

Consumer Expenditure Survey, 1997–99, Bureau of Labor Statistics, U.S. Department of Labor, Washington, DC, May 2001, p. 3. Obtained data from the Internet site <http://stats.bls.gov/cex/csxann99.pdf> on July 25, 2002.

#### List of Subjects in 21 CFR Part 101

Food labeling, Incorporation by reference, 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:** 15 U.S.C 1453, 1454, 1455; 21 U.S.C. 321, 331, 342, 343, 348, 371; 42 U.S.C. 243, 264, 271.

2. Section 101.4 is amended by revising paragraph (h) to read as follows:

##### **§ 101.4 Food; designation of ingredients.**

\* \* \* \* \*

(h) The common or usual name of a botanical ingredient (including fungi and algae) listed on the label of a dietary supplement must be consistent with the “standardized common name” listed in *Herbs of Commerce, 2nd Edition* (2000) for the plant from which the ingredient is derived. The use of the term “ginseng” as a common or usual name (or part thereof) for any dietary supplement or dietary ingredient is limited to those that are derived from a plant classified within the genus “*Panax*.” *Herbs of Commerce, 2nd Edition* (2000) is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this book may be obtained from the American Herbal Products Association, 8484 Georgia Ave., suite 370, Silver Spring, MD 20910, 301–588–1171, FAX: 301–588–1174, e-mail: [ahpa@ahpa.org](mailto:ahpa@ahpa.org). Copies also may be examined at the Center for Food Safety and Applied Nutrition’s Library, 5100 Paint Branch Pkwy., College Park, MD, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(1) The listing of the common or usual name on the label must be followed by statements of:

(i) The part of the plant (e.g., root, leaves) from which the dietary ingredient is derived (e.g., “Garlic bulb” or “Garlic (bulb)”), except that this designation is not required for algae. The name of the part of the plant must be expressed in English (e.g., “flower” rather than “flos”); and

(ii) The Latin binomial name (i.e., genus and species) of the plant from which the botanical ingredient is derived, stated in parentheses, when no “standardized common name” for the plant is listed in *Herbs of Commerce, 2nd Edition* (2000). In such cases, this Latin binomial name may be listed before the part of the plant and must be stated in accordance with the internationally accepted rules on botanical nomenclature found in the *International Code of Botanical Nomenclature (Saint Louis Code) 2000*. When needed to positively identify the botanical ingredient, the Latin binomial name also must include the author citation (i.e., name(s) of the person(s) who described and published the Latin binomial name in accordance with the internationally accepted rules on botanical nomenclature found in the *International Code of Botanical Nomenclature (Saint Louis Code) 2000*). The *International Code of Botanical Nomenclature (Saint Louis Code) 2000*, a publication of the International Association for Plant Taxonomy, is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this book may be obtained from Koeltz Scientific Books, D–61453 Königstein, Germany; University Bookstore, Southern Illinois University, Carbondale, IL 62901–4422, 618–536–3321, FAX: 618–453–5207, e-mail: [siu@bkstr.com](mailto:siu@bkstr.com); and from Lubrecht & Cramer, 18 East Main St., Port Jervis, NY 12771, 800–920–9334, FAX: 800–920–9334, e-mail: [books@lubrechtcramer.com](mailto:books@lubrechtcramer.com). Copies also may be examined at the Center for Food Safety and Applied Nutrition’s Library, 5100 Paint Branch Pkwy., College Park, MD, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(2) On labels of single-ingredient dietary supplements that do not include an ingredient list, the identification of the Latin binomial name, when needed, and the part of the plant may be prominently placed on the principal display panel or information panel, or included in the nutrition label.

Dated: August 14, 2003.

**William K. Hubbard,**

*Associate Commissioner for Policy and Planning.*

[FR Doc. 03–21981 Filed 8–27–03; 8:45 am]

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#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

#### 26 CFR Part 1

[REG–129709–03]

RIN–1545–BC34

#### Prohibited Allocations of Securities in an S Corporation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Change of date for public hearing on proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document provides notice of a change of date for the public hearing on proposed regulations by cross-reference to temporary regulations under sections 409(p), and 409(p)(5).

**DATES:** The public hearing is being held on Monday, November 17, 2003 at 10 a.m. Outline of oral comments must be received by October 27, 2003.

**ADDRESSES:** The public hearing is being held in room 6718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: CC:PA:LPD:PR (REG–129709–03), Room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:PA:LPD:PR (REG–129709–03), Courier’s Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit an outline of oral comments electronically directly to the IRS Internet site at <http://www.irs.gov/regs>.

**FOR FURTHER INFORMATION:** Concerning the regulations, John Ricotta (202) 622–6060; concerning submissions, Sonya M. Cruse (202) 622–4693 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

A notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing appearing in the **Federal Register** on Monday, July 21, 2003 (68 FR 43058), announced that a public hearing on proposed rulemaking by cross-reference to temporary regulations that provided guidance on identifying disqualified persons and determining whether a plan year is a nonallocation year under section 409(p) and on the definition of synthetic equity under section 409 (p)(5) would be held on Thursday, November 20, 2003, in room 6718, Internal

Revenue Building 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has been changed to Monday, November 17, 2003. Written or electronic comments must be received by October 17, 2003. Outlines of oral comments must be received by October 27, 2003.

**LaNita Van Dyke,**

*Paralegal Specialist, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 03-21965 Filed 8-27-03; 8:45 am]

**BILLING CODE 4830-01-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Changes to the Move Update and Address Matching Requirements

**AGENCY:** Postal Service.

**ACTION:** Further notice of proposed rulemaking.

**SUMMARY:** This is a special interim Advance Notice incorporating mailers' comments from the May 31, 2002 **Federal Register** (67 FR 38041-38043), Advance Notice of Proposed Rulemaking and Request for Comment. Prior to publishing a final rule, the Postal Service is requesting additional comments from the mailing industry on the proposed changes to current Domestic Mail Manual (DMM) standards that concern Move Update and/or Address Matching requirements. These proposed standards address specific mail preparation requirements that can effectively assist in reducing the negative impact on delivery service and costs associated with Undeliverable-As-Addressed (UAA) Mail. Due to the significant ongoing UAA mail burden noted in omnibus rate case Docket No. R2001-1, changes are deemed necessary to help mitigate the UAA mail impact on the mailing industry and the Postal Service.

**DATES:** Comments must be received on or before September 29, 2003. The Postal Service intends to pursue implementation of these proposals within the framework of a future formal rule or rate making process. Please note that a specific rule or rate making will not be forthcoming as a result of this notice, rather any change will be integrated into a future rule or rate making that is part of the Product Redesign initiative or omnibus rate case. In no event will the proposals become effective sooner than 18 months from

the date of a future final rule publication.

**ADDRESSES:** Written comments should be mailed or delivered to the Office of Product Management—Addressing, National Customer Support Center, United States Postal Service, 6060 Primacy Pkwy, Ste 201, Memphis, TN 38188-0001. Comments may also be transmitted via facsimile to 901-681-4440 or via e-mail to [chunt1@email.usps.gov](mailto:chunt1@email.usps.gov). Copies of all written comments will be available for inspection and photocopying at USPS Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC 20260-1450 between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Orbke, 901-681-4658; Charles B. Hunt, 901-681-4651; or Neil Berger, 703-292-3645.

**SUPPLEMENTARY INFORMATION:** On May 31, 2002, the Postal Service requested comments concerning changes to the Move Update and Address Matching standards (Advance Notice). 67 FR 38041-38043. The Postal Service did not suggest specific Domestic Mail Manual provisions at that time, but sought public comments on five general proposals. As discussed in that notice, changes to these standards were recommended in the 2001 Mailing Industry Task Force, a workgroup joining mailing industry and Postal Service leaders, as an important means to decrease the volume of UAA mail and thereby hold down postal processing and delivery costs.

Thirty-six comments were submitted in response to the Advance Notice. After review of the comments, the Postal Service is proposing specific DMM changes to the Move Update and Address Matching standards and seeks public comment concerning these revisions.

Consistent with the recommendation of the Mailing Industry Task Force, the Postal Service believes that appropriate revisions to the standards are vital to the continued vitality of the postal system and the interests of mailers. The Postal Service is committed to taking prudent steps in coordination with the mailing industry to create and maintain a cost-efficient mailstream. Over the years, the Service has invested heavily to create an automated mailstream to help drive costs out of the delivery system. However, although an efficient automated mailstream depends on accurate barcodes for success, barcodes are only as accurate as the quality of the addressing information that is their foundation. As discussed in the Advance Notice, revisions to the Move

Update and Address Matching standards are needed to improve the level of address quality for mailings entered at discounted rates. The Postal Service remains convinced that high quality addressing, best possible depth of ZIP+4 codes, and (where applicable) accurate delivery point barcodes that result in the delivery of the mailpiece to the intended recipient, in an efficient manner, should be primary objectives for mailers.

The Advance Notice proposed five changes to existing address quality standards, including: (1) Expand the applicability of a Move Update requirement from Presorted and automation rate First-Class Mail to include Periodicals, Standard Mail, and Package Services, (2) increase the minimum frequency of Move Update processing from 180 days to 90 days, (3) remove the use of ancillary service endorsements with individual hardcopy notifications as a stand-alone option to satisfy the Move Update requirement, (4) increase the frequency of Address Matching processing for automation rate mail from 180 days to 90 days, and (5) require the use of monthly (instead of bimonthly) directory updates for address matching software.

In addition to revisions to DMM standards, the Advance Notice also addressed the timing of the changes. When the Move Update requirement for First-Class Mail was instituted in 1997, a 9-month readiness period was provided. The Postal Service recognizes the magnitude of the adjustments that will have to be made both by the industry and the Service to implement the revisions proposed in this notice and will ensure that ample time is provided. It is not the intention of the Postal Service to create unreasonable barriers to discount rate qualification with these changes, but rather to improve the overall cost effectiveness of the mail delivery system and rate stability for all stakeholders.

As stated in the Advance Notice, the evaluation and implementation of these proposals will continue to be stewarded by the Postal Service Product Management Group, within the framework of the Product Redesign effort.

Part A of this notice summarizes the proposed changes and provides an analysis of comments received to the Advance Notice. Part B summarizes the changes to the DMM, followed by the text of the proposed DMM standards.

#### Part A

Several comments were outside the scope of the changes that were proposed. These comments, such as