible, those administered by the Food and Drug Administration (FDA), because FSIS and FDA agree that conveying nutrition information to consumers in a clear, uniform way for all types of foods helps them in making informed dietary choices. FSIS's nutrition labeling regulations list the same reference values for vitamins, minerals, and other nutrients as do FDA's regulations.

FDA amended its nutrition labeling regulations on December 28, 1995, with a final rule (60 FR 67164, "Food Labeling: Reference Daily Intakes")

establishing RDI's for vitamin K, selenium, manganese, chromium, molybdenum, and chloride. The FDA rule also modified the units of measure used in expressing the RDI values for calcium, folate, biotin, and phosphorus. RDI's for vitamins and minerals and daily reference values (DRV's) for other nutrients are used by food companies in calculating the "percent daily values" that appear in the "Nutrition Facts" boxes on food product labels. The RDI's themselves do not appear on the labels.

The RDI's adopted by FDA for the vitamin and minerals addressed in that Agency's final rule are based on recommendations made during the 1980's by the National Academy of Sciences (NAS). FSIS agrees with FDA's decision to adopt these RDI's and proposes to require use of the same RDI's, as applicable, in developing nutrition labeling for meat and poultry products. Specifically, FSIS proposes to amend 9 CFR 317.309(c)(8)(iv) and 381.409(c)(8)(iv) to include the following RDI values: Vitamin K, 80 micrograms; selenium, 70 micrograms; molybdenum, 75 micrograms; and chloride, 3,400 milligrams.

In the same December 1995 final rule, FDA changed the units of measure for expressing the RDI's for biotin and folate from milligrams to micrograms and for calcium and phosphorous from grams to milligrams. These are the same units that the NAS used for expressing quantities of these minerals in the recommendations followed by FDA. FSIS concurs with FDA's choice of these units and is proposing to amend 9 CFR 317.309(c)(8)(iv) and 381.409(c)(8)(iv) by changing the units of measure for calcium, folate, biotin, and phosphorus to the following: Calcium, milligrams; folate, micrograms; biotin, micrograms; and phosphorous, milligrams.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All state and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant under Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The Administrator has made an initial determination that this proposed rule

will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). Small meat and poultry establishments are exempt from nutrition labeling, as long as labeling of their products bears no nutrition claims or information. The proposed rule will not impose any new requirements on affected establishments. Rather, it will provide greater flexibility for declaring nutrient information on the labeling of meat and poultry products.

Paperwork Requirements

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects

9 CFR Part 317

Food labeling, Food packaging, Meat inspection.

9 CFR Part 381

Food labeling, Poultry and poultry products.

For reasons discussed in the preamble, FSIS is proposing to amend 9 CFR parts 317 and 381 of the Federal meat and poultry products inspections regulations as follows:

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

1. The authority citation for part 317 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

2. Section 317.309 would be amended by revising paragraph (c)(8)(iv) to read as follows:

§ 317.309 Nutrition label content.

* * * * *

(c) * * *

(8) * * *

(iv) The following RDI's and nomenclature are established for the following vitamins and minerals which are essential in human nutrition:

Vitamin A, 5,000 International Units
Vitamin C, 60 milligrams
Calcium, 1,000 milligrams
Iron, 18 milligrams
Vitamin D, 400 International Units
Vitamin E, 30 International Units
Vitamin K, 80 micrograms
Thiamin, 1.5 milligrams
Riboflavin, 1.7 milligrams
Niacin, 20 milligrams
Vitamin B₆, 2.0 milligrams
Folate, 400 micrograms
Vitamin B₁₂, 6 micrograms
Biotin, 300 micrograms

Pantothenic acid, 10 milligrams
Phosphorus, 1,000 milligrams
Iodine, 150 micrograms
Magnesium, 400 milligrams
Zinc, 15 milligrams
Selenium, 70 micrograms
Copper, 2.0 milligrams
Manganese, 2.0 milligrams
Chromium, 120 micrograms
Molybdenum, 75 micrograms
Chloride, 3,400 milligrams
* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 would continue to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 450; 21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

4. Section 381.409 would be amended by revising paragraph (c)(8)(iv) to read as follows:

§ 381.409 Nutrition label content.

* * * * *

(c) * * *

(8) * * *

(iv) The following RDI's and nomenclature are established for the following vitamins and minerals which are essential in human nutrition:

Vitamin A, 5,000 International Units
Vitamin C, 60 milligrams
Calcium, 1,000 milligrams
Iron, 18 milligrams
Vitamin D, 400 International Units
Vitamin E, 30 International Units
Vitamin K, 80 micrograms
Thiamin, 1.5 milligrams
Riboflavin, 1.7 milligrams
Niacin, 20 milligrams
Vitamin B₆, 2.0 milligrams
Folate, 400 micrograms
Vitamin B₁₂, 6 micrograms
Biotin, 300 micrograms
Pantothenic acid, 10 milligrams
Phosphorus, 1,000 milligrams
Iodine, 150 micrograms
Magnesium, 400 milligrams
Zinc, 15 milligrams
Selenium, 70 micrograms
Copper, 2.0 milligrams
Manganese, 2.0 milligrams
Chromium, 120 micrograms
Molybdenum, 75 micrograms
Chloride, 3,400 milligrams
* * * * *

Done at Washington, DC, on: December 6, 1996.

Thomas J. Billy,
Administrator.

[FR Doc. 96–31637 Filed 12–12–96; 8:45 am]

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