the kernel is not materially affected by the missing part.

§ 51.2118 Clean.

Clean means that the kernel is practically free from dirt and other foreign substance.

§ 51.2119 Well dried.

Well dried means that the kernel is firm and brittle, and not pliable or leathery.

§ 51.2120 Decay.

Decay means that part or all of the kernel has become decomposed.

§ 51.2121 Rancidity.

Rancidity means that the kernel is noticeably rancid to the taste.

§ 51.2122 Insect injury.

Insect injury means that the insect, web, or frass is present or there is definite evidence of insect feeding.

§ 51.2123 Foreign material.

Foreign material means pieces of shell, hulls or other foreign matter which will not pass through a round opening 8/64 of an inch (3.2 mm) in diameter.

§ 51.2124 Doubles.

Doubles means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

§ 51.2125 Split or broken kernels.

Split or broken kernels means seven-eighths or less of complete whole kernels but which will not pass through a round opening 8/64 of an inch (3.2 mm) in diameter.

§ 51.2126 Particles and dust.

Particles and dust means fragments of almond kernels or other material which will pass through a round opening 8/64 of an inch (3.2 mm) in diameter.

§ 51.2127 Injury.

Injury means any defect which more than slightly detracts from the appearance of the individual almond. The following shall be considered as injury:

(a) Chipped and scratched kernels when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch (3.2 mm) in diameter.

§ 51.2128 Damage.

Damage means any defect which materially detracts from the appearance of the individual kernel, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Chipped and scratched kernels, when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch (6.4 mm) in diameter;

(b) Mold, when visible on the kernel, except when white or gray and easily rubbed off with the fingers;

(c) Gum, when a film of shiny, resinous appearing substance affects an area aggregating more than the equivalent of a circle one-quarter inch (6.4 mm) in diameter;

(d) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or only partially developed: Provided, that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat;

(e) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch (3.2 mm) in diameter; and,

(f) Skin discoloration when more than one-half of the surface of the kernel is affected by very dark or black stains contrasting with the natural color of the skin.

§ 51.2129 Serious damage.

Serious damage means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

§ 51.2130 Diameter.

Diameter means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel or piece of kernel through a round opening.

§ 51.2131 Fairly uniform in size.

Fairly uniform in size means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

Dated: January 14, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–1330 Filed 1–17–97; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 51

[Docket Number FV–96–301]

Florida Grapefruit, Florida Oranges and Tangelos, and, Florida Tangerines; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the United States Standards for Grades of Florida Grapefruit, United States Standards for Grades of Florida Oranges and Tangelos, and, United States Standards for Grades of Florida Tangerines. This rule revises the ''Application of Tolerances'' sections, which establishes the limitations of defective fruit per sample. It also sets a minimum sample size of twenty-five fruit.

EFFECTIVE DATE: February 20, 1997.

FOR FURTHER INFORMATION CONTACT: Frank O'Sullivan, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2065 South Building, Washington, D.C. 20090–6456, or call (202) 720–2185.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

There are approximately 150 handlers of Florida citrus who are subject to regulation under these standards and approximately 11,000 producers of citrus in Florida. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. A majority of handlers and producers of Florida citrus may be classified as small entities.

The revisions are to the ''Application of Tolerances'' sections, which establishes the limitations of defective fruit per sample and the ''Tolerances'' sections, which add a minimum of twenty-five fruit per sample. The industry stated that without these

revisions to the standards it would be very costly to the Florida citrus industry. If the standards are not revised an excessive amount of destruction to consumer packages could occur, resulting in costly repacking of fruit and replacing of these destroyed packages. Also, without these changes the tolerances would be too restrictive for consumer packages, ultimately resulting in failing to market citrus account of one piece of defective fruit. They also indicated that the minimum sample size should be a minimum of twenty-five fruit. Accordingly, AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of the rule.

The interim final rule with request for comment, United States Standards for Grades of Florida Grapefruit, Florida Orange and Tangelos, and Florida Tangerines, was published in the Federal Register on August 2, 1996 (61 FR 40289–40290).

The United States Standards for Grades of Florida Grapefruit, United States Standards for Grades of Florida Oranges and Tangelos, and United States Standards for Grades of Florida Tangerines were recently revised following extensive discussions with the Florida citrus industry. However, we received two requests after the publication date concerning the revisions to the standards. One was from the Florida Citrus Packers, Inc., which ''represents nearly 90 percent of Florida's fresh commercial citrus industry, growers and shippers'' and from the Commissioner of the Florida Department of Agriculture and Consumer Services (FDACS). Both requested revision of the ''Application of Tolerances'' sections of the standards and they requested a minimum sample size of twenty-five fruit for each of the U.S. standards for Florida citrus.

The 60-day comment period for the interim final rule ended October 1, 1996, and a total of two comments were received. One comment was from an industry trade association which represents growers and shippers of Florida citrus, and the other comment was from the FDACS. Both comments were in favor of the revisions in their entirety.

The industry stated that without these revisions to the standards it would be very costly to the Florida citrus industry. If the standards are not revised an excessive amount of destruction to consumer packages could occur, resulting in costly repacking of fruit and replacing of these destroyed packages. Also, without these changes the tolerances would be too restrictive for consumer packages, ultimately resulting in failing to market citrus on account of one piece of defective fruit. They also indicated that the minimum sample size should be a minimum of twenty-five fruit.

The FDACS stated that they ''* * * support the interim final rule which bases tolerances and application of tolerances on a minimum 25 count sample for U.S. grades of Florida citrus.''

This rule finalizes the interim final rule which changed Sections 51.760, 51.1151, and 51.1820 ''Tolerances,'' to set a minimum sample size of twenty-five fruit, which reads as follows: ''In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:'' The Sections 51.761, 51.1152, and 51.1821 ''Application of Tolerances,'' will also change from individual package limitations to limitations on individual samples and will read as follows:

''Individual samples are subject to the following limitations, unless otherwise specified in §§ 51.760, 51.1151, 51.1820, respectively. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided,* that at least one decayed or wormy fruit may be permitted in any sample: *And provided further,* that the averages for the entire lot are within the tolerances specified for the grade.''

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

For reasons set forth in the preamble, 7 CFR Part 51 is amended as follows:

PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. Section 51.760 is amended by revising the introductory text to read as follows:

§ 51.760 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:

* * * * *

3. Section 51.761 is revised to read as follows:

§ 51.761 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in § 51.760. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided,* that at least one decayed or wormy fruit may be permitted in any sample: *And provided further,* that the averages for the entire lot are within the tolerances specified for the grade.

4. Section 51.1151 is amended by revising the introductory text to read as follows:

§ 51.1151 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on a minimum 25 count sample, are provided as specified:

* * * * *

5. Section 51.1152 is revised to read as follows:

§ 51.1152 Application of tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in § 51.1151. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided,* that at least one decayed or wormy fruit may be permitted in any sample: *And provided further,* that the averages for the entire lot are within the tolerances specified for the grade.

6. Section 51.1820 is amended by revising the introductory text to read as follows:

§ 51.1820 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, based on

a minimum 25 count sample, are provided as specified:

* * * * *

7. Section 51.1821 is revised to read as follows:

§ 51.1821 Application of Tolerances.

Individual samples are subject to the following limitations, unless otherwise specified in § 51.1820. Individual samples shall have not more than one and one-half times a specified tolerance of 10 percent or more, and not more than double a specified tolerance of less than 10 percent: *Provided,* that at least one decayed or wormy fruit may be permitted in any sample: *And provided further,* that the averages for the entire lot are within the tolerances specified for the grade.

Dated: January 14, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–1329 Filed 1–17–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–242–AD; Amendment 39–9883; AD 97–01–12]

RIN 2120–AA64

Airworthiness Directives; Airtell International, Inc., Centaurus Model C3–100 Ground Proximity Warning System (GPWS), as Installed in Various Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airtell International, Inc., Centaurus Model C3–100 GPWS equipment that is installed on any type of airplane, that requires replacement of this equipment with a similar type of equipment that meets specific performance requirements. This amendment is prompted by results of an investigation, which revealed that, under certain circumstances, the Centaurus GPWS equipment does not provide the flight crew with aural warnings to indicate that the airplane is descending. The actions specified by this AD are intended to prevent failure of the GPWS equipment to provide such aural warnings. If the flight crew relies on receiving such warnings and the GPWS equipment fails to provide those warnings, the ability of the flight crew to prevent the airplane from impacting the ground may be inhibited.

EFFECTIVE DATE: February 25, 1997.

ADDRESSES: Information pertaining to this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John P. Dimtroff, Aerospace Engineer, Flight Test and Systems Branch, ANM–111, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2117; fax (206) 227–1100.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airtell International, Inc., Centaurus Model C3–100 ground proximity warning system (GPWS) equipment that is installed on any type of airplane was published in the Federal Register on October 18, 1996 (61 FR 54364). That action proposed to require removal and replacement of Centaurus Model C3–100 GPWS equipment with a similar type of equipment that meets specific performance requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 30 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $16,000 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $516,000, or $17,200 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–01–12 Airtell International, Inc.: Amendment 39–9883. Docket [96–NM–242–AD.]

Applicability: Centaurus Model C3–100 ground proximity warning system (GPWS) equipment, as installed in, but not limited to, the following airplanes, certificated in any category:

Beech 99 series airplanes;
Beech 200 series airplanes;
Dassault Aviation Model Mystere-Falcon 200 series airplanes;
EMBRAER (Empresa Brasileira de Aeronautica S.A.) EMB–110 series airplanes;
Fairchild Aircraft Model SA226–TC series airplanes;
Fairchild Aircraft Model SA227–AT series airplanes; and