

proposed rule is to provide more useful information to consumers.

The costs of this regulation will be incurred only by those manufacturers desiring to take advantage of the opportunity to use the term "healthy." FDA cannot predict the number of manufacturers who will take advantage of this opportunity. Therefore, the agency cannot estimate the number of labels which will be revised as a result of this rule. However, FDA estimates that the cost of revising a label to include a "healthy" claim is approximately \$3,000 per label.

V. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has determined that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VI. Paperwork Reduction Act

FDA tentatively concludes that this proposed rule contains no reporting, recordkeeping, labeling or other third party disclosure requirements; thus there is no "information collection" necessitating clearance by the Office of Management and Budget. However, to ensure the accuracy of this tentative conclusion, FDA is seeking comment on whether this proposed rule to amend the definition for the implied nutrient content claim "healthy" imposes any paperwork burden.

VII. Effective Date

FDA is proposing to make these regulations effective on the date of publication in the Federal Register.

VIII. Comments

Interested persons may, on or before April 29, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above, between 9 a.m. and 4 p.m., Monday through Friday.

IX. References

The following references have been placed on display in the Dockets

Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Satchell, F. B., Division of Programs and Enforcement Policy (HFS-158), Center for Food Safety and Applied Nutrition, memorandum to file, September 22, 1995, Modification of USDA's Nutrient Data Base for National Nutrient Databank Release 9, "Processed Fruit and Vegetable Products that Qualify to Bear the Term 'Healthy,'" June 17, 1994, and July 17, 1995.

2. Satchell, F. B., Division of Programs and Enforcement Policy (HFS-158), Center for Food Safety and Applied Nutrition, memorandum to file, "Nutrient Profiles of Marketplace Fruit and Vegetable Products that Qualify to Bear the Term 'Healthy,'" October 10, 1995.

3. Karmas, E., and R. S. Harris, "Nutritional Evaluation of Food Processing, Third Edition," Van Nostrand Reinhold Co., Inc., New York, chapters 3, 4, and 11, 1988.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 101 be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

2. Section 101.65 is amended by revising paragraph (d)(2)(iv) to read as follows:

§ 101.65 Implied nutrient content claims and related label statements.

* * * * *

(d) * * *

(2) * * *

(iv) Except for raw or frozen fruit or vegetable products comprised solely of fruits and vegetables and for enriched grain products that conform to a standard of identity in parts 136, 137, or 139 of this chapter, the food contains at least 10 percent of the RDI or DRV per reference amount customarily consumed, per labeled serving of vitamin A, vitamin C, calcium, iron, protein, or fiber;

* * * * *

Dated: January 26, 1996.
William B. Schultz,
Deputy Commissioner for Policy.
[FR Doc. 96-2980 Filed 2-9-96; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AC33

Shenandoah National Park, Recreational Fishing

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to remove the special fishing regulations for Shenandoah National Park. The general NPS fishing regulations and the regulations on closures and public use limits are sufficient to allow for the proper management of fishing at Shenandoah National Park. This duplication of regulations is often confusing and unnecessary.

DATES: Written comments will be accepted through April 12, 1996.

ADDRESSES: All comments should be addressed to: Superintendent, Shenandoah National Park, Route 4 Box 348, Luray, VA 22835.

FOR FURTHER INFORMATION CONTACT: Greg Stiles, Leader, Resource and Visitor Protection Services, Shenandoah National Park, Route 4 Box 348, Luray, VA 22835, Telephone (540) 999-3401.

SUPPLEMENTARY INFORMATION:

Background

The fishing regulations that are currently in use for Shenandoah National Park are codified at 36 CFR 7.15(a). These regulations: (1) Permit recreational fishing in selected streams of the Park as designated by the Superintendent; (2) establish seasons, creel and size limits; and (3) establish licensing requirements. This proposed rulemaking will delete subsection 7.15(a) of 36 CFR pertaining to recreational fishing in Shenandoah National Park and exclusively adopt the general regulations found at 36 CFR 1.5 (Closures and public use limits) and 2.3 (Fishing). Inherent to this proposal is the need to provide for protection and management of the Park's fisheries resources and to encourage partnerships with state agencies through regulatory review.

Section-by-Section Analysis

1. *Open Waters and Applicability.* The general regulations for Fishing, found at 36 CFR 2.3, establish that fishing in the parks, except in designated areas, will be in accordance with nonconflicting State laws and regulations within whose exterior

boundaries a park area is located. Existing State fishing regulations are sufficient for the proper management of the fisheries at Shenandoah National Park. The opening, closing and public use limits for recreational fishing in the park requires an annual review by park management. Any possible changes in public use associated with fisheries resources is adequately covered in 36 CFR 1.5. Therefore, special regulation 36 CFR 7.15(a)(1) Open Waters is not necessary and will be removed.

2. *Applicability.* Because the NPS is proposing to remove all special regulations pertaining to fishing, a separate paragraph on the applicability of special fishing regulations in § 7.15 is not necessary. Therefore, 36 CFR 7.15(a)(2) Applicability, will be removed.

3. *Season.* The State of Virginia has established a year-round open season to permit fishing in all state-designated trout streams. Special regulation 36 CFR 7.15(a) established an opening date that coincided with the State opening date, which no longer exists. However, 36 CFR 2.3 Fishing provides for recreational fishing, except in designated areas, in accordance with the laws and regulations of the State. 36 CFR 1.5(a)(2) allows the park to designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity. This will allow the park to establish limits in certain designated areas when necessary. Therefore, 36 CFR 7.15(a)(3) is no longer needed and will be removed.

4. *License.* 36 CFR 2.3 establishes that fishing in the parks will be in accordance with State laws. All persons 16 years and older fishing in Shenandoah National Park must have a Virginia State fishing license in his/her possession. Since there is no need for a special regulation for licensing, 36 CFR 7.15(a)(4) will be removed.

5. *Size and Creel Limits.* The State of Virginia has increased the minimum size limit for trout from eight inches to nine inches and has a maximum creel limit of six fish, compared to the current limit of five fish in the park. To avoid confusion and to be consistent with the limits established by the State, the park will use the State's limits. Size and creel limits for other species of game-fish caught in the park will also be the same as those limits designated by the State of Virginia. Special regulations concerning size and creel limits are not needed as 36 CFR 2.3 Fishing would apply. Therefore, 36 CFR 7.15(a)(5) and 36 CFR 7.15(a)(6) will be removed.

6. *Lures; bait.* 36 CFR 2.3 Fishing currently regulates the use of bait, and

the State of Virginia permits only the use of a single hook, which may be barbed or barbed-less. A special regulation concerning lures and bait is not necessary, therefore 36 CFR 7.15(a)(7) will be removed.

7. *Fish for Fun.* The term "fish for fun" is normally associated with activities provided by fish stocking programs in specially designated streams. Fish stocking does not occur within the Park. However, the State law for "Catch and Release" adequately allows for the protection of native and non-native fish populations on designated streams. 36 CFR 1.5(a)(2) and 36 CFR 2.3(a) allow for the designation of "Catch and Release" streams that are consistent with State regulations. Therefore, 36 CFR 7.15(a)(8) is not necessary and will be removed.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review all comments and consider making changes to the rule based upon an analysis of the comments.

Drafting Information: The process used to develop this proposed rule included numerous reviews by Park staff, consultations with Virginia Department of Game and Inland Fisheries Biologists and consultations with numerous fisheries biologists from other parks, agencies, research institutions and organizations. The primary authors of this rulemaking are William J. Cook, Center for Resources and Greg Stiles, Resource and Visitor Protection Services, Shenandoah National Park; and Dennis Burnett, Washington Office of Ranger Activities.

Paperwork Reduction Act

This proposed rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a

significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

This proposed rulemaking is consistent with and supportive of Executive Order 12962, Recreational Fisheries, issued June 7, 1995. Through this Executive Order, Federal Agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity and distribution of U.S. aquatic resources for increased recreational fishing opportunities. Establishment of this rulemaking is consistent with the extent and purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c) and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801-1882).

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k), Section 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

§ 7.15 [Amended]

2. Section 7.15 is amended by removing paragraph (a) and redesignating paragraphs (b) through (d) as new paragraphs (a) through (c).

Dated: December 21, 1995.
 George T. Frampton, Jr.,
*Assistant Secretary for Fish and Wildlife and
 Parks.*
 [FR Doc. 96-3008 Filed 2-9-96; 8:45 am]
 BILLING CODE 4310-70-P

36 CFR Part 17

RIN 1024-AC27

Conveyance of Freehold and Leasehold Interests

AGENCY: National Park Service, Interior.
ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to revise portions of the regulations for conveyance of freehold and leasehold interests on lands administered by the NPS. The proposed rule would allow bids for freehold and leasehold interests on lands to be accompanied by earnest money equivalent to 2 percent of the appraised value or \$2,500, whichever is greater, with the balance of the bid due within 45 days of the award. The NPS has experienced problems selling parcels of real estate under the current regulations, which require that bids be accompanied by certified checks, post office money orders, bank drafts or cashier's checks for the full amount of the bids. The proposed changes to the regulations address this issue and will correct the problem identified with the current regulations. With these proposed changes, the NPS will be able to convey freehold and leasehold interests on federally owned lands.

The proposed revision also provides for a time frame for submitting the balance of the bid and describes what occurs if the successful bidder is unable to obtain the necessary financing in the case of a freehold interest. The NPS proposes to revise and amend the current regulations on action at close of bidding, by allowing 45 days from the time of bid award to submit the balance due. Failure to submit the full bid price within 45 days would result in forfeiture of \$1,000 of the deposited bid amount and the property would be awarded to the next highest bidder.

DATES: Written comments will be accepted through April 12, 1996.

ADDRESSES: Comments should be addressed to: Superintendent, Cuyahoga Valley National Recreation Area, 15610 Vaughn Road, Brecksville, OH 44141, Telephone (216) 546-5903.

FOR FURTHER INFORMATION CONTACT: Jeff Winstel, Historian, Cuyahoga Valley National Recreation Area, 15160

Vaughn Road, Brecksville, OH 44114, Telephone (216) 546-5975.

SUPPLEMENTARY INFORMATION:

Background

The current NPS regulations regarding conveyance of freehold and leasehold interests on land are codified in 36 CFR part 17. They authorize sale of Federal real property acquired from non-Federal sources.

On June 3, 1993, Cuyahoga Valley National Recreation Area, a unit of the National Park System, held a bid opening for the purpose of selling 1.13 acres of improved federally owned land. Improvements included an historic three-bedroom residence; a detached, single car garage; and two small sheds. Historic preservation deed restrictions were placed on the structures and scenic deed restrictions were placed on the land.

The property was marketed extensively. It was listed in the Federal Register, advertised in a local paper for five consecutive weeks, marketed with a local realtor, listed in the Multiple Listing Service, advertised on local television channels, and open houses were held on four days. There was considerable interest in the property with 180 prospective buyers attending the open houses and private showings. Interviews with park officials by news media reporters regarding the property appeared on local TV stations and in local newspapers.

There was not a single bid received for the property on June 3rd. This lack of response was a concern and inquiries were made of 50 people who had attended the open houses and expressed a sincere interest in buying the property. The major reason given for not bidding was the requirement that the full amount of the bid be enclosed with the bid. No financial lending institution would approve this type of arrangement.

The NPS is therefore proposing to amend this regulation. The NPS proposes that the sixth sentence of 36 CFR 17.5 be amended as follows: "Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for 2 percent of the fair market value or \$2,500, whichever is greater, in the case of a freehold interest or for the amount of the first year's rent in the case of a leasehold interest."

The NPS also proposes to amend 36 CFR 17.6 by adding the following three (3) sentences to the end of the section: "In the case of a freehold interest the high bidder must submit the balance of the bid within 45 days of the bid award

in the form of a certified check, post office money order, bank draft or cashier's check made payable to the United States of America. Failure to submit the full balance within 45 days will result in forfeiture of \$1,000 of the bid deposit (unless the bidder has been released from the bid or an extension has been granted by the authorized officer) and the property will be awarded to the next highest bidder upon fulfillment of the requirements herein."

The proposed changes will improve the existing regulations by permitting prospective bidders to participate without an outlay of a large sum of cash. The NPS anticipates that the amended regulation will facilitate "sellback" of historic structures that can be most effectively preserved through private ownership rather than public ownership. The historic and scenic values of the properties will be protected through deed restrictions.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review comments and consider making changes to the final rule based upon an analysis of the comments.

Drafting Information: The primary author of this regulation is John P. Debo, Jr., Superintendent, Cuyahoga Valley National Recreation Area.

Paperwork Reduction Act

This proposed rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character