

effectuate the declared policy of the act, it is necessary to make the regulatory provisions effective as specified, and handlers have been notified of the regulation and its effective date.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

1. The authority citation for 7 CFR Part 908 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 908.659 is added to read as follows:

§ 908.659 Valencia Orange Regulation 359.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period August 30, 1985, through September 5, 1985, are established as follows:

- (a) District 1: 240,000 cartons;
- (b) District 2: 410,000 cartons;
- (c) District 3: Unlimited cartons.

Dated: August 22, 1985.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-20438 Filed 8-26-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 921

Handling of Fresh Peaches Grown in Designated Counties in Washington

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Finalization of interim final rule.

SUMMARY: The Department of Agriculture (USDA) has decided to leave in effect an interim final rule which relaxed the grade requirements for certain shipments of Washington peaches. These changes are designed to maximize the marketing of fresh peaches of suitable quality in the interest of producers and consumers.

EFFECTIVE DATE: September 26, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone: 202-447-5975.

SUPPLEMENTARY INFORMATION: This finalization of an interim final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley,

Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The interim final rule became effective on July 1, 1985, and was published in the *Federal Register* (50 FR 27411) on July 3, 1985. The rule revised § 921.318 (Peach Regulation 18) under Marketing Order 921 establishing grade and size requirements for Washington peaches effective July 1, 1985. It provided that for the period ending March 31, 1986, peaches which grade Washington No. 2 Grade or better may be handled if they are packed in the western lug box. Prior to July 1, 1985, such peaches packed in the western lug box or standard peach box were required to grade Washington Fancy Grade or better. The grade requirement relaxation is intended to maximize the marketing of fresh peaches of suitable quality to producers and consumers. The rule provided that interested persons could file written comments through July 31, 1985, none of which were received.

The Washington peach regulation was based upon the recommendation of the Washington Fresh Peach Marketing Committee comprised of Washington peach producers and handlers, and was issued under the marketing agreement, as amended, and Order No. 921, as amended (7 CFR Part 921), regulating the handling of peaches grown in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

List of Subjects in 7 CFR Part 921

Marketing Agreements and Orders, Washington, Peaches.

PART 921—[AMENDED]

1. The authority citation for 7 CFR Part 921 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. The interim final rule published in the *Federal Register* (50 FR 27411) revising § 921.318 is adopted as a final rule.

Dated: August 22, 1985.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-20439 Filed 8-26-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 967

Celery Grown in Florida; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1985-86 season, with the objective of assuring adequate supplies and orderly marketing.

EFFECTIVE DATE: August 27, 1985.

FOR FURTHER INFORMATION CONTACT: James B. Wendland, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-5432.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Marketing Agreement No. 149 and Order No. 967, both as amended, regulate the handling of celery grown in Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Celery Committee, established under the order, is responsible for local administration.

This regulation is based upon the unanimous recommendations made by the committee at its public meeting at Orlando on May 23.

The committee recommended a Marketable Quantity of approximately 6.9 million crates of fresh celery for the 1985-86 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 11 *Federal Register* (50 FR 28210) inviting written comments by August 12, 1985. A comment was received from Anthony R. Conte, City Councillor, Revere, Massachusetts, objecting to the proposal and marketing orders in general. His comment was fully considered but rejected as inconsistent with the policy of the act and purposes of the order.

The Marketable Quantity is about 35 percent more than the approximately 5.1 million crates marketed fresh during the season which ended July 31, 1985. Each

producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his/her historical marketings. This recommendation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1984-85 total Base Quantities is authorized for new producers and for increases by existing producers. One application for a new base of 140,000 crates was received and approved.

Findings

On the basis of all considerations it is hereby determined that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) adequate notice has been given of the requirements of this regulation through publicity in the production area and by publication in the July 11 Federal Register; (2) the regulation should become effective as early as possible in the marketing year which begins August 1, so producers and handlers will be afforded maximum time in which to plan their operations; and (3) compliance with this section, which is similar to those issued in previous seasons, requires no special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, generally in the latter part of October.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

PART 967—[AMENDED]

§ 967.320 [Removed]

Section § 967.320 (49 FR 33204, August 22, 1984) is removed and a new § 967.321 is added as follows:

§ 967.321 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1985-86 Season ending July 31, 1986.

(a) The Marketable Quantity established under § 967.36(a) is 6,929,738 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b) no handler shall handle any harvested celery unless it is within the Marketable Allotment of

a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: August 22, 1985.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-20443 Filed 8-26-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AGL-15]

Alteration of Control Zone; Ohio

Correction

In FR Doc. 85-18553 beginning on page 32393 in the issue of Monday, August 12, 1985, in the third column of page 32393, and the first column of page 32394, correct the spelling of "Rickenbacker Airport" to read "Rickenbacker Airport" each time it appears.

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 77P-0300]

Canned Peaches; Standard of Quality

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the U.S. standard of quality for canned peaches to include: (1) A uniformity of size requirement for whole, halves, and quarter styles based on the diameter of the units; (2) a limitation on pits and pieces of pit; and (3) requirements for chunky style. This action will promote honesty and fair dealing in the interest of consumers and facilitate international trade.

DATES: Effective July 1, 1987, all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date shall

fully comply. Except as to any provisions that may be stayed by the filing of proper objections, voluntary compliance with this final regulation, including any required labeling changes may begin October 28, 1985. Objections by September 26, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION:

Background

In the Federal Register of August 26, 1980 (45 FR 56823), FDA published a proposal to amend the standard of quality for canned peaches (21 CFR 145.170(b)) in consideration of the quality provisions of the Recommended International Standard for Canned Peaches, First Revision, 1975 (CAC/RS 14-1969) (Codex standard) and petitions by Libby, McNeill & Libby, Inc., California League of Food Processors (formerly the Cannery League of California), and the Food Safety and Quality Service, United States Department of Agriculture (USDA). Interested persons were given until October 27, 1980, to comment on the proposal. The agency published a final rule addressing part of the proposal in the Federal Register of June 26, 1981 (46 FR 33027). In that same issue of the Federal Register, the agency reopened and extended to April 27, 1982 the comment period (see 46 FR 33055; June 26, 1981) to permit the submission of data by the affected industry on its ability to meet the uniformity of size and pit and pit fragments limitation.

Comments

Two comments were received on the proposal. Based on data developed during the extended comment period, the comments supported the uniformity of size requirement but argued that the limitation on trimmed units should not be applicable to the chunky style because, by definition, chunky style canned peaches are not distinctively or uniformly shaped. The whole, halves, quarters, and slices styles of canned peaches are uniformly shaped to conform to the descriptive name for, and the normal shape of, the peach unit.

FDA agrees with the comments and has revised § 145.170(b)(1)(vi) accordingly.

The comments also recommended that FDA adopt the pit and pit fragment tolerance in the 1962 USDA voluntary grade standards, in lieu of the Codex requirement, for canned clingstone and canned freestone peaches because the proposed pit and pit fragments limitations do not reflect current good manufacturing practice. In support of their position, the comments included data that show that up to 34 percent of the clingstone peaches examined in July 1981 would not comply with the proposal.

FDA has carefully reviewed the comments and the submitted supporting data. The record shows that the 1962 USDA voluntary grade standards are reasonable and describe current good manufacturing practice more accurately than do the proposed Codex standards or other available standards. FDA believes that the inclusion in FDA's rule of the 1962 USDA voluntary standards will protect consumers and will promote honesty and fair dealing in the interest of consumers. FDA has revised § 145.170(b) (1)(viii) and (3) accordingly.

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354 (5 U.S.C. 601)), FDA has considered the effect that this final rule would have on small entities including small businesses and has determined that this final rule would have no adverse effects because, based on the comments received, industry considers these requirements, as revised, to be current good manufacturing practice. Therefore, FDA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Any person who will be adversely affected by this regulation may at any time on or before September 26, 1985 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a

waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Notice of the filing of objections or lack thereof will be published in the Federal Register.

List of Subjects in 21 CFR Part 145

Canned fruits, Food standards, Fruits.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 145 is amended as follows:

PART 145—CANNED FRUITS

1. The authority citation for 21 CFR Part 145 continues to read as follows:

Authority: Secs. 401, 701, 52 Stat. 1046 as amended, 1055-1056 as amended (21 U.S.C. 341, 371); 21 CFR 5.10.

2. In § 145.170 by revising paragraph (b), to read as follows:

§ 145.170 Canned peaches.

(b) *Quality.* (1) The standard of quality for canned peaches is as follows:

(i) *Maturity.* All units tested in accordance with the method prescribed in paragraph (b)(2) of this section are pierced by weight of not more than 300 grams (10.6 ounces).

(ii) *Minimum size.* In the case of halves and quarters styles, the weight of each unit is not less than 17 grams (0.6 ounce) and 8.5 grams (0.3 ounce), respectively.

(iii) *Uniformity of size—(a) Whole, halves, and quarters.* In the case of whole, halves, and quarters styles, the diameter (width) of the largest unit is not more than 1.5 centimeters (0.6 inch) greater than the diameter (width) of the smallest unit. In containers with more than 20 units, 2 units may be disregarded in making the determination. Where a unit has broken in the container, the combined broken pieces are to be reassembled to approximate a single unit of the appropriate style.

(b) *Chunky.* In the case of chunky style, not more than 25 percent of the drained weight of the contents of the container consists of units that will pass through an opening 13 millimeters (0.5 inch) wide or that are more than 44 millimeters (1.75 inches) along the longest cut edge.

(iv) *Peel.* Not more than 15 square centimeters aggregate area of peel per 1,000 grams (1.05 square inches per 16

ounces) of net weight. Include any peel adhering to the peach or loose in the container.

(v) *Blemished units.* Not more than 20 percent by count of the units in the container are blemished, e.g., with scab, hail injury, discoloration, or other abnormalities. Blemished units are units which contain surface discolorations that definitely contrast with the overall color and may penetrate into the flesh.

(vi) *Trimmed units.* In the case of whole, halves, quarters, and slices styles, all units are untrimmed or are so trimmed as to preserve normal shape of the units.

(vii) *Crushed or broken units.* In the case of whole, halves, halves and pieces, quarters, slices, dice and chunky styles, not more than 5 percent by count of the units in containers of 20 or more units and not more than 1 unit in containers of fewer than 20 units are crushed or broken. A unit that has lost its normal shape because of ripeness and bears no mark of crushing shall not be considered crushed or broken.

(viii) *Pits and pieces of pit.* In the case of all styles, except whole peaches and when whole peach pits or peach kernels are used as seasoning ingredients, there is not more than one loose pit or one loose large hard piece of pit (10 millimeters (3/8 inch) or larger) or one unit of peach (e.g., peach half or peach slice) to which one or more large hard pieces of pit are attached per 5.67 kilograms (200 ounces) net weight. In addition, there is not more than three of any one or any combination of two or more, per 2.83 kilograms (100 ounces) net weight of the following: (a) A unit to which one or more small hard pieces of pit less than 10 millimeters (3/8 inch) but not less than 1.6 millimeters (1/16 inch) are attached, (b) a unit to which three or more small pieces of pit less than 1.6 millimeters (1/16 inch) are attached, or (c) a loose small hard piece of pit less than 10 millimeters (3/8 inch).

(2) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of paragraph (b)(1)(i) of this section: So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 29 millimeters (1.125 inches) inside diameter, with vertical sides; or rectangular in shape, 19 millimeters (0.75 inch) by 25 millimeters (1 inch) inside measurements, with ends vertical and sides sloping downward and joining at

the center at a vertical depth of 19 millimeters (0.75 inch). Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with a rectangular peel surface at least 13 millimeters (0.51 inch) by 25 millimeters (1 inch) cannot be trimmed. Test the piece by means of a round metal rod 4 millimeters (0.16 inch) in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams (3.53 ounces). Set the receptacle so that the surface of test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams (0.45 ounce) per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(3) Determine compliance as specified in § 145.3(o) except that a lot shall be deemed to be in compliance for peel, pits, and pieces of pit based on the average of all samples analyzed according to the sampling plans set out in § 145.3(p).

(4) If the quality of canned peaches falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality defined in § 130.14(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned peaches falls below standard with respect to only one of the factors of quality specified in paragraph (b)(1) (i) through (viii) of this section, there may be substituted for the second line of such general statement of substandard quality ("Good Food—Not High Grade") a new line, as specified after the corresponding designation of paragraph (b)(1) of this section which the canned peaches fail to meet, as follows: (i) "Not tender"; (ii) "Small halves" or "Small quarters" as the case may be; (iii) (a) "Mixed sizes"; (b) "Undersized and/or oversized pieces"; (iv) "Excess peel"; (v) "Blemished"; (vi) "Unevenly trimmed"; (vii) "Partly

crushed or broken"; (viii) "Contains pits or pit fragments". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "peaches" and any words and statements required or authorized to appear with such name by paragraph (a)(2) of this section.

Dated: August 9, 1985.
Mervin H. Shumate,
Acting Associate Commissioner for
Regulatory Affairs.
[FR Doc. 85-20376 Filed 8-26-85; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

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

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Nutrius, Inc., providing for the manufacture of a 20-gram-per-pound tylosin premix to be used to make complete feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: August 27, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Nutrius, Inc., Two Brecksville Commons, 8221 Brecksville Rd., Brecksville, OH 44141, is the sponsor of a supplement to NADA 93-518 submitted on its behalf by Elanco Products, Co. The supplement provides for the manufacture of a new 20-gram-per-pound tylosin premix used to make complete feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1)(i) through (vi). Nutrius, Inc., had previously received approval for 1-, 2-, 4-, 5-, 8-, 10-, and 40-gram-per-pound tylosin premixes. The supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug

Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) (April 28, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. In § 558.625 by revising paragraph (b)(2) to read as follows:

§ 558.625 Tylosin.

(b) * * *

(2) To 051359: 1, 2, 4, 5, 8, 10, 20, and 40 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

Dated: August 20, 1985.
Marvin A. Norcross,
Acting Associate Director for Scientific
Evaluation.

[FR Doc. 85-20380 Filed 8-26-85; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins, Monensin, and Roxarsone

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

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Hoechst Corp., providing for safe and effective use of 1 to 2 grams (g) of bambermycins per ton of complete broiler feed in combination with monensin and roxarsone.

EFFECTIVE DATE: August 27, 1985.