

# Presidential Documents

Title 3—

Presidential Determination No. 79-12 of July 31, 1979

The President

Presidential Determination Under Section 4 of the Arms Export Control Act—Thailand

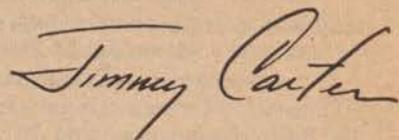
## Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 4 of the Arms Export Control Act, as amended, I hereby determine that the financing under the Arms Export Control Act of the sale of F-5E and F-5F aircraft, and associated equipment, to Thailand is important to the national security of the United States.

You are requested on my behalf to report this determination to the Congress, as required by law.

This determination shall be published in the **Federal Register**.

THE WHITE HOUSE,  
Washington, July 31, 1979.



[FR Doc. 79-25540

Filed 8-14-79; 3:43 pm]

Billing code 3195-01-M

## Presidential Documents

Presidential Determination No. 79-13 of August 3, 1979

### Presidential Determination Under Section 4 of the Arms Export Control Act—Egypt

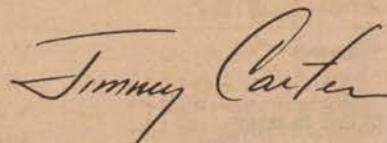
#### Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 4 of the Arms Export Control Act, as amended, I hereby determine that the financing under the Arms Export Control Act of the sale of F-4 aircraft and associated air-to-air and air-to-ground missiles, the Improved-Hawk surface-to-air missile system, and TOW antitank missiles to Egypt is important to the national security of the United States.

You are requested on my behalf to report this determination to the Congress, as required by law.

This determination shall be published in the **Federal Register**.

THE WHITE HOUSE,  
Washington, August 3, 1979.



[FR Doc. 79-25541

Filed 8-14-79; 3:44 pm]

Billing code 3195-01-M

# Rules and Regulations

Federal Register

Vol. 44, No. 160

Thursday, August 16, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 908

##### [Valencia Orange Regulation 625]

#### Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 17-23, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** August 17, 1979.

**FOR FURTHER INFORMATION CONTACT:** Malvin E. McGaha, 202-447-5975.

#### **SUPPLEMENTARY INFORMATION:** Findings.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of

maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on August 14, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia Oranges continues to be weak.

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), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447-5975.

#### **§ 908.925 Valencia Orange Regulation 625.**

**Order.** (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 17, 1979, through August 23, 1979, are established as follows:

- (1) District 1: 265,000 cartons;
- (2) District 2: 235,000 cartons; and
- (3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the market order.

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

Dated: August 15, 1979

William J. Doyle

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

[FR Doc. 79-25681 Filed 8-15-79; 11:40 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 1979-80 season, with the objective of assuring adequate supplies and orderly marketing.

**EFFECTIVE DATE:** August 16, 1979.

**FOR FURTHER INFORMATION CONTACT:** Peter G. Chapogas (202) 447-5432.

#### **SUPPLEMENTARY INFORMATION:**

Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR 967) regulate the handling of celery grown in Florida. It 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 in Orlando on June 13.

The committee recommended a Marketable Quantity of 9,644,310 crates of fresh celery for the 1979-80 season. This is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 23 Federal Register (44 FR 42998) inviting written comments by August 3, 1979. None was received.

The 9.6 million crate Marketable Quantity is 26 percent more than the 7.6 million crates marketed fresh during the season which ended July 31, 1979. Each producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation 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 1978-79 total Base Quantities is authorized for new producers and for increases by existing producers, with 279,705 crates to be allotted to each category. Four producers submitted applications for additional Base Quantities for use only one season. However, pursuant to § 967.151 (43 FR 15608) the committee denied such applications since under the formula set forth in § 967.155 (43 FR 57239), Base Quantities for the applicants would be increased a total of 512,243 crates.

To maximize the benefits of orderly marketing the regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 13, where it was unanimously recommended by the committee. This regulation is similar to ones in effect for past seasons.

**Findings.** On the basis of all considerations it is believed 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) notice was given of the handling regulation set forth in this section through publicity in the production area and by publication in the July 23 *Federal Register*, (2) as provided in the marketing agreement and order, this regulation applies to celery marketed during the 1979-80 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the latter part of October, (4) prompt issuance of this regulation will be beneficial to all interested persons because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance.

This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Peter G. Chapogas—(202) 447-5432.

7 CFR Part 967 is amended by adding a new § 967.315 as follows:

**§ 967.315 Handling regulation; marketing quantity; and uniform percentage for the 1979-80 season ending July 31, 1980.**

(a) The Marketable Quantity is established under § 967.36(a) as 9,644,310 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 with 279,705 crates allotted to each category.

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

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

Dated August 10, 1979 to become effective August 16, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-25300 Filed 8-15-79; 8:45 am]

BILLING CODE 3410-02-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 70

#### Licensing of Production and Utilization Facilities; Facilities and Access for Resident Inspection

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations to require power reactor licensees and construction permit holders and selected fuel facility licensees to provide (1) on site, rent-free, exclusive use of office space and (2) immediate licensee facility access to Commission inspection personnel. The rule is needed in order to facilitate implementation of a revised inspection program which was initiated in mid-1978. As a part of the revised program, the Commission is placing resident inspectors on site at selected nuclear power reactor construction sites, at selected power reactor sites in test and routine operations and at selected fuel facilities to observe and review licensee construction, operations, radiological safety,

safeguards and environmental protection activities.

**EFFECTIVE DATE:** September 17, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward L. Jordan, Assistant Director for Technical Programs, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone No. 301-492-8180.

**SUPPLEMENTARY INFORMATION:** On May 9, 1978, the Nuclear Regulatory Commission published in the *Federal Register* (43 FR 19860) a proposed amendment to its regulations, 10 CFR 50 *Licensing of Production and Utilization Facilities* and Part 70 *Special Nuclear Material*, which would implement authority of Section 161(o) of the Atomic Energy Act of 1954, as amended, and of the Energy Reorganization Act of 1974, as amended, in order to facilitate the on site resident inspection portion of its revised inspection program.

Interested persons were invited to submit written comments for consideration in connection with the proposed amendment by June 23, 1978. The comments which were received addressed three principal concerns: licensees should not be forced to provide rent-free space; the proposed space requirement was excessive and arbitrary; and inspector access provisions should be the same as for a regular plant employee.

In mid-1978, the Commission initiated a revised inspection program which includes the use of on site resident inspectors. Pursuant to Section 161(o) of the Atomic Energy Act of 1954, as amended, the Commission intends to place NRC resident inspectors on site at selected nuclear power reactor construction sites and at selected power reactor sites in test and in routine operation. Eventually the Commission expects to place full-time resident inspectors at all operating power reactors, at power reactors in later stages of construction and at selected fuel cycle facilities where nuclear reactor fuel is fabricated or processed. The resident inspector will observe and review licensee operations, construction safety, safeguards and environmental protection activities to determine whether they are adequate, conducted properly and at the required frequency. Other regionally or headquarters based NRC personnel will continue to provide technical support and management review as required for the inspection program.

In order to facilitate the performance of the resident inspection program it is necessary that office space be provided

to selected Commission personnel. The regulation as adopted requires that the licensee provide on site, rent-free, exclusive office space upon the request of the Director, Office of Inspection and Enforcement. This requirement is not unique in that other federal departments and agencies have continuous inspection programs that require those subject to their regulations to furnish appropriate facilities to the inspectors.

Sufficient space is required in order to accommodate a full-time inspector, a part-time secretary and transient NRC personnel. The suggested space is 250 square feet but the rule does not specify an exact area. The space provided is expected to be commensurate with space normally provided to licensee employees. For sites with more than one power reactor unit or fuel facility it may be necessary to assign more than one resident inspector. If additional resident inspectors are assigned to a site, additional space will be requested.

In order to assure that the resident inspector or regionally based inspectors are afforded the opportunity to conduct unfettered reviews of work in progress it is necessary and the regulation requires, that properly identified inspectors be provided immediate access to the facility (the same as regular licensee employees). The inspectors afforded such access will be provided by the licensee that site-specific radiological safety and security information necessary for their safety, security, and radiological protection and will conform to all facility safety and security requirements.

A briefing on site-specific radiological protection practices, security and emergency response actions is appropriate and sufficient for unescorted access to other than vital areas, radiation areas and areas contaminated with radioactive material, for those NRC personnel who infrequently visit a site. As a result of the comments on the proposed rule the Commission reexamined the legal basis for the requirement that licensees provide office space and determined that the requirement is neither an arbitrary use of the Commission's regulatory power nor an unreasonable burden on the licensee.

As a result of the concerns expressed in the comments over excessive space requirements, the Commission has changed the proposed area requirement to guidance, with the condition that the space provided shall be commensurate with other office facilities at the site. Acceptability of the space is in the authority of the Director, Office of Inspection and Enforcement.

As a result of comments on the proposed rule, the provision for access by inspectors likely to conduct inspections at a specific facility has been reworded to emphasize that unfettered access for inspectors who are likely to inspect a specific facility, will be equivalent to that for a regular plant employee. Inspectors likely to inspect are those who are expected to conduct several inspections at the specific facility during a given year.

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 1, Code of Federal Regulations, Parts 50 and 70 are published as a document subject to codification.

1. In § 50.70 of 10 CFR Part 50, an "(a)" is added preceding the present paragraph and paragraph (b) is added as follows:

#### § 50.70 Inspections.

(b)(1) Each licensee and each holder of a construction permit shall upon request by the Director, Office of Inspection and Enforcement, provide rent-free office space for the exclusive use of the Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by each licensee and each holder of a construction permit. The office shall be convenient to and have full access to the facility and shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single power reactor or fuel facility licensed pursuant to Part 50, the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 square feet either within the site's office complex or in an office trailer or other on site space is suggested as a guide. For sites containing multiple power reactor units or fuel facilities, additional space may be requested to accommodate additional full-time inspector(s). The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and communication equipment will be furnished by the Commission.

(3) The licensee or construction permit holder shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the

Regional Director as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

2. In § 70.55 10 CFR Part 70, paragraph (c) is added as follows:

#### § 70.50 Inspections.

(c)(1) In the case of fuel cycle facilities where nuclear reactor fuel is fabricated or processed each licensee shall upon request by the Director, Office of Inspection and Enforcement, provide rent-free office space for the exclusive use of Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by each licensee. The office shall be convenient to and have full access to the facility and, shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single fuel facility licensed pursuant to Part 70, the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 square feet either within the site's office complex or in an office trailer or other on site space is suggested as a guide. For sites containing multiple fuel facilities, additional space may be requested to accommodate additional full-time inspector(s). The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and communication equipment will be furnished by the Commission.

(3) The licensee shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Director as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

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

Dated at Washington, D.C. this 10th day of August, 1979.

For The Nuclear Regulatory Commission,  
 Samuel J. Chilk,  
 Secretary of the Commission.  
 [FR Doc. 79-25347 Filed 8-15-79; 8:45 am]  
 BILLING CODE 7590-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration 10 CFR Part 595

[Docket No. ERA-R-79-16]

#### Certification of the Use of Natural Gas To Displace Fuel Oil

**AGENCY:** Department of Energy  
 (Economic Regulatory Administration).

**ACTION:** Final rule.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy hereby adopts a final rule which establishes the criteria and procedures under which the Administrator of ERA will certify to the Federal Energy Regulatory Commission (FERC) that certain natural gas purchased by an end-user for its own consumption and to be transported by an interstate pipeline company will be used to displace fuel oil, but not coal. The ERA certification is a prerequisite for authorization of the transportation of the natural gas intended to displace fuel oil under the FERC rule at 18 CFR Part 284, Subpart F.

**EFFECTIVE DATE:** August 16, 1979.

#### FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room 2130, Washington, D.C. 20461, (202) 254-9766.

Lawrence A. DiRiccio (Division of Natural Gas Regulations), Economic Regulatory Administration, 2000 M Street, N.W., Room 3308, Washington, D.C. 20461, (202) 632-4721.

David A. Eaton (Office of Petroleum Operations), Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, (202) 254-8202.

Michael T. Skinker (Office of General Counsel), James G. Beste, Department of Energy, Room 7140, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, (202) 633-8788.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion
- III. Certification Rule Summary
- IV. Environmental Impact
- V. Potential Program Impact

#### I. Background

The ERA is today adopting a final rule which sets forth the criteria and procedures by which firms who have the capability to use natural gas in place of fuel oil and can arrange for direct purchases and transportation of natural gas pursuant to FERC's Order No. 30 (18 CFR Part 284, Subpart F, 44 FR 30323, May 25, 1979), or other FERC rules and orders, may apply to the ERA for the requisite certification of fuel oil displacement.

This certification rule is issued as part of a DOE strategy to utilize the present short-term excess of deliverable natural gas to displace fuel oil in order to reduce the need for petroleum imports and to restrain consumption of middle distillates in order to rebuild adequate stocks of heating oil for next winter. The use of this excess natural gas to displace oil is one of the components of the President's natural gas strategy as presented in the National Energy Plan II issued on May 7, 1979. Various events, including a major drawdown of middle distillate stocks during last winter's heating season, a shortage of diesel fuel, the interruption of Iranian crude oil exports, and the dramatic increase in world crude oil prices, underscore the immediate need to reduce consumption of fuel oil.

Some use of natural gas for fuel oil displacement is already occurring under existing FERC rules and the Natural Gas Policy Act of 1978 (Pub. L. 95-621, 92 Stat. 3350 15 U.S.C. 3301 et. seq.) (NGPA) authorities. Interstate natural gas pipeline companies have been actively seeking additional gas for system supply in order to reduce their curtailment of low-priority consumers who generally use fuel oil as an alternate fuel.

Nevertheless, certain historic industrial and electric utility users of natural gas, who are among the largest consumers of fuel oil, have been unable to obtain sufficient natural gas supplies from their traditional suppliers. At the same time their low-priority status, due to their use of natural gas for boiler fuel, effectively prevented them from obtaining FERC authorizations needed to permit interstate pipeline companies to transport natural gas purchased directly from producers or other sellers of gas.

On March 18, 1979, the DOE proposed a rule to the FERC which would encourage and facilitate the filing of applications by interstate pipeline companies for certificates of public convenience and necessity to transport oil displacement gas under section 7(c)

of the Natural Gas Act. Among the provisions of the proposed rule was a requirement that the Administrator of ERA certify to the FERC that the natural gas involved in the transaction would be used to displace fuel oil, but not to displace coal.

On April 2, 1979 the ERA adopted an interim-final rule (44 FR 20398), which established the interim procedures and criteria under which the Administrator would make the requisite certifications. In adopting the interim-final rule, ERA requested public comment. Two speakers gave oral testimony at a public hearing held in Washington, D.C., on April 18, 1979. In addition, ERA received twenty-four written comments on the interim-final rule.

On May 17, 1979, the FERC adopted Order No. 30 (44 FR 30323, May 25, 1979) permitting transportation of oil displacement gas by an interstate pipeline company after certification by ERA.

As of August 1, 1979, ERA has received 72 applications for certification. Eleven certifications have been issued to date. Most of the applications filed to date were outside the purview of this ERA certification program because either the applicant had not located an eligible seller or the transaction did not involve transportation by an interstate pipeline company.

#### II. Discussion

Public comment on the interim-final rule consisted of oral testimony from a representative of fuel oil marketers and from a spokesman for an electric utility, as well as twenty-four written comments, seven of which were from industrial firms or their representatives, five from electric utilities, six from natural gas distribution companies or their representatives, two from fuel oil refiners and marketers, one from a process gas users association, one from an intrastate natural gas pipeline company, one from a hospital association, and one from a private citizen.

Two of the commenters asserted that ERA has no jurisdiction to issue a certification rule. They state that section 402(a)(1)(D) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 et. seq.) establishes exclusive FERC jurisdiction over the issuance of certificates of public convenience and necessity under section 7 of the Natural Gas Act. They then conclude that the ERA certification rule will have a significant impact upon a function within the exclusive