

1980—Crop Oats Loan Purchase Rates—
Continued

County	Rate per bushel
Wisconsin	
Wauahara	\$1.17
Winnebago	1.16
Wood	1.17
Wght. State avg.	1.16
Wyoming	
All counties	1.23

* In Alaska, loan rates are for Marketing Area.

(b) 1980—Crop Oats Schedule of
Premiums and Discounts:

1. *Premiums:*¹

Grade U.S. No. 1, cents per bushel: +2; Grade U.S. No. 2, cents per bushel: +1.
Test Weight: Heavy, cents per bushel: +1; Extra Heavy, cents per bushel: +2.

2. *Discounts:*

Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better, cents per bushel: -3; Slightly weathered², cents per bushel: -5; Materially weathered and badly stained, cents per bushel: -10; Garlicky, cents per bushel: -3; Weed control discount (where required by § 1421.24), cents per bushel: -10.

3. *Other.* Oats with quality factors exceeding limits shown in foregoing schedule or oats that (1) contains in excess of 14 percent moisture, (2) is weevily, (3) is musty, or (4) is sour, shall not be eligible for loan. In the event quantities of oats exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedule of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Signed at Washington, D.C., on October 24, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

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¹ Premiums shall not be applicable to badly stained or materially weathered oats.

² No discount if oats are otherwise U.S. No. 2.

7 CFR Part 1421

[CCC Grain Price Support Regulations,
1979—Crop Corn Supp. Amdt. 1]

1979—Crop Corn Loan and Purchase
Program; Correction

AGENCY: Commodity Credit Corporation,
USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects the regulation relating to the 1979 Crop Corn Loan and Purchase Program published at 45 FR 55144, August 19, 1980.

FOR FURTHER INFORMATION CONTACT:
Thomas Fink, ASCS, telephone (202)
447-7923.

SUPPLEMENTARY INFORMATION: FR Doc. 80-25141 appearing at pages 55144-55149 in the Federal Register issue of Tuesday, August 19, 1980, was corrected by FR DOC 80-29131 at page 62788 in the issue of September 22, 1980, to add a basic county loan and purchase rate of "\$1.79" for Sanborn, South Dakota. That figure should have read "\$1.97". Therefore at 45 FR 55148, third column under South Dakota, insert in alphabetical order "Sanborn—1.97".

Signed at Washington, D.C., on October 24, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-33906 Filed 10-30-80; 8:45 am]

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Food Safety and Quality Service

7 CFR Part 2851

United States Standards for Grades of
Florida Grapefruit, Tangerines,
Oranges, and Tangelos

AGENCY: Food Safety and Quality
Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the U.S. grade standards for Florida grapefruit, tangerines, oranges and tangelos. These standards are being revised at the request of the Florida Citrus Packers (FCP), a nonprofit cooperative association representing nearly all of the Florida citrus growers and packers, with the support of the Florida Citrus Commission (FCC), the State-supported body which administers the Florida Citrus Marketing program. This action will provide the Florida citrus industry with standards that are in line with current cultural and marketing practices.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Donald T. Paradis, Fresh Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2188. The Final Impact Analysis describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION:

Significance

This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant".

Background

The last major revision of the U.S. standards for grades of Florida grapefruit, tangerines, oranges and tangelos became effective October 15, 1967, with subsequent amendment adopted on February 13, 1968, and January 31, 1973. Since these grade standards were issued, several changes in cultural and marketing practices have occurred. Certain cultural practices have caused the elongation of many fruit. This elongation of the fruit has made it virtually impossible for industry, with its present sizing equipment, to size fruit in accordance with the minimum or minimum and maximum diameter requirements of the current U.S. grade standards. Also, as a result of the extensive use of automated equipment in packaging fruit, as opposed to hand packing, the pack requirements of the current standards are difficult, if not impossible, to apply.

The U.S. standards for grades of Florida citrus are used as a basis for Florida's Federal Marketing Order which establishes the quality and size of fresh fruit permitted to be shipped in interstate commerce. Representatives of industry (FCP) requested that the standards be revised to accommodate recent changes in industry cultural and marketing practices.

The Department believes that this action will provide the Florida citrus industry with standards that will accommodate the recent changes in cultural and marketing practices. Also, it will fulfill USDA's responsibility to provide the industry with applicable voluntary standards that are useful in the promotion of efficient, uniform industry marketing practices as required by the Agricultural Marketing Act of 1946.

This final rule:

- (1) Replaces the "Standard Pack" section with a "Size and Pack" section in each of the grade standards;
- (2) Places emphasis on uniformity of size by instituting ranges in diameter for each pack size for grapefruit, tangerines, oranges and tangelos;
- (3) Provides for lot variances compatible with the method of packing by establishing tolerances for containers that fail to meet the requirements of size and pack.
- (4) Removes subjective description of scorable scars;
- (5) Defines "Discoloration" to include smooth and fairly smooth superficial scars;
- (6) Allows grapefruit to have sprouted seeds if the sprouts are not of green color; and,
- (7) Adds metric equivalents to specific measurements in terms of liquid, inches, or fractions of inches in each of the standards.

The Proposal

On February 8, 1980, a proposal to amend the U.S. standards for grades of Florida grapefruit, tangerines, oranges, and tangelos was published in the *Federal Register* (45 FR 8637-8654). The Department received 13 comments in response to the proposal. A number of comments received stressed the need for citrus standards that are compatible and in line with current cultural and marketing practices. The principal comment was submitted by the Florida Citrus Packers (FCP), a cooperative association, representing 90 percent of Florida's fresh citrus growers and packers, requesting the following additions to the proposed revisions:

- (a) Tangerines whose diameter is larger than "100 size" be assigned pack arrangements as well as a range in diameter;
- (b) Expand size range for tangelos only; and,
- (c) Increase the lot variance for "volume-filled" packages that fail to meet size and pack requirements.

The remaining comments supported the proposal with some specifically endorsing the FCP comments. The additions suggested by FCP were evaluated and considered to be reasonable and appropriate. Therefore, the following suggested additions are included in this action:

- (a) Tangerines whose diameter is larger than 100 size (not provided for in present standards) are assigned pack arrangements as well as a range in diameter in inches. During the 1978-1979 season, a total of 200,000 4/5 bushel cartons (10% of total tangerines packed) larger than 100 size were certified for shipment. This amount justifies the

establishment of pack arrangements and diameter range to ensure a reasonable degree of uniformity and control. The range in diameter for tangerine sizes 64, 66 and 80 shall be $8\frac{1}{16}$ of an inch, consistent with the present range in diameter for sizes 100 and 120. Appropriate pack arrangements for these three sizes are also incorporated in this action.

- (b) Expand size range for tangelos only. Although all tangelos and K-Early citrus fruits are covered by the U.S. Standards for Grades of Oranges and Tangelos, the different varietal shapes of tangelos make sizing under the orange size ranges very difficult, if not impossible. In order to facilitate sizing without sacrificing reasonable consistency, providing that the pack arrangements and fill requirements are adhered to, the range in diameter for tangelos only is expanded as follows: For sizes 120 or 125 and smaller, by $\frac{2}{16}$ of an inch, and for sizes larger than 120 to 125, by $\frac{1}{16}$ of an inch in diameter.

- (c) Increase from 5 to 10 percent the lot variance only for "volume-filled" packages that fail to meet size and pack requirements. The current trend is toward increased automation in the preparatory marketing phases of fruit sorting and packaging. However, automation has increased the incidence of container-to-container variation from established "place-packed" requirements. As this factor can only be regulated up to a point, industry has justifiably requested that the lot tolerance for variation for "volume-fill" containers, i.e., those mechanically filled as opposed to hand-packed (place-packed), be increased from the present 5 percent to 10 percent.

Copies of the proposed rule were mailed to 40 supermarket chains representing 23,000 retail outlets. No comments were received from those sources. Several industry newsletters referenced the proposed rule for Florida grapefruit, tangerines, oranges, and tangelos. Also several press releases and other supplemental materials were developed for consumer organizations and their representatives. No consumer comments were received by the Department from these sources.

Options Considered

Two options were considered in developing this final rule.

Option I—Revise the U.S. Standards for Grades of Florida Grapefruit, Tangerines, Oranges and Tangelos. The usefulness of voluntary grade standards depends, in large measure, upon whether or not quality, size, or related requirements are compatible with biological and technological

developments in the industry. This option would provide the Florida citrus industry with standards that are in line with current cultural and marketing practices.

Option II—Continue the currently effective U.S. Standards for Grades of Florida Grapefruit, Tangerines, Oranges and Tangelos. Due to the citrus industry's changing cultural and sizing practices, the size requirements are no longer practical to apply. To continue to apply the current U.S. grade standards, the Department would not fulfill its responsibility to provide the industry with standards which encourage uniformity and consistency in commercial marketing practices.

Option I was selected as it will reduce the number of rules now required under the marketing order. Also, it will facilitate the use of a single basis for size and quality requirements under the marketing order, and will not impose any change in the quality or size of the citrus fruit currently being packed and marketed. The Florida citrus industry would be the principal recipient of any savings from the application of Option I, although potential savings from program cost reductions would likely benefit consumers. Option I is in line with current grading procedures and will promote uniformity in grade interpretations and application by industry and grading service personnel.

After consideration of all data, and since no unfavorable information was submitted, the United States Standards for Grades of Florida Grapefruit (7 CFR 2851.750-2851.784), United States Standards for Grades of Florida Tangerines (7 CFR 2851.1810-2851.1835), and United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 2851.1140-2851.1179) are revised and the Table of Contents amended to read as follows:

PART 2851—FRESH FRUITS, VEGETABLES AND OTHER^{1, 2} PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

* * * * *

Subpart—United States Standards for Grades of Florida Grapefruit

Grades

Sec.	
2851.750	U.S. Fancy.
2851.751	U.S. No. 1.
2851.752	U.S. No. 1 Bright.

¹ Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

² None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

2851.753 U.S. No. 1 Golden.
 2851.754 U.S. No. 1 Bronze.
 2851.755 U.S. No. 1 Russet.
 2851.756 U.S. No. 2.
 2851.757 U.S. No. 2 Bright.
 2851.758 U.S. No. 2 Russet.
 2851.759 U.S. No. 3.

Unclassified

2851.760 Unclassified.

Tolerances

2851.761 Tolerances.

Size and Pack

2851.762 Size and pack.

Definitions

2851.763 Similar varietal characteristics.
 2851.764 Well colored.
 2851.765 Firm.
 2851.766 Well formed.
 2851.767 Mature.
 2851.768 Smooth texture.
 2851.769 Injury.
 2851.770 Discoloration.
 2851.771 Fairly well colored.
 2851.772 Fairly smooth texture.
 2851.773 Damage.
 2851.774 Fairly firm.
 2851.775 Slightly misshapen.
 2851.776 Slightly rough texture.
 2851.777 Serious damage.
 2851.778 Slightly colored.
 2851.779 Misshapen.
 2851.780 Slightly spongy.
 2851.781 Very serious damage.
 2851.782 Diameter.
 2851.783 Classification of defects.

Visual Aid

2851.784 Visual aid.

Subpart—United States Standards for Grades of Florida Oranges and Tangelos**General**

2851.1140 General.

Grades

2851.1141 U.S. Fancy.
 2851.1142 U.S. No. 1 Bright.
 2851.1143 U.S. No. 1.
 2851.1144 U.S. No. 1 Golden.
 2851.1145 U.S. No. 1 Bronze.
 2851.1146 U.S. No. 1 Russet.
 2851.1147 U.S. No. 2 Bright.
 2851.1148 U.S. No. 2.
 2851.1149 U.S. No. 2 Russet.
 2851.1150 U.S. No. 3.

Unclassified

2851.1151 Unclassified.

Tolerances

2851.1152 Tolerances.

Size and Pack

2851.1153 Size and pack.

Definitions

2851.1154 Similar varietal characteristics.
 2851.1155 Well colored.
 2851.1156 Firm.
 2851.1157 Well formed.
 2851.1158 Mature.
 2851.1159 Smooth texture.

2851.1160 Injury.
 2851.1161 Discoloration.
 2851.1162 Fairly smooth texture.
 2851.1163 Damage.
 2851.1164 Fairly well colored.
 2851.1165 Reasonably well colored.
 2851.1166 Fairly firm.
 2851.1167 Slightly misshapen.
 2851.1168 Slightly rough texture.
 2851.1169 Serious damage.
 2851.1170 Misshapen.
 2851.1171 Slightly spongy.
 2851.1172 Very serious damage.
 2851.1173 Diameter.
 2851.1174 Classification of defects.

Standards for Internal Quality of Common Sweet Oranges (Citrus Sinensis (L.) Osbeck)

2851.1175 U.S. Grade AA Juice (Double A).
 2851.1176 U.S. Grade A Juice.
 2851.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
 2851.1178 Methods of juice extraction.

Visual Aid

2851.1179 Visual aid.

Subpart—United States Standards for Grades of Florida Tangerines**Grades**

2851.1810 U.S. Fancy.
 2851.1811 U.S. No. 1.
 2851.1812 U.S. No. 1 Bronze.
 2851.1813 U.S. No. 1 Russet.
 2851.1814 U.S. No. 2.
 2851.1815 U.S. No. 2 Russet.
 2851.1816 U.S. No. 3.

Unclassified

2851.1817 Unclassified.

Tolerances

2851.1818 Tolerances.

Size and Pack

2851.1819 Size and pack.

Definitions

2851.1820 Mature.
 2851.1821 Firm.
 2851.1822 Well formed.
 2851.1823 Damage.
 2851.1824 Highly colored.
 2851.1825 Discoloration.
 2851.1826 Well colored.
 2851.1827 Fairly well colored.
 2851.1828 Fairly firm.
 2851.1829 Fairly well formed.
 2851.1830 Serious damage.
 2851.1831 Reasonably well colored.
 2851.1832 Very serious damage.
 2851.1833 Diameter.
 2851.1834 Classification of defects.

Visual Aid

2851.1835 Visual aid.

Subpart—United States Standards for Grades of Florida Grapefruit¹**Grades****§ 2851.750 U.S. Fancy.**

"U.S. Fancy" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration;

(i) Not more than one-tenth of the

surface, in the aggregate, may be

affected by discoloration. (See

§ 2851.770.)

(2) Firm;

(3) Mature;

(4) Similar varietal characteristics;

(5) Smooth texture;

(6) Well colored; and,

(7) Well formed.

(b) Free from:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Caked melanose;

(5) Cuts not healed;

(6) Decay;

(7) Growth cracks;

(8) Scab;

(9) Sprayburn; and,

(10) Wormy fruit.

(c) Free from injury caused by:

(1) Green spots;

(2) Oil Spots;

(3) Scale;

(4) Scars;

(5) Skin breakdown; and,

(6) Thorn scratches.

(d) Free from damage caused by:

(1) Dirt or other foreign material;

(2) Disease;

(3) Dryness or mushy condition;

(4) Hail;

(5) Insects;

(6) Sprouting;

(7) Sunburn; and,

(8) Other means.

(e) For tolerances see § 2851.761.

§ 2851.751 U.S. No. 1

"U.S. No. 1" consists of grapefruit which meet the following requirements:

(a) Basic requirements:

(1) Discoloration;

(i) Not more than one-third of the

surface, in the aggregate, may be

affected by discoloration. (See

§ 2851.770.)

(2) Fairly smooth texture;

(3) Fairly well colored;

(4) Firm;

(5) Mature;

(6) Similar varietal characteristics;

and,

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State Laws and regulations.

- (7) Well formed.
 (b) Free from:
 (1) Bruises;
 (2) Cuts not healed;
 (3) Decay;
 (4) Growth crack; and,
 (5) Wormy fruit.
 (c) Free from damage caused by:
 (1) Ammoniation;
 (2) Buckskin;
 (3) Caked melanose;
 (4) Dirt or other foreign material;
 (5) Disease;
 (6) Dryness or mushy condition;
 (7) Green spots;
 (8) Hail;
 (9) Insects;
 (10) Oil spots;
 (11) Scab;
 (12) Scale;
 (13) Scars;
 (14) Skin breakdown;
 (15) Sprayburn;
 (16) Sprouting;
 (17) Sunburn;
 (18) Thorn scratches; and,
 (19) Other means.
 (d) For tolerances see § 2851.761.

§ 2851.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.

- (a) For tolerances see § 2851.761.

§ 2851.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than the number of fruits permitted in § 2851.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration.

- (a) For tolerances see § 2851.761.

§ 2851.754 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 2851.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

- (a) For tolerances see § 2851.761.

§ 2851.755 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits

required in § 2851.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.

- (a) For tolerances see § 2851.761.

§ 2851.756 U.S. No. 2

"U.S. No. 2" consists of grapefruit which meet the following requirements:

- (a) Basic requirements:
 (1) Discoloration;
 (i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 2851.770.)
 (2) Fairly firm;
 (3) Mature;
 (4) Similar varietal characteristics;
 (5) Slightly colored;
 (6) Not more than slightly misshapen;
 and,
 (7) Not more than slightly rough texture.

(b) Free from:
 (1) Bruises;
 (2) Cuts not healed;
 (3) Decay;
 (4) Growth cracks; and,
 (5) Wormy fruit.
 (c) Free from serious damage caused by:

- (1) Ammoniation;
 (2) Buckskin;
 (3) Caked melanose;
 (4) Dirt or other foreign material;
 (5) Disease;
 (6) Dryness or mushy condition;
 (7) Green spots;
 (8) Hail;
 (9) Insects;
 (10) Oil spots;
 (11) Scab;
 (12) Scale;
 (13) Scars;
 (14) Skin breakdown;
 (15) Sprayburn;
 (16) Sprouting;
 (17) Sunburn;
 (18) Thorn scratches; and,
 (19) Other means.
 (d) For tolerances see § 2851.761.

§ 2851.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.

- (a) For tolerances see § 2851.761.

§ 2851.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 2851.761, Tables I and II, shall have more than one-half of their

surface, in the aggregate, affected by discoloration.

- (a) For tolerances see § 2851.761.

§ 2851.759 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:

- (a) Basic requirements:
 (1) Mature;
 (2) Misshapen;
 (3) Poorly colored;
 (i) Not more than 25 percent of the surface may be of a solid dark green color.
 (4) Rough texture, not seriously bumpy;
 (5) Similar varietal characteristics; and
 (6) Slightly spongy.
 (b) Free from:
 (1) Cuts not healed;
 (2) Decay; and,
 (3) Wormy fruit.
 (c) Free from very serious damage caused by:
 (1) Ammoniation;
 (2) Bruises;
 (3) Buckskin;
 (4) Caked melanose;
 (5) Disease;
 (6) Dryness or mushy condition;
 (7) Growth cracks;
 (8) Hail;
 (9) Insects;
 (10) Scab;
 (11) Scale;
 (12) Scars;
 (13) Skin breakdown;
 (14) Sprayburn;
 (15) Sprouting;
 (16) Sunburn; and,
 (17) Other means.
 (d) For tolerances see § 2851.761.

Unclassified

§ 2851.760 Unclassified.

"Unclassified" consists of grapefruit which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

Tolerances

§ 2851.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot shall be within the limitations specified in Tables I and II.

Table I.—Shipping Point ¹ for 1 Through 40 Samples

Factor	Grades	AL ²	Number of 33-count samples ³ (Florida grapefruit)																				
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
			Acceptance Numbers ⁴ (Maximum permitted)																				
Decay	U.S. fancy																						
	U.S. No. 1		1	0	0	0	1	⁵ 1	1	2	2	2	⁵ 2	2	2	3	3	3	⁵ 3	3	4	4	4
	U.S. No. 2		1	0	1	⁵ 1	1	2	⁵ 2	2	3	3	⁵ 3	3	4	4	4	⁵ 4	5	5	5	⁵ 5	5
Wormy fruit	All		1	0	0	0	1	⁵ 1	1	2	2	2	⁵ 2	2	2	3	3	3	⁵ 3	3	4	4	4
	U.S. fancy																						
Very serious damage including decay and wormy fruit.	U.S. No. 1		4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
	U.S. No. 2																						
Total defects including decay, wormy fruit, and very serious damage.	All		5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Off-size			7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1																						
	U.S. No. 1 bright																						
	U.S. No. 2		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 2 bright																						
U.S. No. 1 golden		16	13	23	34	44	54	63	73	83	92	102	112	122	131	140	150	159	169	178	188	197	
			Acceptance Numbers ⁴ (Minimum required)																				
U.S. No. 1 bronze		6	9	20	32	44	56	68	81	93	105	118	130	142	155	168	180	193	206	218	231	244	
U.S. No. 1 russet																							
U.S. No. 2 russet		0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68	
			Acceptance Numbers ⁴ (Maximum permitted)																				
Decay	U.S. fancy																						
	U.S. No. 1		1	4	4	⁵ 4	4	4	5	5	5	5	5	⁵ 5	5	5	6	6	6	6	6	⁵ 6	6
	U.S. No. 2		1	5	6	6	6	⁵ 6	6	7	7	7	⁵ 7	7	8	8	8	⁵ 8	8	9	9	9	9
Wormy fruit	All		1	4	4	⁵ 4	4	4	5	5	5	5	5	⁵ 5	5	5	6	6	6	6	6	⁵ 6	6
	U.S. fancy																						
Very serious damage including decay and wormy fruit.	U.S. No. 1		4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	56	57
	U.S. No. 2																						
Total defects including decay, wormy fruit, and very serious damage.	All		5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Off-size			7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1																						
	U.S. No. 1 bright																						
	U.S. No. 2		7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. No. 2 bright																						
U.S. No. 1 golden		16	206	216	225	234	247	253	264	274	281	290	300	309	318	327	337	346	355	364	374	383	
			Acceptance Numbers ⁴ (Minimum required)																				
U.S. No. 1 bronze		6	256	269	282	294	307	320	333	345	358	371	383	396	409	422	435	447	460	473	486	499	
U.S. No. 1 russet																							
U.S. No. 2 russet		0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145	

¹ Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

² AL—Absolute limit permitted in individual 33-count sample.

³ Sample size—33 count.

⁴ Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

⁵ Preferred number of samples for this acceptance number.

Table II.—En Route or at Destination

Factor	Grades	AL ¹	Number of 33-count samples ² (Florida grapefruit)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance Numbers ³ (Maximum permitted)																			
Decay.....	All.....	3	2	3	4	5	6	7	8	9	10	11	12	13	13	14	15	16	17	18	18	19
Wormy fruit.....	All.....	1	0	0	0	1	1	1	2	2	2	2	2	2	3	3	3	3	3	4	4	4
Very serious damage other than decay and wormy fruit.....	U.S. fancy.....																					
	U.S. No. 1.....	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
	U.S. No. 2.....																					
Total defects including very serious damage other than decay and wormy fruit.....	All.....	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Off-size.....		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration.....	U.S. No. 1.....																					
	U.S. No. 1 bright.....																					
	U.S. No. 2.....	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 2 bright.....																					
	U.S. No. 1 golden.....	16	13	23	34	44	54	63	73	83	92	102	112	122	131	140	150	159	169	178	188	197
			Acceptance Numbers ³ (Minimum required)																			
	U.S. No. 1 bronze.....	6	9	20	32	44	56	68	81	93	105	118	130	142	155	168	180	193	206	218	231	244
	U.S. No. 1 russet.....																					
	U.S. No. 2 russet.....	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

¹ AL—Absolute limit permitted in individual 33-count sample.² Sample size—33 count.³ Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.⁴ Preferred number of samples for this acceptance number.**Size and Pack****§ 2851.762 Size and pack.**

(a) When grapefruit is place-packed in approved $\frac{1}{8}$ bushel containers,² the size and count, pack and diameter range of the fruit shall be as follows:

Table III

Size and Count	Pack	Rows	Layers	Diameter range in inches
14 ¹	2 x 1	3	3	$\frac{1}{16}$ "
18.....	2 x 2	3	3	$\frac{1}{16}$ "
23.....	3 x 2	3	3	$\frac{1}{16}$ "
27.....	3 x 3	3	3	$\frac{1}{16}$ "
32.....	4 x 3	3	3	$\frac{1}{16}$ "
36.....	4 x 4	3	3	$\frac{1}{16}$ "
40.....	4 x 5	3	3	$\frac{1}{16}$ "
48.....	3 x 3	4	4	$\frac{1}{16}$ "
56.....	4 x 3	4	4	$\frac{1}{16}$ "
64.....	4 x 4	4	4	$\frac{1}{16}$ "

¹ Size 14 may be packed in a layer pack with 6 fruit in the bottom layer, 2 fruit in the second layer, and 6 fruit in the top layer.

(b) The actual count and pack shall not deviate from that shown in the above table for each respective size except when a protective tray or similar device which displaces one or more fruit is placed in the container. In this event, both the size and actual count shall be shown on the container.

² Approved $\frac{1}{8}$ bushel containers are those containers currently defined in section 20-39.03(1) of the Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definition of such containers may hereafter be amended.

(c) When grapefruit is not place-packed, the sizes and respective diameter ranges shown in paragraph (a) of this section shall apply; and the fruit in each respective size shall, when place-packed in approved $\frac{1}{8}$ bushel containers,² meet the respective pack arrangements and at point of origin meet the requirements of "Well filled" as set forth in paragraph (d) of this section.

(d) At point of origin all containers in which fruit is place-packed shall be "Well filled."³

(e) Not more than the number of fruits permitted in § 2851.761, Tables I and II, may fail to meet the diameter range requirements as specified in paragraph (a) or (c) of this section.

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the containers, if "place-packed," or not more than 10 percent of the containers, if "volume-filled," in any lot may fail to meet the count or pack arrangements, or at point of origin the requirements of "Well filled."³

Definitions**§ 2851.763 Similar varietal characteristics.**

"Similar varietal characteristics"

³ "Well filled" shall have the same meaning currently assigned that term in section 20-39.11(2) of Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definition of such term may hereafter be amended.

means that the fruits in any container are similar in color and shape.

§ 2851.764 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 2851.765 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 2851.766 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 2851.767 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.16, 601.17, and 601.18 of the Florida Citrus Code of 1949, as amended (Chs. 28090 and 29760, Laws of Florida, 1953 and 1955), or as the definition of such term may hereafter be amended.

§ 2851.768 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 2851.769 Injury.

"Injury" means any specific defect described in § 2851.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which

slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§#2851.770 Discoloration.

"Discoloration" means russetting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck-type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§#2851.771 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch (25.4 mm) in diameter, the yellow or orange color predominates over the green color.

§#2851.772 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 2851.783 Classification of defects.

§#2851.773 Damage.

"Damage" means any specific defect described in § 2851.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.774 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy, or puffy.

§ 2851.775 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 2851.776 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 2851.777 Serious damage.

"Serious damage" means any specific defect described in § 2851.783, Table IV; or an equally objectionable variation of any one of these defects, any other

defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.778 Slightly colored.

"Slightly colored" means that except for an aggregate area of green color which does not exceed the area of a circle 2 inches (50.8 mm) in diameter, the fruit surface shows some yellow color.

§ 2851.779 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed, or flatsided.

§ 2851.780 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 2851.781 Very serious damage.

"Very serious damage" means any specific defect described in § 2851.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.782 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

Table IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 1/4 inches (31.8 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition		Affecting all segments more than 1/4 inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 3/4 inch (19.1 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green Spots	More than slightly affecting appearance	More than 10 spots caused by scale, each spot equivalent to the area of a circle 1/4 inch (3.2 mm) in diameter.	More than 25 spots caused by scale, each spot equivalent to the area of a circle 1/4 inch (3.2 mm) in diameter.	
Hail	Not well healed, or aggregating more than a circle 3/4 inch (9.5 mm) in diameter.	Not well healed, or aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	Not well healed, or aggregating more than a circle 3/4 inch (15.9 mm) in diameter.	Not well healed, or aggregating more than a circle 1 inch (25.4 mm) in diameter.
Oil Spots	More than slightly affecting appearance	More than 5 spots, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	More than 10 spots, or aggregating more than a circle 1 inch (25.4 mm) in diameter.	
Scab		Materially detracts from the shape or texture, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle 3/4 inch (19.1 mm) in diameter, or occurring as a ring more than a circle 1 1/4 inches (31.8 mm) in diameter.	Blotch aggregating more than a circle 1 inch (25.4 mm) in diameter, or occurring as a ring more than a circle 1 1/2 inches (38.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep or very rough aggregating more than a circle 1/2 inch (12.7 mm) in diameter; deep or rough aggregating more than a circle 1 inch (25.4 mm) in diameter; slightly rough or of slight depth aggregating more than 10 percent of fruit surface.	Very deep or very rough aggregating more than a circle 1 inch (25.4 mm) in diameter; deep or rough aggregating more than 5 percent of fruit surface; slight depth or slightly rough aggregating more than 15 percent of fruit surface.	Very deep or very rough or unsightly that appearance is very seriously affected.

Table IV—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Skin breakdown		Aggregating more than a circle $\frac{3}{8}$ inch (9.5 mm) in diameter.	Aggregating more than a circle $\frac{1}{4}$ inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	Hard and aggregating more than a circle $1\frac{1}{2}$ inches (38.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprouting		More than 6 seeds have green sprouts, or more than 1 green sprout is more than $\frac{1}{4}$ inch (6.4 mm) in length.	More than 6 seeds have green sprouts, or more than 1 green sprout is more than $\frac{1}{2}$ inch (12.7 mm) in length.	More than 6 seeds have green sprouts, or more than 1 green sprout is more than $\frac{3}{4}$ inch (19.1 mm) in length.
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle $\frac{1}{4}$ inch (19.1 mm) in diameter.	Not well healed, or hard concentrated thorn injury aggregating more than a circle $\frac{3}{4}$ inch (22.2 mm) in diameter.	Aggregating more than 25 percent of the surface.

NOTE.—References to area or aggregate area, or length are based on a 36 size grapefruit.

Visual Aid

§ 2851.784 Visual Aid.

(a) USDA Visual Aid CIT-(FL)-L-1, consists of a booklet containing color reproductions of Florida grapefruit illustrating certain grade requirements, namely color, shape, varietal characteristics, discoloration, and other defects as set forth in these standards. This visual aid may be examined in the Fruit and Vegetable Quality Division, FSQS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of this visual aid may be purchased from the John Henry Co., Post Office box 17099, Lansing, MI 48901.

Subpart—United States Standards for Grades of Florida Oranges and Tangelos¹

General

§ 2851.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties and hybrids of varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (*Citrus reticulata*) with either the grapefruit or pomelo (*C. paradisi* and *C. grandis*). Separate U.S. Standards apply to tangerines. The standards for internal quality contained in §§ 2851.1175 through 2851.1178 apply only to common sweet oranges (*Citrus sinensis* (L) Osbeck).

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State laws and regulations.

Grades

§ 2851.1141 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:

- (a) Basic requirements:
- (1) Discoloration;
 - (i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 2851.1161.)
 - (2) Firm;
 - (3) Mature;
 - (4) Similar varietal characteristics;
 - (5) Smooth texture;
 - (6) Well colored; and,
 - (7) Well formed.
- (b) Free from:
- (1) Ammoniation;
 - (2) Bruises;
 - (3) Buckskin;
 - (4) Caked melanose;
 - (5) Creasing;
 - (6) Cuts not healed;
 - (7) Decay;
 - (8) Growth cracks;
 - (9) Scab;
 - (10) Split navels;
 - (11) Sprayburn;
 - (12) Undeveloped segments; and,
 - (13) Wormy fruit.
- (c) Free from injury caused by:
- (1) Green spots;
 - (2) Oil spots;
 - (3) Rough, wide or protruding navels;
 - (4) Scale;
 - (5) Scars;
 - (6) Skin breakdown; and,
 - (7) Thorn scratches.
- (d) Free from damage caused by:
- (1) Dirt or other foreign material;
 - (2) Disease;
 - (3) Dryness on mushy condition;
 - (4) Hail;
 - (5) Insects;
 - (6) Riciness or woodiness;
 - (7) Sunburn; and,
 - (8) Other means.
- (e) For tolerances see § 2851.1152.
- (f) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175–2851.1178.)

§ 2851.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 2851.1152.

(b) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175–2851.1178.)

§ 2851.1143 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:

- (a) Basic requirements:
- (1) Color;
 - (i) Early and midseason varieties shall be fairly well colored.
 - (ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
 - (2) Discoloration:
 - (i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 2851.1161.)
 - (3) Fairly smooth texture;
 - (4) Firm;
 - (5) Mature;
 - (6) Similar varietal characteristics; and,
 - (7) Well formed.
- (b) Free from:
- (1) Cuts not healed;
 - (2) Bruises;
 - (3) Decay;
 - (4) Growth cracks; and,
 - (5) Wormy fruit.
- (c) Free from damage caused by:
- (1) Ammoniation;
 - (2) Buckskin;
 - (3) Caked melanose;
 - (4) Creasing;

- (5) Dirt or other foreign material;
 - (6) Disease;
 - (7) Dryness or mushy condition;
 - (8) Green spots;
 - (9) Hail;
 - (10) Insects;
 - (11) Oil spots;
 - (12) Riciness or woodiness;
 - (13) Scab;
 - (14) Scale;
 - (15) Scars;
 - (16) Skin breakdown;
 - (17) Split, rough or protruding navels;
 - (18) Sprayburn;
 - (19) Sunburn;
 - (20) Thorn scratches; and,
 - (21) Other means.
- (d) For tolerances see § 2851.1152.
- (e) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than the number of fruits permitted in § 2851.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 2851.1152.

(b) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1145 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 2851.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

(a) For tolerances see § 2851.1152.

(b) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1146 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 2851.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.

(a) For tolerances see § 2851.1152.

(b) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 2851.1152.

(b) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1148 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Discoloration;

(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 2851.1161.)

(2) Fairly firm;

(3) Mature;

(4) Reasonably well colored;

(5) Similar varietal characteristics;

(6) Not more than slightly misshapen;

and,

(7) Not more than slightly rough

texture.

(b) Free from:

(1) Bruises;

(2) Cuts not healed;

(3) Decay;

(4) Growth cracks; and,

(5) Wormy fruit.

(c) Free from serious damage caused by:

(1) Ammoniation;

(2) Buckskin;

(3) Caked melanose;

(4) Creasing;

(5) Dirt or other foreign material;

(6) Disease;

(7) Dryness or mushy condition;

(8) Green spots;

(9) Hail;

(10) Insects;

(11) Oil spots;

(12) Riciness or woodiness;

(13) Scab;

(14) Scale;

(15) Scars;

(16) Skin breakdown;

(17) Split, rough or protruding navels;

(18) Sprayburn;

(19) Sunburn;

(20) Thorn scratches; and,

(21) Other means.

(d) For tolerances see § 2851.1152.

(e) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice

(Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 2851.1152, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 2851.1152.

(b) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

§ 2851.1150 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:

(a) Basic requirements:

(1) Mature;

(2) Misshapen;

(3) Poorly colored;

(i) Not more than 25 percent of the surface may be of a solid dark green color.

(4) Rough texture, not seriously lumpy;

(5) Similar varietal characteristics;

and,

(6) Slightly spongy.

(b) Free from:

(1) Cuts not healed;

(2) Decay; and,

(3) Wormy fruit.

(c) Free from very serious damage caused by:

(1) Ammoniation;

(2) Bruises;

(3) Buckskin;

(4) Caked melanose;

(5) Creasing;

(6) Disease;

(7) Dryness or mushy condition;

(8) Growth cracks;

(9) Hail;

(10) Insects;

(11) Riciness or woodiness;

(12) Scab;

(13) Scale;

(14) Scars;

(15) Skin breakdown;

(16) Split navels;

(17) Sprayburn;

(18) Sunburn; and,

(19) Other means.

(d) For tolerances see § 2851.1152.

(e) Internal quality:

(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 2851.1175-2851.1178.)

Unclassified

§ 2851.1151 Unclassified.

"Unclassified" consists of oranges or tangelos which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these

standards but is provided as a designation to show that no grade has been applied to the lot.

Tolerances

§ 2851.1152 Tolerances.

In order to allow for variations incident to proper grading and handling

in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot shall be within the limitations specified in Tables I and II.

Table I.—Shipping Point ¹ for 1 Through 40 Samples

Factor	Grades	AL ²	Number of 50-count samples ³ (Florida oranges, tangelos)																				
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Acceptance Numbers ⁴ (Maximum Permitted)																							
Decay	U.S. fancy																						
	U.S. No. 1	1	0	1	⁵ 1	1	2	⁶ 2	2	3	3	3	³ 3	3	4	4	⁴ 4	4	5	5	5	5	
	U.S. No. 2																						
Wormy fruit	U.S. No. 3	2	0	1	2	² 2	2	³ 3	3	4	4	⁴ 4	5	5	⁵ 5	6	6	⁶ 6	6	7	7	⁷ 7	
	All	1	0	1	¹ 1	1	2	² 2	2	3	3	3	³ 3	3	4	4	⁴ 4	4	5	5	5	5	
Very serious damage including decay and wormy fruit.	U.S. fancy																						
	U.S. No. 1	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45	
	U.S. No. 2																						
Total defects including decay, wormy fruit, and very serious damage.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94	
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94	
Discoloration	U.S. No. 1																						
	U.S. No. 1 bright																						
	U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94	
	U.S. No. 2 bright																						
U.S. No. 1 golden	22	18	34	49	64	80	93	109	122	138	151	166	180	194	208	222	237	251	265	279	293		
Acceptance Numbers ⁴ (Minimum Required)																							
U.S. No. 1 bronze	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374		
U.S. No. 1 russet																							
U.S. No. 2 russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108		
Acceptance Numbers ⁴ (Maximum Permitted)																							
Decay	U.S. fancy																						
	U.S. No. 1	1	⁵ 5	6	6	6	6	⁶ 6	6	7	7	7	7	⁷ 7	7	8	8	8	⁸ 8	8	9	9	
	U.S. No. 2																						
Wormy fruit	U.S. No. 3	2	8	8	⁸ 8	8	9	9	⁹ 9	9	10	10	¹⁰ 10	11	11	¹¹ 11	11	12	12	¹² 12	12	13	
	All	1	⁵ 5	6	6	6	6	⁶ 6	6	7	7	7	7	⁷ 7	7	8	8	8	⁸ 8	8	9	9	
Very serious damage including decay and wormy fruit.	U.S. fancy																						
	U.S. No. 1	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83	
	U.S. No. 2																						
Total defects including decay, wormy fruit, and very serious damage.	All	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180	
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180	
Discoloration	U.S. No. 1																						
	U.S. No. 1 bright																						
	U.S. No. 2	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180	
	U.S. No. 2 bright																						
	U.S. No. 1 golden	22	307	321	335	349	363	377	391	405	419	433	447	461	475	489	503	517	531	545	559	573	

Table I.—Shipping Point ¹ for 1 Through 40 Samples—Continued

Factor	Grades	AL ²	Number of 50-count samples ³ (Florida oranges, tangelos)																				
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Acceptance Numbers ⁴ (Minimum Required)																							
U.S. No. 1 bronze.....			11	394	413	433	452	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744	764
U.S. No. 1 russet.....			1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

¹ Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
² AL—Absolute limit permitted in individual 50-count sample.
³ Sample size—50 count.
⁴ Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
⁵ Preferred number of samples for this acceptance number.

Table II.—En Route or at Destination

Factor	Grades	AL ¹	Number of 50-count samples ² (Florida oranges, tangelos)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Acceptance Numbers ³ (Maximum Permitted)																						
Decay.....	All.....	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27
Wormy fruit.....	All.....	1	0	1	⁴ 1	1	2	⁴ 2	2	3	3	3	⁴ 3	3	4	4	⁴ 4	4	5	5	5	5
Very serious damage other than decay and wormy fruit.....	U.S. fancy.....																					
	U.S. No. 1.....	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
	U.S. No. 2.....																					
Total defects including very serious damage other than decay and wormy fruit.....	All.....	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size.....	U.S. No. 1.....	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration.....	U.S. No. 1.....																					
	U.S. No. 1 bright.....																					
	U.S. No. 2.....	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 2 bright.....																					
	U.S. No. 1 golden.....	22	18	34	49	64	80	93	109	122	138	151	166	180	194	208	222	237	251	265	279	293
Acceptance Numbers ³ (Minimum Required)																						
U.S. No. 1 bronze.....		11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
U.S. No. 1 russet.....																						
U.S. No. 2 russet.....		1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

¹ AL—Absolute limit permitted in individual 50-count sample.
² Sample size—50 count.
³ Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
⁴ Preferred total number of samples for this acceptance number.

Size and Pack

§ 2851.1153 Size and pack.

(a) When oranges, including Temples, Navels and Tangelos, are place-packed in approved $\frac{3}{8}$ bushel containers,² except container No. 4016,³ the size, count, pack and diameter range of the fruit shall be as follows:

² Approved $\frac{3}{8}$ bushel containers are those containers currently defined in section 20-39.03(1) of the Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definitions of such containers may hereafter be amended.

³ Container No. 4016 shall have the same meaning as currently assigned that term in section 20-39.03(b) of the Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definition of such containers may be hereafter amended.

Table III

Size	Pack	Rows	Layers	Count	Diameter ranges in inches	
					Oranges	Tangelos
36.....	4 x 4	3	3	36	$\frac{3}{16}$	$\frac{3}{16}$
48.....	3 x 3	4	4	48	$\frac{3}{16}$	$\frac{3}{16}$
56.....	4 x 3	4	4	56	$\frac{3}{16}$	$\frac{3}{16}$
64.....	4 x 4	4	4	64	$\frac{3}{16}$	$\frac{3}{16}$
80.....	5 x 5	4	4	80	$\frac{3}{16}$	$\frac{3}{16}$
	or 4 x 4	4	5	80	$\frac{3}{16}$	$\frac{3}{16}$
100.....	5 x 5	4	5	100	$\frac{3}{16}$	$\frac{3}{16}$
	or 4 x 4	5	5	100	$\frac{3}{16}$	$\frac{3}{16}$
125.....	5 x 5	5	5	125	$\frac{3}{16}$	$\frac{3}{16}$
163.....	7 x 6	5	5	163	$\frac{3}{16}$	$\frac{3}{16}$
	or 5 x 4	6	6	162	$\frac{3}{16}$	$\frac{3}{16}$

(b) When Temple oranges, Tangelos and K-Early citrus fruit are place-packed in container No. 4016,³ the size, count, pack and diameter range of the fruit shall be as follows:

Table IV

Size and count	Pack	Rows	Layers	Diameter range in inches	
				Oranges	Tangelos
54	4 x 5	4	3	3/16	3/16
66	6 x 5	4	3	3/16	3/16
80	4 x 4	5	4	3/16	3/16
100	5 x 5	5	4	3/16	3/16
120	5 x 5	6	4	3/16	3/16
156	7 x 6	6	4	3/16	3/16

(c) When oranges, including Temples, Navels and Tangelos, are not place-packed, the sizes and respective diameter ranges shown in paragraph (a) or (b) of this section shall apply; and the fruit in each respective size shall, when place-packed in approved 3/4 bushel containers,³ meet the respective pack arrangements, and at point of origin meet the requirements of "Well filled"⁴ as set forth in paragraph (d) of this section.

(d) At point of origin all containers in which fruit is place-packed shall be "Well filled."⁴

(e) Not more than the number of fruits permitted in § 2851.1152, Tables I and II, may fail to meet the diameter range requirements as specified in paragraph (a), (b), or (c) of this section.

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the containers, if "place-packed," or not more than 10 percent of the containers, if "volume-filled," in any lot may fail to meet the count or pack arrangements, or at point of origin the requirements of "Well filled."⁴

Definitions

§ 2851.1154 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 2851.1155 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 2851.1156 Firm.

"Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

⁴"Well filled" shall have the same meaning currently assigned that term in section 20-39.11(2) of the Official Rules Affecting The Florida Citrus Industry. Pursuant to Chapter 601, Florida Statutes, or as the definition of such term may hereafter be amended.

§ 2851.1157 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 2851.1158 Mature.

(a) "Mature" for other than Temple oranges shall have the same meaning currently assigned that term in sections 601.19 and 601.20 of the Florida Citrus Code of 1949, as amended (ch. 25149, Laws of Florida, 1949), or as the definition of such term may hereafter be amended;

(b) "Mature" for Temple oranges shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (ch. 26492, Laws of Florida, 1951), or as the definition of such term may hereafter be amended; and,

(c) "Mature" for Tangelos shall have the same meaning currently assigned that term in sections 601.231 and 601.232 of the Florida Citrus Code of 1949, as amended (ch. 29757, Laws of Florida, 1955), or as the definition of such term may hereafter be amended.

§ 2851.1159 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 2851.1160 Injury.

"Injury" means any specific defect described in § 2851.1174, Table V; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1161 Discoloration.

"Discoloration" means russetting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 2851.1162 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 2851.1163 Damage.

"Damage" means any specific defect described in § 2851.1174, Table V; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1164 Fairly well colored.

"Fairly well colored" means that except for an aggregate area of green color which does not exceed the area of a circle 1 inch (25.4 mm) in diameter, the yellow or orange color predominates over the green color.

§ 2851.1165 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate.

§ 2851.1166 Fairly firm.

"Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 2851.1167 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 2851.1168 Slightly rough texture.

"Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 2851.1169 Serious damage.

"Serious damage" means any specific defect described in § 2851.1174, Table V; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1170 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flatsided.

§ 2851.1171 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 2851.1172 Very serious damage.

"Very serious damage" means any specific defect described in § 2851.1174, Table V; or an equally objectionable

variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1173 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 2851.1174 Classification of defects.

Table V

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type	Scars are cracked or dark and aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle $\frac{3}{4}$ inch (15.9 mm) in diameter.	Aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition		Affecting all segments more than $\frac{1}{4}$ inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than $\frac{1}{2}$ inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than $\frac{3}{4}$ inch (19.1 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than slightly affecting appearance	More than 10 spots caused by scale, each spot equivalent to the area of a circle $\frac{1}{4}$ inch (3.2 mm) in diameter.	More than 25 spots caused by scale, each spot equivalent to the area of a circle $\frac{1}{4}$ inch (3.2 mm) in diameter.	
Hail	Not well healed, or aggregating more than a circle $\frac{1}{4}$ inch (6.4 mm) in diameter.	Not well healed, or aggregating more than a circle $\frac{3}{4}$ inch (9.5 mm) in diameter.	Not well healed, or aggregating more than a circle $\frac{1}{2}$ inch (12.7 mm) in diameter.	Not well healed, or aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.
Oil spots	More than slightly affecting appearance	More than 5 spots, or aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	More than 10 spots, or aggregating more than a circle 1 inch (25.4 mm) in diameter.	
Scab		Materially detracts from the shape or texture, or aggregating more than a circle $\frac{3}{4}$ inch (15.9 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle $\frac{3}{4}$ inch (15.9 mm) in diameter.	Aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep or rough aggregating more than a circle $\frac{1}{4}$ inch (6.4 mm) in diameter; slightly rough with slight depth aggregating more than a circle $\frac{3}{4}$ inch (22.2 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than a circle $1\frac{1}{4}$ inches (31.8 mm) in diameter.	Deep or rough aggregating more than a circle $\frac{1}{2}$ inch (12.7 mm) in diameter; slightly rough with slight depth aggregating more than a circle $1\frac{1}{4}$ inches (31.8 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than 10% of fruit surface.	Deep or rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle $\frac{1}{4}$ inch (6.4 mm) in diameter.	Aggregating more than a circle $\frac{3}{4}$ inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle $\frac{3}{4}$ inch (15.9 mm) in diameter.	Hard and aggregating more than a circle $1\frac{1}{4}$ inches (38.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.
Split, rough, protruding navels	Split is unhealed, or more than $\frac{1}{4}$ inch (3.2 mm) in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than $\frac{1}{4}$ inch (6.4 mm) in length, or more than three well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than $\frac{1}{2}$ inch (12.7 mm) in length, or two or more splits aggregate more than 1 inch (25.4 mm) in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle $\frac{3}{4}$ inch (15.9 mm) in diameter.	Not well healed, or hard concentrated thorn injury aggregating more than a circle $\frac{3}{4}$ inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.

NOTE.—References to area or aggregate area, or length are based on a 100 size orange or tangelo.

Standards For Internal Quality of Common Sweet Oranges (Citrus Sinensis (L) Osbeck)

§ 2851.1175 U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following

requirements, may be designated "U.S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons (18.9 liters) of juice per standard packed box of 1 $\frac{3}{4}$ bushels.

(b) The average juice content for any lot of fruit shall have not less than 10

percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table VI of § 2851.1177.

§ 2851.1176 U.S. Grade A Juice.

Any lot of oranges, the juice content

of which meets the following requirements, may be designated "U.S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than 4½ gallons (17.0 liters) of juice per standard packed box of 1½ bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table VI of § 2851.1177.

§ 2851.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table VI together with the minimum ratio of total soluble solids to anhydrous citric acid:

Table VI

Total soluble solids (average pct)	Maximum anhydrous citric acid (average pct)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50-1
9.1	.963	9.45-1
9.2	.979	9.40-1
9.3	.995	9.35-1
9.4	1.011	9.30-1
9.5	1.027	9.25-1
9.6	1.043	9.20-1
9.7	1.060	9.15-1
9.8	1.077	9.10-1
9.9	1.094	9.05-1
10.0	1.111	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8.90-1
10.3	1.164	8.85-1
10.4	1.182	8.80-1
10.5	1.200	8.75-1
10.6	1.218	8.70-1
10.7	1.237	8.65-1
10.8	1.256	8.60-1
10.9	1.275	8.55-1
11.0	1.294	8.50-1
11.1	1.306	8.50-1
11.2	1.318	8.50-1
11.3	1.329	8.50-1
11.4	1.341	8.50-1
11.5	1.353	8.50-1
11.6	1.365	8.50-1
11.7	1.376	8.50-1
11.8	1.388	8.50-1
11.9	1.400	8.50-1
12.0	1.412	8.50-1
12.1	1.424	8.50-1
12.2	1.435	8.50-1
12.3	1.447	8.50-1
12.4	1.459	8.50-1
12.5	1.471	8.50-1
12.6	1.482	8.50-1
12.7	1.494	8.50-1
12.8	1.506	8.50-1
12.9	1.517	8.50-1
13.0	1.530	8.50-1
13.1	1.541	8.50-1
13.2	1.553	8.50-1

Table VI—Continued

Total soluble solids (average pct)	Maximum anhydrous citric acid (average pct)	Minimum ratio of total soluble solids to anhydrous citric acid
13.3	1.565	8.50-1
13.4	1.576	8.50-1
13.5	1.588	8.50-1
13.6	1.600	8.50-1
13.7	1.612	8.50-1
13.8	1.624	8.50-1
13.9	1.635	8.50-1
14.0	1.647	8.50-1
14.1	1.659	8.50-1
14.2	1.671	8.50-1
14.3	1.682	8.50-1
14.4	1.694	8.50-1
14.5	1.705	8.50-1
14.6	1.718	8.50-1
14.7	1.729	8.50-1
14.8	1.741	8.50-1
14.9	1.753	8.50-1
15.0	1.765	8.50-1
15.1	1.776	8.50-1
15.2	1.788	8.50-1
15.3	1.800	8.50-1
15.4	1.812	8.50-1
15.5	1.824	8.50-1
15.6 or more		8.50-1

§ 2851.1178 Method of juice extraction.

The juice used in the determining of solids, acids and juice content shall be extracted from representative samples as thoroughly as possible with a hand reamer or by such mechanical extractor or extractors as may be approved. The juice shall be strained through cheese cloth or other approved straining device of extra fine mesh to prevent passage of juice cells, pulp, or seeds.

Visual Aid

§ 2851.1179 Visual Aid.

(a) USDA Visual Aid CIT-(FL)-L-1, consists of a booklet containing color reproductions of Florida oranges and tangelos illustrating certain grade requirements, namely color, texture, varietal characteristics, shape, discoloration, and other defects as set forth in these standards. This visual aid may be examined in the Fruit and Vegetable Quality Division, FSQS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of this visual aid may be purchased from the John Henry Co., Post Office Box 17099, Lansing, MI 48901.

Subpart—United States Standards for Grades of Florida Tangerines¹

Grades

§ 2851.1810 U.S. Fancy.

"U.S. Fancy" consists of tangerines which meet the following requirements:

(a) Basic requirements: (1) Discoloration; (i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 2851.1825.) (2) Firm; (3) Highly colored; (4) Mature; and, (5) Well formed.

(b) Free from: (1) Bruises; (2) Caked melanose; (3) Decay; (4) Unhealed skin-breaks; and, (5) Wormy fruit.

(c) Free from damage caused by: (1) Ammoniation; (2) Buckskin; (3) Creasing; (4) Dirt or other foreign material; (5) Dryness or mushy condition; (6) Disease; (7) Green spots; (8) Hail; (9) Insects; (10) Oil spots; (11) Scab; (12) Scale; (13) Scars; (14) Skin breakdown; (15) Sprayburn; (16) Sunburn; (17) Unusually discoloration; and, (18) Other means.

(d) For tolerances see § 2851.1818.

§ 2851.1811 U.S. No. 1.

"U.S. No. 1" consists of tangerines which meet the following requirements:

(a) Basic requirements: (1) Discoloration; (i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 2851.1825.) (2) Fairly well colored; (3) Firm; (4) Mature; and, (5) Well formed.

(b) Free from: (1) Bruises; (2) Decay; (3) Unhealed skin-breaks; and, (4) Wormy fruit.

(c) Free from damage caused by: (1) Ammoniation; (2) Buckskin; (3) Caked melanose; (4) Creasing; (5) Dirt or other foreign material; (6) Disease; (7) Dryness or mushy condition; (8) Green spots; (9) Hail; (10) Insects; (11) Oil spots; (12) Scab; (13) Scale; (14) Scars; (15) Skin breakdown; (16) Sprayburn; (17) Sunburn; (18) Unusually discoloration; and, (19) Other means.

(d) For tolerances see § 2851.1818.

§ 2851.1812 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State laws and regulations.

§ 2851.1818, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

(a) For tolerances see § 2851.1818.

§ 2851.1813 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 2851.1818, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.

(a) For tolerances see § 2851.1818.

§ 2851.1814 U.S. No. 2.

"U.S. No. 2" consists of tangerines which meet the following requirements:

(a) Basic requirements: (1) Discoloration; (i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 2851.1825.) (2) Fairly firm; (3) Fairly well formed; (4) Mature; and, (5) Reasonably well colored.

(b) Free from: (1) Bruises; (2) Decay; (3) Unhealed skin-breaks; and, (4) Wormy fruit.

(c) Free from serious damage caused

by: (1) Ammoniation; (2) Buckskin; (3) Caked melanose; (4) Creasing; (5) Dirt or other foreign material; (6) Disease; (7) Dryness or mushy condition; (8) Green spots; (9) Hail; (10) Insects; (11) Oil spots; (12) Scab; (13) Scale; (14) Scars; (15) Skin breakdown; (16) Sprayburn; (17) Sunburn; (18) Unightly discoloration; and, (19) Other means.

(d) For tolerances see § 2851.1818.

§ 2851.1815 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 2851.1818, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 2851.1818.

§ 2851.1816 U.S. No. 3

"U.S. No. 3" consists of tangerines which meet the following requirements: (a) Basic requirements: (1) Mature; (2) Not flabby; and, (3) Not seriously lumpy.

(b) Free from: (1) Decay; (2) Unhealed skin-breaks; and, (3) Wormy fruit.

(c) Free from very serious damage caused by: (1) Ammoniation; (2) Bruises; (3) Caked melanose; (4) Creasing; (5)

Dirt or other foreign material; (6) Disease; (7) Dryness or mushy condition; (8) Hail; (9) Insects; (10) Scab; (11) Scale; (12) Scars; (13) Skin breakdown; (14) Sprayburn; (15) Sunburn; (16) Unightly discoloration; and, (17) other means.

(d) For tolerances see § 2851.1818.

Unclassified

§ 2851.1817 Unclassified.

"Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

Tolerances

§ 2851.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II.

Table I.—Shipping Point¹ for 1 Through 40 Samples

Factor	Grades	AL ²	Number of 50-count samples ³ (Florida tangerines)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Acceptance Numbers ⁴ (Maximum Permitted)																						
Decay	U.S. fancy																					
	U.S. No. 1	1	0	1	1	1	2	2	2	3	3	3	3	3	4	4	4	4	5	5	5	5
	U.S. No. 2	2	0	1	2	2	2	3	3	4	4	4	5	5	5	6	6	6	6	7	7	7
	U.S. No. 3	2	0	1	2	2	2	3	3	4	4	4	5	5	5	6	6	6	6	7	7	7
Wormy fruit	All	1	0	1	1	1	2	2	2	3	3	3	3	3	4	4	4	4	5	5	5	5
	U.S. fancy																					
Very serious damage including decay and wormy fruit.	U.S. No. 1	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
	U.S. No. 2																					
	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Total defects including decay, wormy fruit, and very serious damage.	U.S. fancy																					
	All	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size	U.S. fancy																					
	U.S. No. 1																					
	U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 3	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. fancy																					
	All	2	1	2	2	3	4	4	5	5	6	6	7	7	8	8	8	9	9	10	10	11
Acceptance Numbers ⁴ (Minimum Required)																						
U.S. No. 1 bronze		11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
U.S. No. 1 russet																						
U.S. No. 2 russet		1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108
Acceptance Numbers ⁴ (Maximum Permitted)																						
Decay	U.S. fancy																					
	U.S. No. 1	1	5	6	6	6	6	6	6	7	7	7	7	7	7	8	8	8	8	8	9	9
	U.S. No. 2																					
	U.S. No. 3	2	8	8	8	8	9	9	9	9	10	10	10	10	11	11	11	11	12	12	12	12
Wormy fruit	All	1	5	6	6	6	6	6	6	7	7	7	7	7	7	8	8	8	8	8	9	9

Table I.—Shipping Point¹ for 1 Through 40 Samples—Continued

Factor	Grades	AL ²	Number of 50-count samples ³ (Florida tangerines)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance Numbers ⁴ (Maximum Permitted)																			
Very serious damage including decay and wormy fruit.	U.S. fancy.....																					
	U.S. No. 1.....	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
	U.S. No. 2.....																					
Total defects including decay, wormy fruit, and very serious damage.	All.....	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Off-size.....		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Discoloration.....	U.S. fancy.....																					
	U.S. No. 1.....																					
	U.S. No. 2.....	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	Serious damage by unsightly discoloration.	2	⁵ 11	⁵ 12	⁵ 12	⁵ 12	⁵ 13	⁵ 13	⁵ 14	⁵ 14	⁵ 15	⁵ 15	⁵ 15	⁵ 16	⁵ 16	⁵ 17	⁵ 17	⁵ 17	⁵ 18	⁵ 18	⁵ 19	⁵ 19
			Acceptance Numbers ⁴ (Minimum Required)																			
	U.S. No. 1 bronze.....	11	394	413	433	452	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744	764
	U.S. No. 1 russet.....																					
	U.S. No. 2 russet.....	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

¹ Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

² AL—Absolute limit permitted in individual 50-count sample.

³ Sample size—50 count.

⁴ Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

⁵ Preferred number of samples for this acceptance number.

Table II.—En Route or at Destination

Factor	Grades	AL ¹	Number of 50-count samples ² (Florida tangerines)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance Numbers ³ (Maximum Permitted)																			
Decay.....	All.....	4	3	4	6	7	9	10	11	13	14	15	⁴ 16	18	19	20	21	23	24	25	26	27
Wormy fruit.....	All.....	1	0	1	¹ 1	1	2	² 2	2	3	3	3	³ 3	3	4	4	4	4	5	5	5	5
Very serious damage other than decay and wormy fruit.	U.S. fancy.....																					
	U.S. No. 1.....	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
	U.S. No. 2.....																					
Total defects including very serious damage other than decay and wormy fruit.	All.....	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size.....		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration.....	U.S. fancy.....																					
	U.S. No. 1.....																					
	U.S. No. 2.....	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	Serious damage by unsightly discoloration.	2	1	2	2	3	4	⁴ 4	5	⁵ 5	6	⁶ 6	7	⁷ 7	8	⁸ 8	8	⁸ 8	9	9	10	¹⁰ 11
			Acceptance Numbers ³ (Minimum Required)																			
	U.S. No. 1 bronze.....	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 1 russet.....																					
	U.S. No. 2 russet.....	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

¹ AL—Absolute limit permitted in individual 50-count sample.

² Sample size—50 count.

³ Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

⁴ Preferred total number of samples for this acceptance number.

Size and Pack**§ 2851.1819 Size and pack.**

(a) When tangerines, including Murcott Honey Tangerines, are place-

packed in approved $\frac{1}{8}$ bushel containers,² except container No. 4016,³ the size, pack, count and diameter range shall be as follows:

Table III

Size	Pack	Rows	Layers	Count	Diameter range in inches
64	4 x 4	4	4	64	$\frac{1}{16}$
80	5 x 5	4	4	80	$\frac{1}{16}$
80	4 x 4	4	5	80	$\frac{1}{16}$
100	5 x 5	4	5	100	$\frac{1}{16}$
120	4 x 4	5	6	120	$\frac{1}{16}$
150	5 x 5	5	6	150	$\frac{1}{16}$
176	6 x 6	5	6	180	$\frac{1}{16}$
210	5 x 5	6	7	210	$\frac{1}{16}$
246	6 x 6	6	7	252	$\frac{1}{16}$
294	7 x 7	6	7	294	$\frac{1}{16}$

(b) When tangerines, including Murcott Honey Tangerines, are place-packed in container No. 4016,³ the size, count, pack and diameter range shall be as follows:

Table IV

Size	Pack	Rows	Layers	Count	Diameter range in inches
66	6 x 5	4	3	66	$\frac{1}{16}$
80	4 x 4	4	5	80	$\frac{1}{16}$
100	4 x 4	5	5	100	$\frac{1}{16}$
	or 5 x 5	5	4	100	$\frac{1}{16}$
120	6 x 6	5	4	120	$\frac{1}{16}$
150	5 x 5	6	5	150	$\frac{1}{16}$
176	6 x 6	5	6	180	$\frac{1}{16}$
210	6 x 6	7	5	210	$\frac{1}{16}$
246	6 x 6	6	7	252	$\frac{1}{16}$

(c) When tangerines, including Murcott Honey Tangerines, are not place-packed, the sizes and respective diameter ranges shown in paragraph (a) or (b) of this section shall apply; and the fruit in each respective size shall, when place-packed in approved $\frac{1}{8}$ bushel containers,² meet the respective pack arrangements, and at point of origin meet the requirements of "Well filled"⁴ as set forth in paragraph (d) of this section.

(d) At point of origin all containers in which fruit is place-packed shall be "Well filled".⁴

(e) Not more than the number of fruits permitted in § 2851.1818, Tables I and II, may fail to meet the diameter range requirements as specified in paragraph (a), (b), or (c) of this section.

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the containers, if "place-packed," or not more than 10 percent of the containers, if "volume-

filled," in any lot may fail to meet the count or pack arrangements, or at point of origin the requirements of "Well filled".⁴

Definitions**§ 2851.1820 Mature.**

"Mature" shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (ch. 26492, Laws of Florida, 1951), or as the definition of such term may hereafter be amended.

§ 2851.1821 Firm.

"Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 2851.1822 Well formed.

"Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 2851.1823 Damage.

"Damage" means any specific defect described in § 2851.1834, Table V; or an

⁴"Well filled" shall have the same meaning currently assigned that term in section 20-39.11(2) of the Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definition of such term may hereafter be amended.

²Approved $\frac{1}{8}$ bushel containers are those containers currently defined in section 20-39.03, (1) of the Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definitions of such containers may hereafter be amended.

³Container No. 4016 shall have the same meaning as currently assigned that term in section 20-39.03(b) of the Official Rules Affecting The Florida Citrus Industry, Pursuant to Chapter 601, Florida Statutes, or as the definition of such container may be hereafter amended.

equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1824 Highly colored.

"Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 2851.1825 Discoloration.

"Discoloration" means russetting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 2851.1826 Well colored.

"Well colored" means that a good yellow or better ground color predominates over the green color on the entire fruit surface with no distinct green color present, and that some portion of the surface has a reddish tangerine blush.

§ 2851.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle $1\frac{1}{4}$ inches (31.8 mm) in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 2851.1828 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 2851.1829 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 2851.1830 Serious damage.

"Serious damage" means any specific defect described in § 2851.1834, Table V; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1831 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 2851.1832 Very serious damage.

"Very serious damage" means any specific defect described in § 2851.1834, Table V; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts

from the appearance, or the edible or marketing quality of the fruit.

§ 2851.1833 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 2851.1834 Classification of defects.

Table V

Factor	Damage	Serious damage	Very serious damage
Ammoniation	Not occurring as light speck type, or detracts more than discoloration permitted in the grade.	Scars are cracked or dark and aggregating more than 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Buckskin	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface	Aggregating more than 50 percent of the surface.
Caked melanose	Aggregating more than a circle 3/4 inch (9.5 mm) in diameter.	Aggregating more than a circle 3/4 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Creasing	Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition	Affecting all segments more than 1/4 inch (3.2 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/4 inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than 10 spots caused by scale, each spot equivalent to the area of a circle 1/4 inch (3.2 mm) in diameter.	More than 25 spots caused by scale, each spot equivalent to the area of a circle 1/4 inch (3.2 mm) in diameter.	
Hail	Not well healed, or aggregating more than a circle 1/4 inch (6.4 mm) in diameter.	Not well healed, or aggregating more than a circle 3/4 inch (9.5 mm) in diameter.	Not well healed, or aggregating more than a circle 1/2 inch (15.9 mm) in diameter.
Oil spots	More than 5 spots, or aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	More than 10 spots, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	
Scab	Materially detracts from the shape or texture, or aggregating more than a circle 3/4 inch (9.5 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 3/4 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	Aggregating more than a circle 3/4 inch (9.5 mm) in diameter.	Aggregating more than a circle 3/4 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scars	Deep or rough aggregating more than a circle 1/4 inch (6.4 mm) in diameter; slightly rough with slight depth aggregating more than a circle 3/4 inch (19.1 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than a circle 1 1/4 inches (28.6 mm) in diameter.	Deep or rough aggregating more than a circle 1/2 inch (12.7 mm) in diameter; slightly rough with slight depth aggregating more than a circle 1 1/4 inches (28.6 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than 10% of fruit surface.	Deep or rough or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle 1/4 inch (6.4 mm) in diameter.	Aggregating more than a circle 3/4 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn	Skin is hard and aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Skin is hard and aggregating more than a circle 1 1/4 inches (31.8 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sunburn	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affected more than one-third of the surface.	Aggregating more than 50 percent of the surface.
Unightly discoloration	Color and pattern causes an unattractive appearance.	Color and pattern causes a distinctly unattractive appearance.	Very objectionable appearance caused by any means.

NOTE.—References to area or aggregate area, or length are based on a 176 size tangerine.

Visual Aid**§ 2851.1835 Visual Aid.**

(a) USDA Visual Aid CIT-(FL)-L-1, consists of a booklet containing color reproductions of Florida tangerines illustrating certain grade requirements, namely shape, texture, firmness, color, varietal characteristics, and other defects as set forth in these standards. This visual aid may be examined in the Fruit and Vegetable Quality Division, FSQS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of the visual aid may be purchased from the John Henry Co., Post Office Box 17099, Lansing, MI 48901.

(Agricultural Marketing Act of 1946, Secs.

203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Done at Washington, D.C., on October 27, 1980.

Thomas P. Grumbly,
Acting Administrator, Food Safety and Quality Service.

[FR Doc. 80-33843 Filed 10-30-80; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service**9 CFR Part 82****Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; 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 Douglas County in Nebraska because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Douglas County, Nebraska, on October 5, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: October 27, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Douglas County in Nebraska, because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

1. In § 82.3 (a)(10)(i), is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(10) *Nebraska.* (i) The premises of The Bird Cage, 5972 North 30th Street, Omaha, Douglas County.

(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, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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 less than 30 days after publication of this document in the **Federal Register**.

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. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. 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 27th day of October 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-33949 Filed 10-30-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to release a portion of Miami County in Florida, a portion of San Francisco County in California, a portion of Jackson and Clay Counties in Missouri, a portion of Summit County in Ohio, and a portion of Sedgewick County in Kansas, from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas quarantined.

EFFECTIVE DATE: October 27, 1980.

FOR FURTHER INFORMATION CONTACT:

C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: These amendments exclude a portion of Miami County in Florida, a portion of San Francisco County in California, a portion of Jackson and Clay Counties in Missouri, a portion of Summit County in Ohio, and a portion of Sedgewick County in Kansas, from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

§ 82.3 [Amended]

1. In § 82.3(a)(1), relating to the State of Florida, paragraph (iv) relating to the premises of Animal Kingdom, 11105 N.W. 119th Street, North Miami, Miami County is deleted.

2. In § 82.3(a)(2), relating to the State of California, paragraph (i) relating to the premises of Alex Zambory, 1760 Pacific, Apt. 9, San Francisco, San Francisco County is deleted.

3. In § 82.3(a)(4), relating to the State of Missouri, paragraphs (i) and (ii) relating to the following premises are deleted.

(i) The premises of Midwest Pets, 1527 Grand, Kansas City, Jackson County.

(ii) Fin and Foliage, 6930 N. Oak, Gladstone, Clay County.

4. In § 82.3(a)(6), relating to the State of Ohio, paragraph (i) relating to the premises of Birds of Paradise, 1718 Adelaide, Akron, Summit County is deleted.

5. In § 82.3(a)(18), relating to the State of Kansas, paragraph (i) relating to the premises of Gupton's Tropical Aquarium, 2815 George Washington Blvd., Wichita, Sedgewick County is deleted.

(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, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments relieve certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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 less than 30 days after publication of this document in the **Federal Register**.

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. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without

opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. 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 27th day of October 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-33945 Filed 10-30-80; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Physical Protection of Plants and Materials Requirements for the Physical Protection of Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission is extending from November 1, 1980 to December 1, 1980 its current relief from pat-down searches of regular employees at nuclear power reactors in order to allow time for the Commission to consider revisions to its rules in 10 CFR § 73.55 intended to finalize requirements for entry searches at such facilities.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT: L. J. Evans, Jr., Chief, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427-4181.

SUPPLEMENTARY INFORMATION: On July 31, 1979, the Commission changed the date from August 1, 1979, to November 1, 1979, when pat-down searches of regular employees of nuclear power plant licensees had to be implemented. The rationale for this extension was provided in the *Federal Register* notice on this subject, 44 FR 47758, August 15, 1979. The Commission further extended the implementation date to November 1, 1980. The rationale for that extension is contained in 44 FR 65969.

The Commission is presently considering issuing proposed revisions to 10 CFR § 73.55(d)(1) to finalize requirements for personnel searches at

protected area portals of power reactors. The *thirty day* extension of the relief from physical pat-down searches of regular employees contained herein is intended to allow sufficient time for Commission consideration of the proposed revisions. Because this rule delays a requirement, and merely continues a temporary situation for a limited period of time, the Commission finds that notice and public procedure are unnecessary and that the change can be made immediate effective without the customary 30 days period of notice required by 5 U.S.C. 553.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following Amendment to Title 10 Chapter 1, Code of Federal Regulations, Part 73 is published as a document subject to codification.

1. The unnumbered prefatory paragraph of § 73.55 of 10 CFR Part 73 is amended to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

Each licensee who is authorized on February 24, 1977, to operate a nuclear power reactor pursuant to Part 50 of this Chapter shall comply with the requirements of paragraphs (b), (d), (f), (g), and (h) of this section, except for any requirement involving construction and installation of equipment not already in place expressed in paragraphs (d)(1), (d)(7), (d)(8), (f)(3) and (h)(4), by May 25, 1977. The licensee shall submit by May 25, 1977, an amended physical security plan describing how the licensee will comply with all of the requirements of this section including schedules of implementation. The licensee shall implement his plan and comply with all of the provisions of this section as soon as practicable after NRR approval of his plan but no later than February 23, 1979. Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this chapter whose application was submitted prior to February 24, 1977 shall submit by May 25, 1977, an amended physical security plan describing how the applicant plans to comply with the requirements of this section including schedules of implementation. If such applicant receives an operating license after February 24, 1977 he shall comply with the requirements of paragraphs (b), (d), (f), (g), and (h) of this section, except for construction and installation not already in place pursuant to paragraphs (d)(1),

(d)(7), (d)(8), (f)(3) and (h)(4) of this section by May 25, 1977, or on the date of receipt of the operating license, whichever is later, and implement his plan and comply with all of the requirements of this section by February 23, 1979 or on the date of receipt of the operating license whichever is later. Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this Chapter whose application is submitted after February 24, 1977, shall include in the physical security plan required by § 50.34(c) the information identified in paragraphs (a) through (h) of this section and if such applicant receives an operating license, shall comply with the provisions of this section on receipt of the operating license. Except for individuals for whom the licensee has a well-grounded suspicion that such individuals are carrying firearms, explosives, or incendiary devices, a licensee need not implement the physical search requirement of paragraph (d)(1) of this section for individuals who are regular employees of the licensee at the site at which the licensee is authorized to operate a nuclear power reactor pursuant to Part 50 of this Chapter until December 1, 1980, unless the Commission directs otherwise prior to that date. Until that date, the Commission has determined that the search requirement of paragraph (d)(1) of this section, implemented using only equipment capable of detecting firearms, explosives and incendiary devices, satisfies the performance requirements of this section as they apply to searches of regular employees of the licensee at the site entering the protected area of the nuclear power reactor.

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, (42 U.S.C. 2201, 5841))

Dated At Washington, D.C., this 30th day of October, 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-34156 Filed 10-30-80; 11:08 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Amendments Relating to the Minimum Maturities on Time Deposits and Minimum Notice Provisions for Savings Deposits

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation ("Board", "FDIC") has adopted a significant final rule redefining the term "time deposit" so that all time deposits will have a minimum maturity of 14 days rather than 30 days as provided under present regulations. The action was taken in the light of recent amendments to Regulation D (Reserve requirements) by the Board of Governors of the Federal Reserve System. These revisions define time deposits as deposits having a maturity of not less than 14 days. The Board of Governors has approved a corresponding revision to Regulation Q governing interest on deposits.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Counsel or John F. Breyer, Jr., Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (202-389-4324 or 202-389-4637).

SUPPLEMENTARY INFORMATION: In connection with a revision of Regulation D by the Board of Governors of the Federal Reserve System, the definition of a time deposit, for Reserve requirement purposes, was shortened from a minimum of 30 days to a minimum of 14 days to help improve the ability of domestic depository institutions to compete with banking offices located abroad and with issuers of short-term paper in this country. Incident to its action, the Board of Governors amended Regulation Q relating to interest on deposits to provide for a corresponding 14-day minimum term on time deposits in lieu of the present 30-day minimum. Corresponding action is being taken to amend the provisions of Part 329 of FDIC's regulations governing interest on deposits in order to harmonize FDIC regulations with those of the Board of Governors. (The Federal Home Loan Bank Board may or may not take similar action.) Certain other conforming amendments to FDIC regulations will be made to reduce the minimum 30-day hold period on ordinary savings deposits to 14 days for consistency with the major amendments to the regulation and to modify the definition of time deposit open account. Since the amendment conforms FDIC regulations to those of the Board of Governors, no alternative courses of action were considered. While no economic impact analysis was done in connection with this amendment, it is not expected that the amendment will have any adverse effects on insured state nonmember

banks and it is not expected that it will increase their costs. In fact, it should be beneficial in that it will probably enhance their competitive position *vis-a-vis* banking offices located abroad and issuers of short-term paper in this country. No adverse impact on small banks is foreseen. There will be no recordkeeping or reporting requirements incident to this regulation. Normal procedures with respect to notice, comment and deferred effective date were not followed in connection with these amendments because they impose no burden and immediate action is required for consistency with Federal Reserve regulations. 12 CFR Part 329 is amended as follows:

1. Section 329.1(c) and footnote 1a thereto is amended as follows:

§ 329.1 Definitions.

(c) *Time certificates of deposit.* The term "time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable:

(1) On a certain date, specified in the instrument, not less than fourteen (14) days after the date of the deposit.

(2) At the expiration of a specified period not less than 14 days after the date of the instrument: or

(3) Upon written notice to be given not less than 14 days before the date of repayment.^{1a}

2. Section 329.1(d) and footnotes 2 and 3 thereto are amended as follows:

§ 329.1 Definitions.

(d) *Time deposits, open account.* The term "time deposit, open account" means a deposit other than a "time certificate of deposit," with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than 14 days after the date of the deposit,² or prior to the expiration of the period of notice which must be given

^{1a} If the certificate of deposit provides merely that the bank reserves the right to require notice of not less than fourteen (14) days before any withdrawal is made, the bank must require such notice before permitting withdrawal.

² Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months, constitute "time deposits, open account," even though some of the deposits are made within 14 days from the end of such period.

by the depositor in writing not less than 14 days in advance of withdrawals.³

3. Section 329.1(e)(1)(iii) of FDIC's regulations is amended as follows:

§ 329.1 Definitions.

(e) *Savings deposits.* (1) * * *

(i) * * *

(ii) * * *

(iii) In the case of both paragraphs (e)(1)(i) and (e)(1)(ii) of this section, with respect to which the depositor is not required by the deposit contract but may at any time be required to give notice in writing of an intended withdrawal not less than 14 days before such withdrawal is made⁵ and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.

4. Section 329.5(c)(2) is amended by revising the third sentence thereof as follows:

§ 329.5 Withdrawal of savings deposits.

(c) *Manner of payment of savings deposits.*

(2) * * * In accordance with Section 329.1(e)(iii) of this Part 329, the bank must reserve the right to require the depositor to give notice in writing of an intended withdrawal (transfer) not less than 14 days before such withdrawal (transfer) is made. * * *

5. Section 329.101 is amended by revising the first sentence of footnote 19 thereto as follows:

§ 329.101 Computation and payment of interest on time and savings deposits.

19. Part 329 of the Corporation's regulations prescribes certain maximum interest rates for consumer-type time deposits (*i.e.*, deposits of less than \$100,000) with maturity intervals of 14 days or more and 90 days or more. * * *

The provisions of section 553(b) and 553(d) of the Administrative Procedure Act (5 U.S.C. 553(b) and 553(d)) were not followed in connection with the issuance of this regulation because the regulation is essentially non-restrictive, expands rights conferred by prior regulation and the public interest is best served by its immediate issuance with an October 30, 1980 effective date.

³ A deposit with respect to which the bank merely reserves the right to require notice of not less than 14 days before any withdrawal is made is not a "time deposit, open account," within the meaning of the above definition.

* * *

(Secs. 9 and 18, Pub. L. 81-797, 64 Stat. 881, 891, as amended 612 U.S.C. 1819 and 1828)

By order of the Board of Directors,
October 27, 1980.

Alan J. Kaplan,

Acting Executive Secretary.

[FR Doc. 80-34039 Filed 10-30-80; 8:45 am]

BILLING CODE 6714-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[PS-98; Docket No. 37982; Amdt. No. 75 to Part 399]

Domestic Passenger Fare Flexibility; Interim Policy Statement; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Correction to preamble of interim policy statement.

SUMMARY: This corrects an error in the preamble to the CAB's policy statement on domestic passenger fare flexibility. The policy statement amended the Board's upward flexibility zones within which airlines may set domestic passenger fares between markets in the 48 contiguous states and the District of Columbia with limited risk of suspension by the agency.

DATES: Adopted: October 21, 1980.

Effective: The policy was put into effect September 24, 1980. The amendment of 14 CFR Part 399 is effective October 21, 1980.

FOR FURTHER INFORMATION CONTACT:

Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION:

A clerical error was made in transcribing the 2nd sentence, first full paragraph in page 3 of the mimeo copy (2nd sentence, first full paragraph, column 2, 45 FR 70431, 70432, October 24, 1980). The sentence should read: "Our goal, accordingly, has been to develop a means of *correcting* the historical understatement of short-haul costs, *while maintaining* a nonmileage-based fare policy, if practicable."

Dated: October 27, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-33962 Filed 10-30-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Coverage of Employees of State and Local Governments; Interim Regulations

AGENCY: Social Security Administration, HHS.

ACTION: Interim regulations.

SUMMARY: These interim regulations change the rules governing the frequency with which States and interstate instrumentalities (which are treated as States to the extent practicable) must deposit social security contributions on wages and salaries paid to covered employees. This new rule will require States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid. These regulations reflect section 503 of the Social Security Disability Amendments of 1980, enacted on June 9, 1980.

DATES: The amendments made by paragraph No. 1 below become effective July 1, 1980, the same date the statutory change became effective. Amendments made by paragraph No 2. become effective January 1, 1981.

Comments must be received on or before December 30, 1980.

ADDRESSES: Written comments should be submitted to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to this notice will be available for public inspection and copying during regular business hours at the Washington Inquiries Section, Office of Governmental Affairs, Social Security Administration, Department of Health and Human Services, Room 1212, Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7455.

SUPPLEMENTARY INFORMATION: Section 218 of the Social Security Act (the Act) (42 U.S.C. 418) requires the Secretary of Health and Human Services, at a State's request, to enter into an agreement to provide social security coverage of the services of employees of that State and its local government units. All States (and about 54 interstate

instrumentalities which are treated as States to the extent practicable) have such agreements. Prior to July 1, 1980 (the effective date of section 503 of the Social Security Disability Amendments of 1980), section 218(e)(1) of the Act gave the Secretary of Health and Human Services discretion to promulgate regulations governing when and how often States and interstate instrumentalities were to pay contributions equivalent to the social security taxes on wages. The regulations in effect prior to July 1, 1980 (20 C.F.R. 404.1255(a)), required payment from the States by deposit in a Federal Reserve Bank, on or before the 15th day of the second month after the calendar quarter in which wages were paid. For an interstate instrumentality, the contribution payments for a calendar quarter were due and payable on or before the last day of the first month of the next calendar quarter. These depository requirements were considerably less restrictive for State and local governmental employers than for private employers and resulted in losses of interest earnings to the Social Security trust funds. Consequently, the Social Security Administration undertook, by regulations, to accelerate the schedule of deposits. These final regulations (20 C.F.R. 404.1255a) were published at 43 F.R. 54083 (November 20, 1978) with a delayed effective date of July 1, 1980. (Section 7 of Pub. L. 94-202 precluded a change in the frequency or due dates for payments and reports until at least 18 months after the change had been published in final form in the **Federal Register**.) These regulations provided that the State pay contributions for wages paid in a month as follows:

(a) For each of the first 2 months in a calendar quarter the payments were to be due on or before the 15th day of the following month; and

(b) For the third month in the calendar quarter, the payments were to be due on or before the 15th day of the second month of the next quarter (For interstate instrumentalities, the payments for the third month were to be due on or before the last day of the following month.)

In addition, because of the cost savings and other advantages of annual wage reporting, which Congress mandated for the private employment sector in 1978, we published final regulations prescribing annual wage reporting for State and local government employers. These regulations were published on June 28, 1979 (44 F.R. 37604), to go into effect on January 1 1981. (The delayed effective date was to comply with Pub. L. 94-202). While these

regulations did not make any change in the frequency with which deposits were to be made, we amended the regulations (20 C.F.R. 404.1255a) to require the filing of a contribution return when the contributions are paid.

On June 9, 1980, the Social Security Disability Amendments of 1980, Pub. L. 96-265, became law. Section 503 of that law amends section 218(e) of the Social Security Act to provide that States must pay their social security contributions within 30 days after the end of each calendar month in which wages are paid. That provision became effective July 1, 1980. These regulations (which supersede those on frequency of deposits which were published on November 20, 1978) reflect that statutory change.

Section 503 also ends the previously required 18 months delay in the effective date of these changes to the regulations.

Also, to carry out the clear intent of Congress, these regulations provide that contributions are to be deposited no later than the preceding workday where the last day for paying contributions falls on a Federal nonworkday.

Effect on Wage Reports and Contribution Returns

The changes in the dates contributions are due do not affect the date contribution returns and wage reports are due during the period July 1 through December 31, 1980. They will still be due quarterly rather than monthly.

Effective January 1, 1981, the annual reporting regulations (44 FR 37604, June 28, 1979) change the date contribution returns and wage reports will be due. Wage reports will be due by February 28 of each year. Contribution returns, however, are to be filed on the same date the contribution payment is due (§ 404.1255a(c)(2)(iii)). We are not changing this rule. However, due to the change in the date the contributions must be paid, there is an actual change in the date the contribution returns must be filed.

Justification for Interim Regulations

Since the amendments to the regulations reflect requirements of the statute concerning which the Secretary has no discretion, we find that publication with Notice of Proposed Rule Making is unnecessary (Administrative Procedure Act, 5 U.S.C. 553(b)(B)). Also, the statutory requirements reflected in these regulations are, by law, now in effect and the results of a Notice of Proposed Rule Making could not change the time period nor the effective date. The new

rules for deposits of contributions are effective July 1, 1980.

Although we are not publishing this amendment with a Notice of Proposed Rule Making, we are soliciting public comments on this interim regulation.

Accordingly, these rules are adopted as set forth below.

(Catalog of Federal Domestic Assistance Program Nos. 13.802-13.805, Social Security Program.)

Dated: September 22, 1980.

William J. Driver,
Commissioner of Social Security.

Approved: October 23, 1980.

Patricia Roberts Harris,
Secretary of Health and Human Services.

20 CFR Part 404 is amended as follows:

1. Effective July 1, 1980 § 404.1255a, paragraphs (a) and (c)(5) are revised to read as follows:

§ 404.1255a Place and time for filing contribution returns, and wage reports and making deposits of contributions—for months on or after July 1, 1980.

(a) *Deposits.* Contribution payments for wages paid in a month shall be made as prescribed in § 404.1223. Except as provided in paragraph (c)(2) of this section, contribution payments for wages paid in a calendar month are due and payable within the thirty-day period following the last day of that month.

(c) * * *

(5) *Due date is a Federal nonworkday.* If the due date for paying contributions for the wages paid in a month (as specified in paragraph (a) of this section) falls on a Federal nonworkday, the contributions shall be paid no later than the preceding Federal workday. If the last day for filing any wage report or contribution return falls on a Federal nonworkday, the contribution return or wage report may be filed on the next Federal workday.

2. Effective January 1, 1981, the heading and paragraphs (c)(2) and (c)(5) of § 404.1255a as published on June 28, 1979, at 44 FR 37608, are revised to read as follows:

§ 404.1255a Place and time for filing contribution returns, wage reports, and making deposits of contributions for months on or after January 1, 1981.

(c) *Contribution returns and wage reports—(1)* * * *

(2) *When to be filed.* (For the rules in effect during the period July 1, 1980 through December 31, 1980 see 43 FR 54087, November 20, 1978 and (insert FR

citation and date this material is published)).

(5) *Due date is a Federal nonworkday.* If the due date for paying contributions for the wages paid in a month (as specified in paragraph (a) of this section) falls on a Federal nonworkday, the contributions shall be paid, and the contribution return shall be filed, no later than the preceding Federal workday. If the last day for filing any wage report falls on a Federal nonworkday, the wage report may be filed on the next Federal workday.

(Sec. 205, 218, 1102, Social Security Act; 53 Stat. 1368, as amended, 64 Stat. 514 as amended, and 49 Stat. 647, as amended; (42 U.S.C. 405, 418, 1302.))

[FR Doc. 80-33811 Filed 10-30-80; 8:45 am]

BILLING CODE 4110-02-M

Food and Drug Administration

21 CFR Chapter I

[Docket No. 78N-0158]

Mandatory Uniform Effective Date for Food Labeling Regulations; Notice to Manufacturers, Packers, and Distributors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing July 1, 1983 as its new uniform effective date for mandatory compliance with all final FDA food labeling regulations that are published in the *Federal Register* after October 31, 1980.

This notice is not intended to change existing requirements. Therefore, all final FDA food labeling regulations previously published in the *Federal Register* that announced July 1, 1981 as their effective date will still go into effect on that date. Final regulations published in the *Federal Register* with effective dates earlier than July 1, 1981 (e.g., July 1, 1979) are also unaffected by this notice.

FDA periodically has announced uniform effective dates for mandatory compliance with new labeling requirements because the economic impact of requiring individual label changes on separate dates would probably be substantial. In addition, industry needs sufficient lead time to make label changes and the current uniform effective date of July 1, 1981 is less than 1 year away. Therefore, the agency has concluded that a new uniform effective date should be established.

EFFECTIVE DATE: July 1, 1983 for mandatory compliance with food labeling regulations published after October 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Bob Lake, Bureau of Foods (HFF-302), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1254.

SUPPLEMENTARY INFORMATION: FDA periodically issues various regulations for packaged food. If these labeling changes were individually required on separate dates, the cumulative economic impact on the food industry of frequent changes would probably be substantial. Therefore, the agency periodically has announced uniform effective dates for mandatory compliance with new food labeling requirements (e.g., the *Federal Register* of September 29, 1978 (43 FR 44830)). Use of a uniform effective date also provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. The agency believes that this policy serves consumers' interest as well because the increased cost of multiple short term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher food prices.

The agency has decided that a new uniform effective date of July 1, 1983 should be established for future FDA regulations requiring changes in food labels where special circumstances do not justify a different effective date. Action is appropriate now because the current uniform effective date is less than 1 year away. The agency has selected July 1, 1983 to ensure adequate time for implementation of the food labeling regulations FDA is currently planning to propose and finalize in the next couple of years.

Some of the types of regulatory action that FDA plans to take were described in a notice of intent that FDA published in the *Federal Register* of December 21, 1979 (44 FR 75990) in conjunction with the U.S. Department of Agriculture's Food Safety and Quality Service and the Federal Trade Commission's Bureau of Consumer Protection. That notice described the three agencies' tentative positions on a number of food labeling issues. As that notice indicates, FDA is committed to regulatory action designed to provide the consumer with information concerning the ingredients and nutritional qualities of packaged food and to present the information in a uniform and understandable manner.

The agency may also publish other food labeling regulations during this period.

The agency recognizes that if they become final rules, some of these regulatory initiatives may have broad application and that some food labels may be affected by a number of changes. Therefore, FDA is selecting a new uniform effective date which is sufficiently far in advance to allow ample time for industry to exhaust existing label inventories and obtain new labeling materials fully complying with new requirements no later than the new date.

The agency encourages industry, however, to comply with new labeling regulations earlier than the required date wherever this is feasible. Thus, when industry members voluntarily change their labels, FDA believes that it is appropriate that they incorporate any new requirements which have been published as final regulations up to that time.

The new mandatory uniform effective date will apply only to final FDA food labeling regulations published after October 31, 1980. Those regulations will specifically identify July 1, 1983 as their effective date for compliance. If any food labeling regulation involves special circumstances that justify an effective date other than July 1, 1983, the agency will determine for that regulation an appropriate effective date that will be specified when the regulation is published.

The current mandatory uniform effective date of July 1, 1981 for new final regulations affecting the labeling of food products was announced in the *Federal Register* of September 29, 1978 (43 FR 44830). Foods initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1981 are still required to comply with any final FDA regulations that identify July 1, 1981 as their effective date for compliance.

Dated: October 24, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-33727 Filed 10-30-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 73, 81

[Docket No. 80N-0447]

Lead Acetate; Listing As a Color Additive in Cosmetics That Color the Hair on the Scalp

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing lead acetate for use as a color additive in cosmetics that color the hair on the scalp. FDA concludes that lead acetate is suitable and safe for that use. This rule also deletes the color additive from the provisional list.

DATES: Written objections by December 1, 1980 effective December 1, 1980. All affected products initially introduced or initially delivered for introduction into interstate commerce on or after December 1, 1981 shall fully comply with this regulation.

ADDRESS: Written objections may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Color Additive Amendments of 1960 (the Amendments) require FDA premarket clearance of any color additive¹ which is intended to be used or which is represented for use in or on food, drugs, devices, or cosmetics² (section 706 of the Amendments (21 U.S.C. 376)).³ Under the Amendments a

¹ The term "color additive" is defined by section 201(t) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(t)) as follows:

(t)(1) The term "color additive" means a material which—

(A) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(B) When added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto;

Except that such term does not include any material which the Secretary, by regulation, determines is used (or intended to be used) solely for a purpose or purposes other than coloring.

(2) The term "color" includes black, white, and intermediate grays.

² Hair dyes utilizing lead acetate as a colorant meet the statutory definition of "cosmetic" which is defined by section 201(i) of the act (21 U.S.C. 321(i)) as follows:

(i)(1) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

³ All functions of the Secretary of the Department of Health and Human Services in administering the act have been delegated to the Commissioner of Food and Drugs (21 CFR 5.1(a)).

color additive may be approved and listed permanently if there are sufficient data establishing that it is safe for its intended use(s).

Section 203(b) of the Transitional Provisions to the Amendments, 21 U.S.C. 376 note (Transitional Provisions), provides that any color additive in commercial use prior to the enactment date of the Amendments (July 12, 1960) shall be deemed provisionally listed pending completion of scientific investigations necessary to determine the safety of the additive in accordance with the Amendments.

Section 81.1 of the color additive regulations (21 CFR 81.1) identifies those color additives that are provisionally listed along with their respective "closing dates." A closing date is the last day upon which a provisionally listed color can be used legally, absent an approval of a color additive petition and its permanent listing. (See section 203(a)(1) of the Transitional Provisions.)

The color additive lead acetate has been provisionally listed since the enactment of the Amendments. During that time, a series of toxicological and absorption studies has been performed. As discussed below, based upon the evaluation of these and other pertinent data, the agency concludes that lead acetate is safe as a hair dye. FDA is therefore permanently listing lead acetate as a color additive in cosmetics used to color hair on the scalp.

II. The Procedural History of Lead Acetate

Lead acetate is a metallic salt color additive which had been used in cosmetic hair dyes before the enactment of the Amendments. Thus, under the Amendments, lead acetate, like other metallic salt colors, and vegetable-based hair colors, was deemed provisionally listed on July 12, 1960.

In the *Federal Register* of December 10, 1963 (28 FR 13374), FDA issued a notice in response to industry petitions in which metallic salt and vegetable color manufacturers were advised that their products were not eligible for the coal-tar hair dye exemption to the premarket clearance requirements of the Amendments⁴ and that these colorants were color additives subject to all the requirements of the Amendments. In addition, this notice requested the submission of data with respect to individual colors so that the agency

could make determinations whether they should be permanently or provisionally listed color additives. The agency advised that no regulatory action would be taken against the metallic salt and vegetable colorants until that determination was made and notice of their status was published in the *Federal Register*. However, the only data received in response to this notice were submitted in support of a listing petition for the vegetable base color henna, which was thereafter permanently listed for use as a hair color.

A second notice was published in the *Federal Register* of January 31, 1973 (38 FR 2996) stating that only those metallic salts or vegetable colorants for which petitions had been filed by July 30, 1973, could continue to be marketed. Subsequently, a petition was received by FDA from the Committee of the Progressive Hair Dye Industry requesting the listing of lead acetate as a color additive in cosmetic hair dyes. Notice of filing for this petition appeared in the *Federal Register* of June 29, 1973 (38 FR 17260). Lead acetate was specifically added to the codified provisional list, effective January 1, 1974, by a regulation published in the *Federal Register* of March 13, 1974 (39 FR 9657).

The closing date for the provisional listing of lead acetate has been postponed on various occasions pending the performance, completion, and evaluation of toxicological and absorption studies. The *Federal Register* of March 3, 1978 (43 FR 8790) details each postponement up to that time.

By 1978, it was settled scientifically that lead acetate used as a hair dye would present no risk to the public health from the standpoint of classical lead toxicity (lead poisoning) (43 FR 8791; March 3, 1978). However, it had been established conclusively through animal feeding testing in the 1950's and 1960's that lead acetate was an animal carcinogen in two species, the mouse and the rat, *id.* Yet, because the limited human epidemiological data were considered equivocal, a definitive conclusion whether lead was a human carcinogen could not be reached, *id.*

In addition, the scientific evidence did not establish conclusively whether lead acetate hair dyes would be absorbed through the scalp. While previous percutaneous absorption studies of lead acetate indicated that lead acetate is unlikely to be absorbed under test conditions, the data did not demonstrate adequately whether or not systemic absorption occurred (42 FR 62497; December 13, 1977 and 43 FR 8790; March 3, 1978). If the color additive were not absorbed, the carcinogenicity data

could be disregarded as not relevant to human exposure, and the applicable anticancer clause in the Amendments, section 706(b)(5)(B), would not become an issue. The petition to permanently list lead acetate could then be considered solely under the general safety provisions of the Amendments, section 706(b)(5)(A) (i) through (iv). To resolve these issues the agency recognized the need for the performance of a definitive absorption study:

*** The Commissioner agrees that present scientific evidence does not provide definitive support for a conclusion that lead is a human carcinogen; however, on the basis of the studies that show lead acetate to be a carcinogen in animals, the possibility that lead acetate may be absorbed percutaneously must be explored carefully (43 FR 8791; March 3, 1978).

Because lead is ubiquitous in the environment, the major problem inherent in determining the likelihood of percutaneous absorption of lead is the variable "background" level that is always present in humans. Humans are exposed to lead from numerous sources, including lead found unavoidably in the food, the water, and the air. As a result of the variation of lead in these sources, human lead intakes have not been precisely defined. However, estimates based on scientific data indicate that lead intake from food sources for adults can range from 100 to 500 micrograms (μg) per day, with an average of approximately 250 μg . Current Environmental Protection Agency water standards allow a calculation of a maximum intake of approximately 100 $\mu\text{g}/\text{day}$ for adults. Estimations of daily human lead intake from air sources vary among geographical locations. In the urban setting, estimations of intake range from 20 μg to 400 $\mu\text{g}/\text{day}$, whereas the nonurban areas have an estimated intake of about 2 $\mu\text{g}/\text{day}$. While it now appears that exposure to these sources of lead may be reducible in some instances, it is not possible to totally eliminate lead intake in man. Therefore, with these estimated values for human exposure to lead, it is possible to determine an average daily level of human lead absorption into the blood of approximately 35 μg with the actual amount possibly being higher. These fluctuating lead values represent the "background" (43 FR 8792; March 3, 1978). The scientific data estimating human lead intake are on file in the Dockets Management Branch under the "Lead in Food" docket, 79N-0200.

The question of percutaneous absorption of lead presented difficulties because it required a determination of what level of increase over the "background" must be detectable to

⁴ Coal-tar hair dyes labeled with a warning legend advising that their use may cause skin irritation are exempt from the cosmetic adulteration provision of the Act and the premarket clearance requirements of the Amendments. See sections 601(a) and 706(a) of the act (21 U.S.C. 361(a) and 376(a)); *Toilet Goods Association v. Finch*, 419 F.2d 21 (2d Cir. 1969).

permit a scientific conclusion that no significant absorption would occur from the use of lead acetate as a hair dye. To determine a level of absorption which, in terms of analytical chemistry methodology, would be considered significant. FDA concluded:

*** that any study intended to establish that use of lead acetate as a hair color does not result in significant percutaneous absorption of lead must include a method capable of detecting approximately 1 microgram of absorbed lead above and beyond the normal background (43 FR 8793; March 3, 1978).

Combe, Inc., a member of the Committee of the Progressive Hair Dye Industry, submitted a protocol for a radioactive tracer study as a way of determining absorption of lead in which the problem of the fluctuating "background" could be eliminated. Under this study protocol, the issue of how to determine an increase over normal lead "background" does not arise because there are no endogenous levels of radioactive lead in humans (43 FR 8793; March 3, 1978). The closing date for lead acetate was extended until December 31, 1978, to allow for the completion and evaluation of the radioactive tracer study, *id.*

In the *Federal Register* of January 2, 1979 (44 FR 45), the closing date was further postponed until March 1, 1979, to provide FDA additional time to complete its evaluation of the radioactive tracer absorption study. In the *Federal Register* of March 6, 1979 (44 FR 12205), FDA proposed another postponement. In that notice, the agency announced that it had completed its evaluation of the absorption study and found that a miniscule amount, approximately 0.5 µg per application (½ of one millionth of a gram), was shown to penetrate the skin (Ref. 2). But the issue of whether lead, the toxic component in lead acetate, presented a cancer risk to humans remained unresolved. The agency expected that information bearing on this issue would be submitted in response to its planned advance notice of proposed rulemaking (ANPR) on lead in food. FDA therefore postponed the closing date to March 1, 1980 in the *Federal Register* of August 31, 1979 (44 FR 51233).

The ANPR on lead in food was published in the *Federal Register* of August 31, 1979 (44 FR 51216). The comment period on the ANPR, originally scheduled to close on November 29, was extended to February 29, 1980 (44 FR 67673; November 27, 1979). Accordingly, the closing date for lead acetate was also postponed for 90 days to June 30, 1980 (45 FR 11799; February 22, 1980). The current closing date of October 31,

1980, was established by a regulation published in the *Federal Register* of June 24, 1980 (45 FR 42255).

III. The Legal Standards and Their Applicability to Lead Acetate

Under section 706(b)(4) of the Amendments, a color additive cannot be permanently listed unless the evidence establishes that it is "safe." This is referred to as the "general safety clause" for color additives. In addition to passing muster under the general safety clause, a color additive must also pass the test laid down by the color additive anticancer (Delaney) clause in section 706(b)(5)(B) of the Amendments. The general safety clause will first be discussed as it applies to risks other than carcinogenicity. A discussion of carcinogenicity under the anticancer clause and the general safety clause will follow.

The term "safe" is not defined in the general safety clause, nor is it defined elsewhere in the act. However, the legislative history of the Amendments incorporates by reference the same meaning for the word "safe" that is applicable to food additives under the Food Additives Amendment of 1958. (See H.R. Rept. No. 7624, 86th Cong., 2d Sess., p. 776 (1960).) The legislative history of the Food Additives Amendment of 1958 makes clear that the term "safe" was not intended to require absolute proof of safety. The House Report states:

*** Safety requires proof of a *reasonable certainty that no harm will result from the proposed use of an additive*. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance.

This was emphasized particularly by the scientific panel which testified before the subcommittee. The scientists pointed out that it is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of any chemical substance. (H.R. Rept. No. 2284, 85th Cong., 2d Sess., pp. 4-5 (1958) [Emphasis added].)

Thus, FDA's regulations provide that a color additive is "safe" if "there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive." (21 CFR 70.3(i).)

The factors to be considered for determining the safety of a color additive are provided in section 706(b)(5)(A) (i) through (iv) of the Amendments; they include the probable consumption of the color additive, the cumulative effect of the color additives, if any, in the diet of man or animals, the application of safety factors, and the availability of any needed practicable

methods of analysis for determining the identity, quality, and purity of the color additive.

FDA has fully reviewed all the scientific data submitted in support of the lead acetate petition and the comments germane to the petition received in response to the ANPR on lead in food. On the basis of this review the agency reaffirms its conclusion, previously set forth (44 FR 12206; March 6, 1979), that lead acetate is safe from the standpoint of classical lead toxicity (lead poisoning).

This conclusion is based upon the insignificant increase of lead in normal human blood levels from lead acetate hair dyes. The average person has a steady-state blood level of approximately 17 µg of lead per 100 milliliters of blood which is retained out of the 35 µg lead that is absorbed and retained per day from the normal human lead intake of 100 to 500 µg from all sources. The increase in the amount of human lead absorption from the use of lead acetate hair dyes would have no discernible effect on this steady-state blood level. The Joint FAO/WHO Expert Committee on Food Additives (Rept. No. 505) (Ref. 4) has established a provisional tolerable weekly intake of lead for adults of 3 milligrams per week, or 428 µg/per day. Moreover, the population exposed to lead in hair dyes is limited to adults who, in terms of susceptibility to lead poisoning, are not a high-risk group as compared to children. Exposure to lead from hair dyes would be limited even among adults because the infrequency of their use is an inherent check on the total individual exposure. Hair dyes thus do not present a potential problem of extremely high use by particular individuals. In sum, the lead poisoning evidence, taken as a whole, shows lead acetate in hair dyes to be safe.

Thus, the only issue now before the agency is whether the petition to permanently list lead acetate for use in hair dyes can be approved in light of the evidence that the substance is an animal carcinogen and is absorbed through the skin. As noted, this evidence must be evaluated under both the anticancer clause and the general safety clause. The anticancer clause will be discussed first.

The color additive Delaney⁵ anticancer clause consists of two parts: one is applicable to ingested additives, the other to non-ingested additives. The first section (section 706(b)(5)(B)(i) of the

⁵Like its food additive (section 409(c)(3)(A) of the act) and animal drug (section 512(d)(1)(H) of the act) counterparts, the color additive anticancer clause, is called a "Delaney" clause after its Congressional sponsor, Congressman James J. Delaney.

Amendments) provides that a color additive:

* * * shall be deemed unsafe, and shall not be listed, for any use which will or may result in ingestion of all or part of such additive, if the additive is found by the Secretary to induce cancer when ingested by man or animal, or if it is found by the Secretary, after tests which are appropriate for the evaluation of the safety of additives for use in food, to induce cancer in man or animal.

This provision is limited to uses that will or may result in ingestion; it does not, therefore, apply to the use of lead acetate in hair dyes.

The applicable provision is the second section of the color additive Delaney Clause (section 706(b)(5)(B)(ii) of the Amendments), which states that a color additive:

* * * shall be deemed unsafe, and shall not be listed, for any use which will not result in ingestion of any part of such additive, if, after tests which are appropriate for the evaluation of the safety of additives for such use or after other relevant exposure of man or animal to such additive, it is found by the Secretary to induce cancer in man or animal.

There is a significant difference between these two parts of the color additive Delaney Clause. The first part, the "ingestion clause," like the food additive Delaney Clause, section 409(c)(3)(A) of the act (21 U.S.C. 348(c)(3)(A)), makes an animal ingestion study demonstrating carcinogenicity an absolute bar to the approval of a petition for an ingested color additive. A finding of carcinogenicity alone renders the additive "unsafe" as a matter of law.

The second part, the "non-ingestion clause," does not make an animal ingestion study demonstrating carcinogenicity an absolute bar to the approval of a petition for a non-ingested color additive.⁶ Instead, it requires the agency to make one of two additional findings:

1. That the tests relied upon to conclude that the substance is an animal

⁶ Analogously, Congress, in enacting the Animal Drug Amendments of 1968, changed the traditional absolute Delaney language in the food additive anticancer clause. Thus, 21 U.S.C. 360(d)(1)(H) requires that any animal drug that has been shown to cause cancer in man or animal be deemed "unsafe" "except" where "no residue" of the drug is found in any edible portion of the animal tissue (emphasis supplied.) Like the "appropriate" and "relevant" language in the non-ingestion color additive Delaney Clause, the "no residue" language in the animal drug Delaney Clause eases the absolute prohibition of the food additive Delaney Clause. FDA has reasoned, in proposing to interpret the language of the animal drug Delaney Clause, that where an animal drug is shown to be carcinogenic, "no residue" should be defined in terms of an amount of residue that would pose a "socially accepted level of risk" of one cancer per million lifetimes. (See FDA proposed rule, "Criteria and Procedures for Evaluating Assays for Carcinogenic Residues," (44 FR 17070: March 20, 1979).)

or human carcinogen are "appropriate for the evaluation of the safety of additives" for the particular use under review; or,

2. That other exposure of man or animal "relevant" to the substance shows it to be a carcinogen.

In other words, by requiring an additional finding as to "appropriateness" or "relevance" of data, Congress distinguished the non-ingestion clause from the ingestion clause. Thus, to interpret the non-ingestion color additive Delaney Clause to mean that a positive animal feeding study is a *per se* bar to the permanent listing of a non-ingested color additive would eliminate the criteria of "appropriateness" and "relevance" from the statute itself. This would render section 706(b)(5)(B)(ii) of the Amendments indistinguishable from section 706(b)(5)(B)(i). Such a result would clearly ignore the plain words Congress chose in drafting this legislation. See *International Brotherhood of Teamsters v. Daniel*, 439 U.S. 551, 558 (1979). Additionally, this interpretation would not be supported by the legislative history.

In testimony on the proposed Color Additive Amendments of 1960 before the House Committee on Interstate and Foreign Commerce, Secretary Flemming of the Department of Health, Education, and Welfare, stated that the Delaney Clause applicable to ingested additives was not the same as the Delaney Clause applicable to external colorants:

The Chairman. * * * [T]hese two bills, the House and Senate bills, are identical, with the exception of page 10 in the House Bill, which has reference to the Delaney Amendment—is that identical with the amendment in the food additive law, except in that respect?

Secretary Flemming. *It is not identical because of colors that are applied to external parts.*

The Chairman. Except as to colors?

Secretary Flemming. This is right—except for the changes that have to be made in order to adapt it to the color situation—except for that, it is identical, so far as the policy issue is concerned. H.R. Rept. No. 7624, 86th Cong., 2d Sess., p. 102 (1960) (Emphasis added).

This is the first instance where the agency must decide the applicability of the Delaney Clause to a non-ingested color additive. Specifically, the agency must decide whether animal feeding studies showing lead to be carcinogenic are "appropriate" or "relevant" for the purpose of applying section 706(b)(5)(B)(ii) to lead acetate hair dyes.

It should be noted that the agency must make an affirmative finding of either "appropriateness" or "relevance" (44 FR 12206; March 6, 1979). In so doing, FDA must make a scientific judgment

involving an exercise of discretion not permitted under the more traditional and absolute food additive and ingested color additive Delaney Clauses (see 21 U.S.C. 348(c)(3)(A) and 376(b)(5)(B)(i); 44 FR 12206; March 6, 1979).

As discussed below, after a thorough evaluation of all available scientific evidence relevant to the issue, the agency cannot find that the animal feeding studies are either "appropriate" or "relevant" for making the safety determination for lead acetate hair dyes under section 706(b)(5)(B)(ii) of the Amendments. This conclusion is based upon the unusual combination of scientific facts peculiar to lead acetate in hair dyes, a combination which will rarely, if ever, be presented again in this context.

The required finding of "appropriate" or "relevant" cannot be made here for the following combination of reasons:

1. The Combe, Inc. radioactive tracer skin absorption study (Ref. 2), in attempting to identify whether systemic absorption of lead occurred following the application of the hair dye, demonstrated that on an average only 0.5 μg of lead per application penetrates the skin. Conventional analytical methods could not detect so small an amount of lead. Indeed, the agency believed prior to the performance of the study that absorption would not be considered significant, in an analytical sense, unless found to be greater than 1 μg . On the basis of that study, it is estimated that frequent users of lead acetate hair dyes who might apply the hair dye as often as twice per week, could have an average daily absorption of lead from that source of 0.3 μg ($\frac{3}{10}$ of one millionth of a gram). As stated in Section II above, this compares to an average human absorption of lead from air, food, and water of approximately 35 μg /per day. Thus, the average user of lead acetate hair dye might increase his or her body lead burden by less than 1 percent. Such an increase of absorbed lead from hair dyes over the normal human "background" levels of lead does not augment the existing risk of acute or chronic lead toxicity, including cancer, in any clearly discernible, much less significant, manner.

2. The scientific data submitted to FDA concerning the issue of whether lead is a human carcinogen are not sufficient for substantiating a direct correlation between lead exposure and human carcinogenicity.⁷ However, even

⁷ FDA has previously announced that if the issue of whether lead is or is not a human carcinogen could not be resolved, it would apply its standard cancer risk identification policy (i.e., where there exists systemic absorption of a substance and

Footnotes continued on next page

if a direct correlation could be made, the human cancer risk from the use of lead acetate hair dye would be a clearly insignificant one. In the course of the safety evaluation of this petition, FDA considered risk assessments prepared by FDA staff personnel (Ref. 3) and Dr. Richard Wilson of Harvard University on behalf of Combe, Inc., (Ref. 1). These assessments were performed independently; yet they reached very similar conclusions. Using "worst case" risk estimates extrapolated from the animal toxicity data (i.e., assuming carcinogenicity), the agency calculated that the upper limit of lifetime cancer risk from the use of lead acetate in hair dyes was approximately two in ten million lifetimes. Dr. Wilson's risk assessment calculated that the upper limit lifetime cancer risk from lead acetate in hair dyes was about one in eighteen and one half million lifetimes. The disparity in the upper limit lifetime risk derived by these assessments can be attributed to slight differences in the assumptions underlying each assessment. These very conservative risk assessments support a conclusion that any risk likely to result from use of lead acetate hair dye cannot be considered significant in terms of public health protection.

Having considered the trivial amount of lead absorption in relation to the ever present normal lead "background" in humans and recognizing that, even if a human cancer risk exists from the use of lead acetate hair dyes, such an added risk would be minute, FDA concludes that lead acetate, by any reasonable standard, is safe for use in hair dyes. Because FDA regards this use of lead acetate to be safe, the agency is unable to conclude that the studies showing lead acetate to be an animal carcinogen are "appropriate" or "relevant" for the purpose of applying the non-ingested color additive Delaney Clause.

The reasoning that leads FDA to conclude that lead acetate is safe and that the Delaney Clause cannot be invoked also justifies the conclusion that lead acetate hair dyes satisfy the general safety provisions under section 706(b)(5)(A)(i) through (iv) of the Amendments. On this issue, the petitioner has the burden of proof.

Certified Color Manufacturers

Footnotes continued from last page animal feeding studies showing carcinogenic effect, the substance is presumed to present a human cancer risk) and conclude that lead acetate hair dyes present human cancer risk (44 FR 12207; March 6, 1979). However, for all the reasons specified in this document, the agency now concludes the application of that policy to the peculiar scientific facts relative to lead acetate hair dyes is inappropriate.

Association v. Mathews, 543 F. 2d 284 (D.C. Cir. 1976).

As discussed above, Congress did not intend to require that safety be proved to an absolute certainty, recognizing the limits that exist on society's ability to assure itself of a complete absence of risk. In this context and as discussed above, FDA must consider three factors peculiar to lead acetate: the significant human background exposure to lead; the almost infinitesimally low absorption of lead from lead acetate hair dyes,⁸ especially when contrasted to the human background exposure; and the very low potential added risk (in a range between one in five million to one in eighteen million) presented. Based on these factors, FDA concludes that lead acetate hair dyes are safe under the "reasonable certainty of no harm" standard established by Congress.

Advances in the ability of analytical chemists to detect infinitesimally small amounts of substances—such as was seen by the Combe, Inc., radioactive absorption study on lead acetate—are forcing FDA to confront for the first time the significance of potential risks on the order of those associated with lead acetate hair dyes. As discussed in footnote 6, FDA has suggested that an increased risk of cancer of one in one million over the lifetime of the population to be "acceptable" and thus safe by the standard of reasonableness established by Congress. The potential risks from lead acetate are substantially lower than one in one million.

FDA understands that there is a Congressional expectation that the agency will be very conservative in determining whether and to what extent additives should be permitted in the Nation's foods, drugs, devices, and cosmetics. The agency recognizes also that Congress indicated that FDA should be reasonable in applying the Delaney Clause to those additives. (See H.R. Rept. No. 7624, 86th Cong., 2d Sess., pp. 214, 790, and 802-803 (1960).) Under the particular facts present here, FDA believes that approval of the color additive petition for lead acetate hair dyes to be consistent with both its mandate to protect the public health and the standard of reasonableness established by Congress.

Increasingly, the courts too are recognizing the discretion inherent even in the most rigorous public health

⁸ Absorption of lead acetate can occur in greater amounts through abraded skin. However, hair dyes containing lead acetate are labeled with directions that advise the user that the product should not be used on cut or abraded skin. The agency believes that labeling instructions of this type minimize the likelihood of absorption under actual conditions of use.

statutes to disregard potential risks that are so trivial as to present no public health or safety concern. Cf. *Industrial Union Department, AFL-CIO v. Marshall*, 48 L.W. 5022, 5037 (July 2, 1980); *Volkswagenwerk, A.G. v. Federal Maritime Commission*, 390 U.S. 261, 276-277 (1968); *Alabama Power Company v. Costle*, — F.2d — (D.C. Cir. 1979) No. 78-1006, December 14, 1979; *Monsanto v. Kennedy*, 613 F.2d 947, 955 (D.C. Cir. 1979); *United Glass and Ceramic Workers of North America, AFL-CIO v. Marshall*, 584 F.2d 398, 407-408 (D.C. Cir. 1978); *District of Columbia v. Orleans*, 406 F.2d 957, 959 (D.C. Cir. 1968).

Conclusion

For the reasons discussed in this document, FDA finds the color additive lead acetate to be safe for use in cosmetics that color the hair on the scalp and grants the petition to permanently list lead acetate for that use.

References

The following references, and other relevant material, are on public file in the Dockets Management Branch (address above). They may be seen in that office from 9 a.m. to 4 p.m., Monday through Friday.

1. Wilson, R., "The Carcinogenic Risk of Using Hair Dyes Containing Lead Acetate," Report for Combe, Inc., August 1978, report submitted to FDA, September 1978.
2. Goldberg, A. and M. R. Moore, "Lead Absorption Study for Combe, Incorporated, August 1978," report submitted to FDA, September 1978.
3. "Risk Estimation; Hair Dyes," Food and Drug Administration Subgroup on Lead Acetate Carcinogenicity, September 8, 1980.
4. "Evaluation of Certain Food Additives and the Contaminants Mercury, Lead, Cadmium," World Health Organization Technical Report Series No. 505, FAO Nutrition Meeting Report Series No. 51, April 1972.

With permanent listing, the provisional entry for lead acetate in § 81.1(g) (21 CFR 81.1(g)) will become obsolete. That entry is being deleted from the regulation. Elsewhere in this issue of the *Federal Register*, the agency is extending the current provisional listing for lead acetate to December 31, 1980. This extension is necessary to accommodate the 30-day objection period and the evaluation of any objections submitted in response to this rule.

The agency has determined under 21 CFR 25.24(d)(5) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore,

neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 73 and 81 are amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

1. Part 73 is amended in Subpart C by adding new § 73.2396 to read as follows:

§ 73.2396 Lead acetate.

(a) *Identity.* The color additive lead acetate is the trihydrate of lead (2+) salt of acetic acid. The color additive has the chemical formula $Pb(OOCCH_3)_2 \cdot 3H_2O$.

(b) *Specifications.* Lead acetate shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Water-insoluble matter, not more than 0.02 percent.
pH (30 percent solution weight to volume at 25° C), not less than 4.7 and not more than 5.8.
Arsenic (as As), not more than 3 parts per million.
Lead acetate, not less than 99 percent.
Mercury (as Hg), not more than 1 part per million.

(c) *Uses and restrictions.* The color additive lead acetate may be safely used in cosmetics intended for coloring hair on the scalp only, subject to the following restrictions:

(1) The amount of the lead acetate in the cosmetic shall be such that the lead content, calculated as Pb, shall not be in excess of 0.6 percent (weight to volume).

(2) The cosmetic is not to be used for coloring mustaches, eyelashes, eyebrows, or hair on parts of the body other than the scalp.

(d) *Labeling requirements.* (1) The label of the color additive lead acetate shall conform to the requirements of § 170.25 of this chapter, and bear the following statement or equivalent:

Wash thoroughly if the product comes into contact with the skin.

(2) The label of the cosmetic containing the color additive lead acetate, in addition to other information required by the act, shall bear the

following cautionary statement, conspicuously displayed thereon:

CAUTION: Contains lead acetate. For external use only. Keep this product out of children's reach. Do not use on cut or abraded scalp. If skin irritation develops, discontinue use. Do not use to color mustaches, eyelashes, eyebrows, or hair on parts of the body other than the scalp. Do not get in eyes. Follow instructions carefully and wash hands thoroughly after each use.

(e) *Exemption for certification.* Certification of this color additive for the prescribed use is not necessary for the protection of the public health and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

2. Part 81 is amended in § 81.1 *Provisional lists of color additives* in paragraph (g) by deleting the entry "Lead acetate."

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 1, 1980, file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that hearing is held. Four copies of all documents shall be filed and should be identified with the docket number found in brackets in the heading of this regulation. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 1, 1980, except as to any provisions that may be stayed by the filing of proper objections. All affected products initially introduced or initially delivered for introduction into interstate commerce on or after

December 1, 1981, shall fully comply with this regulation. Notice of the filing of objections or lack thereof will be given by publication in the **Federal Register**.

(Sec. 706(b), (c), (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)); sec. 203, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376, note)).

Dated: October 28, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-34056 Filed 10-30-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 81

[Docket No. 79C-0053]

Postponement of Closing Date for Provisional Listing of Lead Acetate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of lead acetate for use as a color additive in cosmetics that color the hair on the scalp. A new closing date for lead acetate is being established to provide for receipt and evaluation of any objections received in response to the final regulation approving the petition for the permanent listing of lead acetate. The regulation that permanently lists lead acetate is published elsewhere in this issue of the **Federal Register**. The new closing date will be December 31, 1980.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Gerald L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

SUPPLEMENTARY INFORMATION: The current closing date of October 31, 1980, for the provisional listing of lead acetate was established by a regulation published in the **Federal Register** of June 24, 1980 (45 FR 42255). The October 31, 1980, closing date for lead acetate was established to provide time for publication of a regulation in the **Federal Register** regarding the final decision on the petition for the permanent listing of lead acetate.

After the review and evaluation of the data relevant to the color additive petition for lead acetate used in hair dyes, the agency concluded that lead acetate is safe and suitable for that use. Therefore, FDA issued a regulation that permanently lists lead acetate. The listing regulation is published elsewhere in this issue of the **Federal Register**.

The regulation set forth below will postpone the October 31, 1980, closing date for the provisional listing of that color additive until December 31, 1980. This postponement will provide sufficient time for receipt and the evaluation of comments or objections submitted in response to the permanent listing for lead acetate hair dyes.

Because the current closing date expires on October 31, 1980, FDA has concluded that use of a notice and public procedure on this regulation is impracticable. Moreover, good cause exists for issuing this postponement as a final rule, since the agency has previously concluded that lead acetate is safe for its intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of this color additive until December 31, 1980. To prevent any interruption in the provisional listing of lead acetate, and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on October 31, 1980.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 81 is amended as follows:

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "Lead acetate" in paragraph (g) to read "December 31, 1980."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing of additives*, by revising the closing date for "Lead acetate" in paragraph (b) to read "December 31, 1980."

Effective date. This regulation is effective October 31, 1980.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: October 28, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-34054 Filed 10-30-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 201

[Docket No. 78N-0320]

Requirements for Designating Manufacturer's Name on a Drug Product's Label; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: In the final rule setting forth requirements for designating the manufacturer's name on a drug product label, published in the *Federal Register* of April 15, 1980 (45 FR 25760), the phrase "Manufactured for _____ by _____" was inadvertently omitted as a permissible qualifying identification of a product's distributor and manufacturer. This correction adds this phrase to the list of permissible alternatives.

FOR FURTHER INFORMATION CONTACT: Steven H. Unger, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the preamble to the final rule that amended the requirements for identifying the manufacturer, packer, or distributor on drug product labels, FDA stated (45 FR 25768) that distributors should at their option be permitted to adopt the phrase "Manufactured for _____ by _____". While the preamble stated that the rule has been revised to permit this phrase, the rule was not in fact so revised. Section 201.1(h)(5) is corrected to include this phrase as a permissible alternative and reads as follows:

§ 201.1 Drugs; name and place of business of manufacturer, packer, or distributor.

* * * * *

(h) * * *

* * * * *

(5) If the distributor is named on the label, the name shall be qualified by one of the following phrases: "Manufactured for _____", "Distributed by _____", "Manufactured by _____ for _____", "Manufactured for _____ by _____", "Distributor: _____", "Marketed by _____". The qualifying phrases may be abbreviated.

* * * * *

Dated: October 24, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-33947 Filed 10-30-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 546

Tetracycline Antibiotic Drugs for Animal Use; Chlortetracycline Hydrochloride Tablets; Revocation of Certain Regulations

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The agency is revoking those regulations reflecting approval of a new animal drug application (NADA) providing for use of chlortetracycline oblong tablets with vitamins for the prevention and treatment of bacterial scours in calves. The sponsor, American Cyanamid Co., requested the withdrawal of approval.

EFFECTIVE DATE: November 10, 1980.

FOR FURTHER INFORMATION CONTACT: David Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the *Federal Register*, approval of NADA 55-026 is withdrawn. This document amends the regulations by deleting that portion which reflects approval of this NADA.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), Part 546 is amended by revising § 546.110d(c)(5) to read as follows:

§ 546.110d Chlortetracycline hydrochloride tablets.

* * * * *

(c) * * *

(5) *Conditions of use.* It is used as chlortetracycline in tablets for oral ingestion by calves as follows:

(i) *Amount.* 25 milligrams per tablet.

(ii) *Indications for use.* Aid in reduction of incidence of bacterial scours.

(iii) *Limitations.* 75 milligrams per animal per day.

* * * * *

Effective date: October 31, 1980.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e).))

Dated: October 23, 1980.

Gerald B. Guest,

Acting Director for Veterinary Medicine.

[FR Doc. 80-33950 Filed 10-30-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1977

Walkaround Pay

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Deletion of regulation.