

(ii) Households shall be entitled to make a timely application (in accordance with § 273.14(b)(3)) for food stamp recertification at an SSA office under the following conditions:

(91 Stat. 958 (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistance Programs No. 10551, Food Stamp)

Dated: July 20, 1981.

G. William Hoagland,
Administrator.

[FR Doc. 81-22608 Filed 6-3-81; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; Bulletin 345-84, REA Specification for Expanded Dielectric Trunk Coaxial Cable, PE-84

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to issue a "File With" to Bulletin 345-84, REA Specification for Expanded Dielectric Trunk Coaxial Cable, PE-84, to relax attenuation requirements for 12.70 mm cable at 5, 10, and 25 MHz. The relaxations will have minimal impact on system design and will increase the number of manufacturers capable of producing cable meeting the attenuation requirements without costly retooling thus assuring an adequate supply of acceptable cable at competitive prices.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The Impact Analysis Statement describing the options considered in developing this rule, and the impact of implementing each option, is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby issues a "File With" to amend Bulletin 345-84 (PE-84), which became effective September 1980. As a result of discussions with the product manufacturers prior to the issuance of PE-84, it was assumed that adequate supplies of acceptable cable would be available at competitive prices. Such is not the case, and only limited supplies

are available, with the result that prices for this product have increased. By slightly relaxing attenuation requirements in the 5 to 25 MHz regions, the supply of acceptable cable can be substantially increased with only minimal impacts on system design. Increasing the supply of acceptable cable will assure competitive prices as well.

Because of the need outlined above for prompt action to assure adequate cable supplies at competitive prices, John H. Arnesen, Assistant Administrator—Telephone, has determined this action responds to an emergency situation within the meaning of Section 8 of Executive Order 12291 and warrants publication without opportunity for public comment. 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 action is impractical and contrary to the public interest and good cause is found for making this relaxation of requirements effective less than 30 days after publication in the *Federal Register*. This action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

(Catalog of Federal Domestic Assistance as 10.853, Community Antenna Television Loans and Loan Guarantees)

Dated: May 1, 1981.

John H. Arnesen,
Assistant Administrator, Telephone.

[FR Doc. 81-22538 Filed 6-3-81; 8:45 am]

BILLING CODE 3410-15-M

Agricultural Marketing Service¹

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Canned Ripe Olives²

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the voluntary U.S. Standards for Grades of Canned Ripe Olives. The final rule was developed by the U.S.

¹ The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

² Compliance with 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.

Department of Agriculture at the request of the California olive industry. This rule will: (1) provide for seven (7) sizes in canning whole and pitted ripe olives and (2) provide minimum drained weight requirements for the seven (7) sizes. Its effect will be to promote efficient and orderly marketing.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Romeo V. Villaluz, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-8247.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this final rule is not major. It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this reflects current marketing practices.

It is found that good cause exists for making this document effective upon publication in the *Federal Register* (5 U.S.C. 553) because: (1) The 1981-82 crop year begins in mid-August 1981 and this final rule should be effective by the time new crop deliveries from growers to processors begin and (2) postponing the effective date of this final rule would serve no useful purpose and could cause administrative problems in the application of the U.S. Standards for Grades of Canned Ripe Olives.

The California olive industry produces the entire U.S. crop of olives. It is regulated by a Federal marketing order. The marketing order specifies the size categories and the minimum sizes of processed olives, by variety, that may be used to produce whole and pitted canned ripe olives. It also provides for processed olives smaller than the size prescribed for whole and pitted styles, which are used for limited purposes.

Prior to September 1977, the U.S. Standards for Grades of Canned Ripe Olives contained nine (9) sizes of whole and pitted olives (small, medium, large, extra large, mammoth, giant, jumbo, colossal, and super colossal). At that time, however, the olive industry used fourteen (14) size designations. The fourteen (14) size designations included all nine (9) sizes in the U.S. grade standard plus five (5) other designations. The five other designations included select and standard (other terms for small); picnic (for Ascolano variety extra large); gems (for Sevillano variety mammoth); and super supreme (for super colossal). The limited size olives, referred to in the industry as petite, are used for sliced, chopped, halves, and segmented styles. These styles are for special uses such as pizza, meat loaf, and salads.

In September 1977, a revision of the U.S. Standards for Grades of Canned Ripe Olives provided for five (5) sizes (small, medium, large, extra large, and colossal). The olive marketing order, however, continued to cite the nine (9) sizes provided for in the superseded standards. However, about one half (production tonnage) of the olives processed were sold on the basis of the five (5) sizes in the 1977 standards.

While a segment of the ripe olive processing industry customarily uses five (5) sizes for retail sales and other members use nine (9) sizes, the ripe olive industry has agreed on the use of

seven (7) sizes. The industry is currently reviewing olive sizes under the order to align them with the U.S. grade standards.

Restructuring the olive sizes from five to seven necessitated changing the minimum drained weight requirement to reflect the seven sizes. To determine the proper restructuring for the seven sizes and minimum drained weight requirements, therefore, an olive size and drained weight study was undertaken jointly by the USDA and the olive processors. Results of this study are incorporated in this rule.

This action is in concurrence with the recommendations and information submitted by the California olive industry through the Olive Administrative Committee.

Comments

The proposed rule to revise the voluntary grade standards for canned ripe olives was published in the *Federal Register* on May 5, 1981 (46 FR 25097-25101). Three comments were received. One comment came from an olive processor in California and another comment came from the Olive Administrative Committee. Both parties fully endorsed the proposal with suggestions for a minor editorial change. The third comment came from an individual who expressed concern over the use of size designations other than small, medium, and large. The seven size designations, however, are

established terms which have been accepted by both the olive industry and consumers.

Some editorial changes have been made in the final publication to clarify the standards.

In consideration of the foregoing, Subpart United States Standards for Grades of Canned Ripe Olives (7 CFR Part 2852.3754 and 2852.3755) are hereby amended to read as follows:

1. In § 2852.3754, paragraph (b)(1) and Table I are hereby revised to read as follows:

§ 2852.3754 Size designations for whole and pitted style.

* * * * *

(b) * * *

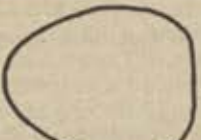
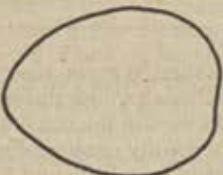
(1) Single size. Canned whole or pitted olives shall be considered of a single size if the olives are at least as uniform in size as defined for U.S. Grade C in § 2852.3756 of this subpart and conform with the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives. When the count per pound of whole olives falls between two count ranges, the size designation shall be the next smaller size.

(2) * * *

BILLING CODE 3410-02-M

TABLE I

SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	APPROXIMATE DIAMETER RANGE ILLUSTRATED (mm)
SMALL	128 - 140		16 - 17
MEDIUM	106 - 121		17 - 19
LARGE	91 - 105		19 - 20
EXTRA LARGE	65 - 88		20 - 22
JUMBO	51 - 60		22 - 24
COLOSSAL	41 - 50		24 - 26
SUPER COLOSSAL	26 - 40		26 and over

2. In § 2852.3755, paragraph (c)(2) and Table II are hereby revised to read as follows:

§ 2852.3755 Minimum drained weights.

(c) * * *

(2) There shall be no unreasonable shortage in any individual container.

Table II.—Acceptance Values for Drained Weights—Whole

	211 X 304		300 X 407		603 X 700	
	Xd ounces	Xd grams	Xd ounces	Xd grams	Xd ounces	Xd grams
Small	4.5	127.5	7.75	219.7	66.0	1871.1
Medium	4.5	127.5	7.75	219.7	66.0	1871.1
Large	4.5	127.5	7.75	219.7	66.0	1871.1
Extra large	4.5	127.5	7.5	212.6	66.0	1871.1
Jumbo	4.0	113.4	7.25	205.5	64.0	1814.4
Colossal	4.0	113.4	7.25	205.5	64.0	1814.4
Super colossal	4.0	113.4	7.25	205.5	64.0	1814.4

Table II.—Acceptance Values for Drained Weights—Pitted

	211 X 304		300 X 407		603 X 700	
	Xd ounces	Xd grams	Xd ounces	Xd grams	Xd ounces	Xd grams
Small	3.25	92.1	6.0	170.1	51.0	1445.8
Medium	3.25	92.1	6.0	170.1	51.0	1445.8
Large	3.5	99.2	6.0	170.1	51.0	1445.8
Extra large	3.5	99.2	6.0	170.1	51.0	1445.8
Jumbo	3.25	92.1	5.75	163.0	49.0	1389.1
Colossal	3.25	92.1	5.75	163.0	49.0	1389.1
Super colossal	3.25	92.1	5.75	163.0	49.0	1389.1

(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 July 29, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-22570 Filed 8-3-81; 8:45 am]

BILLING CODE 3410-02-M

**Agricultural Marketing Service
Food Safety and Quality Service
7 CFR Part 2856**

[Docket No. 80-025F]

Revision of Shell Egg Standards and Grades

AGENCY: Agricultural Marketing Service,¹ USDA.
ACTION: Final rule.

SUMMARY: This rule revises the voluntary shell egg grading regulations. The amendments are basically the same as proposed in the Federal Register of April 17, 1981 (46 FR 22383). The amendments will:

a. Raise the minimum percent of eggs of a specified quality in the consumer grades at origin and destination, except for a downward adjustment in this percentage for U.S. Grade AA at

destination to more accurately reflect normal quality loss during marketing.

b. Eliminate the consumer grade Fresh Fancy quality control program because it is used very little and the Grade A quality control program because it is not used.

c. Eliminate C quality classification for individual eggs because they have become an insignificant portion of production (about 1 percent of nest-run eggs).

d. Raise the tolerance for Checked eggs at destination for all egg sizes and for Jumbo size eggs at origin, slightly raise the tolerance for Leakers and Dirties at destination, and provide a small tolerance for Dirties at origin to more accurately reflect current egg production and marketing practices.

e. Eliminate the three lower U.S. Wholesale grades—Trades, Dirties, and Checks—because they are no longer used and eliminate the two U.S. Procurement grades because they are obsolete.

f. Clarify the definition of origin grading to indicate that this is a grading made at a plant where eggs are graded and packed.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

D. M. Holbrook, Chief, Poultry Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Agriculture Building, Washington, DC 20250, (202) 447-3506.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

An initial determination has been made that this final rule is not a major rule under Executive Order 12291 because it does not impose additional burdens or requirements on the affected industry. It will not result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It revises the shell egg standards and grades to bring them in line with current egg production and marketing conditions. As such, it is anticipated that the revisions will result in no monetary costs or other adverse impacts offsetting the expected benefits. Alternatively, the Agency could have retained the existing, outdated standards and grades, but strict compliance with those standards and grades would result in substantial cost to both industry and consumers with little or no offsetting product quality benefit.

Effect on Small Entities

It has been determined that this action will not have a significant economic impact on a substantial number of small entities because it involves changes that are limited to bringing the existing regulations into conformity with current industry production and marketing practices, but does not impose additional burdens or requirements on the affected industry.

Background

The history of standards for shell eggs dates back to 1925 when the first quality standards for individual eggs were developed. In 1948, consumer grades were issued, and in 1967 separate

¹ The Commodity Services program of the Food Safety and Quality Service, USDA was transferred to the Agricultural Marketing Service, USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

standards for consumer grades at origin and destination were issued. Individual shell eggs are judged for quality based on a subjective response to their exterior and candled appearance. Eggs may then be packed under various USDA grademarks provided they meet all minimum requirements as outlined in the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 2856).

Tolerances are designed to compensate for human variability and unavoidable quality loss due to handling during transport and marketing and the natural decline or change in quality during this period. Tolerances must be within the capabilities of the industry to produce an acceptable product at reasonable prices. Without tolerances, it would not be possible to produce cartoned eggs at prices acceptable to consumers.

U.S. shell egg standards and grades need to reflect and to keep current with improvements in industry technology. Also, they must be current with today's production and marketing practices. The shell egg industry has undergone drastic changes since the consumer grades were issued. Eggs move faster into the marketplace than ever before in the history of the industry.

U.S. shell egg standards and grades impact upon State egg laws. States regulate the labeling, grading, and marketing of eggs through State egg laws, and these laws reference the U.S. standards, grades, and weight classes. The inspection of eggs at retail outlets for grade and weight compliance is basically the responsibility of State regulatory agencies under State egg laws.

From reports of State regulatory gradings at retail, as well as scattered retail gradings the Agency had made, the question arose as to whether the destination grades are realistic and reasonable, and truly reflective of today's production and marketing practices. Since there were no studies to evaluate this situation, the Agency made a comprehensive study of retail packs to determine how the actual grade and size compared with the marked grade and size. A randomly selected group of retail outlets comprised of various sizes and types was used in the study. There were 125 chains selected for the study with stores from nationwide chains being visited in many States. Gradings were made at retail outlets in 31 different States by supervisory U.S. Department of Agriculture personnel. The gradings were performed in April and May 1978 and duplicated in the same outlets again in July and August 1978. During the two

periods, 12,312 100-egg samples were graded from the various sizes and grades available. The sample distribution was composed of 52.16 percent of product graded under USDA's voluntary grading program and identified with official USDA grademarks and 47.84 percent packed without USDA identification.

Based on the results of the study, the Agency solicited public comments on various proposed changes in the voluntary shell egg regulations through an advanced notice of proposed rulemaking. This document was made available through a notice published in the May 27, 1980, *Federal Register* (45 FR 35345), open for comment until August 25, 1980. Fifty-five (55) comments were received: 22 from egg producers, packers, distributors, and other interested persons; 9 from trade organizations; 1 from an industry task force representing 36 other organizations; 18 from State departments of agriculture; and 5 from consumers. The majority of these comments indicated that the review of the voluntary shell egg standards was long overdue and that the proposed changes, with one exception, were both reasonable and necessary. The one exception to the changes suggested in the advanced notice was the elimination of U.S. Grade AA. Comments received indicated that elimination of U.S. Grade AA would not necessarily eliminate Grade AA regulated under State egg laws, that it would create an economic hardship on producers marketing this grade, and that there could be an economic impact on retailers in certain States. After reviewing these comments, the Agency decided not to propose the elimination of U.S. Grade AA through rulemaking procedures but to maintain this grade with modifications.

Proposal

Based on the comments received on the advanced notice of proposed rulemaking, the Agency published a proposed rule in the *Federal Register* of April 17, 1981, (46 FR 22383), to amend the voluntary shell egg regulations as set forth basically in the advanced notice. The proposed rule contained the following major revisions:

1. Raise the minimum percent of eggs of the specified quality in consumer grades—The minimum percent of AA or A quality or better eggs required in U.S. Grade AA or U.S. Grade A, respectively, would be increased from 85 to 87 at origin and 80 to 82 at destination for U.S. Grade A. An exception would be in U.S. Grade AA eggs at destination to require 72 percent AA quality eggs instead of 80 percent and to require at least 10

percent of the remaining eggs to be A quality. For U.S. Grade B, the minimum percent of B quality or better eggs would be increased from 85 to 90 at origin and 80 to 90 at destination.

2. Eliminate the consumer grade Fresh Fancy quality and Grade A quality control programs.

3. Eliminate the C quality classification for individual eggs—C quality eggs due to shell deformities would be placed in the B quality classification, and C quality eggs due to moderately stained shells in excess of that permitted in B quality would be placed in the Dirty category.

4. Raise the tolerance for checked eggs—The Check tolerance for U.S. Grade AA and U.S. Grade A at destination would be raised from 5 to 7 percent for all weight classes except Jumbo. The Check tolerance for Jumbo size eggs would be raised from 5 to 7 percent at origin and to 9 percent at destination.

5. Slightly raise the tolerances for Leakers and Dirties—The tolerance in U.S. Consumer Grades for Leakers and Loss due to meat or blood spots in any combination at origin would be increased from 0.3 to 0.5 percent and include Dirties, except that such Loss would remain at the 0.3 percent level. At destination the tolerance for Leakers, Dirties, and Loss due to meat or blood spots in any combination would be increased from 0.5 to 1.0 percent. Loss permitted would again not be allowed to exceed 0.3 percent.

6. Eliminate wholesale and procurement grades—Three of the U.S. Wholesale Grades (U.S. Trades, U.S. Dirties, and U.S. Checks) and the two U.S. Procurement Grades (I and II) would be eliminated.

7. Clarify the definition of origin grading—The definition of origin grading would be clarified to indicate a grading made at a plant where eggs are graded and packed.

Except for eliminating small meat spots from the proposed 1 percent tolerance for B quality due to small blood and meat spots, air cells over $\frac{1}{8}$ inch, or serious yolk defects permitted in U.S. Grade AA and A and several editorial changes for clarity, the revisions to the voluntary shell egg regulations are the same as proposed.

Discussion of Comments

As a result of the proposal, 85 comments were received from 42 individuals, 24 State departments of agriculture (two commented twice), 10 egg producers, packers, or distributors, 1 associated industry, 1 university, 3 industry organizations, an industry

elected task force representing 32 other organizations, and 1 retailer. The majority of these comments generally supported the changes except for a large number of individuals who objected to the increase in tolerances for checked eggs. The principal concerns expressed through objecting statements raised the following issues:

1. The proposed change to raise the tolerance for checked eggs at destination for all egg sizes and, in addition, at origin for Jumbo size eggs generated more opposition than all the other proposed changes combined. Forty-two interested parties, most of whom were individuals, objected to this change, but fifty-seven interested parties supported the proposal, and three individuals suggested that the Government should not regulate Checks at all. Also, a few other interested parties suggested additional changes in the tolerances. Most opposing commenters believed the number of checked eggs allowed in a carton would be increased and would result in a decrease in the quality of eggs purchased by consumers. Additionally, a few commenters expressed the view that industry should improve operations to minimize this problem. Checks (an individual egg that has a broken or cracked shell but with its shell membranes intact and its contents not leaking) are an unavoidable problem in the marketing of eggs because eggs cannot be assembled, graded, packed, transported, and merchandized without some breakage. Most obvious Checks are removed during the grading process, but "hairline" Checks often escape detection because they cannot be seen. As time passes, many of these Checks become detectable (due primarily to contraction caused by cooling); however, the eggs have usually moved into marketing channels and may be at the retail level within 1-3 days after being laid. Handling of eggs during the marketing process also may cause Checks.

The current standards provide that AA and A grade eggs may contain up to 5 percent Checks at both origin and destination. The retail study recently conducted by the Agency indicates that slightly over 30 percent of AA and A grade cartoned eggs at retail stores exceed the 5-percent Check tolerance. Yet, the average percent of Checks at retail was 4.53, well under the 5 percent allowed. When the 5-percent tolerance was adopted in 1967, it was based on the layman's approach of "averages" rather than "frequency tables" which are used by statisticians. Thus, the present destination standards are and

have been in error and do not accurately reflect what is reasonable under normal egg production and marketing practices and what is in the marketplace today. The changes only update the standards to reflect what is presently in the marketplace as determined by the Agency's comprehensive survey conducted in 1978. It will not reduce the quality of eggs consumers are purchasing.

Except for a comment from one State, none of those opposing this change submitted data to support their claim or refute the Agency's data.

Moreover, except for Jumbo size eggs, it appears that most commenters failed to realize that origin tolerances for other sizes are unchanged. Thus, for all sizes other than Jumbo, the Check tolerances applied at the packing and grading (origin) location remain the same.

One State department of agriculture expressed concern about the need to increase the Check tolerance and presented supporting data. The Agency reviewed its retail study data for that State. The data showed that the results in that State were approximately the same as the national figures.

A few commenters proposed increasing tolerances at origin for checked eggs; namely, for the Extra Large size. No data were submitted to substantiate these suggestions. However, to the contrary, the Agency's data from shell egg plants with USDA resident grading service indicate that industry compliance with the existing tolerance for Extra Large size is attainable under present practices.

A few comments were received expressing concern about the separate tolerances for Jumbo size eggs. One State department of agriculture opposed the change because of concern for a higher incidence of Leakers at destination. Another State department of agriculture expressed concern that a separate tolerance for Jumbo size eggs was confusing and lacks uniformity. While the Agency shares the opinion that this change results in some confusion and less uniformity, the tolerances recommended are in accordance with the 1978 nationwide survey. This study suggests, due to the difficulty of packaging these oversized eggs in material which will accommodate them and the extensive shell area subject to damage, that a separate tolerance for Jumbo size eggs is needed. Accordingly, the Agency proposed separate origin and destination Check tolerances.

In regard to the view that the Government should not regulate checked eggs, the Agricultural

Marketing Act of 1946 directs the Secretary of Agriculture to develop and improve grade standards for voluntary use by industry to facilitate marketing. Therefore, the Agency is required to provide voluntary grade standards.

2. In addition to opposing the increase in tolerances for checked eggs, a few statements expressed concern that slightly raising tolerances for Leakers and Dirties would reduce overall product quality. These changes were not proposed by USDA to permit inferior products but rather to compensate for human error and unavoidable quality loss during handling and marketing. Furthermore, small increases in tolerances would have practically no effect on the overall quality of the eggs in U.S. Consumer Grades AA and A packs since they merely reflect what is presently in the marketplace. Based on the plant and retail studies, slight increases align the tolerances with industry's capability to produce an acceptable product at reasonable prices. Therefore, in the absence of data to support the objections received, the Agency will make the proposed changes.

3. There were comments suggesting changes in the tolerances for Loss due to large meat or blood spots. One commenter believed the Loss tolerance should be raised from 0.3 percent to 0.5 percent at destination to be consistent with the concept of different origin and destination tolerances for other factors. Another commenter suggested that the Loss tolerance should be raised to 0.5 percent at origin and destination because the 0.3-percent tolerance is unrealistic and because a 0.5-percent tolerance results in a high level of compliance with a lack of consumer complaints.

The Agency's comprehensive nationwide study showed that at origin only 0.29 percent of the eggs from Grade A packs were downgraded for Loss due to Leakers, large meat or blood spots, and all other types of Loss combined. Furthermore, the Agency's retail study showed that eggs at retail outlets were found to contain only 0.43 percent Loss due to Leakers, large meat or blood spots, and all other types of Loss combined. The Agency has no reason to believe that the amount of Loss due to meat or blood spots at destination is greater than at origin. Moreover, the Agency has increased the destination tolerance for Leakers and Dirties to account for breakage in handling and shipment. In the absence of specific data to support these suggestions, the Agency will maintain the present tolerance for Loss due to large meat or blood spots.

4. Comments were received from three egg packers, two State departments of agriculture, and several industry organizations expressing concern about the proposed tolerance of not more than 1 percent B quality due to air cells over $\frac{1}{8}$ inch, meat or blood spots (aggregating not more than $\frac{1}{8}$ inch in diameter), or serious yolk defects permitted in both U.S. Consumer Grades AA and A. Their foremost concern was that the standards were too restrictive and impractical with respect to small meat spots in brown shell eggs. Research reports and random sample laying tests show that the incidence of meat spots is significantly higher in brown eggs than in white eggs.

While USDA undertook a comprehensive study in February 1979 that showed only a small percentage of eggs from laying houses (nest-run eggs) were due to classification factors, such as air cell development and small meat or blood spots, very few brown eggs were examined in the study. Thus, while the study is indicative of the Nation's egg production, it does not accurately reflect the incidence of small meat spots in brown eggs.

The current standards provide for a maximum of 5 percent small meat or blood spots, air cells over $\frac{1}{8}$ inch, serious yolk defects, weak and watery whites, shell abnormalities, and Checks individually or in combination. Thus, the current standards account for and permit the higher incidence of small meat spots. However, the Agency did not provide for this difference in the proposal due to the low overall incidence of small meat and blood spots in brown and white eggs combined. Accordingly, the Agency finds it difficult to justify the proposed tolerance when applied to meat spots in brown eggs and allows for this by eliminating eggs containing small meat spots (aggregating not more than $\frac{1}{8}$ inch in diameter) from the 1 percent tolerance and permitting them in the maximum tolerance which may be below AA or A quality.

5. A few comments were received expressing concern that the unlimited tolerance for air cell depth and small meat or blood spots in U.S. Consumer Grade B would create problems with the public's acceptance of this grade. With the elimination of the C quality classification, the Agency decided to place eggs of the type mentioned above into the B quality classification for two reasons. First, the Agency undertook a study in February 1979 which showed that less than 0.1 percent of the eggs from laying houses were due to factors such as air cell development and small meat or blood spots. Even though the

Agency did not investigate the increase in air cell depth from origin to destination specifically for U.S. Consumer Grade B packs, the retail study showed that less than 0.5 percent of eggs examined at retail outlets were downgraded due to air cells over $\frac{1}{8}$ inch in depth, shell defects, and meat and blood spots combined. And secondly, it is highly unlikely that packers could intentionally add high percentages of small meat and blood spots to a pack without rejections due to Loss from meat or blood spots aggregating more than $\frac{1}{8}$ inch in diameter. For the above reasons, and since the overall percentage of eggs of this type quality has steadily decreased in the marketplace over the past several years, the Agency will not maintain a separate quality tolerance for these factors in Grade B product.

6. Several comments were received concerning elimination of the "C" quality classification. Comments were mixed regarding the classification of stains and the classification of shell deformities. A few commenters requested higher classification for stains, since stains are not harmful or do not affect interior quality. Other commenters believed that classification of former C quality shells in the B quality category would cause increases in Leakers and Checks due to thin shells. To obtain specific information concerning the actual percentage of C quality eggs, USDA undertook a study in February 1979 involving approximately 2,500 100-egg samples in 20 shell egg plants nationwide with USDA resident grading service. The results of this study showed that only 1.0 percent of eggs from laying houses (nest-run eggs) were of C quality—0.7 percent due to shell shape and texture, 0.2 percent due to stains, and 0.1 percent due to various other factors. Therefore, the study indicates that the percentage of C quality eggs found in the total egg production has decreased to a point where it is insignificant and the Agency finds it difficult to justify continuing the C quality category in the standards. Since the U.S. Consumer Grade C was dropped from the standards in 1963, the Agency must place the present C quality eggs in either the Dirty or B quality classification depending on the degree of defect. Due to the small percentage of C quality in the production moving to shell egg plants, a small insignificant effect on the overall quality of U.S. Consumer Grade B occurs.

7. Several comments were received regarding U.S. Consumer Grade AA. A few commenters still wanted the grade eliminated because it would simplify the grade standards, and cause excessive

noncompliance problems at the retail level. As previously noted in the proposed rule, elimination of U.S. Grade AA would not necessarily eliminate U.S. Grade AA regulated under State egg laws. Additionally, the change in the destination tolerance should result in increased compliance at the retail level.

A number of comments were received expressing concern regarding the origin and destination AA quality levels. Some commenters believed that the origin AA quality level of 85 percent was more reasonable than the proposed 87 percent for AA quality eggs due to difficulty in grader interpretation and the fact that 39.59 percent of the samples failed to meet the 87-percent AA quality level. (This percentage was misinterpreted from the comprehensive USDA study and is actually 35.51 percent.) There were also those that believed a destination AA quality level of 70 percent was more realistic than the proposed 72 percent for AA quality eggs. One commenter believed 70 percent was more realistic because of potential quality decline as product moves from origin to retail outlets. One commenter proposed to retain the present 85-percent origin and 80-percent destination egg quality tolerances for all grades in order to maintain uniformity and because of the view that adjustments in the permitted depth of the air cell to reflect quality loss between origin and destination is more equitable than adjusting the tolerance for undergrade eggs allowed in the different grades. This proposal was based on the premise that quality decline within a specific lot is fairly uniform. Another commenter expressed similar views. In contrast, one commenter pointed out that the proposed 15-percent tolerance range of AA quality eggs between origin and destination (from 87 to 72 percent) is inconsistent with the allowable quality ranges in the other grades. The commenter also believed that the AA quality range should not be 15 percent. In addition, one commenter suggested that the proposed destination quality level of 72 percent AA quality eggs was too low. However, no data were submitted to substantiate any of these claims. While the Agency appreciates these observations, they do not support a change in the proposed AA quality levels. The previous plant study indicates that at origin only 7.5-percent more of the samples examined met the 85-percent AA quality level as compared to those meeting the 87-percent AA quality level. With this difference in mind, the Agency chose the higher 87-percent AA quality level because other

changes in the standards will make it less difficult for certain eggs to meet the AA quality classification. Additionally, the retail study indicates that at destination the 72-percent AA quality level will result in increased compliance for both USDA and non-USDA graded product with about 84.5 percent of product packed under USDA's voluntary grading program meeting the 72-percent AA quality level.

The Agency has examined data comparing decline in air cell depth within specific lots. Even though the data are limited and preliminary, these results do not support the view that air cell depth changes uniformly over a given period of time. Based on these findings, further comprehensive investigation would be necessary in order to verify the claims made by proponents. But in the absence of data supporting the comments, the Agency does not plan to make changes at this time.

In the absence of data supporting each of these suggestions, the Agency will maintain U.S. Consumer Grade AA with modifications in the percentages of AA quality eggs at origin and destination. Thus, the AA quality pack is maintained with an increase in the percent of product within grade at retail.

8. One commenter expressed concern that based on permitted destination tolerances in certain situations, the Grade AA pack may be lower in quality than the Grade A pack. However, this view was due to an error in interpretation of the permitted tolerances. Furthermore, this commenter questioned whether the AA quality tolerances would be in agreement with what is obtainable in today's marketing system. While the Agency recognizes that differences exist between packers, the AA quality tolerances are based on what is reasonable on a nationwide basis. Thus, the tolerances are set at a level more reflective of the quality which can be consistently delivered under today's production and marketing system.

9. A few commenters expressed concern about definitions of terms. Two commenters suggested that the definition of "origin grading" be further defined. One comment was not specific in nature but was believed to agree with the other suggestion that the definition of "origin grading" be redefined to mean the last place eggs are warehoused prior to distribution to the retail outlet. While the Agency gave careful consideration to this opinion, it was considered unrealistic because movement of eggs from the location where eggs are graded and packed normally results in some quality decline. Therefore, it is

unreasonable to apply the stricter origin tolerances at any location other than the point of initial grading and packing.

Additionally, one commenter suggested that the term "destination grading" be more clearly defined. "Destination grading" is not defined in the voluntary shell egg grading regulations. However, "origin grading" is being clarified and further defined as a grading made at a plant where eggs are graded and packed. It follows, therefore, that gradings at other locations, such as distribution points, retail outlets, etc., become "destination gradings."

10. Two State departments of agriculture expressed concern regarding the omission of the revised "Minimum Number of Cases Comprising A Representative Sample" presented in the advanced notice of proposed rulemaking published in the May 27, 1980, *Federal Register*. The Agency omitted this revision because after further evaluation, it was found that the proposed sampling plan did not give as good a degree of confidence in results as previously believed. It was concluded that too much accuracy was lost; therefore, the revision has been dropped.

11. In addition, four comments included specific suggestions for additional changes to the regulations. Two suggested changes were beyond the scope of the proposal. Also, none of the suggestions were substantiated by supporting data. However, the Agency will make use of such recommendations in considering future amendments to the regulations.

The Agency's change regarding the tolerance for B quality due to meat spots in U.S. Grade AA and A, discussed under issue number 4 above, and several editorial changes in the proposed rule for clarity, most of which were indicated in comments received, affect sections and subsections: 2856.203, 2856.208 (b) and (c), 2856.210 (d) and (e), 2856.216(a) (1) and (2), (b) (1) and (2), and (d)(2), and 2856.217. Section 2856.205 has been included and revised. Except for these changes, the Agency is adopting the proposal as published.

In consideration of the foregoing, the amendments to the voluntary shell egg grading regulations (7 CFR Part 2856) are as follows:

1. In § 2856.1, the definition for "Origin grading" is revised to read as follows:

§ 2856.1 Meaning of words and terms defined.

* * *

"Origin grading" is a grading made on a lot of eggs at a plant where the eggs are graded and packed.

* * *

§ 2856.17 [Amended]

2. In § 2856.17, paragraph (c) is removed.

3. In § 2856.36, paragraphs (b)(3) and (b)(4), including figures 4, 5, and 7, are removed. Figure 6 is moved to paragraph (b)(2) and renumbered as Figure 4, and paragraph (b)(2) is revised to read as follows:

§ 2856.36 Information required on and form of grademark.

* * *

(b) * * *

(2) Except as otherwise authorized, the grademark permitted to be used to officially identify cartons of shell eggs which are graded pursuant to the regulations in this part shall be contained in a shield and in the form and design indicated in Figures 2, 3, and 4 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3. The grademark shall be printed on the carton or on a tape used to seal the carton.



Figure 2



Figure 3



Figure 4

§ 2856.37 [Amended]

4. In the first sentence of § 2856.37, the phrase "Figures 2, 3, and 6" is amended to read "Figures 2, 3, and 4."

§ 2856.39 [Amended]

5. In § 2856.39, the wording "§§ 2856.35 to 2856.43" is amended to read "§§ 2856.35 to 2856.41".

§ 2856.40 [Amended]

6. In § 2856.40, paragraph (a) is amended by changing the wording "Figures 2, 3, and 6" to read "Figures 2, 3, and 4".

§§ 2856.42 and 2856.43 [Reserved]

7. Sections 2856.42 and 2856.43 are removed and the section numbers are reserved.

8. In § 2856.76, the first sentence of paragraph (f)(1) is removed and paragraph (g) is revised to read as follows:

§ 2856.76 Minimum facility and operating requirements for shell egg grading and packing plants.

(g) The following substances used in the plant shall be approved and handled in accordance with the manufacturer's instructions: Pesticides, insecticides, rodenticides, cleaning compounds, destaining compounds, foam control compounds, sanitizers, and inks and oils coming into contact with the product.

9. In § 2956.200, paragraph (b) is revised to read as follows:

§ 2856.200 Application.

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determination of the interior quality of shell eggs. It is desirable to break out an occasional egg and by determining the Haugh unit value of the broken-out egg, compare the broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

10. Section 2856.203 is revised to read as follows:

§ 2856.203 B quality.

The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than $\frac{1}{32}$ of the shell surface if localized, or $\frac{1}{16}$ of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over $\frac{3}{16}$ inch in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg

inedible. Small blood spots or meat spots (aggregating not more than $\frac{1}{8}$ inch in diameter) may be present.

§ 2856.204 [Reserved]

11. Section 2856.204 is removed and the section number is reserved.

12. Section 2856.205 is revised to read as follows:

§ 2856.205 Dirty.

An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than $\frac{1}{32}$ of the shell surface if localized, or $\frac{1}{16}$ of the shell surface if scattered.

13. In § 2856.208, paragraph (e) is removed and paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 2856.208 Terms descriptive of the shell.

(a) *Clean*. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(b) *Dirty*. A shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than $\frac{1}{32}$ of the shell surface if localized, or $\frac{1}{16}$ of the shell surface if scattered.

(c) *Practically normal (AA or A quality)*. A shell that approximates the usual shape and that is sound and is free from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(d) *Abnormal (B quality)*. A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

14. In § 2856.210, paragraph (d) is removed, paragraphs (e), (f), and (g) are redesignated (d), (e), and (f), respectively, and redesignated paragraphs (d) and (e) are revised to read as follows:

§ 2856.210 Terms descriptive of the white.

(d) *Weak and watery (B quality)*. A white that is weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to a broken-out egg, a weak and watery white has a Haugh unit value

lower than 60 when measured at a temperature between 45° and 60° F.

(e) *Blood spots or meat spots*. Small blood spots or meat spots (aggregating not more than $\frac{1}{8}$ inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as Loss. Blood spots shall not be due to germ development. They may be on the yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.

15. Section 2856.211 is revised to read as follows:

§ 2856.211 Terms descriptive of the yolk.

(a) *Outline slightly defined (AA quality)*. A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(b) *Outline fairly well defined (A quality)*. A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(c) *Outline plainly visible (B quality)*. A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(d) *Enlarged and flattened (B quality)*. A yolk in which the yolk membranes and tissues have weakened and/or moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.

(e) *Practically free from defects (AA or A quality)*. A yolk that shows no germ development but may show other very slight defects on its surface.

(f) *Serious defects (B quality)*. A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(g) *Clearly visible germ development (B quality)*. A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(h) *Blood due to germ development*. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

§ 2856.215 [Amended]

16. In § 2856.215, paragraph (e) is removed and paragraph (f) is redesignated (e).

17. Section 2856.216 is revised to read as follows:

§ 2856.216 Grades.

(a) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over $\frac{3}{8}$ inch, blood spots (aggregating not more than $\frac{1}{8}$ inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) Checks are permitted and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality and the remainder shall be B quality, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over $\frac{3}{8}$ inch, blood spots (aggregating not more than $\frac{1}{8}$ inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) Checks are permitted and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(b) *U.S. Grade A.* (1) U.S. Consumer Grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over $\frac{3}{8}$ inch, blood spots (aggregating not more than $\frac{1}{8}$ inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) Checks are permitted and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over $\frac{3}{8}$ inch, blood spots (aggregating not more than $\frac{1}{8}$ inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) Checks are permitted and not more than 1 percent

Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(c) *U.S. Grade B.* (1) U.S. Consumer Grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be Checks and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(d) Additional tolerances:

(1) In lots of two or more cases:

(i) For Grade AA—No individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For Grade A—No individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For Grade B—No individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(2) For Grades AA, A, and B, no lot shall be rejected or downgraded due to the quality of a single egg except for Loss other than blood or meat spots.

18. Section 2856.217 is revised to read as follows:

§ 2856.217 Summary of grades.

The summary of U.S. Consumer Grades for Shell Eggs follows as Table I and Table II of this section:

Table I.—Summary of U.S. Consumer Grades for Shell Eggs

U.S. consumer grade (origin)	Quality required ¹	Tolerance permitted ²	
		Percent	Quality
Grade AA.....	87 percent AA	Up to 13.....	A or B. ³
		Not over 5.....	Checks. ⁴
Grade A.....	87 percent A or better	Up to 13.....	B. ³
		Not over 5.....	Checks. ⁴
Grade B.....	90 percent B or better	Not over 10.....	Checks. ⁴
Grade AA.....	72 percent AA	Up to 28 ⁵	A or B. ³
		Not over 7.....	Checks. ⁴
Grade A.....	82 percent A or better	Up to 18.....	B. ³
		Not over 7.....	Checks. ⁴
Grade B.....	90 percent B or better	Not over 10.....	Checks. ⁴

¹ In lots of two or more cases, see Table II of this section for tolerances for an individual case within a lot.

² For the U.S. Consumer grades (at origin), a tolerance of 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

³ For the U.S. Consumer grades (destination), a tolerance of 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

⁴ For U.S. Grade AA at destination, at least 10 percent must be A quality or better.

⁵ For U.S. Grade AA and A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over $\frac{3}{8}$ inch, blood spots (aggregating not more than $\frac{1}{8}$ inch in diameter), or serious yolk defects.

⁶ For U.S. Grades AA and A Jumbo size eggs, the tolerance for Checks at origin and destination is 7 percent and 9 percent, respectively.

Table II.—Tolerance for Individual Case Within a Lot

U.S. consumer grade	Case quality	Origin (percent)	Destination (percent)
Grade AA.....	AA (min).....	77	62
	A or B.....	13	28
	Check (max).....	10	10
Grade A.....	A (min).....	77	72
	B.....	13	18
	Check (max).....	10	10
Grade B.....	B (min).....	80	80
	Check (max).....	20	20

§§ 2856.221, 2856.222, 2856.223**[Reserved]**

19. Sections 2856.221, 2856.222, 2856.223 are removed and the section numbers are reserved.

20. In § 2856.226, paragraphs (d), (e), and (f) are removed, and paragraphs (a), (b), and (c) are revised to read as follows:

§ 2856.226 Grades.

(a) "U.S. Specials—% AA Quality" shall consist of eggs of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below AA quality, not more than 7.5 percent may be B quality, Dirties, or Checks in any combination and not more than 2.0 percent may be Loss.

(b) "U.S. Extras—% A Quality" shall consist of eggs of which at least 20 percent are A quality; and the actual total percentage of A quality and better shall be stated in the grade name. Within the maximum of 80 percent which may be below A quality, not more than 11.7 percent may be Dirties or Checks in any combination and not more than 3.0 percent may be Loss.

(c) "U.S. Standards—% B Quality" shall consist of eggs of which at least 84.3 percent are B quality; and the actual total percentage of B quality and better shall be stated in grade name. Within the maximum of 15.7 percent which may be below B quality, not more than 11.7 percent may be Dirties or Checks in any combination and not more than 4.0 percent may be Loss.

21. Section 2856.227 is revised to read as follows:

§ 2856.227 Summary of grades.

A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

Table I.—Summary of U.S. Wholesale Grades for Shell Eggs

Wholesale-grade designation	Minimum percentage of eggs of specific qualities required ¹			Maximum tolerance permitted (lot average)		
	AA quality	A quality or better	B quality or better	B quality dirties and checks (percent)	Dirties and checks (percent)	Loss (percent)
U.S. specials—percent AA quality ²	20	(³)	(⁴)	7.5		2
U.S. extras—percent A quality ²		20	(³)		11.7	3
U.S. standards—percent B quality ²			84.3		11.7	4

¹ Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.

² The actual total percentage must be stated in the grade name.

³ Balance.

⁴ None except for tolerance.

22. Section 2856.228 is revised to read as follows:

§ 2856.228 Weight classes.

The weight classes for United States Wholesale Grades for Shell Eggs shall be as indicated in Table I of this section.

23. Section 2856.230 is revised to read as follows:

§ 2856.230 Grade.

"U.S. Nest Run—% AA Quality" shall consist of eggs of current production of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 15 percent which may be below A quality, not more than 10 percent may be B quality for shell shape, interior quality (including meat or blood spots), or due to rusty or blackish-appearing cage marks or blood stains, not more than 5 percent may have adhering dirt or foreign material on the shell $\frac{1}{2}$ inch or larger in diameter, not more than 6 percent may be Checks, and not more than 3 percent may be Loss. Marks which are slightly gray in appearance and adhering dirt or foreign material on the shell less than $\frac{1}{2}$ inch in diameter are not considered quality factors. The eggs shall be officially graded for all other quality factors. No case may contain less than 75 percent A quality and AA quality eggs in any combination.

§ 2856.231 [Amended]

24. In section 2856.231, Table I is amended by removing the words "and C" and the words "texture or" from the heading reading "B and C quality for shell texture or shape, interior quality (including blood and meat spots) or cage marks and blood stains" and by changing the figure "2" to "5" under the

column reading "Adhering dirt or foreign material $\frac{1}{2}$ inch or larger in diameter."

(Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Done at Washington, D.C. on: July 21, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-22537 Filed 8-3-81; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Designation of Port of Entry for Aliens

Correction

In FR Doc. 81-20892, appearing at page 36827, in the issue of Thursday, July 16, 1981, make the following correction:

On page 36827, third column, under "Supplementary Information", "8 CFR 100.4(3)" should be changed to read "8 CFR 100.4(c)(3)".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Denial of Petition for Revoking Nuclear Plant Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of a Petition requesting the NRC to revoke the licenses of all nuclear plants and all other fuel cycle facilities except those involving isolation of hazardous radioactive material.

SUMMARY: The Commission has determined that the petition filed by Ms. Jeannine Honicker requesting a permanent shutdown of all licensed nuclear plants and associated fuel cycle activities, except waste disposal facilities, should be denied. The Commission has found that the Honicker petition greatly overestimates the health effects caused by radioactive effluents from the nuclear fuel cycle. The Commission has also rejected the petition's legal argument that nuclear power must be held unlawful if it can be shown that its health impacts will include deaths among the general public.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT:

E. Leo Slaggie, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 202-634-3224.

SUPPLEMENTARY INFORMATION:

1. Background

Ms. Jeannine Honicker of Nashville, Tennessee, filed before the Nuclear Regulatory Commission (NRC) a petition dated July 29, 1978 asking the Commission to revoke the licenses of all nuclear plants and virtually all other nuclear fuel cycle activities except those dealing with disposal of wastes.¹ The petition asserted that the nuclear fuel cycle is "inextricably intertwined with the release of deadly poisons to the biosphere." The petition claimed that "hundreds to thousands of additional cancers" are now occurring as a result of routine releases of radioactive fuel cycle effluents and that "on the order of 100 deaths will occur at the milling stage of the nuclear fuel cycle to future people for each day that fuel is produced." Petition at 128. The petition called for substantial action "to address the emergency" within thirty days.

In a letter to Ms. Honicker dated September 7, 1978 the Commission said that because the petition raised complex technical issues the Commission would await an analysis from its technical staff

¹ The "nuclear fuel cycle" associated with the enriched uranium-fueled power reactors used by the U.S. nuclear industry includes uranium mining and milling, production of uranium hexafluoride, isotopic enrichment, fuel fabrication, spent fuel storage and disposal, possible reprocessing of irradiated fuel, transportation of radioactive materials and management of low- and high-level wastes. Radioactive effluents and other impacts associated with waste management and reprocessing were recently discussed by the Commission in the statement of consideration supporting a final rule specifying fuel cycle impact values to be included in environmental reports and impact statements for individual light-water nuclear power reactors. See 44 Fed. Reg. 45362 (August 2, 1979).