ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 2A4732) proposing that the food additive regulations be amended to provide for the safe use of *Haematococcus* algae astaxanthin as a nutrient supplement.

FOR FURTHER INFORMATION CONTACT: James C. Wallwork, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 202–418–3078.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 11, 2002 (67 FR 17700), FDA announced that a food additive petition (FAP 2A4732) had been filed by Cyanotech Corp., c/o T. Todd Lorenz, 11034 West Ocean Air Dr., ı 252, San Diego, CA 92130 (currently 73–4460 Queen Kaahumanu Hwy., ı 102, Kailua-Kona, HI 96740). The petition proposed to amend the food additive regulations in Part 172 *Food Additives Permitted for Direct Addition to Food for Human Consumption* (21 CFR part 172) to provide for the safe use of *Haematococcus* algae astaxanthin as a nutrient supplement. Cyanotech Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7(a)).

Dated: June 3, 2002.

Laura M. Tarantino,

Deputy Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 02–16162 Filed 6–26–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0178]

Canned Tomatoes Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Del Monte Corp. to market test canned tomato products that deviate from the U.S. standard of identity for canned tomatoes. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the products, identify mass production problems, and assess commercial feasibility, in support of a petition to amend the standard of identity for canned tomatoes.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than September 25, 2002.

FOR FURTHER INFORMATION CONTACT: Ritu Nalubola, Center for Food Safety and Applied Nutrition (HFS–822), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2371.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Del Monte Corp., One Market @ The Landmark, P.O. Box 193575, San Francisco, CA 94119–3575.

The permit covers limited interstate marketing tests of products identified as ''Stewed Tomatoes, Original Recipe,'' ''Chunky Tomatoes, Pasta Style,'' ''Diced Tomatoes, basil, garlic & oregano,'' ''Diced Tomatoes, garlic & onion,'' ''Diced Tomatoes, green pepper & onion,'' ''Tomato Wedges,'' ''Zesty Chunky Tomatoes, Chili Style,'' ''Stewed Tomatoes, Cajun Recipe with pepper, garlic, and Cajun spices,'' ''Stewed Tomatoes, Italian Recipe with basil, garlic & oregano,'' ''Stewed Tomatoes, Mexican Recipe with garlic, cumin, and jalapeños'' and ''Stewed Tomatoes, no salt added.'' These canned tomato products may deviate from the U.S. standard of identity for canned tomatoes (21 CFR 155.190) in two ways. First, a liquid carbohydrate sweetener, either corn syrup or high fructose corn syrup, is used as an optional ingredient in lieu of dry nutritive carbohydrate sweeteners. The liquid carbohydrate sweetener, corn syrup or high fructose corn syrup, is used in a quantity reasonably necessary to compensate for the tartness resulting from added organic acids, except that such addition of the liquid sweetener, in no case, may result in a finished canned tomato product with a tomato soluble solids content of less than 5.0 percent by weight as defined in 21 CFR 155.3(e) (which accounts for any added salt) and accounting for the soluble solids of the liquid sweetener. The feasibility of this tomato soluble solids requirement will be assessed during the temporary marketing of the test products. Second, this temporary marketing permit provides for use of the term ''chunky'' in lieu of the styles (i.e., whole, sliced, diced, and wedges) required by the standard. Except for the use of a liquid sweetener and the use of the alternative term ''chunky'' on some products, the test products meet all the requirements of the standard. Because test preferences vary by area, along with social and environmental differences, the purpose of this permit is to test the product throughout the United States.

This permit provides for the temporary marketing of a total of 5.6 million cases (5 million pounds or 2.3 million kilograms in weight) of the above-mentioned canned tomato products. The test products will be manufactured by Del Monte Corp. at 10652 Jackson Ave., Hanford, CA 93230. The products will be distributed by Del Monte Corp. in the United States. The information panel of the labels will bear nutrition labeling in accordance with 21 CFR 101.9. Each of the ingredients used in the food must be declared on the labels as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than September 25, 2002.

Dated: June 19, 2002.

Christine Taylor,

Dierector, Office Nutritional Products, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition.

[FR Doc. 02–16164 Filed 6–26–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00P–1439]

Iceberg Water Deviating From Identity Standard; Extension of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the extension of a temporary permit issued to Iceberg Industries Corp., to market test products designated as ''Borealis Iceberg Water,'' a name not otherwise permissible under the U.S. standard of identity for bottled water. The extension will allow the permit holder to continue to collect data on consumer acceptance of products while the agency takes action on a petition to amend the

standard of identity for bottled water, which was submitted by the permit holder.

DATES: The new expiration date of the permit will be either the effective date of a final rule amending the standard of identity for bottled water that may result from the permit holder's petition or 30 days after denial of the petition, whichever the case may be.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–822), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2371.

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17), FDA issued a temporary permit to Iceberg Industries Corp., 16 Forest Rd., suite 300, St. John's, Newfoundland, Canada, A1C 2B9, to market test products identified as ''iceberg water'' a name that is not permitted under the U.S. standard of identity for bottled water in § 165.110 (21 CFR 165.110) (65 FR 54283, September 7, 2000). The agency issued the permit to facilitate market testing of products whose labeling differs from the requirements of the standard of identity for bottled water issued under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). The permit covers limited interstate market testing of products that deviate from the standard for bottled water in § 165.110 in that they are identified as ''iceberg water'' rather than as ''bottled water'' or one of the other names specified in § 165.110(a)(2). The test product meets all the requirements of the standard with the exception of this deviation.

On September 28, 2001, Iceberg Industries Corp. requested that its temporary permit be extended to allow for additional time for the market testing of its products under the permit in order to gain additional information in support of its petition. The petitioner requests FDA to amend the standard of identity for bottled water to provide for a new kind of bottled water, ''iceberg water,'' and to require icebergs in a marine environment as its source.

The agency finds that it is in the interest of consumers to issue an extension of the time period for the market testing of products identified as iceberg water to gain information on consumer expectations and acceptance. FDA is inviting interested persons to participate in the market test under the conditions that apply to Iceberg Industries Corp. (e.g., the composition of the test product), except for the designated area of distribution. Any person who wishes to participate in the extended market test must notify, in writing, the Team Leader, Conventional Foods Team, Division of Standards and Labeling Regulations, Office of Nutritional Products, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition (HFS–822), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. The notification must include a description of the test products to be distributed, justification for the amount requested, the area of distribution, and the labeling that will be used for the test product (i.e., a draft label for each size of container and each brand of product to be market tested). The information panel of the label must bear nutrition labeling in accordance with 21 CFR 101.9. Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101.

Therefore, under the provisions of § 130.17(i), FDA is extending the temporary permit granted to Iceberg Industries Corp., 16 Forest Rd., suite 300, St. John's, Newfoundland, Canada, A1C 2B9 to provide for continued market testing on an annual basis of 150,000 cases of the 24 x 350 milliliters (mL), 150,000 cases of the 12 x 1 liters (L), and another 100,000 cases of the 24 x 500 mL giving 400,000 cases in total. The total fluid weight of the test product will be 1,124,024 gallons or 4,260,000 L. The test products will bear the name ''Borealis Iceberg Water.'' FDA is extending the expiration date of the permit so that the permit expires either on the effective date of a final rule amending the standard of identity for bottled water that may result from the permit holder's petition or 30 days after denial of the petition, whichever the case may be. All other conditions and terms of this permit remain the same.

Dated: June 18, 2002.

Christine Taylor,

Director, Office of Nutritional Products, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition.

[FR Doc. 02–16291 Filed 6–26–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Assuring Radiation Protection; Availability of a Cooperative Agreement; Request for Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH), is announcing the availability of approximately $500,000 in total fiscal year (FY) 2002 funds. These funds will be used to support one cooperative agreement for the coordination of Federal and State actions to assure radiation protection of the American public.

DATES: Submit applications by July 29, 2002.

ADDRESSES: Completed applications should be submitted to: Maura C. Stephanos, Grants Management Specialist, Grants Management Staff (HFS–520), Division of Contracts and Procurement Management, Food and Drug Administration, 5600 Fishers Lane, rm. 2129, Rockville, MD 20857, 301–827–7183, FAX 301–827–7101, e-mail: *mstepha1@oc.fda.gov*. Application forms are available either from Maura C. Stephanos or on the Internet at *http://grants.nih.gov/grants/funding/pjs398/phs398.html/*. Note: Do not send applications to the Center for Scientific Research (CSR), National Institutes of Health (NIH).

FOR FURTHER INFORMATION CONTACT:

Regarding the administrative and financial management aspects of this notice, contact Maura C. Stephanos (*see* **ADDRESSES**).

Regarding the programmatic aspects of this notice, contact Penny R. Boyce, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–3650, FAX 301–594–3306; e-mail: *pzb@cdrh.fda.gov*.

SUPPLEMENTARY INFORMATION: FDA is announcing its intention to accept and consider applications for a cooperative agreement in support of coordination of Federal and State action to protect the American public from exposure to radiation. The cooperative agreement covered by this notice will be in furtherance of FDA's responsibilities under section 532 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ii) to establish and carry out a comprehensive radiation control program. FDA's authority to enter into grants and cooperative agreements is set out in section 301 of the Public Health Service Act (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance No. 93.103. Before entering into cooperative agreements, FDA carefully considers the benefits such agreements will provide to the public.