

regulation. The committee estimates fresh shipments of California nectarines for 1981 at 16,206,000 packages, compared with 15,677,000 packages last season. The committee reports that the 1981 California nectarine crop is sizing normally and is of good quality.

The grade and size requirements are necessary to prevent the shipment of California nectarines of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of nectarines is in progress and this regulation should be applicable to all shipments during the season; (2) the current California nectarine regulation (45 FR 32308; 45252) will expire May 31, 1981; (3) the California nectarine regulation was recommended by the committee following discussion at a public meeting; (4) California nectarine handlers have been apprised of these requirements and the effective date; and (5) the requirements are essentially the same as those currently in effect.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, a new § 916.355 is added to read as follows: (§ 916.355 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 916.355 Nectarine Regulation 13.

(a) During the period June 1, 1981, through August 15, 1981, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided*, That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further*, That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle $\frac{3}{8}$ inch in diameter, and nectarines larger

than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{1}{2}$ inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Aurelio Grand, Mayfair, Maybelle, or Royal Delight variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 98 nectarines.

(4) Any package or container of Apache, Armking, Arm Queen, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, 73-40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independence, Kent Grand, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal

Grand, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Star Grand, Summer Grand, Sun Grand, or Sun King variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145-3160); "No. 22D standard lug box" means the same as defined in Section 1380.19(17) of the "Regulations of the California Department of Food and Agriculture."

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

Dated: May 27, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-18235 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A—REA Bulletins to provide for a revision of REA Bulletin 40-7, "National Electrical Safety Code—ANSI C2, 1981 Edition." The revision changes the standards to which all REA-financed construction must comply from the 1977 edition of the National Electrical Safety Code to the 1981 edition.

EFFECTIVE DATE: May 19, 1981.

FOR FURTHER INFORMATION CONTACT:

James C. Dedman, telephone (202) 447-7040. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270-S, U.S.

Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). REA hereby amends Appendix A—REA Bulletins to provide for a revision of REA Bulletin 40-7, "National Electrical Safety Code—ANSI C2, 1981 Edition." A Notice of Proposed Rulemaking was published in the *Federal Register* on February 3, 1981, Volume 46, No. 22. However, no public comments were received in response to this notice.

This final action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: May 19, 1981.

Joe S. Zoller,
Acting Administrator.

[FR Doc. 81-15006 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-15-M

Food Safety and Quality Service

9 CFR Part 331

[Docket Number 81-018F]

Designation of the State of Idaho Under the Federal Meat Inspection Act

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Idaho under section 301(c)(3) of the Federal Meat Inspection Act. The Governor of the State of Idaho has advised this Department that the State of Idaho is no longer in a position to continue administering a State meat inspection program after June 30, 1981. Accordingly, effective July 1, 1981, all establishments operating under the Idaho meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Part 331, Subchapter

A, Chapter III, Title 9 of the Code of Federal Regulations.

EFFECTIVE DATES: Effective date of this notice: May 31, 1981. Effective date of the application of the regulations will be July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Idaho indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Consequently, it should 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this action will not have a significant impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Idaho, of administering the meat inspection program with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 75 heretofore State inspected establishments in Idaho, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small

meat establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by these Idaho establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months, in which to make such changes.

Background

The Governor of the State of Idaho has advised this Department that the State of Idaho is no longer in a position to continue administering the State meat inspection program after June 30, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Idaho had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Idaho program, it is hereby determined that Idaho is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On July 1, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment

in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after June 30, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. R. B. Albritton, Acting Director, Western Region, Meat and Poultry Inspection Program, U.S. Department of Agriculture, Building 2C, 620 Central Avenue, Alameda, California 94501, (415) 273-7402.

Accordingly, Part 331 is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Idaho" is added immediately below "Guam".

In the "Effective date of application of Federal provisions" column, "July 1, 1981," is added on the line with "Idaho".

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the State of Idaho immediately, in accordance with section 301(c) of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: May 6, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-16148 Filed 5-28-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning; Correction.

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is making two minor corrections to its emergency planning rules that appeared in the *Federal Register* of Tuesday, August 19, 1980 [45 FR 55402]. The two corrections are designed to bring the language of the rule into conformity with the Commission's intent.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mark E. Chopko, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 202-634-3224.

SUPPLEMENTARY INFORMATION: In approving the text of the final rules on emergency planning on July 23, 1980, the Commission gave considerable attention to whether the overall standard to be used in judging emergency preparedness should be "whether the state of onsite and offsite emergency preparedness provides reasonable assurance that appropriate protective measures can and will be taken in the event of a radiological emergency" or some other standard. See SECY-80-275, Encl. B at 1, Vol. 14 of Administrative Record of Emergency Planning Rulemaking (PR-50 (44 FR 75167)) [emphasis added]. After extensive debate, the Commission settled upon "adequate" instead of "appropriate." The final rule, with two inadvertent exceptions, reflects that change. 45 FR 55402 (August 19, 1980), Transcript of July 23, 1980 Meeting, 20-48 (Vol. 9 of Record, *supra*). As the record makes clear, the Commission specifically intended in its public deliberations that the word "appropriate" was to be changed accordingly, especially in the rules. *Id.* at 47-48, 123-124. Indeed, the Supplementary Information uses the intended formulation "adequate protective measures" with respect to both new licenses and operating facilities in describing the final rules. 45 FR at 55403. However, one passage in 10 CFR 50.54(s)(2) [45 FR at 55410] and one passage in Appendix E, § III [45 FR at 55411] had been inadvertently overlooked in editing the final rule for publication last July. These minor corrections will conform the passages

noted to the Commission's intent by replacing "appropriate" with "adequate" in the phrase "reasonable assurance that . . . protective measures can and will be taken" in 10 CFR 50.54 and making a similar change in Appendix E, § III.

Because the change is of a minor nature to conform the rules to the Commission's intent as stated in the public record of the rulemaking and does not signal any change in the standards applied under the rule or any other change in NRC practice, the Commission finds good cause to publish the rule without advance notice and public comment thereon as unnecessary. For the same reasons, these corrections shall be effective as a final rule upon publication in the *Federal Register*.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as documents subject to codification:

1. Section 50.54 is amended by revising paragraph (s)(2) as follows:

§ 50.54 Conditions of licenses.

• • • • •
(s) • • •

(2) For operating power reactors, the licensee, State, and local emergency response plans shall be implemented by April 1, 1981, except as provided in Section IV, D.3 of Appendix E of this Part. If, after April 1, 1981, the NRC finds that the state of emergency preparedness does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency and if the deficiencies are not corrected within four months of that finding, the Commission will determine whether the reactor shall be shut down until such deficiencies are remedied or whether other enforcement action is appropriate. In determining whether a shutdown or other enforcement action is appropriate, the Commission shall take into account, among other factors, whether the licensee can demonstrate to the Commission's satisfaction that the deficiencies in the plan are not significant for the plant in question, or that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons for continued operation.

2. Part 50, Appendix E is amended by revising the heading, and also revising the second paragraph of paragraph III, as follows [footnotes omitted]:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

III. The Final Safety Analysis Report

The plans submitted must include a description of the elements set out in Section IV for the Emergency Planning Zones (EPZs) to an extent sufficient to demonstrate that the plans provide reasonable assurance that adequate protective measures can and will be taken in the event of an emergency.

(Sec. 161b., i., and o., Pub. L. 93-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5341))

Dated at Washington, DC, this 22d day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 81-16145 Filed 5-28-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Order of the Director, OPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-8500.

Order of the Director, OPRR

Issued: May 22, 1981.

Publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978. Docket No. RM79-14.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of June 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

Table I.—Incremental pricing acquisition cost threshold prices

	Calendar year 1980												Calendar year 1981					
	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June
Incremental pricing threshold.....	\$1.702	\$1.738	\$1.750	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877	\$1.891	\$1.908	\$1.925	\$1.942	\$1.954	\$1.967
NGPA section 102 threshold.....	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640	2.667	2.698	2.729	2.761	2.787	2.813
NGPA section 109 threshold.....	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943	1.957	1.975	1.993	2.011	2.024	2.037
130% of No. 2 fuel oil in New York City threshold.....	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580	7.610	7.960	8.260	9.010	9.510	9.430

¹ The \$7.960 figure reflects the correct pricing threshold for high cost natural gas, effective February 1, 1981.

[FR Doc. 81-16146 Filed 5-28-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 76P-0026]

Canned Pineapple; Amendment of Standard of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final Rule; Confirmation of Effective Date.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date for compliance with the

amendment to the standard of identity for canned pineapple to provide for previously canned pineapple as an optional ingredient.

DATE: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun July 29, 1980.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: FDA published a final rule in the Federal

Register of July 10, 1979 (44 FR 40276) amending the U.S. standard of identity for canned pineapple. That standard required, in part, that canned pineapple be prepared from fresh pineapple. Except for provisions that may have been subsequently stayed by the filing of proper objections, the final rule had an effective date of July 1, 1981.

After considering the objections and requests for a hearing received, in the Federal Register of June 27, 1980 (45 FR 43389), FDA confirmed the July 1, 1981 effective date for compliance with all provisions of the amended U.S. standard of identity except for a further amendment of § 145.180(a)(1) (21 CFR 145.180(a)(1)) to provide for previously