

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the State of Maryland is deleted from the introductory portion of paragraph (e); paragraph (e)(5) relating to the State of Maryland is deleted; and the State of Maryland is added to the list of hog cholera eradication States contained in § 76.2(f).

2. In § 76.2, in paragraph (e)(3) relating to the State of Georgia, subdivision (i) relating to Johnson County is amended to read:

(3) *Georgia.* (i) That portion of Johnson County bounded by a line beginning at the junction of State Highway 15 and the Johnson-Washington County line; thence, following State Highway 15 in a southeasterly direction to Federal Aid Secondary Route S1473; thence, following Federal Aid Secondary Route S1473 in a southwesterly direction to the Johnson-Laurens County line; thence following the Johnson-Laurens County line in a generally northwesterly direction to the Johnson-Wilkinson County line; thence, following the Johnson-Wilkinson County line in a northerly direction to the Johnson-Washington County line; thence, following the Johnson-Washington County line in a generally northeasterly direction to its junction with State Highway 15.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude a portion of Johnson County in Georgia, and portions of Wilcomico and Worcester Counties in Maryland from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The foregoing amendments also add the State of Maryland to the list of hog cholera eradication States in § 76.2(f).

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, and unnecessary, and good cause is found for making them effective less than 30 days after publication in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 17th day of April 1970.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-4900; Filed, Apr. 21, 1970;
8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that two additional positions of Special Assistant to the Secretary are excepted under Schedule C. Effective on publication in the *FEDERAL REGISTER*, subparagraph (2) of paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

- (a) *Office of the Secretary.* * * *
(2) Five Special Assistants to the Secretary.

* * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-4865; Filed, Apr. 21, 1970;
8:46 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the positions of Coordinator, Youth Affairs Program; Coordinator, Older Persons Program; Coordinator, Voluntary Action Program; and Coordinator, Rural Affairs Program, in the Office of Special Programs are excepted under Schedule C. Effective on publication in the *FEDERAL REGISTER*, paragraph (e) is added as set out below.

§ 213.3373 Office of Economic Opportunity.

- (e) *Office of Special Programs.* (1) One Coordinator, Youth Affairs Program.
(2) One Coordinator, Older Persons Program.
(3) One Coordinator, Voluntary Action Program.
(4) One Coordinator, Rural Affairs Program.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-4866; Filed, Apr. 21, 1970;
8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.8, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1970 Quota

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.8

which established preliminary allotments for the Mainland Cane Sugar Area for the calendar year 1970.

This amendment is necessary to revise allotments to reflect more up-to-date estimates of 1969 crop sugar available for marketing in 1970 on the basis of end of harvest data which have become a part of the official records of the Department.

In accordance with paragraph (4) of the finding and conclusions set forth in S.R. 814.8 (35 F.R. 172) and pursuant to paragraph (e) of § 814.8, paragraph (5) of such findings and conclusions is amended to read as follows:

(5) January 1, 1970, effective inventories of sugar are physical inventories of sugar on January 1, 1970, plus sugar produced from 1969 crop sugarcane in 1970. Such estimated January 1, 1970, effective inventories of sugar in short tons, raw value, which could not be marketed under 1969 allotments are shown as follows for each named allottee.

Breaux Bridge Sugar Co-op.	7,994
Cajun Sugar Co-op, Inc.	21,598
Cora-Texas Manufacturing Co., Inc.	9,087
Dugas & LeBlanc, Ltd.	13,418
LaFourche Sugar Co.	14,183
Louisiana State Penitentiary	3,718
Meeker Sugar Co-op, Inc.	11,882
Milliken & Farwell, Inc.	8,801
St. James Sugar Co-op, Inc.	20,764
South Coast Corp.	60,184
Southdown, Inc.	28,791
Valentine Sugars, Inc.	10,002
Atlantic Sugar Association, Inc.	28,201
Florida Sugar Corp.	19,662
Glades County Sugar Growers Co-op Association	46,982
Osceola Farms Co.	50,130
South Puerto Rico Sugar Co., Inc.	64,443
Sugarcane Growers Co-op of Florida	101,792
Tallman Sugar Corp.	45,062
United States Sugar Corp.	215,619

The allotment established for each such named allottee in this order is not less than such listed quantity. The individual preliminary allotments for all other allottees determined at 75 percent of each allottee's 1969 allotments as provided in finding (4) above exceeds their respective January 1, 1970, effective inventories.

Pursuant to the provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 814.8 of this chapter, paragraph (a) of such § 814.8 is amended to read as follows:

§ 814.8 Allotment of the 1970 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1970, until the date allotments of the entire 1970 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed on the basis of a subsequent hearing, the 1970 quota for the Mainland Cane Sugar Area is hereby allotted to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	6,847
Alma Plantation, Ltd.	7,458
J. Aron & Co., Inc.	10,851
Billeaud Sugar Factory	7,212
Breaux Bridge Sugar Co-op.	7,994
Wm. T. Burton, Industries, Inc.	5,092
Caire & Graugnard	4,318
Cajun Sugar Co-op, Inc.	21,598
Caldwell Sugars Co-op, Inc.	11,207
Columbia Sugar Co.	6,584
Cora-Texas Manufacturing Co., Inc.	9,087
Dugas & LeBlanc, Ltd.	13,418
Duhe & Bourgeois Sugar Co.	7,416
Evan Hall Sugar Co-op, Inc.	19,072
Frisco Cane Co., Inc.	1,646
Glenwood Co-op, Inc.	13,957
Helvetia Sugar Co-op, Inc.	10,258
Iberia Sugar Co-op, Inc.	15,679
LaFourche Sugar Co.	14,183
Harry L. Laws & Co., Inc.	12,014
Levert-St. John, Inc.	10,088
Louisa Sugar Co-op, Inc.	8,586
Louisiana State Penitentiary	3,718
Louisiana State University	38
Meeker Sugar Co-op, Inc.	11,882
Milliken & Farwell, Inc.	8,801
M. A. Patout & Son, Ltd.	11,810
Poplar Grove Planting & Refining Co.	7,288
Savoy Industries	13,532
St. James Sugar Co-op, Inc.	20,764
St. Mary Sugar Co-op, Inc.	11,479
South Coast Corp.	60,184
Southdown, Inc.	28,791
Sterling Sugars, Inc.	20,930
J. Supple's Sons Planting Co., Inc.	4,226
Valentine Sugars, Inc.	10,002
Vida Sugars, Inc.	3,488
A. Wilbert's Sons Lumber & Shingle Co.	7,118
Young's Industries, Inc.	4,742
Louisiana subtotal	453,358
Atlantic Sugar Association	28,201
Florida Sugar Corp.	19,662
Glades County Sugar Growers Co-op Association	46,982
Osceola Farms Co.	50,130
South Puerto Rico Sugar Co., Inc.	64,443
Sugarcane Growers Co-op of Florida	101,792
Tallman Sugar Corp.	45,062
United States Sugar Corp.	215,619
Florida subtotal	571,891
Total, all mainland cane	1,025,249

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date. The preliminary allotment method provides that all allottees may be permitted to market in 1970 all sugar produced from 1969 crop cane. However, due to low 1969 crop production estimates, the allotments initially established on January 1, 1970, for many processors would not permit the marketing of all 1969 crop sugar. The allotments established herein provide that all 1969 crop sugar as reported to the Department by each allottee may now be marketed. To afford adequate opportunity to plan and to market the additional quantities of sugar established by this amendment in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on April 17, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-4886; Filed, Apr. 17, 1970; 2:27 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 422, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 910.722 (Lemon Regulation 422, 35 F.R. 5996) are hereby amended to read as follows:

§ 910.722 Lemon Regulation 422.

- (b) *Order.* (1) * * *
- (i) District 1: 9,300 cartons;
 - (ii) District 2: 223,200 cartons.

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

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Appendix C

The proposed amendments to Part 20 would conform the microcurie amounts of byproduct material listed in Appendix C, 10 CFR Part 20, with the quantities proposed for exemption in the new § 30.71, Schedule B, 10 CFR Part 30. Americium-241, while not included in § 30.71, Schedule B, would be added to Appendix C, Part 20, and the quantities listed in Appendix C for radium-226, uranium-233, uranium-234, uranium-235, and plutonium-239 would be reduced to values more consistent with the toxicity of those nuclides and the criteria used to derive the exempt quantities. The quantities listed for natural uranium and natural thorium would not be reduced because of the low specific activity of those source materials and the attendant low risk of human intake of the materials. The last entry of Appendix C, Part 20, presently provides a quantity for "unidentified radioactive materials or any of the above in unknown mixtures." The amendment would provide two listings.

Appendix C of 10 CFR Part 20 is amended to read as follows:

APPENDIX C

Material	Microcuries
Americium-241	0.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10

Appendix C—Continued

Material	Microcuries
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 9.2 h	100
Europium-152 13 yr	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	0.1
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	0.1
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10

APPENDIX C—Continued

Material	Microcuries
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Selenium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.1
Strontium-91	10
Strontium-92	10
Sulphur-35	100
Tantalum-182	10
Technetium-98	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural)	50
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural)	50
Uranium-233	0.1
Uranium-234—Uranium-235	0.1
Vanadium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.1
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition	1

NOTE: For purposes of §§ 20.203 and 20.304, where there is involved a combination of isotopes in known amounts the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity"). Example: For purposes of § 20.304, if a particular batch contains 20,000 μC of Au^{198} and 50,000 μC of C^{14} , it may also include not more than 300 μC of I^{131} . This limit was determined as follows:

$$\frac{20,000 \mu\text{C } \text{Au}^{198}}{100,000 \mu\text{C}} + \frac{50,000 \mu\text{C } \text{C}^{14}}{100,000 \mu\text{C}} + \frac{300 \mu\text{C } \text{I}^{131}}{1,000 \mu\text{C}} = 1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 1,000 as provided in § 20.304.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 7th day of April 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-4556; Filed, Apr. 21, 1970; 8:45 a.m.]

EXEMPTION OF SMALL QUANTITIES OF BYPRODUCT MATERIAL

On August 10, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 11414) proposed amendments to 10 CFR Parts 30, 31, 32, and 35 of its regulations. The proposed amendments to Part 30 would exempt from licensing requirements the receipt, possession, use, transfer, ownership, or acquisition of small quantities of byproduct material. The proposed amendments to Part 31 would revoke the general license for small quantities of byproduct material currently set forth in §§ 31.4 and 31.100. Schedule A. Conforming amendments would also be made to the title and to § 31.2 of 10 CFR Part 31. The proposed amendments to Part 32 would establish (a) criteria for the issuance of specific licenses for the manufacture, processing, production, packaging, repackaging, import or commercial distribution of the exempt quantities of byproduct material, and (b) certain license conditions for these specific licenses. The proposed amendment to Part 35 would clarify that the proposed exempt quantities of byproduct material are not for use in humans.

On the same date, the Commission published (33 F.R. 11413) proposed amendments to 10 CFR Part 20, "Standards for Protection Against Radiation," to conform the byproduct material portions of Appendix C, 10 CFR Part 20, to the quantities to be exempted in Part 30. The proposed amendments would also add americium-241 and change certain other quantities listed in Appendix C, 10 CFR Part 20.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notices of proposed rule making in the FEDERAL REGISTER. After consideration of the comments and other factors involved, the Commission has adopted the proposed amendments with certain additions and modifications discussed below.

The quantity of iodine-134 in the proposed schedule of exempt quantities, § 30.71, Schedule B, was incorrectly listed as 100 microcuries and has been reduced to 10 microcuries.

The proposed exempt quantity of carbon-14 in § 30.71, Schedule B, has been reduced from 1,000 microcuries to 100 microcuries. The 1,000-microcurie quantity was derived on the basis of limits on concentrations in air for soluble forms of carbon-14. The reduced quantity

reflects consideration in the criteria used to arrive at the scheduled exempt quantities, of a permissible concentration of carbon-14 in air in insoluble form.

The note at the end of proposed § 30.71, Schedule B, was misleading at that location and has been deleted. Clarification that an 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 does not exceed unity, has been incorporated into § 32.19, the section which sets forth conditions of specific licenses to be issued to commercial suppliers of exempt quantities.

The proposed exemption from licensing requirements for small quantities of byproduct material would not have included the distribution of products containing such material. The effect of revoking the general license, § 31.4 of Part 31, would be to limit distribution of products now being distributed under that general license to specific licensees or to persons exempted or generally licensed by other provisions of AEC regulations, such as the general license for certain measuring, gauging, or controlling devices set forth in § 31.5 of Part 31. In order to emphasize the distinction between the exemption for quantities of byproduct material and exemptions for products containing byproduct material, proposed § 32.18 of Part 32 has been modified to indicate more clearly the types of material which commercial suppliers may distribute as exempt quantities. In addition, a new § 30.15(a)(9) has been added to Part 30 to provide exemption from licensing requirements for possession and use of ionizing radiation measuring instruments containing internal calibration or standardization sources of byproduct material in amounts not exceeding the pertinent schedule of exempt quantities. Such sources, when installed inside instruments, constitute a smaller risk than as separate quantities, and specific provision for their use under exemption is warranted.

In order to avoid causing undue hardship to distributors of other products which are presently being transferred as generally licensed quantities, the revocation of the general license in § 31.4 will not become effective until 6 months after publication of this notice of rule making in the FEDERAL REGISTER. If a petition for exemption of such a product from specific licensing requirements is filed prior to revocation of the general license, the Director of Regulation will consider extending the general license until such time as the petition for exemption is finally determined. The 6-month delay in revocation will also permit commercial suppliers now distributing quantities of byproduct material under the general license, to obtain the required specific licenses or license amendments and to implement requirements regarding labels and brochures.

The terms and conditions of § 31.2(b) applicable to the general licenses for certain devices and equipment (§ 31.3) and for small quantities (§ 31.4) are considered to be of such small significance to the remaining generally licensed

devices and equipment that they will be revoked concurrently with revocation of the general license for small quantities, rather than modified to remove references to quantities as was proposed.

Proposed § 32.19(b) has been revised to permit the presentation of some of the information required in a label on immediate containers of exempt quantities to be presented instead on an accompanying brochure. In many cases, it is impractical to put all of the wording on the immediate container because of size or use limitations. Under the revised § 32.19(c), the immediate container of each quantity, or separately packaged fractional quantity, is required, as a minimum, to bear a durable, legible label identifying the isotope and the quantity of radioactivity, as well as the words "Radioactive Material."

Proposed § 32.20 has been revised to clarify the requirement for an annual summary report of the total quantity of each isotope transferred under a specific license issued pursuant to § 32.18. Records must be maintained of individual transactions, indicating the name and address of the recipient and the kinds and quantities of byproduct material transferred, but such detailed information is not required to be included in the annual report. The revised reporting requirement would require the licensee to furnish the specified information or state that no transfers were made during the reporting period.

The rules set forth below would (a) exempt from licensing small quantities of byproduct material, (b) revoke the existing general license for similar quantities of byproduct material, (c) exempt from licensing specified quantities of byproduct material contained in calibration sources installed in ionizing radiation measuring instruments, (d) establish requirements for issuance of specific licenses for distribution of exempt quantities of byproduct material, and (e) clarify wording in Part 35 regarding use of exempt quantities of byproduct material in humans. Persons holding an AEC or an Agreement State byproduct material license authorizing manufacture, processing, or production of byproduct material are authorized under the exemption to make transfers, on a noncommercial basis, of exempt quantities of byproduct material possessed under the license, on an exempt basis. This provision is designed to accommodate the occasional transfers between laboratories of small quantities of byproduct material in tissue samples, bioassay samples, tagged compounds, counting standards, etc., which involve negligible risks. A producer, packager, repackager, or importer who intends to distribute, on a commercial basis, quantities of byproduct material for use under the exemptions, even if licensed to manufacture, process, or produce such quantities by an Agreement State, would be required to obtain a specific license from the Commission authorizing the import or commercial distribution of such quantities. To obtain a license, the applicant must meet the criteria of § 32.18, 10 CFR Part 32.

The Commission has found that the exemption from licensing of small quantities of byproduct material and of ionizing radiation measuring instruments containing certain internal calibration or standardization sources under the conditions set forth in the following amendments will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954, 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, Parts 30, 31, 32, and 35 are published as a document subject to codification. The amendments to 10 CFR Parts 30, 32, and 35 shall become effective thirty (30) days after publication in the FEDERAL REGISTER, and the amendments to 10 CFR Part 31 shall become effective 6 months after publication in the FEDERAL REGISTER.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. In § 30.15(a) of 10 CFR Part 30, a new subparagraph (9) is added to read as follows:

§30.15 Certain items containing byproduct material.

(a) Except for persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, or persons who import for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30-36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of byproduct material not exceeding the applicable quantity set forth in § 30.71, Schedule B.

2. A new § 30.18 is added to 10 CFR Part 30 to read as follows:

§ 30.18 Exempt quantities.

(a) Except as provided in paragraphs (c) and (d) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 30-34 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in individual quantities each of which does not exceed the applicable quantity set forth in § 30.71, Schedule B.

(b) Any person who possesses byproduct material received or acquired prior to October 22, 1970 under the general license then provided in § 31.4 of this chapter is exempt from the requirements

for a license set forth in section 81 of the Act and from the regulations in Parts 30-34 of this chapter to the extent that such person possesses, uses, transfers or owns such byproduct material.

(c) This section does not authorize the production, packaging, repackaging, or import of byproduct material for purposes of commercial distribution, or the incorporation of byproduct material into products intended for commercial distribution.

(d) No person may, for purposes of commercial distribution, import or transfer byproduct material in the individual quantities set forth in § 30.71 Schedule B, knowing or having reason to believe that such quantities of byproduct material will be transferred to persons exempt under this section or equivalent regulations of an Agreement State, except in accordance with a license issued under § 32.18 of this chapter, which license states that the byproduct material may be transferred by the licensee to persons exempt under this section or the equivalent regulations of an Agreement State.

3. A new § 30.71 Schedule B is added to 10 CFR Part 30 to read as follows:

§ 30.71 Schedule B.

Byproduct material	Microcuries
Antimony 122 (Sb 122).....	100
Antimony 124 (Sb 124).....	10
Antimony 125 (Sb 125).....	10
Arsenic 73 (As 73).....	100
Arsenic 74 (As 74).....	10
Arsenic 76 (As 76).....	10
Arsenic 77 (As 77).....	100
Barium 131 (Ba 131).....	10
Barium 140 (Ba 140).....	10
Bismuth 210 (Bi 210).....	1
Bromine 82 (Br 82).....	10
Cadmium 109 (Cd 109).....	10
Cadmium 115m (Cd 115m).....	10
Cadmium 115 (Cd 115).....	100
Calcium 45 (Ca 45).....	10
Calcium 47 (Ca 47).....	10
Carbon 14 (C 14).....	100
Cerium 141 (Ce 141).....	100
Cerium 143 (Ce 143).....	100
Cerium 144 (Ce 144).....	1
Cesium 131 (Cs 131).....	1,000
Cesium 134m (Cs 134m).....	100
Cesium 134 (Cs 134).....	1
Cesium 135 (Cs 135).....	10
Cesium 136 (Cs 136).....	10
Cesium 137 (Cs 137).....	10
Chlorine 36 (Cl 36).....	10
Chlorine 38 (Cl 38).....	10
Chromium 51 (Cr 51).....	1,000
Cobalt 58m (Co 58m).....	10
Cobalt 58 (Co 58).....	10
Cobalt 60 (Co 60).....	1
Copper 64 (Cu 64).....	100
Dysprosium 165 (Dy 165).....	10
Dysprosium 166 (Dy 166).....	100
Erbium 169 (Er 169).....	100
Erbium 171 (Er 171).....	100
Europium 152 9.2 h (Eu 152 9.2 h).....	100
Europium 152 13 yr (Eu 152 13 yr).....	1
Europium 154 (Eu 154).....	1
Europium 155 (Eu 155).....	10
Fluorine 18 (F 18).....	1,000
Gadolinium 153 (Gd 153).....	10
Gadolinium 159 (Gd 159).....	100
Gallium 72 (Ga 72).....	10
Germanium 71 (Ge 71).....	100
Gold 198 (Au 198).....	100
Gold 199 (Au 199).....	100
Hafnium 181 (Hf 181).....	10
Holmium 166 (Ho 166).....	100

Byproduct material	Microcuries	Byproduct material	Microcuries
Hydrogen 3 (H 3)	1,000	Tellurium 127m (Te 127m)	10
Indium 113m (In 113m)	100	Tellurium 127 (Te 127)	100
Indium 114m (In 114m)	10	Tellurium 129m (Te 129m)	10
Indium 115m (In 115m)	100	Tellurium 129 (Te 129)	100
Indium 115 (In 115)	10	Tellurium 131m (Te 131m)	10
Iodine 125 (I 125)	1	Tellurium 132 (Te 132)	10
Iodine 126 (I 126)	1	Terbium 160 (Tb 160)	10
Iodine 129 (I 129)	1	Thallium 200 (Tl 200)	100
Iodine 131 (I 131)	1	Thallium 201 (Tl 201)	100
Iodine 132 (I 132)	10	Thallium 202 (Tl 202)	100
Iodine 133 (I 133)	1	Thallium 204 (Tl 204)	10
Iodine 134 (I 134)	10	Thallium 170 (Tm 170)	10
Iodine 135 (I 135)	10	Thallium 171 (Tm 171)	10
Iridium 192 (Ir 192)	10	Tin 113 (Sn 113)	10
Iridium 194 (Ir 194)	100	Tin 125 (Sn 125)	10
Iron 55 (Fe 55)	100	Tungsten 181 (W 181)	10
Iron 59 (Fe 59)	10	Tungsten 185 (W 185)	10
Krypton 85 (Kr 85)	100	Tungsten 187 (W 187)	100
Krypton 87 (Kr 87)	10	Vanadium 48 (V 48)	10
Lanthanum 140 (La 140)	10	Xenon 131m (Xe 131m)	1,000
Lutetium 177 (Lu 177)	100	Xenon 133 (Xe 133)	100
Manganese 52 (Mn 52)	10	Xenon 135 (Xe 135)	100
Manganese 54 (Mn 54)	10	Ytterbium 175 (Yb 175)	100
Manganese 56 (Mn 56)	10	Yttrium 90 (Y 90)	10
Mercury 197m (Hg 197m)	100	Yttrium 91 (Y 91)	10
Mercury 197 (Hg 197)	100	Yttrium 92 (Y 92)	100
Mercury 203 (Hg 203)	10	Yttrium 93 (Y 93)	100
Molybdenum 99 (Mo 99)	100	Zinc 65 (Zn 65)	10
Neodymium 147 (Nd 147)	100	Zinc 69m (Zn 69m)	100
Neodymium 149 (Nd 149)	100	Zinc 69 (Zn 69)	1,000
Nickel 59 (Ni 59)	100	Zirconium 93 (Zr 93)	10
Nickel 63 (Ni 63)	10	Zirconium 95 (Zr 95)	10
Nickel 65 (Ni 65)	100	Zirconium 97 (Zr 97)	10
Niobium 93m (Nb 93m)	10	Any byproduct material not listed above other than alpha emitting byproduct material.	0.1
Niobium 95 (Nb 95)	10		
Niobium 97 (Nb 97)	10		
Osmium 185 (Os 185)	10		
Osmium 191m (Os 191m)	100		
Osmium 191 (Os 191)	100		
Osmium 193 (Os 193)	100		
Palladium 103 (Pd 103)	100		
Palladium 109 (Pd 109)	100		
Phosphorus 32 (P 32)	10		
Platinum 191 (Pt 191)	100		
Platinum 193m (Pt 193m)	100		
Platinum 193 (Pt 193)	100		
Platinum 197m (Pt 197m)	100		
Platinum 197 (Pt 197)	100		
Polonium 210 (Po 210)	0.1		
Potassium 42 (K 42)	10		
Praseodymium 142 (Pr 142)	100		
Praseodymium 143 (Pr 143)	100		
Promethium 147 (Pm 147)	10		
Promethium 149 (Pm 149)	10		
Rhenium 186 (Re 186)	100		
Rhenium 188 (Re 188)	100		
Rhodium 103m (Rh 103m)	100		
Rhodium 105 (Rh 105)	100		
Rubidium 86 (Rb 86)	10		
Rubidium 87 (Rb 87)	10		
Ruthenium 97 (Ru 97)	100		
Ruthenium 103 (Ru 103)	10		
Ruthenium 105 (Ru 105)	10		
Ruthenium 106 (Ru 106)	1		
Samarium 151 (Sm 151)	10		
Samarium 153 (Sm 153)	100		
Scandium 46 (Sc 46)	10		
Scandium 47 (Sc 47)	100		
Scandium 48 (Sc 48)	10		
Selenium 75 (Se 75)	100		
Silicon 31 (Si 31)	100		
Silver 105 (Ag 105)	10		
Silver 110m (Ag 110m)	1		
Silver 111 (Ag 111)	100		
Sodium 24 (Na 24)	10		
Strontium 85 (Sr 85)	10		
Strontium 89 (Sr 89)	1		
Strontium 90 (Sr 90)	0.1		
Strontium 91 (Sr 91)	10		
Strontium 92 (Sr 92)	10		
Sulphur 35 (S 35)	100		
Tantalum 182 (Ta 182)	10		
Technetium 96 (Tc 96)	10		
Technetium 97m (Tc 97m)	100		
Technetium 97 (Tc 97)	100		
Technetium 99m (Tc 99m)	100		
Technetium 99 (Tc 99)	10		
Tellurium 125m (Te 125m)	10		

chapter; *Provided, however*, That the requirements of § 30.33(a) (2) and (3) of this chapter do not apply to an application for a license to transfer byproduct material manufactured, processed, produced, packaged, or repackaged pursuant to a license issued by an Agreement State;

(b) The byproduct material is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being;

(c) The byproduct material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

(d) The applicant submits copies of prototype labels and brochures and the Commission approves such labels and brochures.

§ 32.19 Same: conditions of licenses.

Each license issued under § 32.18 is subject to the following conditions:

(a) No more than 10 exempt quantities set forth in § 30.71, Schedule B of this chapter shall be sold or transferred in any single transaction. For purposes of this requirement, 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.

(b) Each quantity of byproduct material set forth in § 30.71, Schedule B of this chapter shall be separately and individually packaged. No more than 10 such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to § 30.18 of this chapter. The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(c) The immediate container of each quantity or separately packaged fractional quantity of byproduct material shall bear a durable, legible label which (1) identifies the radioisotope and the quantity of radioactivity, and (2) bears the words "Radioactive Material."

(d) In addition to the labeling information required by paragraph (c) of this section, the label affixed to the immediate container, or an accompanying brochure, shall also (1) state that the contents are exempt from AEC or Agreement State licensing requirements; (2) bear the words "Radioactive Material—Not for Human Use—Introduction Into Foods, Beverages, Cosmetics, Drugs, or Medicinals, or Into Products Manufactured for Commercial Distribution is Prohibited—Exempt Quantities Should Not be Combined"; and (3) set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage, and disposal of the radioactive material.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

4. The title of 10 CFR Part 31 is revised to read as set forth above.

5. Section 31.1 of 10 CFR Part 31 is amended to read as follows:

§ 31.1 Purpose and scope.

This part establishes general licenses for the possession and use of byproduct material contained in certain items and a general license for ownership of byproduct material. Part 30 of this chapter also contains provisions applicable to the subject matter of this part.

6. Sections 31.2(b), 31.4, and 31.100 of 10 CFR Part 31 are revoked.

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

7. New §§ 32.18, 32.19, and 32.20 are added to 10 CFR Part 32 to read as follows:

§ 32.18 Manufacture, distribution and transfer of exempt quantities of byproduct material: requirements for license.

An application for a specific license to manufacture, process, produce, package, repack, import, or transfer quantities of byproduct material for commercial distribution to persons exempt pursuant to § 30.18 of this chapter or the equivalent regulations of an Agreement State will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this

§ 32.20 Same: records and material transfer reports.

Each person licensed under § 32.18 shall maintain records identifying, by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an Agreement State, and stating the kinds and quantities of byproduct material transferred. An annual summary report stating the total quantity of each isotope transferred under the specific license shall be filed with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. Each report shall cover the year ending June 30, and shall be filed within thirty (30) days thereafter. If no transfers of byproduct material have been made pursuant to § 32.18 during the reporting period, the report shall so indicate.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

8. Section 35.2 of 10 CFR Part 35 is amended to read as follows:

§ 35.2 License requirements.

No person subject to the regulations in this chapter shall receive, possess, use, or transfer byproduct material for any human use except in accordance with a specific or general license issued pursuant to the regulations in this part and Parts 30 and 32 or 33 of this chapter. (Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 7th day of April 1970.

For the Atomic Energy Commission,
W. B. McCool,
Secretary.

[P.R. Doc. 70-4557; Filed, Apr. 21, 1970; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 3—CLAIMS REGULATIONS

The Department of the Treasury finds it necessary to revise the Claims Regulations in this part in order to remove references to, and regulations relating exclusively to, the U.S. Coast Guard since the U.S. Coast Guard was transferred to the Department of Transportation, Public Law 89-670, 80 Stat. 931, and to revise regulations covering the administrative determination of claims under the Federal Tort Claims Act, 28 U.S.C. 2672, to conform with the regulations of the Attorney General appearing at 28 CFR Part 14.

The Department further finds that notice and public procedure under the provisions of 5 U.S.C. 553 are not necessary in this case, since these regulations

consist only of rules of agency procedure and practice.

Accordingly, Part 3 of Title 31 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Claims Under the Federal Tort Claims Act

- Sec.
- 3.1 Scope of regulations.
- 3.2 Filing of claims.
- 3.3 Legal review.
- 3.4 Approval of claims not in excess of \$25,000.
- 3.5 Limitations on authority to approve claims.
- 3.6 Final denial of a claim.
- 3.7 Action on approved claims.
- 3.8 Statute of limitations.

Subpart B—Claims Under the Small Claims Act

- 3.20 General.
- 3.21 Action by claimant.
- 3.22 Legal review.
- 3.23 Approval of claims.
- 3.24 Statute of limitations.

AUTHORITY: The provisions of this Part 3 issued under sec. 2672, 62 Stat. 983, as amended by Public Law 89-506, sec. 1, 80 Stat. 306; sec. 2, 42 Stat. 1066; 28 U.S.C. 2672; 28 CFR Part 14.

Subpart A—Claims Under the Federal Tort Claims Act

§ 3.1 Scope of regulations.

(a) The regulations in this part shall apply to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the Department while acting within the scope of his office or employment, under circumstances where the United States if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. The regulations in this subpart do not apply to any tort claims excluded from the Federal Tort Claims Act, as amended, under 28 U.S.C. 2680.

(b) Unless specifically modified by the regulations in this part, procedures and requirements for filing and handling claims under the Federal Tort Claims Act shall be in accordance with the regulations issued by the Department of Justice, at 28 CFR Part 14, as amended.

§ 3.2 Filing of claims.

(a) *When presented.* A claim shall be deemed to have been presented upon the receipt from a claimant, his duly authorized agent or legal representative of an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, or personal injury, or death alleged to have occurred by reason of the incident.

(b) *Place of filing claim.* Claims shall be submitted directly or through the local field headquarters to the head of the bureau or office of the Department out of whose activities the incident occurred,

if known; or if not known, to the General Counsel, Treasury Department, Washington, D.C. 20220.

(c) *Contents of claim.* The evidence and information to be submitted with the claim shall conform to the requirements of 28 CFR 14.4.

§ 3.3 Legal review.

All claims shall be forwarded to the legal division of the bureau or office out of whose activities the claim arose. The claim, together with the reports of the employee and the investigation, shall be reviewed in the legal division which shall thereupon make a recommendation that the claim be approved, disapproved, or compromised, and shall advise on the need for referral of the claim to the Department of Justice. This recommendation and advice, together with the file, shall be forwarded to the head of the bureau or office or his designee.

§ 3.4 Approval of claims not in excess of \$25,000.

(a) Claims not exceeding \$25,000 and not otherwise requiring consultation with the Department of Justice pursuant to 28 CFR 14.6(b) shall be approved, disapproved, or compromised by the head of the bureau or office or his designee, taking into consideration the recommendation of the legal division.

§ 3.5 Limitation on authority to approve claims.

(a) All proposed awards, compromises or settlements in excess of \$25,000 require the prior written approval of the Attorney General.

(b) All claims which fall within the provisions of 28 CFR 14.6(b) require referral to and consultation with the Department of Justice.

(c) Any claim which falls within paragraph (a) or (b) of this section shall be reviewed by the General Counsel. If the claim, award, compromise, or settlement receives the approval of the General Counsel and the head of the bureau or office or his designee, a letter shall be prepared for the signature of the General Counsel transmitting to the Assistant Attorney General, Civil Division, Department of Justice, the case for approval or consultation as required by 28 CFR 14.6. Such letter shall conform with the requirements set forth in 28 CFR 14.7.

§ 3.6 Final denial of a claim.

The final denial of an administrative claim shall conform with the requirements of 28 CFR 14.9 and shall be signed by the head of the bureau or office, or his designee.

§ 3.7 Action on approved claims.

(a) Any award, compromise, or settlement in an amount of \$2,500 or less shall be processed for payment from the appropriations of the bureau or office out of whose activity the claim arose.

(b) Payment of an award, compromise, or settlement in excess of \$2,500 and not more than \$100,000 shall be obtained by the bureau or office by forwarding Standard Form 1145 to the Claims Division, General Accounting Office.