



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MAY 13 1981

Mr. W. R. Mowry
General Atomic Company
P.O. Box 81608
San Diego, California 92138

Dear Mr. Mowry:

Enclosed is a notice published in the Federal Register on May 13, 1981, amending 10 CFR 30.15(a)(9) to permit the exempt use of multiple internal calibration or standardization sources in ionizing radiation measuring instruments.

This amendment is in response to General Atomic Company's petition for rulemaking (PRM 30-57).

Sincerely,

A handwritten signature in cursive script, reading "Robert M. Bernero", followed by the initials "for RMB".

Robert M. Bernero, Director
Division of Risk Analysis

Enclosure:
46 FR 26471 and 26472

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its rules of general applicability to domestic licensing of byproduct material so that persons exempt from licensing and regulatory requirements may receive, use, and transfer ionizing radiation measuring instruments containing multiple internal calibration or standardization sources of byproduct material. The amendment is being adopted in response to a petition for rulemaking filed by General Atomic Company to permit distribution to exempt persons of multiple function instruments important to monitoring radiation and radioactive materials in and around major nuclear facilities. The action relieves all persons from the requirement to obtain a specific license to the extent that they receive, use, and transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the pertinent exempt quantity. An instrument may contain a total of 10 exempt quantities of byproduct material. The amendment should be of interest to manufacturers and users of ionizing radiation measuring instruments.

EFFECTIVE DATE: May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555. Telephone: 301/443-5946.

SUPPLEMENTARY INFORMATION: On February 25, 1981, the Nuclear Regulatory Commission published in the Federal Register (46 FR 14019) a notice of proposed amendments to 10 CFR Part 30 to permit the exempt use of multiple calibration sources in a radiation measuring instrument. Part 30 presently allows the exempt use of only a single calibration source in an instrument. The proposed change to permit use of multiple sources would enable users to obtain instruments with several internal sources so that calibration can be performed on a spectrum of radiation energies and more reliable measurements can be performed. Also, the proposed change would enable the use of multiple detectors with a single instrument and thus increase the number of samples measured in a given time period and reduce the cost per measurement.

The proposed amendments provided a period of 45 days for public comment. Two comments were received. Both comments were from manufacturers of radiation instruments and urged prompt adoption of final amendments. One of the manufacturers also suggested a minor change in the proposed amendments in order to allow greater flexibility in the design of instruments that may be used under the exemption. That suggestion concerned the number of radionuclides that could be contained in a single source or instrument. As indicated by the manufacturer, from the standpoint of health and safety the limitation of significance is the number of exempt quantities in a single source or a single instrument and the number of different radionuclides is not significant. The Commission agrees that the proposed amendments were unnecessarily restrictive with respect to the number of radionuclides that may be used in an instrument and the final rule does not limit an instrument to one exempt quantity of a particular radionuclide. Except for this change to allow greater flexibility in choice of radionuclides, the final amendment is substantially the same as the proposed amendments.

In the preamble to the final rule published in the Federal Register on April 22, 1970 (35 FR 6427), the Commission found that the exemption from licensing of ionizing radiation

measuring instruments containing certain internal calibration or standardization sources under the conditions set forth in 10 CFR 30.15(a)(9) would not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

The Commission has found that the amendments set forth below are of a minor or nonpolicy nature, do not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Regulatory Flexibility Certification

Since this amendment relieves persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with multiple internal calibration sources will be able to obtain those instruments without incurring the costs of a specific license.

Since the following amendment relieves rather than imposes restrictions under regulations currently in effect, it will become effective immediately upon publication pursuant to 5 U.S.C. 553(d).

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 amendment of Title 10, Chapter I, Code of Federal Regulations, Part 30, is published as a document subject to codification.

PART 30--RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. In § 30.15, paragraph (a)(9) is revised to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided, That;*

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(i) Each source contains no more than one exempt quantity set forth in § 30.71, Schedule B, and

(ii) Each instrument contains no more than 10 exempt quantities. For purposes of this paragraph (a)(9), an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in § 30.71, Schedule B, provided that the sum of such fractions shall not exceed unity.

(Secs. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201b); sec. 201, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 30th day of April, 1981.

For the Nuclear Regulatory Commission,
William J. Dircks,
Executive Director for Operations.

[FR Doc. 81-1443 Filed 5-12-81; 8:45 am]
BILLING CODE 7590-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18, and 21

Deliveries and Exchanges of Futures for Physicals; Reporting Open Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; deferral of effective date.

SUMMARY: On March 25, 1981, the Commission published in the Federal Register amendments to Parts 15 through 21 of its reporting regulations which, among other things, would require futures commission merchants ("FCMs") to report delivery notices and exchanges of futures for physicals to the Commission. (46 FR 18528, March 25, 1981). These revisions were to have been effective May 15, 1981. However, several FCMs have encountered problems in making computer programming changes by May 15, 1981, that are necessary in order for them to comply with the new requirements.

The Commission has determined that a deferral of the effective date would allow compliance with the new requirements while causing no significant loss of surveillance information.

DATE: Accordingly, notice is hereby given that the effective date of the above changes has been postponed to June 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Associate Director,
Market Surveillance Section,
Commodity Futures Trading
Commission, 2033 K Street, NW.,
Washington, D.C. 20581. Telephone 202-
254-3310.

Issued in Washington, D.C., on May 8, 1981.

Jean A. Webb,

*Deputy Secretary of the Commodity Futures
Trading Commission*

[FR Doc. 81-1443 Filed 5-12-81; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Butter From Denmark; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review and of Revocation of Countervailing Duty Order.

SUMMARY: On March 20, 1981, the Department of Commerce published in the Federal Register a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to butter from Denmark. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral comments. The Department received written comments from one party objecting to the revocation, but these were subsequently withdrawn. Therefore, the Department is revoking the order on the grounds that the Government of Denmark has eliminated the subsidy and that this product remains covered by the order on dairy products from the European Communities.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20540 (202-377-1107).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 28, 1935, in T.D. 47896, the Department of the Treasury imposed countervailing duties on butter imported

directly or indirectly from Denmark. On December 29, 1936, T.D. 48734 modified this prior order, restricting its application to butter exported indirectly from Denmark on or after November 10, 1935. On May 19, 1975, a "Final Countervailing Duty Determination" on dairy products from the European Communities ("the EC"), including butter from Denmark, T.D. 75-113, was published in the Federal Register (40 FR 21719). On March 20, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (46 FR 17819).

Scope of the Review

Imports covered by this review are butter imported indirectly from Denmark. Such imports are currently classifiable under items 118.00-118.25, Tariff Schedules of the United States. The review covers the period January 1, 1973 to the present.

In the preliminary results of the review we concluded that the imported merchandise no longer benefits from subsidies from the Government of Denmark and that entries of this merchandise remained covered by the 1975 countervailing duty order on dairy products from the EC. Interested parties were afforded an opportunity to furnish oral or written comments. We received comments from one party objecting to both of these conclusions, but they were subsequently withdrawn.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of Denmark. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department revokes the countervailing duty order concerning butter from Denmark (T.D. 47896, as modified by T.D. 48734) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after March 20, 1981.

There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to May 19, 1975, the date of publication of the countervailing duty order on dairy products from the EC. Entries on or after May 19, 1975 are subject to the waiver of that order, T.D. 75-114 (40 FR 21720). The Customs Service shall continue to liquidate all entries without regard to countervailing duties.

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