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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; 1979 Crop Grade Loan Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the schedule of grade loan rates which will apply to 1979 crop flue-cured tobacco. The rule is needed to provide the statutory level of support for 1979-crop flue-cured tobacco. Eligible tobacco of this kind may be delivered for price support at the specified rates.

EFFECTIVE DATE: July 10, 1979.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, (202) 447-7601.

SUPPLEMENTARY INFORMATION: On May 23, 1979, notice was published in the Federal Register (44 FR 29905) inviting written comments, not later than June 22, 1979, on a proposed schedule of grade loan rates for providing price support for 1979-crop flue-cured tobacco at the statutory level.

Section 106 of the Agricultural Act of 1949, as amended, prescribes a formula for computing, in cents per pound, the level of price support for each crop of tobacco for which marketing quotas are in effect or have not been disapproved by producers. Application of this formula requires that the 1979 crop of flue-cured tobacco be supported at the level of 129.3 cents per pound.

Price support will be provided through loans to producer associations which will receive eligible tobacco from the producers and make price support advances to the producers for the tobacco received. The price support

advances will be based on the grade loan rates, which average the required level of support when weighted by estimated grade percentages, in accordance with section 403 of the Act. The price support advances for flue-cured tobacco will be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound which the producers' association is authorized to deduct and to apply against overhead costs.

Discussion of Comments

Three comments were received with respect to the schedule of loan rates proposed. All concurred with the schedule as proposed. Accordingly, it has been decided to adopt the schedule without change.

Final Rule

Accordingly, 7 CFR Part 1464 is amended by revising § 1464.16 to read as set forth below, effective for the 1979 crop of flue-cured tobacco. The material previously appearing under § 1464.16 remains applicable to the crop to which each refers.

(Secs. 4, 5, 62 Stat. 1070, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423))

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Jerome F. Sitter, Price Support and Loan Division, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on July 3, 1979.

Jim William,

Acting Secretary.

§ 1464.16 1979 crop Flue-cured tobacco, types 11-14, loan schedule.

(Dollars per hundred pound, farm sales weight)

Grade	Loan rate ¹
A1F.....	167
A1L.....	167
B1L.....	157
B2L.....	153
B3L.....	150
B4L.....	146
B5L.....	140
B6L.....	134

Grade	Loan rate ¹
B1F.....	157
B2F.....	153
B3F.....	150
B4F.....	146
B5F.....	140
B6F.....	134
B1FR.....	155
B2FR.....	151
B3FR.....	148
B4FR.....	145
B5FR.....	139
B6FR.....	133
B4R.....	133
B5R.....	126
B3K.....	144
B4K.....	140
B5K.....	133
B6K.....	124
B3V.....	138
B4V.....	134
B5V.....	129
B3S.....	136
B4S.....	132
B5S.....	125
X1L.....	153
X2L.....	149
X3L.....	144
X4L.....	134
X5L.....	124
X1F.....	153
X2F.....	148
X3F.....	144
X4F.....	134
X5F.....	124
X3V.....	134
X4V.....	128
X3S.....	132
X4KL.....	123
X4KF.....	123
X4KV.....	116
X3KR.....	136
X4KR.....	131
B3KL.....	136
B4KL.....	132
B5KL.....	126
B6KL.....	116
B3KF.....	136
B4KF.....	132
B5KF.....	126
B6KF.....	118
B3KM.....	139
B4KM.....	136
B5KM.....	131
B6KM.....	120
B3KR.....	142
B4KR.....	138
B5KR.....	132
B4KV.....	127
B5KV.....	121
B6KV.....	114
B4G.....	125
B5G.....	120
B6G.....	113
B5GR.....	105
B4GK.....	120
B5GK.....	116
B6GK.....	110
B5GG.....	105
H3L.....	152
H4L.....	149
H5L.....	143
H6L.....	138
X3KM.....	130
X4KM.....	124
X4G.....	116
X5G.....	110
X4GK.....	113
P2L.....	112
P3L.....	105
P4L.....	96
P5L.....	89
P2F.....	112
P3F.....	105
P4F.....	96
P5F.....	89
P4G.....	86

Grade	Loan rate ¹
P5G	79
M4F	124
M5F	119
M4KR	117
H1F	159
H2F	155
H3F	152
H4F	149
H5F	143
H6F	138
H4FR	146
H5FR	140
H6FR	133
H4K	140
H5K	135
H6K	129
C1L	158
C2L	155
C3L	152
C4L	148
C5L	143
C1F	158
C2F	155
C3F	152
C4F	148
C5F	143
C4V	137
C4S	135
C4KL	134
C4KM	136
C4KR	140
C4G	127
C4GK	124
M4KM	115
M5KM	110
M4GK	110
M5GK	103
N1L	81
N1XL	94
N1K	101
N1R	91
N1GL	75
N1GF	92
N1GR	87
N1KV	91
N1GG	84
N1B0	84
N1X0	82
N1P0	70

¹ The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety—Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety—Limited Support," are 50 percent of the loan rates listed plus fifty cents (\$0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to nearest dollar, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", "No G-F-sand", "No G-F-dirt", or "scrap" will not be accepted. Tobacco is eligible for advance only if consigned by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

[FR Doc. 79-21199 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 73

Scabies in Cattle; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of San Joaquin County in California because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed from specimens collected

from cattle in this area by the National Veterinary Services Laboratories in Ames, Iowa. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested area.

EFFECTIVE DATE: July 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of San Joaquin County in California because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 73, as amended, apply to the quarantined area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respect:

In § 73.1a, a new paragraph (a) relating to the State of California is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in a certain portion of the State of California are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

The premises of the San Guinette Ranch, San Joaquin County, California, NW ¼ of sec. 11, T. 1 N., R. 7 E.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies from such area and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective on or before August 9, 1979.

Further, this final rule has not been designated as "significant," and is being published in accordance with the

emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 73. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 3rd day of July 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-21197 Filed 7-9-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 145

[Docket No. 76P-0026]

Canned Pineapple; Standard of Identity

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: This document amends the U.S. standard of identity for canned pineapple in consideration of the identity features of the Recommended International Standard for Canned Pineapple developed by the Codex Alimentarius Commission to (1) require that canned pineapple be prepared from fresh pineapple, (2) provide for the use of "pineapple juice and water" as an optional packing medium for all styles of canned pineapple, (3) provide for the alternate names "whole slices" or "rings" for the style "slices," and (4) provide for "quarter slices" and "pieces" or "irregular pieces" as additional styles of canned pineapple. This action is for the purpose of promoting honesty and fair dealing in the interest of consumers and facilitating international trade.

EFFECTIVE DATES: July 1, 1981 for all products initially introduced into interstate commerce on or after this date.

Voluntary compliance: September 10, 1979.

Objections by: August 9, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: Based on a petition filed by the California Cannery and Growers Association, 3100 Ferry Bldg., San Francisco, CA 94106, the Commissioner of Food and Drugs proposed in the *Federal Register* of January 21, 1974 (39 FR 2368) to amend the United States definitions and standards of identity for 10 canned fruits (now codified in Part 145 (21 CFR Part 145), formerly Part 27 (21 CFR Part 27) before the recodification published in the *Federal Register* of March 15, 1977 (42 FR 14302)), including the U.S. standard of identity for canned pineapple, so as to conform to the pattern of the canned plum standard as adopted by the Codex Alimentarius Commission.

The Pineapple Growers Association of Hawaii (PGAH), 1902 Financial Plaza of the Pacific, Honolulu, HI 96813, an association representing all processors of canned pineapple produced in the United States, supported by the members of Congress from Hawaii, opposed the amendment of the canned pineapple standard of identity on the ground that it was proposed without recourse to the views and expert knowledge of the United States pineapple industry. The PGAH simultaneously filed a petition dated April 1, 1974 to amend the U.S. standards of identity, quality, and fill of container for canned pineapple in consideration of the Recommended International Standard for Canned Pineapple (CAC/RS 42-1970) (hereinafter referred to as the Codex standard). In the *Federal Register* of February 7, 1975 (40 FR 5762), the Commissioner issued a final regulation on all provisions of the January 21, 1974 proposal except for those on canned pineapple. The Commissioner concluded that action on the canned pineapple provisions was then inappropriate and that the final regulation ruling on the canned pineapple amendment would be held in abeyance and would be considered at a later date in conjunction with the April 2, 1974 PGAH petition.

The PGAH subsequently submitted a new petition, dated January 16, 1976 and amended November 7, 1977, to amend the U.S. standards of identity and

quality (§ 145.180 (a) and (b) (21 CFR 145.180 (a) and (b), respectively)) for canned pineapple. The Commissioner is considering those parts of the PGAH petitions that seek to amend the U.S. standard of identity as comments to the January 21, 1974 proposal. Elsewhere in this issue of the *Federal Register*, the Commissioner is proposing to amend the U.S. standard of quality for canned pineapple in consideration of the appropriate provisions of both PGAH petitions and of the Codex standard. A proposal was published in the *Federal Register* of December 9, 1977 (42 FR 62282) to amend the standards of fill of container for certain canned foods, including canned pineapple, to establish minimum average drained weights.

The Taiwan Cannery Association (TCA) submitted a petition to amend the canned pineapple standard of identity to provide for pineapple pieces as an optional style of pack. The petition was rejected for failure to comply with FDA procedural requirements set forth in § 10.30 (21 CFR 10.30); however, the technical aspects of the petition are discussed below.

The following is a discussion of comments received in response to the proposal to amend the canned pineapple standard of identity published in the *Federal Register* of January 21, 1974; the applicable portions of the PGAH petitions; the TCA petition; and the Commissioner's conclusions:

The Use of Frozen or Previously Canned Pineapple

The PGAH opposed the use of frozen or previously canned pineapple because, it asserted, the resultant product would not be consistently comparable in quality to that prepared from fresh mature pineapple.

The Commissioner has reviewed the proposed provision that would have permitted the use of frozen or previously canned pineapple and now concludes that there is insufficient evidence to support the proposed position. The Commissioner therefore concludes that it is in the best interest of the consumers to provide only for the use of fresh mature pineapple in the regulation as set forth below in § 145.180(a)(1).

Botanical Name

The PGAH requested that canned pineapple conform to the characteristics of *Ananas comosus* (L.) Merrill.

The Commissioner agrees that the U.S. standard should adopt the more complete botanical name *Ananas comosus* (L.) Merrill for pineapple, and this is reflected in § 145.180(a)(1) of the final regulations.

Flavoring

The PGAH opposed the use of natural fruit essences (natural fruit flavors) except as provided for by the use of pineapple juice. However, no grounds were presented in support of this position.

The Commissioner concludes, in the absence of information to the contrary, that the proposed use of natural fruit flavors and mint flavor is reasonable and consistent with similar provisions for other standardized canned fruits and he has so provided in the regulations as set forth below in § 145.180(a)(1) (i) and (ii).

Vitamin C Fortification

A comment on the proposal requested that the standard of identity permit optional fortification with vitamin C to enable industry to develop food products that would be of greater nutritive value to the consumer.

The Commissioner notes that vitamin C fortification is not provided for in other canned fruit standards. In part for this reason, the Commissioner concludes that permitting the addition of vitamin C in canned pineapple is beyond the scope of this final regulation, and a petition proposing to amend the standard would be necessary to provide adequate notice for those who wish to comment.

Slices

The January 1974 proposal listed 12 styles of pack, while the current regulation lists only 8. The proposal called for one style of pack to include "slices or spiral slices or whole slice or rings." The current regulation lists only the "slices" style. The PGAH requested that FDA provide for the optional names "sliced," "slices," or "whole slices." The PGAH considered "spiral slices" as a separate style and stated that the addition of this style to the already long list of the optional styles of pineapple currently provided for in the U.S. standard would be confusing to the consumer and represented a further proliferation of the number of kinds of canned pineapple in the market.

The Commissioner has reconsidered the proposed provision for the alternative name "spiral slices." Information now available reveals that although "spiral slices" may comply with the standard of identity for canned pineapple "slices" as set forth in the regulation below, they generally fail to meet the standard of quality because of excessive trim. The information shows that such slices are excessively trimmed due to the mechanical procedure used in

removing the outer surface of the fresh pineapple. In the procedure, the deep fruit eyes are spirally cut out of the pineapple, and the remaining outer surface is removed with a relatively thin cut. As a result of the deep spiral cuts in the outer edges, the resulting "spiral slices" have uneven surfaces with grooves that are generally considered substandard in quality because they are excessively trimmed. "Slices" are considered excessively trimmed by the U.S. standard of quality (§ 145.180(b)(1)(vii)) and Codex standard (2.2.1.3) if the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit. Thus, the Commissioner fears substandard (excessively trimmed) slices could fall within the "spiral slices" style of pack. Moreover, the Commissioner questions whether consumers will recognize that the name "spiral slices" will deliver a product of the same shape, size, and general appearance as "slices." The Commissioner, therefore, concludes that "spiral slices" is not a suitable alternative name for "slices," although "slices" manufactured by special trimming can be marketed as slices subject to the standard of quality requirements. Further, in the absence of information to the contrary, the Commissioner believes that "whole slices" and "rings" are reasonable as alternative names for "slices" or "sliced," as provided for in the regulation below in § 145.180(a)(2)(i) and (5)(ii).

Whole, Quarter Slices, and Pieces Styles

The January 1974 proposal provided for the following new styles of pack: whole, quarter slices, and pieces. The PGAH requested that FDA adopt the style "quarter slices," in the final regulations but not the styles "whole" and "pieces." The PGAH stated that the addition of the styles "whole" and "pieces" to the already long list of the optional styles of pineapple currently provided for in the U.S. standard would be confusing to the consumer and represented a further proliferation of the number of kinds of canned pineapple in the market. The PGAH further stated that "pieces," by their appearance, represent pineapple as a low quality fruit product.

The Taiwan Canners Association (TCA) petition defined canned pineapple "pieces" as irregular size pieces, the maximum size of which cannot exceed 38 millimeters (mm) (1.5 inches). Further, it stated that the weight

of the small "pieces" that pass through an 8-mm (0.31 inch) screen cannot exceed 20 percent of the drained weight per tin. The TCA stated that Taiwan packed about 750,000 cases of pineapple "pieces" annually, which "were sold to worldwide destinations for many years."

The Commissioner concludes that there is reasonable interest in the proposed optional styles "quarter slices" and "pieces," or, optionally, "irregular pieces" to justify providing for them, as proposed, in § 145.180(a)(1) (iii) and (ix), respectively, of the regulation set forth below. He further concludes that the definitions of "quarter slices" as "consisting of uniformly cut, one-fourth portions of slices" and of "pieces or irregular pieces" as "consisting of irregular shapes and sizes not identifiable as a specific style and does not include chunks" are reasonable and has so provided for them in the regulation set forth below. Because there was no demonstration of interest in the proposed optional style "whole," the Commissioner is not providing for it. The Commissioner is also providing in § 145.180(a)(5)(ii) that "pieces" or "irregular pieces" may be alternatively designated "mixed pieces of irregular sizes and shapes," consistent with similar provisions for other standardized canned fruits. In the Commissioner's opinion, this will promote honesty and fair dealing in the interest of consumers. Elsewhere in this issue of the **Federal Register**, the Commissioner is proposing quality criteria for the additional optional styles "quarter slices" and "pieces or irregular pieces."

Crushed or Crisp Cut and Chips Styles

The PGAH petitions were silent on the proposed alternative labeling of "crisp cut" for "crushed" style canned pineapple, but they did oppose "chips" as a separate optional style for the same reason previously discussed regarding the "whole" and "pieces" styles of canned pineapple.

The Commissioner has reconsidered the proposed provision regarding the alternate use of the term "crisp cut" for "crushed" style canned pineapple. The Commissioner now believes that the term "crisp cut" is not generally understood in the United States as an alternative name for "crushed" style of canned pineapple. The regulation as set forth below therefore does not provide for that alternative name. The Commissioner concludes that "chips" should not be provided for as a separate style but should be included in crushed style as defined in the regulation as set forth below in § 145.180(a)(2)(viii).

Crushed Pineapple Packed in Water

The PGAH opposed the proposed use of water as a packing medium for canned crushed pineapple, as opposed to other styles of pineapple, as impractical, i.e., the product could not meet the drained weight/net weight ratio. The other styles (sliced, chunks, etc.), the comment stated, maintain their integrity as pineapple even when packed in water because the juice does not "drain out" as is the case with crushed pineapple. Further, the pineapple companies have never added water to crushed pineapple, and such an addition, particularly in the "heavy" or "solid" packs, where the ratios of the drained fruit weight to net content of the container are no less than 73 percent and 78 percent, respectively, "would not be reasonably possible to accomplish." Overcooking would be necessary to break down further the fruit membranes to reduce the juice content.

The Commissioner notes that water has not historically been considered to be a suitable packing medium for crushed pineapple in the United States; thus, it is not provided for in the current U.S. standard for canned crushed pineapple. Further, the Commissioner is not aware of either consumer or industry interest in providing for crushed pineapple packed in water. Therefore, the Commissioner concludes that the use of water as a suitable packing medium for canned crushed pineapple will not be permitted.

Fruit Juices Other Than Pineapple Juice as Packing Media

The PGAH, supported by the members of Congress from Hawaii, stated that its major objection to the proposal to amend the standard of identity for canned pineapple was the inclusion of other fruit juices as packing media. These ingredients, the PGAH stated, are not provided for by the Codex standard for canned pineapple, and to permit their inclusion would adversely affect domestic producers of canned pineapple.

The Commissioner does not consider an economic disadvantage to be adequate grounds for not providing for the optional use of fruit juices other than pineapple juice as packing media for canned pineapple. The Commissioner is not aware, however, of consumer or industry interest in such use. In the absence of such a showing of interest, the Commissioner is not providing for the use of fruit juices other than pineapple juice as packing media for canned pineapple.

"Water," "Pineapple Juice and Water," and "Pineapple Juice" as Packing Media for Styles Other Than Crushed Pineapple

The PGAH requested that FDA provide for "water" and "pineapple juice" as optional packing media, and proposed that water be defined as water or any mixture of water and pineapple juice. The PGAH objected to changing the existing definitions because such a change would result in making canned pineapple adulterated.

The Commissioner does not agree that packing canned pineapple in the packing media defined in § 145.3 (21 CFR 145.3) would result in adulteration. The Commissioner notes that the required label declaration of the packing medium on the principal display panel will alert the consumer at the time of purchase that the canned pineapple is packed in "water" or "pineapple juice and water" or "pineapple juice." The Commissioner concludes that to provide for "water," "pineapple juice and water," and "pineapple juice" as defined in § 145.3 as packing media for canned pineapple (except for crushed pineapple packed in water) is reasonable, and the regulation as set forth below so provides in § 145.180(a)(3)(i).

Brown Sugar and Honey

The PGAH stated that the provision for brown sugar and honey would have an adverse economic effect on domestic producers of canned pineapple. Further, PGAH noted that the Codex standard does not provide for such sweeteners.

In view of the question raised regarding such ingredients and because no support for sweeteners other than those set forth in the existing standard has been provided, the Commissioner has reconsidered the proposal providing for safe and suitable nutritive carbohydrate sweeteners. The regulation as set forth below in § 145.180(a)(3)(ii) provides for the sweeteners and sweetener proportionality limitations provided for in the existing U.S. standard for canned pineapple and does not provide for brown sugar and honey.

Concentrated Clarified Pineapple Juice

The Commissioner notes that the provision for the designation of concentrated clarified pineapple juice as one of the sirup packing media when it conforms to the density range of one of the specified sirups was inadvertently omitted from the proposal. The Commissioner, therefore, has revised the regulation below in § 145.180(a)(3)(iii) to incorporate that language, which is

consistent with the requirements already set forth in the standard being revised.

Label Designation of Packing Medium, Style of Pack, and Country of Origin

The PGAH stated that a designation of the area, State, territory, or possession of the United States or foreign country in which the pineapple was grown may intervene on the label between the words "canned pineapple" and the declaration of packing medium or style of pineapple ingredient. The PGAH did not give any persuasive reason why this intervening material should be allowed.

The Commissioner points out that such information, if truthful, can appear elsewhere on the label. Because the intervening information might distract from the necessary consumer information, the Commissioner does not consider such placement to be in the consumers' interest.

Canned Pineapple With Added Sweetener

The PGAH stated that packing media consisting of water, pineapple juice, or clarified juice to which a sweetener has been added are to be declared as "light sirup," "heavy sirup," or "extra heavy sirup," depending on the density of the packing medium.

The regulation set forth below provides for the use of "water," "pineapple juice and water," or "pineapple juice" as optional packing media and designates other appropriate names when a sweetener is added to such packing media. Thus, while water to which a sweetener is added may be declared as, e.g., "light sirup," the other two packing media are designated as, e.g., "lightly sweetened pineapple juice and water" and "lightly sweetened pineapple juice," respectively. The Commissioner believes that such nomenclature will be more informative to the consumer than providing for the declaration of all such packing media as sirups, and the regulation so provides in § 145.180(a)(3)(iv).

Alternative Labeling of Crushed Pineapple With Added Sweetener

The PGAH requested that FDA permit crushed pineapple packed in pineapple juice and sugar to be labeled as "lightly sweetened" or "heavily sweetened" or "extra heavily sweetened" if the drained liquid conforms to the density ranges specified for light sirup, heavy sirup, or extra heavy sirup, respectively.

The regulation set forth below in § 145.180(a)(3)(iv) requires that packing media consisting of pineapple juice to

which a sweetener has been added shall be declared as "slightly sweetened pineapple juice," "lightly sweetened pineapple juice," "heavily sweetened pineapple juice," or "extra heavily sweetened pineapple juice," depending on the density of the resulting packing medium. Because the terms "light sirup," "heavy sirup," and "extra heavy sirup" now apply only to water to which sweetener has been added or to concentrated clarified pineapple juice and not to sweetened pineapple juice, the Commissioner concludes that the alternate labeling is no longer applicable and should not be provided for in the regulation as set forth below.

Unsweetened Juice as a Packing Medium

The Commissioner notes that the provision in the U.S. standard that the label declaration of canned pineapple packed in pineapple juice include the word "unsweetened" in addition to the statement "in pineapple juice" or "packed in pineapple juice" was inadvertently omitted from the proposal. The Commissioner believes that such labeling will better inform consumers of the fact that the juice used as a packing medium for canned pineapple is unsweetened, and the regulation below so provides in § 145.180(a)(5)(ii).

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for canned pineapple as set forth below.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 145 is amended in § 145.180 by revising paragraph (a) to read as follows:

§ 145.180 Canned pineapple.

(a) *Identity*—(1) *Ingredients*. Canned pineapple is the food prepared from fresh mature pineapple conforming to the characteristics of *Ananas comosus* (L.) Merrill and from which peel and core have been removed. The food consists of one of the optional styles of

the pineapple ingredient specified in paragraph (a)(2) of this section and may be packed in one of the optional packing media specified in paragraph (a)(3) of this section, except water is not a suitable packing medium for crushed style. Crushed style may additionally be packed as a heavy or solid pack as specified in paragraph (a)(4) of this section. The food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

- (i) Natural fruit flavors.
- (ii) Mint flavor.
- (iii) Spices, spice oils
- (iv) Vinegar or organic acids.

(v) Dimethylpolysiloxane in an amount not greater than 10 milligrams/kilogram (10 parts per million) by weight of the finished food as a defoaming agent.

The food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(2) *Styles of pack.* The optional styles of the pineapple ingredients referred to in paragraph (a)(1) of this section are:

(i) *Slices or whole slices or rings*—consisting of uniformly cut circular slices or rings cut across the axis of the peeled, cored pineapple cylinders.

(ii) *Half slices*—consisting of uniformly cut, approximately semicircular halves of slices.

(iii) *Quarter slices*—consisting of uniformly cut, one-fourth portions of slices.

(iv) *Broken slices*—consisting of arc-shaped portions which may not be uniform in size and/or shape.

(v) *Spears or fingers*—consisting of long, slender pieces cut radially and lengthwise of the cored pineapple cylinder, predominantly 65 millimeters (2.5 inches) or longer.

(vi) *Tidbits*—consisting of reasonably uniform, wedge-shaped sectors cut from slices or portions thereof, predominantly from 8 millimeters (0.31 inch) to 13 millimeters (0.51 inch) thick.

(vii) *Chunks*—consisting of short, thick pieces cut from thick slices and/or from peeled cored pineapple and predominantly more than 13 millimeters (0.51 inch) in both thickness and width, and less than 38 millimeters (1.5 inches) in length.

(viii) *Cubes or dice*—consisting of reasonably uniform, cube-shaped pieces, predominantly 14 millimeters (0.55 inch) or less in the longest edge dimensions.

(ix) *Pieces or irregular pieces*—consisting of irregular shapes and sizes not identifiable as a specific style and does not include chunks.

(x) *Crushed*—consist of finely cut or finely shredded or grated or diced pieces of pineapple.

(3) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section and defined in § 145.3 are:

- (a) Water.
- (b) Pineapple juice and water.
- (c) Pineapple juice.
- (d) Clarified pineapple juice.

Such packing media may be used as such, or any one of the optional sweetening ingredients specified in paragraph (a)(3)(ii) of this section may be added.

(ii) The optional sweetening ingredients referred to in paragraph (a)(3)(i) of this section are:

- (a) Sugar.
- (b) Invert sugar sirup.
- (c) Any mixture of optional

sweetening ingredients designated in paragraph (a)(3)(ii)(a) and (b) of this section.

(d) Any of the optional sweetening ingredients designated in paragraph (a)(3)(ii)(a), (b), and (c) of this section with dextrose, as long as the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined sweetening ingredients.

(e) Any of the optional sweetening ingredients designated in paragraph (a)(3)(ii)(a), (b), and (c) of this section with corn sirup or with dried corn sirup or with glucose sirup or with dried glucose sirup, or with any two or more of these, as long as the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined sweetening ingredients.

(f) Any mixture of the optional ingredients designated in paragraph (a)(3)(ii)(d) and (e) of this section.

(iii) If the concentration of clarified pineapple juice is such that the packing medium conforms to the density range for one of the sirups provided for in paragraph (a)(3)(iv)(b), (c), or (d) of this section, the concentrated clarified juice is considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be.

(iv) When a sweetener is added as a part of any liquid packing medium as provided for in paragraph (a)(3)(i)(a), (b), and (c) of this section, the density range of the resulting packing medium, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure in § 145.3(m), shall be

designated by the appropriate name for the respective density ranges, namely:

(a) When the density of the solution is 10 percent or more but less than 14 percent, the medium shall be designated as "slightly sweetened water" or "extra light sirup"; "slightly sweetened pineapple juice and water"; or "slightly sweetened pineapple juice", as the case may be.

(b) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened pineapple juice and water"; or "lightly sweetened pineapple juice", as the case may be.

(c) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened pineapple juice and water"; or "heavily sweetened pineapple juice", as the case may be.

(d) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened pineapple juice and water"; or "extra heavily sweetened pineapple juice", as the case may be.

(v) Determine compliance as specified in § 145.3(o).

(4) *Types of pack.* The optional types of pack for crushed style referred to in paragraph (a)(1) of this section are as follows:

(i) *Heavy pack:* Crushed style with or without sweetening ingredients and containing at least 73 percent drained fruit weight, as determined by the procedure set forth in § 145.3(n).

(ii) *Solid pack:* Crushed style with or without sweetening ingredients and containing at least 78 percent drained fruit weight, as determined by the procedure set forth in § 145.3(n).

(5) *Labeling requirements.* (i) The name of the food is "pineapple". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice added", or, in lieu of the word "Spice", the common name of the spice; or "Seasoned with vinegar" or, in lieu of the word "vinegar", the name of the vinegar used. When two or more of the optional ingredients specified in paragraph (a)(1)(i) through (iv) of this section are used, such words may be combined, as, for example, "Seasoned with cider vinegar, cloves, and cinnamon oil".

(ii) The style of the pineapple ingredient as provided for in paragraph

(a)(2) of this section and the name of the packing medium as specified in paragraph (a)(3)(i) and (ii) of this section, preceded by "In" or "Packed in" or the words "Heavy pack" or "Solid pack" as specified in paragraph (a)(4) of this section, where applicable, shall be included as part of the name or in close proximity to the name of the food. The word "slices" may be alternatively designated "sliced," "dice" as "diced," and "pieces" or "irregular pieces" as "mixed pieces of irregular sizes and shapes." Whenever pineapple juice, as provided for in paragraph (a)(3)(i)(c) of this section, is used, the declaration may be preceded by an appropriate statement such as "unsweetened".

(iii) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 9, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any 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. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective Date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin September 10, 1979, and all products initially introduced into interstate commerce on or after July 1, 1981, shall fully comply. Notice of the filing of

objections or lack thereof will be published in the **Federal Register**.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: June 28, 1979.

William F. Randolph,

Acting Associate Commissioner, Regulatory Affairs.

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ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticide Programs

21 CFR Part 193

[FAP 9H5225/R52; FRL 1269-1]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; O,O-Dimethyl O-(4-nitro-m-tolyl) phosphorothioate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule amends 21 CFR 193 by establishing a food additive tolerance for residues of the insecticide O,O-dimethyl O-(4-nitro-m-tolyl) phosphorothioate in wheat gluten at 30 parts per million (ppm). The regulation was requested by Sumitomo Chemical America, Inc. This rule establishes a maximum permissible level for residues of the subject insecticide in wheat gluten.

EFFECTIVE DATE: Effective on July 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William Miller, Product Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460 (202/426-9458).

SUPPLEMENTARY INFORMATION: On June 27, 1979, notice was given (44 FR 37554) that Sumitomo Chemical America, Inc., 345 Park Ave., New York, NY 10022, had filed a petition (FAP 9H5225) with the EPA. This petition proposed that 21 CFR 193 be amended by establishing a regulation permitting combined residues of the insecticide O,O-dimethyl O-(4-nitro-m-tolyl) phosphorothioate and its metabolites O,O-dimethyl O-(4-nitro-m-tolyl) phosphate and 3-methyl-4-nitrophenol at 30 ppm, of which no more than 15 ppm shall be O,O-dimethyl O-(4-nitro-m-tolyl) phosphorothioate or O,O-dimethyl O-(4-nitro-m-tolyl) phosphate, in wheat gluten resulting from postharvest application of the subject insecticide to stored wheat in Australia. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner. Adequate information has been submitted to provide assurance that sufficient safeguards exist in Australia to ensure proper control over the proposed usage.

The toxicological data considered in support of the proposed tolerance included two-year rat and dog feeding studies with no-observed-effect levels (NOEL) of 10 ppm and 30 ppm, respectively; a three-generation rat reproduction study with an NOEL of 30 ppm; rat and mouse teratology studies, which were both negative; a mouse oncogenicity study, which was negative; and an acute delayed neurotoxicity study which was negative. Based on the two-year rat feeding study with a 10 ppm NOEL and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.05 milligram (mg)/kilogram (kg) of body weight (bw)/day, and the maximum permissible intake (MPI) is 3 mg/day for a 60-kg human. The theoretical maximum residue contribution (TMRC) in the human diet from the temporary tolerances for combined residues of the subject insecticide and its metabolites O,O-dimethyl O-(4-nitro-m-tolyl) phosphate and 3-methyl-4-nitrophenol now in effect in or on fresh alfalfa, alfalfa hay, fresh pasture grass, and pasture grass hay at 10 ppm and in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm utilizes 0.20 percent of the ADI. The proposed tolerance will utilize 66.27 percent of the ADI. The temporary tolerances and the proposed tolerances result in a TMRC of 1.99 mg/day.

Desirable data lacking from the petition are a mutagenicity study. The study will be requested when suitable test protocols have been finalized. Wheat gluten is not an item of livestock feed. Thus, there is no reasonable expectation of secondary residues in meat, milk, poultry, or eggs in the United States from postharvest treatment of wheat in Australia. An adequate analytical method has been proposed (the method is to be verified by the Agency) for enforcement purposes, and the nature of the subject insecticide is adequately understood.

No permanent tolerances have been established for residues of the subject insecticide. Temporary tolerances have previously been established for combined residues of the insecticide and its metabolites O,O-dimethyl O-(4-nitro-m-tolyl) phosphate and 3-methyl-4-nitrophenol in or on fresh alfalfa, alfalfa