

## PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

### Subpart H—Regulations Pertaining to the Privacy of Individuals and Systems of Records Maintained by the Commission

1. The authority citation for Part 200 is revised by adding authority for § 200.312 in numerical order to read as follows:

**Authority:** 15 U.S.C. 77o, 77s, 77sss, 78d, 78d–1, 78d–2, 78w, 78ll(d), 78mm, 80a–37, 80b–11, and 7202, unless otherwise noted.

\* \* \* \* \*

Section 312 is also issued under 5 U.S.C. 552a(k).

2. Amend § 200.312 by:

a. Removing “and” at the end of paragraph (a)(5);

b. Adding paragraphs (a)(7), (8), and (9); and

c. Revising paragraph (b); and

d. Removing the authority citation at the end of the section.

The revisions read as follows.

#### § 200.312 Specific exemptions.

\* \* \* \* \*

(a) \* \* \*

(7) Tips, Complaints, and Referrals (TCR) Records;

(8) SEC Security in the Workplace Incident Records; and

(9) Investor Response Information System (IRIS).

(b) Pursuant to 5 U.S.C. 552a(k)(5), the system of records containing the Commission’s Disciplinary and Adverse Actions, Employee Conduct, and Labor Relations Files shall be exempt from sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (e)(4)(I), and (f), and 17 CFR 200.303, 200.304, and 200.306 insofar as they contain investigatory material compiled to determine an individual’s suitability, eligibility, and qualifications for federal civilian employment or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

By the Commission.

Dated: May 18, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–12694 Filed 5–23–11; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 11 and 101

[Docket No. FDA–2011–F–0172]

RIN 0910–AG57

### Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the *Federal Register* of April, 6, 2011 (76 FR 19192). To implement the menu labeling provisions of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), FDA proposed requirements for providing certain nutrition information for standard menu items in certain chain restaurants and similar retail food establishments. The document published with several errors in cross references, an incomplete address, and a typographical error in the codified section of the document. This document corrects those errors.

#### FOR FURTHER INFORMATION CONTACT:

Claudine Kavanaugh, Office of Foods, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, rm. 3234, Silver Spring, MD 20993, 301–796–4647.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2011–7940, appearing on page 19192, in the *Federal Register* of Wednesday, April 6, 2011, FDA is making the following corrections:

1. On page 19193, in the second column, in the first full paragraph, in the last sentence, “section III.A of this document” is corrected to read “section III.B of this document”.

2. On page 19194, in the second column, in the third full paragraph, in the last sentence, “discussed in section III.C.” is corrected to read “discussed in section III.D”.

3. On page 19205, in the first column, in the eighth line, “discussed in section III.C.” is corrected to read “discussed in section III.D”.

4. On page 19205, in the third column, in the twelfth line, “discussed in III.A.” is corrected to read “discussed in section III.B”.

5. On page 19207, in the first column, in the last paragraph, in the fourth sentence, “discussed in section II.A.” is corrected to read “discussed in section III.B”.

6. On page 19207, in the second column, in the fifth line, “discussed in section III. A.” is corrected to read “discussed in section III.B”.

7. On page 19214, in the second column, in the second full paragraph, in the second sentence, “§ 101.11(2)(ii)” is corrected to read “§ 101.11(b)(2)(ii)(A)”.

8. On page 19214, in the second column, in the third full paragraph, “§ 101.11(2)(ii)(D)” is corrected to read “§ 101.11(b)(2)(ii)(D)”.

9. On page 19216, in the first column, in the second full paragraph in the third sentence, “§ 101.11(b)(2)(i)(4))” is corrected to read “§ 101.11(b)(2)(i)(A)(4)”.

10. On page 19218, in the second column, in the last paragraph, in the first sentence, “§ 101.11(c)(2)” is corrected to read “§ 101.11(d)(2)” and “§ 101.11(a)(10)” is corrected to read “§ 101.11(a)”.

11. On page 19218, in the third column, the first sentence, “FDA is also proposing in § 101.11(c)(2) that an authorized official may register an individual restaurant or similar retail food establishment or multiple restaurants or similar retail food establishments that are part of chain on a single registration form.” is corrected to read “Under this proposal an authorized official may register an individual restaurant or similar retail food establishment or multiple restaurants or similar retail food establishments that are part of a chain on a single registration form.”

12. On page 19218, in the third column, in the last full paragraph, “FDA, White Oak Building 22, Room 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993” is corrected to read “FDA, CFSAN Menu and Vending Machine Labeling Registration, White Oak Building 22, rm. 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993”.

13. On page 19219, in the first column, in the second full paragraph, in the last sentence, “§ 101.11(c)(2)” is corrected to read “§ 101.11(c)(6)”.

14. On page 19226, in Table 6, in the seventh column, “42,226,212” is corrected to read “36,962,326”.

15. On page 19227, in Table 7, the title “Table 7—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN: NUTRIENT DISCLOSURE FOR

PROPOSED § 101.11(B)” is corrected to read “TABLE 7—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN: NUTRIENT DISCLOSURE FOR PROPOSED § 101.11(b)”.

16. On page 19228, in Table 8, the title “Table 8—ESTIMATED ANNUAL REPORTING BURDEN, VOLUNTARY REGISTRATION UNDER PROPOSED § 101.11(c)(3)” is corrected to read “Table 8—ESTIMATED ANNUAL REPORTING BURDEN, VOLUNTARY REGISTRATION UNDER PROPOSED § 101.11(d)(3)” and at the end of the table, the following table note is added “<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.”

17. In proposed § 101.11(a), on page 19233, in the second column, in the definition of restaurant-type food, “*Restaurant-type food* means food of the type described in the definition of ‘restaurant food’ that is ready food human consumption \* \* \*” is corrected to read “*Restaurant-type food* means food of the type described in the definition of ‘restaurant food’ that is ready for human consumption \* \* \*”.

18. In proposed § 101.11(b)(2)(i)(C), on page 19234, in the second column, “paragraph (b)(3)(i) of this section” is corrected to read “paragraph (b)(2)(ii) of this section”.

19. In proposed § 101.11(b)(2)(iii)(A)(1) and (b)(2)(iii)(A)(2), on page 19235, in the first column, “§ 101.10(b)(2)(ii)(A)” is corrected to read “§ 101.11(b)(2)(iii)(A)”.

20. In proposed § 101.11(d)(3)(vii), on page 19236, in the third column, “FDA White Oak Building 22, Room 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993” is corrected to read “FDA, CFSAN Menu and Vending Machine Labeling Registration, White Oak Building 22, rm. 0209, 10903 New Hampshire Ave., Silver Spring, MD 20993”.

21. In proposed § 101.11(d)(4), on page 19236, in the third column, “§ 101.11(c)(3)” is corrected to read “§ 101.11(d)(3)”.

Dated: May 19, 2011.

**Leslie Kux,**  
Acting Assistant Commissioner for Policy.  
[FR Doc. 2011-12735 Filed 5-23-11; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 11 and 101

[Docket No. FDA-2011-F-0172]

RIN 0910-AG57

#### Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food and Drug Administration (FDA) is extending the comment period until July 5, 2011, for a proposed rule that was published in the *Federal Register* of April 6, 2011 (76 FR 19192). In that document, FDA proposed requirements for providing nutrition information for standard menu items in certain chain restaurants and similar retail food establishments. The Agency is extending the comment period in response to several requests to give interested parties additional time to comment.

**DATES:** Submit either electronic or written comments by July 5, 2011.

**ADDRESSES:** You may submit comments, identified by Docket No. FDA-2011-F-0172 and/or RIN 0910-AG57, by any of the following methods:

#### Electronic Submissions

Submit electronic comments in the following way:

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

#### Written Submissions

Submit written submissions in the following ways:

- *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, Docket No. FDA-2011-F-0172, and RIN 0910-AG57 for this rulemaking. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided. For additional information on submitting comments, see the “Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> 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:** Geraldine A. June, Center for Food Safety and Applied Nutrition (HFS-820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240-402-2371.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the *Federal Register* of April 6, 2011 (76 FR 19192), FDA proposed requirements to implement the menu labeling provisions of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act). Specifically, FDA proposed to require that restaurants and similar retail food establishments that are a part of a chain with 20 or more locations doing business under the same name, and offering for sale the same menu items, provide calorie and other nutrition information for standard menu items, including food on display and self-service food. FDA provided a 60-day comment period (*i.e.*, until June 6, 2011) for that proposal.

FDA has received several requests to extend the comment period. The requests stated that additional time is needed to comment on the proposed rule for a number of reasons, including a need for time to assess the effect of the proposal on the industry; a desire to conduct consumer research to support comments on the proposal; and the complexities of the proposed rule.

FDA has considered the requests and is extending the comment period an additional 30 days, until July 5, 2011. We believe that this additional time will provide interested parties sufficient time to respond to the proposal.

##### II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.