

Parts Closed to the Public

1. Discussion of litigation.
2. Discussion of personnel matters.

CONTACT PERSON FOR MORE INFORMATION:
Thomas J. Trabucco, Director, Office of
External Affairs, (202) 942-1640.

Dated: December 4, 2002.

David L. Hutner,

*Secretary to the Board, Federal Retirement
Thrift Investment Board.*

[FR Doc. 02-31117 Filed 12-4-02; 4:28 pm]

BILLING CODE 6760-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02P-0462]

Food Labeling: Nutrient Content Claims; Implied Nutrient Content Claim in the Brand Name CARBOLITE; Availability of Petition

AGENCY: Food and Drug Administration,
HHS.

ACTION: Notice.

SUMMARY: The Food and Drug
Administration (FDA) is announcing the
availability for comment of a petition
submitted by Carbolite Foods, Inc. (the
petitioner), for the use of an implied
nutrient content claim in their brand
name CARBOLITE.

DATES: Submit written or electronic
comments on the petition by January 8,
2003.

ADDRESSES: Submit written comments
to the Dockets Management Branch
(HFA-305), Food and Drug
Administration, 5630 Fishers Lane, rm.
1061, Rockville, MD 20852. Submit
electronic comments to <http://www.fda.gov/dockets/ecomments>. The
petition is available for review at the
Dockets Management Branch or
electronically on the agency's Web site
at <http://www.fda.gov/ohrms/dockets>.
You also may request a copy of the
petition from the Dockets Management
Branch.

FOR FURTHER INFORMATION CONTACT:
Constance Henry, Office of Nutritional
Products, Labeling and Dietary
Supplements, Center for Food Safety
and Applied Nutrition (HFS-830), Food
and Drug Administration, 5100 Paint
Branch Pkwy., College Park, MD,
20740-3835, 301-436-1450.

SUPPLEMENTARY INFORMATION:

I. Background

Section 403(r)(4)(A)(iii) of the Federal
Food, Drug and Cosmetic Act (the act)
(21 U.S.C. 343(r)(4)(A)(iii)), provides

that any person may petition the
Secretary of Health and Human Services
(and by delegation FDA) for permission
to use an implied claim characterizing
the level of a nutrient (nutrient content
claim) in a brand name. Under
§ 101.69(o)(3) (21 CFR 101.69(o)(3)),
FDA will publish a notice of the petition
in the **Federal Register** announcing its
availability to the public and seeking
comment on the petition. Within 100
days of the date of receipt of a petition
accepted for review, FDA will notify the
petitioner by letter of its decision to: (1)
Grant the petitioner permission to use
the proposed brand name, if such use is
not misleading, specifying any
conditions or limitations on such use, or
(2) deny the petition, stating the reasons
for the denial.

FDA must grant the petition if it finds
that the petitioned claim is not
misleading and is consistent with terms
defined by regulation under section
403(r)(2)(A)(i) of the act. If FDA fails to
notify the petitioner of its decision to
grant or deny the petition within the
100-day period, the petition shall be
considered to be granted. We have
determined this 100-day deadline to be
January 15, 2003.

II. Nutrient Content Claim in a Brand Name Petition

Carbolite Foods, Inc., submitted a
petition to FDA on October 7, 2002,
under section 403(r)(4)(A)(iii) of the act
(§ 101.69(o)) seeking permission to use
its brand name CARBOLITE as an
implied nutrient content claim in a
brand name.

In accordance with § 101.69(o),
Carbolite's petition for a nutrient
content claim in a brand name must
identify the implied nutrient content
claim for CARBOLITE, the nutrient the
claim is intended to characterize (sugar),
the corresponding term for
characterizing the level of such nutrient
as defined by a regulation under section
403(r)(2)(A)(i) of the act ("zero sugar"
(also referred to as "sugar free" and
defined in 21 CFR 101.60(c)(1)) and
"reduced sugar" (defined in 21 CFR
101.60(c)(5))), and the brand name of
which the implied claim is intended to
be a part—CARBOLITE. The petition
states that the petitioner seeks
permission "to use the company brand
name 'CARBOLITE' for its line of 'zero
sugar' and 'reduced sugar' food
products."

III. Comments

You may submit written or electronic
comments to the Dockets Management
Branch (see **ADDRESSES**). Groups or
organizations must submit two copies of
any mailed comments. Individuals may

submit one copy of their comments.
Submit only one copy of your comment
if submitting an electronic comment.
Identify your written or electronic
comments with the docket number
found in brackets in the heading of this
document. The petition and received
comments may be seen in the Dockets
Management Branch between 9 a.m. and
4 p.m., Monday through Friday.

Dated: December 3, 2002.

Margaret M. Dotzel,

Assistant Commissioner for Policy.

[FR Doc. 02-31067 Filed 12-4-02; 3:17 pm]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the
Federal Advisory Committee Act, as
amended (5 U.S.C. Appendix 2), notice
is hereby given of the following
meeting.

The meeting will be closed to the
public in accordance with the
provisions set forth in sections
552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,
as amended. The grant applications and
the discussions could disclose
confidential trade secrets or commercial
property such as patentable material,
and personal information concerning
individuals associated with the grant
applications, the disclosure of which
would constitute a clearly unwarranted
invasion of personal privacy.

Name of Committee: National Institute of
Nursing Research Special Emphasis Panel,
NRSA Individual Predoctoral Fellowship and
Career Development Award Applications.

Date: December 3, 2002.

Time: 10:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant
applications.

Place: 1 Democracy Plaza, Democracy 1,
6701 Democracy, 710, Bethesda, MD 20892-
4870, (Telephone Conference Call).

Contact Person: John E. Richters, PhD,
Scientific Review Administrator, Office of
Review, Division of Extramural Activities,
National Institute of Nursing Research,
National Institutes of Health, 6701
Democracy Blvd., Room 715, Bethesda, MD
20817, (301) 594-5971, jrichters@nih.gov.

This notice is being published less than 15
days prior to the meeting due to the timing
limitations imposed by the review and
funding cycle.

(Catalogue of Federal Domestic Assistance
Program Nos. 93.361, Nursing Research,
National Institutes of Health, HHS)