

and multiplying the quotient by 100. The finished white chocolate contains not less than 3.5 percent by weight of milkfat and not less than 14 percent by weight of total milk solids, calculated by using only those dairy ingredients specified in paragraph (b)(2) of this section, and not more than 55 percent by weight nutritive carbohydrate sweetener.

(b) *Optional ingredients.* The following safe and suitable ingredients may be used:

- (1) Nutritive carbohydrate sweeteners;
- (2) Dairy ingredients:
 - (i) Cream, milkfat, butter;
 - (ii) Milk, dry whole milk, concentrated milk, evaporated milk, sweetened condensed milk;
 - (iii) Skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk;
 - (iv) Concentrated buttermilk, dried buttermilk; and
 - (v) Malted milk;
- (3) Emulsifying agents, used singly or in combination, the total amount of which does not exceed 1.5 percent by weight;

(4) Spices, natural and artificial flavorings, ground whole nut meats, ground coffee, dried malted cereal extract, salt, and other seasonings that do not either singly or in combination impart a flavor that imitates the flavor of chocolate, milk, or butter;

(5) Antioxidants; and

(6) Whey or whey products, the total amount of which does not exceed 5 percent by weight.

(c) *Nomenclature.* The name of the food is "white chocolate" or "white chocolate coating." When one or more of the spices, flavorings, or seasonings specified in paragraph (b)(4) of this section are used, the label shall bear an appropriate statement, e.g., "Spice added", "Flavored with ___", or "With ___ added", the blank being filled in with the common or usual name of the spice, flavoring, or seasoning used, in accordance with § 101.22 of this chapter.

(d) *Label declaration.* 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.

Dated: September 27, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02-25252 Filed 10-3-02; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09-02-521]

Safety Zone; Captain of the Port Milwaukee Zone

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of regulation.

SUMMARY: The Coast Guard is implementing a safety zone for annual fireworks displays in the Captain of the Port Milwaukee Zone during October 2002. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Milwaukee Zone.

DATES: The safety zone for the Sheboygan South High School Fireworks—Sheboygan, WI (165.909(a)(29)) will be enforced on October 3, 2002, from 7:50 p.m. until 8:40 p.m., but in the event of inclement weather the safety zone will be enforced from 7:50 p.m. until 8:40 p.m. on October 4, 2002.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician Chief Dave McClintock, U.S. Coast Guard Marine Safety Office Milwaukee, at (414) 747-7155

SUPPLEMENTARY INFORMATION: The Coast Guard is implementing the permanent safety zone in 33 CFR 165.909 (a)(29) (67 FR 44560, July 3, 2002) for fireworks displays in the Captain of the Port Milwaukee Zone during October 2002. The following safety zone is in effect for fireworks displays occurring in the month of October 2002:

Sheboygan South High School Fireworks—Sheboygan, WI. This safety zone will be enforced on October 3, 2002, from 7:50 p.m. until 8:40 p.m. In the event of inclement weather on October 3, 2002, the safety zone will be enforced from on October 4, 2002 from 7:50 p.m. until 8:40 p.m.

In order to ensure the safety of spectators and transiting vessels, this safety zone will be in effect for the duration of the event. Vessels may not enter the safety zone without permission from Captain of the Port Milwaukee Zone. Requests to transit the safety zone must be made in advance by contacting the person listed in **FOR FURTHER INFORMATION CONTACT** and must be approved by the Captain of the Port Milwaukee before transits will be authorized. Spectator vessels may

anchor outside the safety zone but are cautioned not to block a navigable channel.

Dated: September 27, 2002.

M.R. DeVries,

Commander, Coast Guard, Captain of the Port Milwaukee.

[FR Doc. 02-25278 Filed 10-3-02; 8:45 am]

BILLING CODE 4910-15-P

POSTAL SERVICE

39 CFR Parts 952, 957, 958, 960, 962, 964, 965

Rules of Practice Before the Judicial Officer

AGENCY: Postal service.

ACTION: Final rule.

SUMMARY: The Postal Service is amending the Rules of Practice in Proceedings Relative to the Program Fraud Civil Remedies Act to reflect the change in primary responsibility to investigate violations of the Program Fraud Civil Remedies Act from the Postal Inspection Service to the Postal Service Inspector General. In addition, these rules of practice as well as the rules of practice in other proceedings before the Judicial Officer are being amended to correct typographical errors and omissions and make other technical changes.

EFFECTIVE DATE: October 4, 2002.

FOR FURTHER INFORMATION CONTACT: Diane M. Mego, (703) 812-1905.

SUPPLEMENTARY INFORMATION: As part of the creation of the Office of Inspector General in 1996, certain functions were transferred from the Postal Inspection Service to the Postal Service Office of Inspector General. Part 962 is being revised to reflect that investigations under this part are now conducted by the Office of Inspector General. In addition, these rules of practice as well as the rules of practice in other proceedings before the Judicial Officer are being amended to correct typographical errors and omissions and make other technical changes.

These revisions are changes in agency rules of practice before the Judicial Officer and do not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

List of Subjects

39 CFR Part 952

Administrative practice and procedure, Fraud, Lotteries, Postal Service.

39 CFR Part 957

Administrative practice and procedure, Debarment, Suspension, Postal Service.

39 CFR Part 958

Administrative practice and procedure, Postal Service.

39 CFR Part 960

Administrative practice and procedure, Claims, Equal Access to Justice Act, Postal Service.

39 CFR Part 962

Administrative practice and procedure, Fraud, Program Fraud Civil Remedies Act, Postal Service.

39 CFR Part 964

Administrative practice and procedure, Fictitious names or addresses, Fraud, Lotteries, Postal Service.

39 CFR Part 965

Administrative practice and procedure, Mail disputes, Postal Service.

PART 952—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO FALSE REPRESENTATION AND LOTTERY ORDERS

The Postal Service adopts amendments to 39 CFR part 952 as specifically set forth below:

1. The authority citation for part 952 continues to read as follows:

Authority: 39 U.S.C. 204, 401, 3005, 3012, 3016.

§ 952.5 [Amended]

2. Section 952.5 is amended by revising “know” to read “known” in the next to last sentence of the paragraph.

§ 952.33 [Amended]

3. Section 952.33 is amended by revising “Law Librarian” to read “Librarian” and by revising “Law Library” to read “Library”.

PART 957—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DEBARMENT AND SUSPENSION FROM CONTRACTING

The Postal Service adopts amendments to 39 CFR part 957 as specifically set forth below:

1. The authority citation for part 957 continues to read as follows:

Authority: 39 U.S.C. 204, 401.

§ 957.2 [Amended]

2. Section 957.2 is amended to revise the word “Procurement” to read “Purchasing”.

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO PROVIDE POST OFFICE BOX OR CALLER SERVICE AND THE TERMINATION OF POST OFFICE BOX OR CALLER SERVICE

The Postal Service adopts amendments to 39 CFR part 958 as specifically set forth below:

1. The authority citation for part 958 continues to read as follows:

Authority: 39 U.S.C. 204, 401.

§ 958.3 [Amended]

2. Section 958.3(d) is amended by revising “agency” to read “agency”.

PART 960—RULES RELATIVE TO IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN POSTAL SERVICE PROCEEDINGS

The Postal Service adopts amendments to 39 CFR part 960 as specifically set forth below:

1. The authority citation for part 960 continues to read as follows:

Authority: 5 U.S.C. 504(c)(1); 39 U.S.C. 204, 401(2).

§ 960.3 [Amended]

2. Section 960.3(b) is amended to revise “precluded” in the second sentence to read “preclude”.

PART 962—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE PROGRAM FRAUD CIVIL REMEDIES ACT

The Postal Service adopts amendments to 39 CFR part 962 as specifically set forth below:

1. The authority citation for part 962 continues to read as follows:

Authority: 31 U.S.C. Chapter 38; 39 U.S.C. 401.

§ 962.2 [Amended]

2. Section 962.2(d) and (m) are revised to read as follows:

§ 962.2 Definitions.

* * * * *

(d) *Investigating Official* refers to the Inspector General of the United States Postal Service or any designee within the Office of the Inspector General.

* * * * *

(m) *Reviewing Official* refers to the General Counsel of the Postal Service or any designee within the Law Department who serves in a position for which the rate of basic pay is not less than the minimum rate payable under section 5376 of title 5 of the United States Code.

§ 962.12 [Amended]

3. Section 962.12(f)(1) is amended by adding “not” after “is”.

§ 962.13 [Amended]

4. Section 962.13(f)(2) is amended by revising the word “marshall” to read “marshal” wherever it appears.

§ 962.21 [Amended]

5. Section 962.21(b)(4) is amended by revising “.hat” to read “that”.

PART 964—RULES OF PRACTICE GOVERNING DISPOSITION OF MAIL WITHHELD FROM DELIVERY PURSUANT TO 39 U.S.C. 3003, 3004

The Postal Service adopts amendments to 39 CFR part 964 as specifically set forth below:

1. The authority citation for part 964 continues to read as follows:

Authority: 39 U.S.C. 204, 401, 3003, 3004.

§ 964.1 [Amended]

2. Section 964.1 is amended by adding “States” after “United”.

§ 964.2 [Amended]

3. Section 964.2 is amended by removing “Service” after “Postal”.

PART 965—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAIL DISPUTES

The Postal Service adopts amendments to 39 CFR part 965 as specifically set forth below:

1. The authority citation for part 965 continues to read as follows:

Authority: 39 U.S.C. 204, 401.

§ 965.3 [Amended]

2. Section 965.3 is amended by removing “475 L’Enfant Plaza West, SW.,”.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 02–25168 Filed 10–3–02; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–083–7213a; A–1–FRL–7374–9]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Reasonably Available Control Technology (RACT) Plans and Regulation

AGENCY: Environmental Protection Agency (EPA).