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.

[FR Doc. 03–16789 Filed 7–2–03; 8:45 am]

BILLING CODE 4160–01–S

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

articles, to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach the materials to your electronic comments.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the address above. Comments and submissions posted on OSHA's Webpage are available at *www.osha.gov.* Please do not include personal information (such as social security numbers and birth dates) in submissions. Contact the OSHA Docket Office at (202)-693–2350 for information about materials not available through the OSHA Webpage and for assistance in using the Webpage to locate docket submissions.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Ms. Bonnie Friedman, OSHA, Office of Public Affairs, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1900. For technical inquiries contact Mr. Michael Buchet, OSHA, Office of Construction Standards and Guidance, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2020. For additional copies of this **Federal Register** notice, contact OSHA, Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; telephone (202) 693–1888. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's web page on the Internet at *http://www.osha.gov.*

The C–DAC Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; Telephone (617) 738–5320, Fax (617) 738–6911.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Discussion of Comments on the Proposed Membership List
III. Final Committee Membership List
IV. Procedure for Adding and Replacing Members
V. Anticipated Key Issues for Negotiation
VI. Authority

I. Background

On July 16, 2002, OSHA published a **Federal Register** notice of intent to establish a negotiated rulemaking committee for cranes and derricks (volume 67 of the **Federal Register**, page 46612). The notice requested comments on the appropriateness of using negotiated rulemaking to develop a proposed rule for cranes and derricks used in construction and requested nominations for membership on the Committee. In addition, the notice described the negotiated rulemaking process and identified some key issues anticipated to be addressed in the negotiation.

Fifty-five nominations for membership on the Committee and several comments were received during the comment period. There was broad support for using negotiated rulemaking to update the standard and OSHA decided to go forward with the negotiated rulemaking process.

II. Discussion of Comments on the Proposed Membership List

The Agency published a proposed membership list and requested public comment (68 FR 9036, February 27, 2003). In response to the notice of proposed members, OSHA received 29 sets of comments. Of the comments received, 13 supported OSHA's proposed member list and 16 asked for individuals to be added to the list. Below is a discussion of the comments that recommended adding members to the committee.

Three commenters (Exs. 6–1, 7–7 and 7–13) indicated that there should be an additional representative from the mobile crane manufacturing industry. In their view there was an imbalance in the proposed committee list with respect to the number of manufacturing representatives relative to the number of user representatives. The proposed committee included a representative from Manitowoc Cranes, Inc. OSHA agrees with these commenters and has decided to add Bernie McGrew of Link-Belt Construction Equipment Company to the Committee to provide additional technical expertise on the design, manufacturing and testing of mobile cranes.

One industry commenter (Ex. 7–12) suggested that the committee needs a representative from the Department of Defense and in particular the Navy Nuclear Crane Program. The Agency, however, is not aware of aspects of cranes used by the Navy that cannot be addressed by the proposed members of the Committee. Furthermore, no comments were received from the Navy objecting to the proposed membership list.

One commenter (Ex. 7–9) asserted that the proposed committee did not represent hydraulic telescoping boom cranes. However, since Manitowoc owns Grove, a major manufacturer of hydraulic cranes, their member will represent that interest. Also, Link-Belt manufacturers hydraulic cranes, so with the addition of Mr. McGrew, the interests of manufacturers of hydraulic telescoping boom cranes will be represented.

That commenter also asserted that the committee should have a representative of an "independent" trainer. The proposed list included David Ritchie of The St. Paul Companies, who has extensive experience as a trainer. The commenter did not explain why the interest of trainers can only be represented by an independent trainer. Accordingly, the Agency concludes that the trainer interest is adequately represented.

One commenter (Ex. 7–4) stated that cranes and derricks are used extensively in marine construction (bridge, dock, outfall, pipeline and dredging work) and that the marine construction environment is very different from a landside environment. He asked that a representative of the marine construction industry be added. He also noted that, "in lieu of appointing a marine construction representative to the committee, we request that OSHA provide some vehicle to ensure that marine construction interests may offer valuable input to the negotiated rulemaking committee. * * *"

OSHA believes that the marine construction interest can effectively form coalitions with other committee members. In addition, the marine construction interest will have ample opportunities to present information to and work with the C-DAC committee as issues relating to that type of work arise. This type of information can be provided at the public meetings of the full committee and in committee workgroups.

Seven commenters (Exs. 6–7, 6–9, 6–10, 6–11, 6–13, 6–14 and 6–15) objected to the composition of the committee stating that the Specialized Carriers & Rigging Association's (SC&RA) nominee should be added to the committee. The SC&RA is an association with a large, broad-based membership of crane-related businesses. The comments reflect a cross-section of industry support for including the SC&RA nominee, Doug Williams of Buckner Heavylift Cranes. The Agency has decided to add Mr. Williams as a member of the committee.

One commenter (Ex. 6–6) stated that the proposed committee did not have sufficient representation from "public entities;" it appears from the context of the comment that the commenter is

referring to industry consensus groups. The Agency believes that the final membership list represents a broad cross-section of the industry. The commenter has not demonstrated why the interests of the individuals who serve on consensus groups, or the consensus groups themselves, would be unable to form coalitions with one or more of the named members.

One commenter (Ex. 6–5) suggested adding a member to the committee to represent manufacturers of specialized safety equipment and devices, such as equipment used to warn those in the vicinity of the crane or to detect hazards. Mr. Means was named to the committee to represent the interests of crane equipment suppliers. The commenter has not indicated why manufacturers of safety devices cannot form a coalition with Mr. Means or others.

A commenter (Ex. 6–4) recommended the addition of a member to represent the outdoor advertising industry. The commenter stated that the location, purpose and dimension of the work environments involved in outdoor advertising create unique challenges in the area of workplace safety. In addition, the commenter noted that work zone control and operations near electric power lines are issues that the outdoor advertising industry has extensive and unique experience with.

OSHA agrees that outdoor advertising is a unique type of construction activity that uses specialized crane equipment. The Agency believes that this interest is significant enough to add a member to the committee and, therefore, is adding Stephen Charman of Viacom Outdoor Group, Inc. to the committee to provide expertise on the use of cranes in the construction of billboards.

The Agency has hired Susan Podziba as Facilitator for the negotiated rulemaking Committee. The primary functions of the Facilitator will be to chair the meetings of the Committee in an impartial manner and assist the members of the Committee in conducting discussions and negotiations.

III. Final Committee Membership List

The final C–DAC membership list is comprised of the 23 individuals listed below:

Manufacturers and Suppliers

Michael Brunet, Manitowoc Cranes, Inc., 2401 S. 30th Street, Manitowoc, WI 54220

Peter Juhren, Morrow Equipment Company, L.L.C., 3218 Pringle Road SE., P.O. Box 3306, Salem, OR 97302

Bernie McGrew, Link-Belt Construction Equipment 2651 Palumbo Drive, P.O. Box 13600, Lexington, KY 40583

Larry Means, Means Engineering & Consulting, P.C., 44 South Carriage Drive, St. Joseph, MO 64506–1233

Lessors/Maintenance

William Smith, Maxim Crane Works 508-C DiGiulian Blvd., Glen Burnie, MD 21061

Users—Employers

Stephen P. Charman, Viacom Outdoor, Inc., 49–29 Maspeth Ave., Maspeth, NY 11378

Joseph Collins, Zachry Construction Corporation, P.O. Box 240130, San Antonio, TX 78224

Brian Murphy, Sundt Corporation, 4101 E Irvington Road, P.O. Box 26685, Tucson, AZ 85726

George R. "Chip" Pocock, C.P. Buckner Steel Erection, P.O. Box 598, Graham, NC 27253

Thomas "Craig" Steele, Schuck & Sons Construction Company, Inc., 8205 North 67th Avenue, Glendale, AZ 85302

Darlaine Taylor, Century Steel Erectors, Co., LP 210 Washington Avenue, Dravosburg, Pennsylvania 15034

William J. "Doc" Weaver, 8065 S. Overhill Circle, Salt Lake City, UT 84121

Robert Weiss, Cranes Inc. and A.J. McNulty & Company, Inc., 53–20 44th Street, Maspeth NY 11378

Doug Williams, Buckner Heavylift Cranes, P.O. Box 598, Graham, NC 27253

Stephen Wiltshire, Turner Construction Company, 6108 Waterman Drive, Fredericksburg, VA 22407

Users—Labor Organizations

Frank Migliaccio, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, 1750 New York Ave., NW., Suite 400, Washington, DC 20006

Dale Shoemaker, Carpenters International Training Center, 6801 Placid Street, Las Vegas, NV 89119

Operators—Labor Organizations

Stephen Brown, International Union of Operating Engineers, 1125 17th Street, NW., Washington, DC 20036

Emmett Russell, International Union of Operating Engineers 1125 17th Street, NW., Washington, DC 20036

Government/Public Entities

Noah Connell, U.S. Department of Labor/OSHA, 200 Constitution Ave., NW., Room N–3468, Washington, DC 20210

Training and Operator Testing

David Ritchie, The St. Paul Companies, P.O. Box 1419, Bastrop, TX 78602

Power Line Owners

Michael Hyland, American Public Power Association, 2301 M Street, NW., Washington, DC 20037

Insurance

Charles Yorio, Acordia, Two Gateway Center, Suite 1900, 603 Stanwix Street, Pittsburgh, PA 15222

IV. Procedure for Adding and Replacing Members

A. Additional Members

During the course of the Committee's negotiations, an unanticipated issue significantly affecting one or more unanticipated, unrepresented interests may arise. The Committee may decide that it is necessary for that issue to be addressed in the proposed rule. If so, the Agency will publish in the **Federal Register** a request for additional nominations to represent such interests. The Secretary or her designee may then select one or more additional representatives, who will be added as Committee members. The additional members will not be entitled to revisit any issue that has already been negotiated, unless the Committee agrees by consensus to do so.

B. Replacement Members

In the event an appointed member becomes unavailable or otherwise unable to serve, the Secretary or her designee will select a replacement member to represent the interest the original member had represented.

V. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.

9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.
14. Hydraulic cranes.

Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, pursuant to the Negotiated Rulemaking Act of 1990, (5 U.S.C. 561 *et seq.*), the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, this 9th day of June, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03–16870 Filed 7–2–03; 8:45 am]

BILLING CODE 4510–26–U

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 first meeting of Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the first meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C–DAC). Members will be sworn in; the committee will be charged with its duties and will address certain procedural matters and substantive issues. The meeting will be open to the public.

DATES: The meeting will be on July 30, 31, and August 1, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at The U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 in conference room N3437 A, B and C.

Written comments to the committee may be submitted in any of three ways: by mail, by fax, or by email. Please include "Docket No. S–030" on all submissions.

By mail, the address is: OSHA Docket Office, Docket No. S–030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–2625, Washington, DC 20210, telephone (202) 693–2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at telephone number (202) 693–1648.

Electronically, comments may be submitted through OSHA's Webpage at *http://ecomments.osha.gov*. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693–2345.

Table of Contents

I. Background
II. Agenda
III. Anticipated Key Issues for Negotiation
IV. Public Participation
V. Supplementary Information
V. Authority

I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee (Volume 67 of the **Federal Register**, page 46612). The notice requested nominations for membership on the C–DAC and comments on the appropriateness of using negotiated rulemaking to develop a proposed rule for cranes and derricks used in construction. In addition, the notice described the negotiated rulemaking process and identified some key issues anticipated to be addressed in the negotiation.

Fifty-five nominations for membership on the Committee and several comments were received during the comment period. There was broad support for using negotiated rulemaking to update the standard and OSHA decided to go forward with the negotiated rulemaking process. On June 12, 2003 the Department of Labor published a notice establishing the Committee (Volume 68 of the **Federal Register**, page 35172).

II. Agenda

Following registration, assembly and a welcome by the Agency, the Facilitator will offer a brief overview of negotiated rulemaking and then address the matters that must be resolved by the Committee at its first meeting, including adoption of ground rules. These are the procedural rules that the Committee will use for conducting the meetings. In addition there will be discussion of a tentative list of C–DAC workgroups.

The Facilitator will initiate discussions on identifying the substantive issues to be addressed by C–DAC. OSHA requests that committee members and all interested parties bring their calendars to facilitate the development of a tentative schedule of committee and workgroup meetings.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed as part of these negotiations will include:

1. The identification/description of what constitutes "cranes and derricks" for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5. Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. No advanced