

section shall be pasteurized or ultra-pasteurized prior to the addition of the microbial cultures.

(b) *Standard dairy ingredients.* Cream, milk, partially skimmed milk, skim milk, or the reconstituted versions of any of these standard dairy ingredients may be used. Whey protein concentrate (WPC), minimum protein concentrate 34 percent, may be used if the total quantity of WPC used in this paragraph and paragraph (c) of this section does not result in a quantity of WPC that exceeds 25 percent of the total milk solids not fat. When one or more of the ingredients specified in this paragraph is used, it shall be included in the culturing process.

(c) *Optional ingredients.* (1) Dairy ingredients. Any milk-derived ingredients used for technical or functional purposes.

(2) Aroma- and flavor-producing microbial culture.

(3) Safe and suitable sweeteners.

(4) Flavoring ingredients.

(5) Color additives that do not impart a color simulating that of milkfat or butterfat.

(6) Stabilizers and emulsifiers.

(7) Preservatives.

(8) Vitamins and minerals.

(i) If added, vitamin A shall be present in a minimum quantity of 500 IU per RACC.

(ii) If added, vitamin D shall be present in a minimum quantity of 100 IU per RACC.

(9) Butterfat or milkfat, which may or may not contain color additives, in the form of flakes or granules.

(10) Salt.

(11) Citric acid, in a maximum amount of 0.15 percent by weight of the milk used, or an equivalent amount of sodium citrate, as a flavor precursor.

(12) Any safe and suitable ingredients added for nutritional or functional purposes.

(d) *Methods of analysis.* (1) Milk solids not fat content—Calculated using the following methods from the “Official Methods of Analysis of the Association of Official Analytical Chemists,” 15th Ed. (Copies are available from the Association of Official Analytical Chemists, 481 North Frederick Ave., suite 500, Gaithersburg, MD 20877–2417, or available for inspection at the Office of the Federal Register, 800 North Capitol St., NW., suite 700, Washington, DC). Subtract the milkfat content (as determined by the method prescribed in section 16.059 “Roese-Gottlieb Method (Reference method) (11)—Official Final Action, under the heading “Fat”) from the total milk solids content (as determined by the method prescribed in section 16.032, “Method I—Official Final Action,” under the heading “Total Solids”).

(2) Titratable acidity—As determined by the method prescribed in section 16.023, “Acidity (2)—Official Final Action,” or by an equivalent potentiometric method.

(e) *Nomenclature.* (1) The name of the food is “cultured milk” or “fermented milk,” except:

(i) If the finished food complies with the requirements of § 101.62(b)(4)(i) of this chapter, and is not “lowfat fermented milk” or “lowfat cultured milk” or “nonfat fermented milk” or “nonfat cultured milk,” then the food must comply with § 101.62(b)(4)(ii) of this chapter, and the name of the food is “reduced fat fermented milk” or “reduced fat cultured milk.”

(ii) If the finished food contains at least 0.5 g, but not more than 3.0 g, total fat per RACC, then name of the food is “lowfat fermented milk” or “lowfat cultured milk.”

(iii) If the finished food contains less than 0.5 g total fat per RACC, the name of the food is “nonfat fermented milk” or “nonfat cultured milk.”

(2) The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(3) The name of the food shall be accompanied by a declaration such as a traditional name of the food or the generic name of the organisms used, thereby indicating the presence of the characterizing microbial organisms or ingredients, e.g., “kefir cultured milk,” “acidophilus fermented milk,” or when characterizing ingredients such as those in paragraphs (c)(2), (c)(9), (c)(10), and (c)(11) of this section and lactic acid-producing organisms are used, the food may be named “cultured buttermilk.”

(4) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The word “sweetened” if a sweetener is added without the addition of characterizing flavoring.

(ii) The phrase “vitamin A” or “vitamin A added,” or “vitamin D” or “vitamin D added,” or “vitamin A and D added,” as appropriate. The word “vitamin” may be abbreviated “vit.”

(5) The parenthetical phrase “(heat-treated after culturing)” shall follow the name of the food if the dairy ingredients have been heat-treated after culturing.

(f) *Declaration of ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

## V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. If you base your comments on scientific evidence or data, please submit copies of the specific information along with your comments. The petition and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

## VI. Authority

This advance notice of proposed rulemaking is issued under sections 201, 401, 403, 409, 701, and 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, and

379e), and under the authority of the Commissioner of Food and Drugs, as redelegated to the Director, Center for Food Safety and Applied Nutrition.

Dated: June 3, 2003.

**L. Robert Lake,**

*Director, Office of Regulations and Policy,  
Center for Food Safety and Applied Nutrition.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1926

[Docket No. S–030]

**RIN 1218–AC01**

#### Safety Standards for Cranes and Derricks

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor

**ACTION:** Notice of final membership list for Negotiated Rulemaking Advisory Committee.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is issuing a final membership list of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C-DAC).

**COMMENTS:** Written comments on the committee’s proceedings may be submitted to the Crane and Derrick Negotiated Rulemaking Advisory Committee, Docket No. S–030, including additional materials and attachments, in any of three ways: *hard copy, facsimile and electronic transmission.*

**ADDRESSES:** *Mail:* You must submit three copies of your comments on committee proceedings and attachments to the OSHA Docket Office, Docket No. S–030, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. The OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m. Note that receipt of comments submitted by mail may be delayed by several weeks.

*Facsimile (FAX):* If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office, Docket No. S–030, at (202) 693–1648.

*Electronic transmission:* You may submit comments through the Internet at <http://ecomments.osha.gov>.

Please note that you cannot attach materials, such as studies or journal