

and by adding, in alphabetical order, definitions for *departmental permit* and *quarantined area* to read as follows:

§ 301.64-1 Definitions.

* * * * *

Departmental permit. A document issued by the Administrator in which he or she affirms that the interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.64-4(c).

* * * * *

Quarantined area. Any State, or any portion of a State, listed in § 301.64-3(c) or otherwise designated as a quarantined area in accordance with § 301.64-3(b).

* * * * *

§ 301.64-3 [Amended]

- 4. Section 301.64-3 is amended as follows:
 - a. In the section heading, by removing the word "Regulated" and adding the word "Quarantined" in its place.
 - b. In paragraph (a), introductory text, by removing the word "quarantined" each time it appears, and by removing the word "regulated" each time it appears and adding the word "quarantined" in its place.
 - c. In paragraph (a)(2), by removing the word "regulated" and adding the word "quarantined" in its place.
 - d. In paragraph (b), by removing the word "quarantined", by removing the word "nonregulated" both times it appears and adding the word "nonquarantined" in its place, and by removing the words "regulated area" and adding the words "quarantined area" in their place.
 - e. In paragraph (c), introductory text, by removing the word "regulated" and adding the word "quarantined" in its place.
- 5. In § 301.64-4, the section heading, the introductory text of the section, and paragraph (b) are revised and a new paragraph (c) and an OMB citation at the end of the section are added to read as follows:

§ 301.64-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:³

* * * * *

³Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

(b) Without a certificate or limited permit, if:

(1) The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mexican fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is clearly indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area; and

(3) The regulated article is moved through the quarantined area without stopping except for refueling or for normal traffic conditions, such as traffic lights or stop signs; or

(c) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a departmental permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the departmental permit and found by the Administrator to be adequate to prevent the spread of Mexican fruit fly; and

(4) With a tag or label bearing the number of the departmental permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in the container.

(Approved by the Office of Management and Budget under control number 0579-0238).

- 6. In § 301.64-6(a), footnote 6 is revised to read as follows:

§ 301.64-6 Compliance agreement and cancellation thereof.

(a) * * * 6

⁶Compliance agreement forms are available without charge from local offices of the Animal and Plant Health Inspection Service, Plant Protection and Quarantine. Local offices are listed in telephone directories, or on the Internet at <http://www.aphis.usda.gov/ppq/>.

- 7. In § 301.64-7(a), footnote 7 is revised to read as follows:

§ 301.64-7 Assembly and inspection of regulated articles.

(a) * * * 7

⁷Inspectors are assigned to local offices of Plant Protection and Quarantine, which are listed in telephone directories. Information concerning such local offices may also be obtained on the Internet at <http://www.aphis.usda.gov/ppq/>.

- 8. Section 301.64-9 is revised to read as follows:

§ 301.64-9 Costs and charges.

The services of an inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. The user will be responsible for all costs and charges arising from inspection and other services provided outside normal business hours.

§ 301.64-10 [Amended]

- 9. In § 301.64-10, paragraph (g)(9) is amended by removing the word "Mediterranean" and adding the word "Mexican" in its place.

Done in Washington, DC, this 23rd day of June 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05-12814 Filed 6-28-05; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 868

United States Standards for Milled Rice; Correction

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations 7 CFR part 868, which were published in the *Federal Register* of September 30, 2002. The regulations related to changes to the U.S. Standards for Milled Rice which established a new level of milling degree, "hard milled", to the existing milling requirements and eliminated reference to "lightly milled" from the milling requirements of U.S. Standards for Milled Rice.

DATES: Effective June 29, 2005.

FOR FURTHER INFORMATION CONTACT: Vicki Lacefield, at her e-mail address: Vicki.A.Lacefield@usda.gov or telephone her at (202) 720-0252.

SUPPLEMENTARY INFORMATION: On September 30, 2002, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published in the *Federal Register* (67 FR 61249) a direct final rule that revised the United States Standards for Milled Rice to establish a new level of milling degree, "hard milled," to the existing milling requirements and to eliminate reference to "lightly milled" from the milling

requirements of U.S. Standards for Milled Rice.

Need for Correction

As published, the direct final rule contains errors which may prove to be confusing and needs to be clarified. In Section 868.310(f) U.S. Sample grade, the word "re" should read "or"; in § 868.311, the correct wording for that section should read "Grades and grade requirements for the class Second Head Milled Rice. (See also § 868.315)", instead of "Grades and grade requirements for the class Second Head Milled Rice. (See also § 868.305.)"; and in § 868.312, the correct wording for that section should read "Grades and grade requirements for the class Screenings Milled Rice. (See also § 868.315.)", instead of "Grades and grade requirements for the class Brewers Milled Rice. (See also § 868.315)."

List of Subjects in 7 CFR Part 868

Agricultural commodities, Rice.

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

■ 1. The authority citation for part 868 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*).

■ 2. Amend § 868.310 by revising note (f) of the table to read as follows:

§ 868.310 Grades and grade requirements for the classes Long Grain Milled Rice, Medium Grain Milled Rice, Short Grain Milled Rice, and Mixed Milled Rice. (See also § 868.315.)

* * * * *

(f) Contains two or more live or dead weevils or other insects, insect webbing, or insect refuse;

* * * * *

■ 3. Revise the heading of § 868.311 read as follows:

§ 868.311 Grades and grade requirements for the class Second Head Milled Rice. (See also § 868.315.)

■ 4. Revise the heading of § 868.312 to read as follows:

§ 868.312 Grade and grade requirements for the class Screenings Milled Rice. (See also § 868.315.)

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–12815 Filed 6–28–05; 8:45 am]

BILLING CODE 3410-EN-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 2003F–0370]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D₃

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of vitamin D₃ as a nutrient supplement in meal replacement bars, other-type bars, and soy-protein based meal replacement beverages represented for special dietary use in reducing or maintaining body weight. This action is in response to a petition filed by Unilever United States, Inc. (Unilever).

DATES: This rule is effective June 29, 2005. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 172.380 as of June 29, 2005. Submit written or electronic objections and requests for a hearing by July 29, 2005. See section VI of this document for information on the filing of objections.

ADDRESSES: You may submit written objections and requests for a hearing, identified by Docket No. 2003F–0370, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Agency Web site: <http://www.fda.gov/dockets/comments>. Follow the instructions for submitting comments on the agency Web site.

- E-mail: fdadockets@oc.fda.gov. Include Docket No. 2003F–0370 in the subject line of your e-mail message.

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All objections received will be posted without change to <http://www.fda.gov/ohrms/dockets/default.htm>, including any personal information provided. For detailed instructions on submitting objections, see the "Objections" heading

of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or objections received, go to <http://www.fda.gov/ohrms/dockets/default.htm> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Judith L. Kidwell, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1071.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of August 21, 2003 (68 FR 50541), FDA announced that a food additive petition (FAP 3A4746) had been filed by Unilever United States, Inc., 390 Park Ave., New York, NY 10022–4698. The petition proposed that the food additive regulations be amended in § 172.380 *Vitamin D₃* (21 CFR 172.380) to provide for the safe use of vitamin D₃ as a nutrient supplement in certain foods for special dietary use, such as meal replacement products and snack replacement products. Foods specifically identified in the petition were meal replacement bars, other-type bars, and soy-protein based meal replacement beverages that are represented for special dietary use in reducing or maintaining body weight.

Vitamin D₃ currently is approved for use as a nutrient supplement in calcium-fortified fruit juice and fruit juice drinks under § 172.380. Vitamin D¹, including vitamin D₃, also is affirmed as generally recognized as safe (GRAS) for use in food under § 184.1950 (21 CFR 184.1950) with the following limitations:

Category of Food	Maximum Levels in Food (as served)
Breakfast cereals	350 International Units (IU)/100 grams (g)
Grain products and pasta	90 IU/100 g

¹ Vitamin D comprises a group of fat-soluble secosterols and comes in many forms. The two major physiologically relevant forms are vitamin D₂ and vitamin D₃. Vitamin D without a subscript represents either D₂ or D₃. Section 184.1950 includes crystalline vitamin D₂, crystalline vitamin D₃, vitamin D₂ resin, and vitamin D₃ resin. Section 172.380 includes only crystalline vitamin D₃.