

particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

XI. References

The following references have been placed on display in the Division of Dockets Management and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from M. DiNovi, FDA to M. Ditto, FDA, August 10, 1999.
2. Memorandum from T. P. Twaroski, FDA to M. Ditto, FDA, May 17, 2002.
3. Burger, I. H. and Walters, C. L., "The Effect of Processing on the Nutritive Value of Flesh Foods," *Proceedings of the Nutrition Society*, 32:1-8, 1973.
4. Memorandum from M. DiNovi, FDA to M. Ditto, FDA, May 6, 2002.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

■ 1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

■ 2. Section 172.867 is amended by revising paragraphs (b) and (c) and by removing paragraph (f) to read as follows:

§ 172.867 Olestra.

* * * * *

(b) Olestra meets the specifications of the *Food Chemicals Codex*, 4th edition, 1st supplement (1997), pp. 33-35, which is incorporated by reference. The Director of the Office of the Federal

Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418 (Internet address <http://www.nap.edu>). Copies may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) Olestra may be used in place of fats and oils in prepackaged ready-to-eat savory (i.e., salty or piquant but not sweet) snacks and prepackaged, unpopped popcorn kernels that are ready-to-heat. In such foods, the additive may be used in place of fats and oils for frying or baking, in dough conditioners, in sprays, in filling ingredients, or in flavors.

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Dated: May 12, 2004.

William K. Hubbard,

Associate Commissioner for Policy and Planning.

[FR Doc. 04-11502 Filed 5-21-04; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 206

RIN 1010-AD04

Federal Oil Valuation

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule—technical amendment.

SUMMARY: The July 6, 2004, effective date of the final rule originally published May 5, 2004, entitled "Federal Oil Valuation," is changed to August 1, 2004, to correct an inadvertent clerical error.

DATES: The correct effective date of the rule published on May 5, 2004, at 69 FR 24959, is August 1, 2004.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The MMS published a final rule entitled "Federal Oil Valuation" in the **Federal Register** on May 5, 2004 (69 FR 24959). The May 2004 final rule amended the existing regulations governing the valuation of crude oil produced from Federal leases for royalty purposes, and related provisions governing the reporting thereof. The amendments primarily affect which published market prices are most appropriate to value crude oil not sold at arm's length and what transportation deductions should be allowed. The effective date for the May 2004 final rule as originally published is July 6, 2004.

The original intent in publishing the May 2004 final rule was to make the rule become effective on the first day of the calendar month that is more than 60 days following the date of publication in the **Federal Register**. Through an inadvertent clerical error, just prior to publication, the effective date was changed to 60 days following the date of publication in the **Federal Register**. Consequently, the rule was published with an effective date of July 6, 2004. If left unchanged, Federal lessees would have to apply the existing rule to oil produced from July 1 through July 5, 2004, and then apply the May 2004 final rule to oil produced from July 6 to July 31, 2004. It was not MMS's intent to require Federal lessees to value oil produced during a particular production month (in this case, July 2004) using two different valuation rules. The MMS recognizes that to do so would be both administratively burdensome and costly to Federal lessees and MMS. Therefore, MMS is changing the effective date of the May 2004 final rule from July 6, 2004, to August 1, 2004.

This change does not require public comment under 5 U.S.C. 553(b)(3)(B). Public comment is unnecessary for the reasons explained above. Under 5 U.S.C. 553(d), MMS, for good cause, finds that this final rule—technical amendment, should be immediately final upon publication to correct MMS's inadvertent clerical error regarding the May 2004 final rule's effective date.

Dated: May 17, 2004.

Rebecca W. Watson,

Assistant Secretary for Land and Minerals Management.

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