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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 95N-0245, 95N-0282, and 95N-0347]

RIN 0910-AA59

Food Labeling; Nutrient Content Claims: Definition for "High Potency" and Definitions of "Antioxidant" for Use in Nutrient Content Claims for Dietary Supplements and Conventional Foods; 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 September 23, 1997 (62 FR 49868). The document amended the agency regulations to: Define the term "high potency" as a nutrient content claim; define nutrient content claims using the term "antioxidant" (e.g., "good source of antioxidants," "high in antioxidants," "more antioxidants"); and to correct an omission pertaining to the use of "sugar free" claims on dietary supplements. The document was published with an incorrect RIN number. This document corrects that error.

EFFECTIVE DATE: March 23, 1999.

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. 97-24732, appearing on page 49868 in the **Federal Register** of Tuesday, September 23, 1997, the following correction is made:

1. On page 49868, in the first column, in the heading, "RIN 0905-AD96" is corrected to read "RIN 0910-AA59".

Dated: October 17, 1997.

William K. Hubbard,
Associate Commissioner for Policy Coordination.

[FR Doc. 97-28224 Filed 10-23-97; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 181

RIN 1076-AD82

Indian Highway Safety Program Competitive Grant Selection Criteria

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) intends to make funds available to federally recognized tribes on an annual basis for the purpose of financing tribal highway safety projects designed to reduce the incidence of traffic accidents within Indian country. Due to the limited funding available for the Indian Highway Safety Program, the BIA will review and select from proposed tribal projects on a competitive basis. This final rule addresses the selection criteria.

EFFECTIVE DATE: November 24, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Jaynes, Chief, BIA Division of Safety Management, (505) 248-5060.

SUPPLEMENTARY INFORMATION: This rule was published as a proposed rule for comment on May 16, 1997 (62 FR 27000). No written comments were received. Accordingly, the proposed rule is published as the final rule without changes.

This rule is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Department of the Interior has certified to the Office of Management and Budget (OMB) that this final rule meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988. This rule is not a significant rule under Executive Order 12866 and does not require approval by

the OMB. This rule does not constitute a major Federal action significantly affecting the human environment and, therefore, no detailed statement is needed under the National Environmental Policy Act of 1969. Furthermore, this rule does not have significant takings implications in accordance with Executive Order 12630, does not have significant Federalism effects, and does not have a significant economic impact of a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act of 1995

This final rule imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act of 1995

Under 23 U.S.C. 402, the Department of Transportation (DOT) funds both the DOT State Highway Safety Program and the BIA Indian Highway Safety Program. The information contained in each grant application under both programs is identical. The Indian Highway Safety Program competitive grant application solicits only the information DOT requires for its State Highway Safety Program and uses it for substantially the same purpose of awarding Highway Safety Program funds to applicants. OMB has reviewed and approved the information collection requirements for the DOT State Highway Safety Program. No additional OMB authorization is needed.

List of Subjects in 25 CFR Part 181

Indians, Highways and roads, Highway safety.

For the reasons set forth in the preamble, a new part 181 is added to subchapter H of title 25 of the Code of Federal Regulations as follows.

PART 181—INDIAN HIGHWAY SAFETY PROGRAM

Sec.

181.1 Purpose.

181.2 Definitions.

181.3 Am I eligible to receive a program grant?

181.4 How do I obtain an application?

181.5 How are applications ranked?

181.6 How are applicants informed of the results?

181.7 Appeals.

Authority: 23 U.S.C. 402; 25 U.S.C. 13.

§ 181.1 Purpose.

This part will assist the BIA Indian Highway Safety Program Administrator to disperse funds DOT/NHTSA has made available. The funds assist selected tribes with their proposed Highway Safety Projects. These projects are designed to reduce traffic crashes, reduce impaired driving crashes, increase occupant protection education, provide Emergency Medical Service training, and increase police traffic services.

§ 181.2 Definitions.

Appeal means a written request for review of an action or the inaction of an official of the BIA that is claimed to adversely affect the interested party making the request.

Applicant means an individual or persons on whose behalf an application for assistance and/or services has been made under this part.

Application means the process through which a request is made for assistance or services.

Grant means a written agreement between the BIA and the governing body of an Indian tribe or Indian organization wherein the BIA provides funds to the grantee to plan, conduct, or administer specific programs, services, or activities and where the administrative and programmatic provisions are specifically delineated.

Grantee means the tribal governing body of an Indian tribe or Board of Directors of an Indian organization responsible for grant administration.

Recipient means an individual or persons who have been determined as eligible and are receiving financial assistance or services under this part.

§ 181.3 Am I eligible to receive a program grant?

The Indian Highway Safety Program grant is available to any federally recognized tribe. Because of the limited financial resources available for the program, the Bureau of Indian Affairs (BIA) is unable to award grants to all applicants. Furthermore, some grant recipients may only be awarded a grant to fund certain aspects of their proposed tribal projects.

§ 181.4 How do I obtain an application?

BIA mails grant application packages for a given fiscal year to all federally recognized tribes by the end of February of the preceding fiscal year. Additional application packages are available from the Program Administrator, Indian Highway Safety Program, P.O. Box 2003, Albuquerque, New Mexico 87103. Each application package contains the

necessary information concerning the application process, including format, content, and filing requirements.

§ 181.5 How are applications ranked?

BIA ranks each timely filed application by assigning points based upon four factors.

(a) *Factor No. 1—Magnitude of the problem* (Up to 50 points available). In awarding points under this factor, BIA will take into account the following:

(1) Whether a highway safety problem exists.

(2) Whether the problem is significant.

(3) Whether the proposed tribal project will contribute to resolution of the identified highway safety problem.

(4) The number of traffic accidents occurring within the applicant's jurisdiction over the previous 3 years.

(5) The number of alcohol-related traffic accidents occurring within the applicant's jurisdiction over the previous 3 years.

(6) The number of reported traffic fatalities occurring within the applicant's jurisdiction over the previous 3 years.

(7) The number of reported alcohol-related traffic fatalities occurring within the applicant's jurisdiction over the previous 3 years.

(b) *Factor No. 2—Countermeasure selection* (Up to 40 points available). In awarding points under this factor, BIA will take into account the following:

(1) Whether the countermeasures selected are the most effective for the identified highway safety problem.

(2) Whether the countermeasures selected are cost effective.

(3) Whether the applicant's objectives are realistic and attainable.

(4) Whether the applicant's objectives are time framed and, if so, whether the time frames are realistic and attainable.

(c) *Factor No. 3—Tribal Leadership and Community Support* (Up to 10 points available). In awarding points under this factor, BIA will take into account the following:

(1) Whether the applicant proposes using tribal resources in the project.

(2) Whether the appropriate tribal governing body supports the proposal plan, as evidenced by a tribal resolution or otherwise.

(3) Whether the community supports the proposal plan, as evidenced by letters or otherwise.

(d) *Factor No. 4—Past Performance* (+ or - 10 points available). In awarding points under this factor, BIA will take into account the following:

(1) Financial and programmatic reporting requirements.

(2) Project accomplishments.

§ 181.6 How are applicants informed of the results?

BIA will send a letter to all applicants notifying them of their selection or non-selection for participation in the Indian Highway Safety Program for the upcoming fiscal year. BIA will explain to each applicant not selected for participation the reason(s) for non-selection.

§ 181.7 Appeals.

You may appeal actions taken by BIA officials under this part by following the procedures in 25 CFR part 2.

Dated: October 9, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-28010 Filed 10-23-97; 8:45 am]

BILLING CODE 4310-02-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2702

Regulations Implementing the Freedom of Information Act

AGENCY: Federal Mine Safety and Health Review Commission (Commission).

ACTION: Final rulemaking.

SUMMARY: The Federal Mine Safety and Health Review Commission is revising its regulations implementing the Freedom of Information Act (FOIA), to reflect recent changes to the FOIA as a result of the Electronic Freedom of Information Act Amendments of 1996. This revision also implements certain changes in the manner in which FOIA requests are processed by the Commission, and in the rates charged to certain categories of requesters for time spent by Commission employees searching for and reviewing documents.

DATES: This rule is effective October 24, 1997.

FOR FURTHER INFORMATION CONTACT: Norman Gleichman, General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW., 6th Floor, Washington DC 20006-3867, telephone (202) 653-5610, FAX (202) 653-5030; or Richard L. Baker, Executive Director, Federal Mine Safety and Health Review Commission, 1730 K Street, NW., 6th Floor, Washington DC 20006-3867, telephone (202) 653-5625, FAX (202) 653-5030.

SUPPLEMENTARY INFORMATION:

I. Background

On October 2, 1996, the President signed into law the Electronic Freedom of Information Act Amendments of 1996