ensure that it would be given effect without undue delay. In the 1994 DSHEA, Congress, while embracing most of what FDA has done under the 1990 amendments with respect to dietary supplements, sought to provide for the inclusion of additional information on the nutrition label and to provide additional flexibility in how that information is presented. The dietary supplement industry is left facing an applicability date for FDA's nutrition labeling and nutrient content claim regulations for dietary supplements of July 1, 1995, without complete guidance on how the nutrition label is ultimately to be presented on these products. As for consumers, they are currently provided with nutrition information on many, but by no means all, dietary supplements, but that information is not being presented in a form that is consistent with the ''Nutrition Facts'' panel that appears on conventional foods.

Having considered these factors, FDA advises that, while the nutrition labeling and nutrient content claim regulations implementing the 1990 amendments for dietary supplements will go into effect on July 1, 1995, it does not intend to enforce those regulations until it has modified them to reflect the 1994 DSHEA, and until after dietary supplement manufacturers are required to label their products in accordance with the 1994 DSHEA; that is, not until after December 31, 1996.

FDA considers this course of action appropriate for several reasons. First, FDA recognizes the merit in the dietary supplement industry's argument that it should not be required to relabel its products until it has a full understanding of what its alternatives and obligations are. Enforcing the nutrition labeling and nutrient content claims regulations on July 1, 1995, would require dietary supplement manufacturers to choose between relabeling their products twice, the first time to come into compliance and the second to take advantage of the flexibility provided by the new law, or foregoing that flexibility. To force dietary supplement manufacturers to make such a choice would be a result that the agency does not believe Congress contemplated or would have intended in enacting the 1994 DSHEA.

The 1994 DSHEA provides for flexibility in the dietary ingredients that can be included in the ''Nutrition Facts'' box and in the presentation of ingredient information. FDA, pursuant to the 1994 DSHEA, is at work on regulations that define this flexibility. FDA agrees that industry should have an opportunity to take advantage of this flexibility without being forced to relabel twice to do so. FDA acknowledges that it will not be possible for the agency to have its regulations in place, nor for the industry to have adequate time to design its labeling in accordance with these regulations, by July of this year. Thus, the interests of industry and the policies embodied in the 1994 DSHEA will be advanced if FDA declines to enforce the nutrition labeling and nutrient content claim regulations that apply to dietary supplements until after December 31, 1996, when they will be fully modified to reflect the 1994 DSHEA.

While the purposes of the 1990 amendments will not be as clearly advanced by such a course of action, they will also not be contravened. Implementation of the 1994 DSHEA will move FDA forward toward its goal of full implementation of the 1990 amendments. Moreover, while Congress sought to rule out undue delay in implementation of the 1990 amendments, a delay caused by implementation of another law enacted by Congress can hardly be considered ''undue.''

Finally, it is true that consumers face an additional delay before dietary supplements bear nutrition information that is as consistent as possible, both in content and presentation, with that on other foods, and until there is full compliance by dietary supplements with the nutrient content claim provisions of the act. These facts are mitigated, however, by the fact that there is information listing nutrients and their levels on many dietary supplements, and that many dietary supplements do not bear nutrient content claims.

Thus, having fully considered these factors, the agency advises that it does not intend to enforce the nutrition labeling and nutrient content claims regulations that apply to dietary supplements until after December 31, 1996. The agency is at work developing a proposal that implements the labeling provisions of the 1994 DSHEA and expects to publish it in the near future.

III. References

The following references have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Cordaro, John, President, Council for Responsible Nutrition, letter to David A. Kessler, Commissioner, FDA, December 7, 1994.

2. Shank, Fred, R., Director, Center for Food Safety and Applied Nutrition, FDA, letter to John B. Cordaro, President, Council for Responsible Nutrition, January 30, 1995.

Dated: February 6, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–3294 Filed 2–8–95; 8:45 am]

BILLING CODE 4160–01–F

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 226

Administration of Assistance Awards to U.S. Non-Governmental Organizations

AGENCY: Agency for International Development (USAID).

ACTION: Correction to interim final rule.

SUMMARY: This document contains a correction to the interim final rule which was published Thursday, January 19, 1995 (60 FR 3743). The rule relates to the administration of assistance awards to U.S. Non-Governmental Organizations.

EFFECTIVE DATE: February 9, 1995.

FOR FURTHER INFORMATION CONTACT: Diana Joan Esposito, Office of Procurement, Procurement Policy and Evaluation (M/OP/P), USAID, SA–14 Rm. 1600I, 320 21st Street, Washington, DC 20523. Telephone 703 875–1529, Fax 703–875–1243.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1995, USAID issued an interim final rule at 22 CFR part 226 which implemented Office of Management and Budget (OMB) Circular A–110.

Need for Correction

As published, the preamble refers to a change that was not implemented in the interim final rule.

Correction of Publication

Accordingly, the publication on January 19, 1995 of the interim final rule, is corrected as follows:

Preamble [Corrected]

On page 3744, in the first column, at the paragraph beginning ''Section 226.22(l) is revised to provide * * *'' is corrected to read: ''Section 226.22(l) is revised to provide that USAID may authorize recipients to retain all interest earned in accordance with USAID's statutory authority.'' The statement in the preamble that interest earned will be remitted to USAID has been deleted.

With this correction, the preamble and the rule at 226.22(l) are in agreement.

Dated: January 27, 1995.

Michael D. Sherwin,

Deputy Assistant Administrator for Management.

[FR Doc. 95–3271 Filed 2–8–95; 8:45 am]

BILLING CODE 6116–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–118–1–6083a; TN–101–1–5718a; TN–110–2–6569a; FRL–5146–1]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to Tennessee Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) for ozone. These revisions were submitted to EPA through the Tennessee Department of Environment and Conservation (TDEC) on November 5, 1992, May 18, 1993, and July 6, 1993, for the Nashville nonattainment area and revise regulations for Stage I vapor recovery (Stage I) in the Tennessee SIP and add regulations pertaining to Stage II vapor recovery (Stage II). These revisions regulate gasoline dispensing stations in Davidson, Rutherford, Sumner, Williamson, and Wilson counties. These regulations have been submitted by the TDEC to satisfy the requirement of section 182(b)(3) of the 1990 Clean Air Act, which requires all ozone nonattainment areas classified as moderate or above to require owners and operators of gasoline dispensing facilities to install and operate Stage II vapor recovery systems. The revisions also make minor changes to the Nashville-Davidson County Rules regulating definitions and recordkeeping. The TDEC has also submitted this plan as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone. These regulations meet all of EPA's requirements and therefore EPA is approving this SIP revision.

DATES: This final rule will be effective April 10, 1995 unless adverse or critical comments are received by March 13, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Alan W. Powell, at the EPA Regional Office listed.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Region 4 Air Programs Branch, Environmental Protection Agency345 Courtland Street, NE., Atlanta, Georgia 30365.

Tennessee Department of Environment and Conservation, L & C Annex, 9th floor, 401 Church Street, Nashville, Tennessee 37243.

Nashville-Davidson County Bureau of Environmental Health Services, Metropolitan Health Department, 311–23rd Avenue, North, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Alan W. Powell, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The phone number is (404) 347–3555 ext.4209. Reference file TN–118–1–6083.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was determined by the ambient air quality data obtained for the three year period 1987 through 1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until the EPA promulgates, On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. On January 22, 1993, the United States Court of Appeals for the District of Columbia ruled that the EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. The EPA Administrator signed the OBVR final rule on January 24, 1994.

Subsequently, the EPA determined under section 182(b)(3) that moderate areas are not required to implement Stage II regulations. However, Tennessee has indicated that a Stage II program is necessary as a volatile organic compound (VOC) control measure to attain the ozone NAAQS in Nashville, which has been classified as a moderate nonattainment area for ozone. Stage II vapor recovery is included in the State's 15% Plan required by section 182 (b)(1) of the CAA. Under section 182 (b)(3), the EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, the EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled ''Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities'' (EPA–450/3–91–022) and ''Enforcement Guidance for Stage II Vehicle Refueling Control Programs.'' In addition, on April 16, 1992, the EPA published the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and discuss what the EPA believes a State submittal needs to include to meet those requirements. The Tennessee regulations meet those requirements which are discussed below.

General Vapor Recovery Requirements

The CAA specifies the time by which certain facilities must comply with the State regulation. For facilities that are not owned or operated by an Independent Small Business Marketer (ISBM), these times, calculated from the time of State adoption of the regulation, are: (1) 6 months for facilities for which construction began after November 15, 1990, (2) 1 year for facilities that dispense greater than 100,000 gallons of gasoline per month, and (3) two years for all other facilities. For ISBM's, section 324(a) of the Act provides that the time periods may be: (1) 33 percent of the facilities owned by an ISBM by the end of the first year after the regulations take effect, (2) 66 percent of such facilities by the end of the second year, and (3) 100 percent of such facilities after the third year. Both the