

Rules and Regulations

Federal Register

Vol. 44, No. 170

Thursday, August 30, 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 Reg. 627; Valencia Orange Reg. 626, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 31-September 6, 1979, and increases the quantity of such oranges that may be so shipped during the period August 24-30, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective August 31, 1979, and the amendment is effective for the period August 24-30, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are 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 28, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has shown improvement.

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 and amendment are 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, and the amendment relieves restrictions on the handling of Valencia oranges. 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.

§ 908.927 Valencia Orange Regulation 627.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 31, 1979, through September 6, 1979, are established as follows:

- (1) District 1: 324,000 cartons;
- (2) District 2: 276,000 cartons;
- (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 marketing order.

§ 908.926 [Amended].

2. Paragraph (a)(1) and (2) in § 908.926 Valencia Orange Regulation 626 (44 FR 49415), is hereby amended to read:

- (1) District: 351,000 cartons.
- (2) District: 299,000 cartons.

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

Dated: August 29, 1979

Charles R. Brader,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 79-27388 Filed 8-29-79; 11:11 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of VARIG S. A. (Brazilian Airlines) to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment of the regulations of the Immigration and Naturalization Service to add a carrier to the list of transportation lines which have entered into agreements with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in

section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment contained in this order adds a transportation line to the listing and is editorial in nature.

On August 2, 1979, the Commissioner of Immigration and Naturalization concluded an agreement with VARIG S. A. (Brazilian Airlines) to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries pursuant to section 238(d) of the Immigration and Nationality Act and 8 CFR 238. Accordingly, 8 CFR 238.3(b) will be amended by adding "VARIG S. A. (Brazilian Airlines)" to the listing in alphabetical sequence.

In the light of the foregoing, the following amendment is hereby prescribed to Chapter I to Title 8 of the Code of Federal Regulations.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "VARIG S. A. (Brazilian Airlines)".

(Sec. 103 and 238(d), (8 U.S.C. 1103 and 1228(d)))

Effective date. The amendment contained in this order becomes effective on August 2, 1979.

Dated: August 24, 1979.

Leonel J. Castillo,
Commissioner of Immigration and Naturalization.

[FR Doc. 79-27099 Filed 8-29-79; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Amendments to Appendix A—Requests for Declassification Review

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to substitute references to a new Executive Order (E.O. 12065) and its implementing directive (Information Security Oversight Office (ISOO)

Directive No. 1) for the replaced Executive Order (E.O. 11652) and its implementing National Security Council (NSC) Directive. The amendments reflect E.O. 12065's availability of mandatory document declassification review procedures at anytime after classification rather than the previous 10-year period as well as other conforming changes. This action is being taken by NRC to reflect E.O. 12065's intent to increase openness in government by limiting classification and accelerating declassification while improving protection of national security interests.

EFFECTIVE DATE: August 30, 1979.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Phone: 301-492-7211.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Appendix A—Requests for Declassification Review," 10 CFR Part 9.

On June 28, 1978 the President issued Executive Order 12065 which supersedes a prior Executive Order (E.O. 11652). The new order is intended to increase openness in government by limiting classification and accelerating declassification. The Executive Order also establishes an Information Security Oversight Office (ISOO) to assume the previous responsibilities of the Interagency Classification Review Committee (ICRC).

The Nuclear Regulatory Commission is amending its regulations to substitute reference to E.O. 12065 and its implementing directive (ISOO Directive No. 1) for previous E.O. 11652 and its implementing NSC directive references. The minor amendments also reflect E.O. 12065's availability of mandatory document declassification review procedures at anytime after classification rather than the previous 10-year period. Likewise, the amendments change certain language in the regulation, to conform to the new Executive Order.

Finally, the new Executive Order abolishes a former appeal right under E.O. 11652 whereby a requester could have appealed to the ICRC. As a result, the appeal right formerly contained in section 3 of Appendix A, 10 CFR Part 9, has been deleted, with one exception. A right of appeal to the ISOO still exists with respect to decisions on declassification requests of information over 10 years old originated by the President, the White House Staff, committees or commissions appointed

by the President, or by others acting on behalf of the President, including such information in the possession and control of the Administrator of the General Services Administration pursuant to 44 U.S.C. 2107 or 2107 note (E.O. 12065 section 3-503). Other minor changes have been made in Appendix A to improve the clarity of the regulation.

Because these amendments relate solely to minor procedural matters, and do not impose obligations on persons other than the Nuclear Regulatory Commission, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective on August 30, 1979, without the customary 30 days notice.

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 9 are published as a document subject to codification.

§ 9.61 [Amended]

1. Section 9.61 of 10 CFR Part 9 is amended by deleting "Executive Order 11652" and substituting therefor "Executive Order 12065" in the title of paragraph (b)(1), and by deleting "sections 1 and 5 (B), (C), (D), and (E) of Executive Order 11652," and substituting therefor "section 1-301 of Executive Order 12065" in the text of paragraph (b)(1).

2. Appendix A of 10 CFR Part 9 is revised to read as follows:

Appendix A—Request for Declassification Review

The following guidance is provided for members of the public desiring a classification review of a document of the Nuclear Regulatory Commission (NRC) pursuant to sections 3-5 of Executive Order 12065 (43 FR 28949, July 3, 1978), and section III.D of the Information Security Oversight Office Directive No. 1 Covering the Classification, Downgrading, Declassification and Safeguarding of National Security Information, (43 FR 46280, October 5, 1978). A Freedom of Information Act request for a classified document may also be made in accordance with the procedures set forth in 10 CFR 9.8.

1. Request for Declassification Review of Documents. a. Any person desiring a declassification review of an NRC document containing information classified as National Security Information by reason of the provisions of Executive Order 12065 (or any predecessor Executive Order) should address such requests to the Director, Division of

Security, U.S. Nuclear Regulatory Commission, Washington, DC, 20555.

b. Requests need not be made on any special form but shall, as specified in the Executive Order, reasonably describe the document to enable NRC personnel to identify and obtain the document from NRC records without expending more than a reasonable amount of effort.

c. Charges for locating and reproducing copies of records will be made in accordance with § 9.14 of this part.

2. Action on Requests for Declassification Review. a. Every effort will be made to complete action on each request within thirty (30) days of receipt of the request. If action cannot be completed within thirty (30) days, the requester shall be so advised by the Director, Division of Security, along with the reasons for the need for additional time. If the requester does not receive a decision on the request within sixty (60) days from the date of receipt of the request by NRC, the requester may appeal to the Chairman of the NRC Classification Review Committee for a decision on the request.

b. In the event the Director, Division of Security, determines that requested information must remain classified by reason of the provisions of Executive Order 12065, the requester shall be given prompt notification of that decision and shall be provided with a statement as to why the information or material cannot be declassified. Classified sections of the document will be identified, and the requester will be advised that a "sanitized" document can be provided with an appropriate unclassified description of the deleted information. Unclassified portions of the document will be made available to the requester unless withholding is warranted for some other reason under the provision of applicable law. If information is denied, the requester will be advised that the decision may be appealed to the NRC Classification Review Committee. An appeal should be made in writing addressed to the Chairman, Classification Review Committee, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Any such appeal should include a statement as to why the requester disagrees with the decision which is being appealed.

c. The NRC Classification Review Committee will normally render a decision within 30 days of the receipt of an appeal. If a longer period is likely to be required because of the need for consultations with other agencies or the requester, the requester will be advised of the time needed to complete review of the matter.

d. In the event the Director, Division of Security, or the Classification Review Committee, determines that the record is unclassified but the information appears to be of the type exempt from public disclosure under § 9.5 of this part, the requester shall be so notified in writing as provided in § 9.10 of this part.

3. Suggestions and complaints. Any person may make suggestions or complaints with respect to NRC's administration of the provisions of Executive Order 12065 and the ISOO Directive by writing to the Chairman, Classification Review Committee, U.S.

Nuclear Regulatory Commission, Washington, DC 20555.

4. Other Material. NRC Manual Chapters covering the NRC's classification and declassification policies and procedures are available for inspection and copying in the NRC's Public Document Room, 1717 H Street, NW., Washington, DC.

5. Classification Advice in General. These procedures are intended to supplement the policies and practices of the NRC to provide classification guidance with respect to information originated by persons working in the nuclear energy field. The NRC will respond as promptly as available resources permit to questions about the proper classification of information and material.

Dated at Bethesda, Md. this 20th day of August 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-27142 Filed 8-29-79; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 34

Licenses for Radiography and Radiography Safety Requirements for Radiographic Operations; Amendments of Radiography Regulations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is publishing as effective rules several changes in its regulations on industrial radiography. The rule changes were originally published for public comment on March 27, 1978, and have been revised after consideration of the comments received. These amendments require several procedural changes intended to improve radiography safety. The changes are also intended to formalize as regulations current licensing practices. The amendments apply to industrial radiography operations using radioactive isotope sources licensed by the Nuclear Regulatory Commission.

EFFECTIVE DATE: March 3, 1980.

Note.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for such reviews as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of this rule becomes effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT: Dr. Stephen A. McGuire, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443-5970.

SUPPLEMENTARY INFORMATION: On March 27, 1978, the Nuclear Regulatory Commission published for public comment amendments to Part 34 of its regulations (43 FR 12715). Forty-nine public comments were received. In response to these comments, some of the proposed amendments have been deleted or substantially reworded. The individual amendments are discussed by section below.

§ 34.2 [Amended].

New definitions for "source changer," now used in § 34.22 and § 34.28 and "permanent radiographic installation," now used in § 34.29, are given.

§ 34.11(d) [Amended].

The proposed amendment specified that internal inspections would be required at intervals not to exceed three months. The predominant comment was that this frequency was too restrictive. The NRC believes the proposed frequency is appropriate in view of the importance of management audits of radiographer performance. The NRC has consistently observed that a strong management commitment to safety is necessary if radiographic operations are to be conducted safely. Frequent checks of the performance of radiographers are a necessary part of that commitment. The effective rule therefore retains the proposed frequency for internal inspections.

§ 34.22 [Amended].

The proposed amendment specified securing (not necessarily locking) the sealed source in its shielded position in crankout radiographic exposure devices each time the source is returned to that position. Some commenters questioned the effectiveness of such a requirement. Other commenters thought the requirement should not be limited to crankout devices only. On consideration, the NRC believes the small effort to secure the source is worthwhile since this prevents the source from moving out of its shielded position if the device or the crank is moved. The NRC also has extended the requirement to devices other than crankout devices since the safety considerations with such devices are similar to those for crankout devices.

§ 34.28 [Amended].

The proposed amendment specified that radiographic exposure devices, storage containers, and source changers be maintained at intervals not to exceed three months. The main comment was that this schedule was too restrictive. The NRC agrees that more flexibility in scheduling can be permitted with little