Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation amends the Texas Citrus Crop Insurance Regulations (7 CFR Part 413) effective for the 1987 calendar year only in the following instances:

PART 413—[AMENDED]

1. The authority citation for 7 CFR Part 413 continues to read as follows:

Authority: Secs. 506, 516, Pub.L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 413.7(d)16 is revised to read as follows:

§ 413.7 Application and policy.

* * * * *

(d) * * *

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 (October 31 for the 1987 calendar year only) preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

Done in Washington, DC on June 30, 1987.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87–16808 Filed 7–23–87; 8:45 am]

BILLING CODE 3410–08–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 571]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 571 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 367,654 cartons during the period July 26 through August 1, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 571 (§ 910.871) is effective for the period July 26 through August 1, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1986–87. The committee met publicly on July 21, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended by a 10 to 2 vote (with one abstention) a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is good.

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 purposes 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.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, and Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.871 is added to read as follows:

§ 910.871 Lemon Regulation 571.

The quantity of lemons grown in California and Arizona which may be handled during the period July 26, 1987, through August 1, 1987, is established at 367,654 cartons.

Dated: July 22, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87–16986 Filed 7–23–87; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30 and 32

Manufacturers' Registration of Radiation Safety Information for Certain Devices and Sealed Sources

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to formally endorse its current administrative practice under which manufacturers of radiation sources and devices containing radiation sources file safety information about their products with the NRC. The NRC evaluates and uses the information in its issuance of specific licenses to users of the products. Filing of information by a manufacturer (called registration) avoids multiple filings of the same information by the customers and thus expedites NRC's issuance of licenses. The amendments, directed toward manufacturers, describe the information

that the NRC needs for its evaluation of a source or device and state the registrant's responsibility to ensure that distributed products meet radiation safety specifications filed with the NRC.

EFFECTIVE DATE: August 24, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Baggett, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427-9005.

SUPPLEMENTARY INFORMATION:

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On January 23, 1987 (52 FR 2540), the NRC published for public comment a proposed rule that would formally endorse current administrative practice under which manufacturers of certain radiation sources and devices containing radiation sources file safety information about their products with the NRC. The public comments, discussed below, have been considered and the NRC is issuing the final rule without substantive change from the proposed rule.

I. Purpose of Rule

Current NRC regulations clearly provide for the issuance of specific licenses which reference so-called "pre-marketing" evaluations and registrations of radiation safety information on certain sealed sources of radioactive material and on devices which incorporate those sources. Examples include smoke detectors used under an exemption from regulations, gauges used under a general license, and certain medical devices used under a specific license.

The regulations are less clear about pre-marketing evaluation of other products such as industrial radiographic devices and industrial gauging devices which are used under a specific license. For these products, the NRC has developed and implemented an administrative procedure for the pre-marketing evaluation and registration of radiation safety information under general provisions of its regulations.

The final rule adds specific provisions to the regulations for this established administrative procedure at 10 CFR 32.210. The final rule describes NRC's evaluation and registration criteria and clarifies the regulatory responsibility of manufacturers of products for which the NRC evaluates and registers radiation safety information. In particular, the final rule clearly states that the registrant is required to manufacture and distribute its product in accordance with its request for evaluation and registration and with the terms of NRC's registration certificate. Additionally, the registrant's quality control procedures are expected to ensure that its product meets the specifications that the registrant furnished to the NRC.

The final rule ensures that all manufacturers, applicants for specific licenses, and other interested persons are informed of and comply with the NRC's procedures and requirements for pre-marketing registration of radiation safety information on sealed sources and devices.

II. Background

Section 30.33 of Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," states that an application for a specific license will be approved if, among other things, "the applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property."

With respect to certain of the proposed equipment, particularly sealed sources of byproduct material and devices containing sealed sources, applicants for specific licenses frequently describe that equipment by referring to data already filed with the NRC by the equipment manufacturer under a practice of direct communication between the NRC and the manufacturer.

This practice is administratively convenient to the NRC, manufacturers, and to applicants because it reduces and simplifies paperwork. A single submission by a manufacturer is evaluated by the NRC and the results of the evaluation are used in NRC's review of multiple applications for specific licenses, thus avoiding repetitive submissions by applicants and reviews by the NRC. This practice is provided for under the general provision of § 30.32 of Part 30, whereby "information contained in previous applications, statements or reports filed with the Commission . . . may be incorporated by reference, provided that the reference is clear and specific."

The following sections explain the key terms "sealed source" and "device" and describe the program for registration of radiation safety information on this equipment.

A. Sealed Sources

Byproduct material used a specific licensee often is contained in a sealed capsule, held between layers of non-radioactive metal foil, or firmly fixed to a non-radioactive surface by electroplating or other means. The byproduct material with its capsule or other confining barrier is termed a "sealed source." The confining barrier prevents dispersion of the byproduct material under normal and most accident conditions related to use of the source.

There is a wide range in the amount of byproduct material used in sealed sources under a specific license. For example, (1) the sealed sources used in industrial gauges frequently contain several millicuries of byproduct material, (2) the sealed sources used in industrial radiography may contain tens of curies of byproduct material, and (3) a sealed source used in a teletherapy unit for treatment of cancer may contain several thousand curies of byproduct material.

Radiation safety programs for the use of byproduct material as a sealed source are structured on the presumption that the byproduct material will not leak from the sealed source and contaminate the environment or expose individuals to radiation. This presumption depends upon the adequacy of the containment properties of the sealed source to withstand the stresses imposed by the environment in which the source is used.

Before authorizing the distributing and use of a sealed source containing byproduct material, the NRC determines the adequacy of its containment and other radiation safety features. This determination is based on radiation information submitted by the manufacturer or distributor of the sealed source or by the applicant for a specific license that authorizes its use. The NRC uses its regulations and radiation safety criteria set out in industry standards in making this determination.

B. Devices

Frequently, the byproduct material is contained in a sealed source that, in turn, is contained in a shielded source housing. The source housing may have a shutter mechanism that allows an operator to greatly reduce the shielding in a particular direction so that a beam of radiation can exit the housing. The radiation beam is then available for

such purposes as the treatment of cancer or for the examination of flaws in metal castings.

The source housing, together with its shutter mechanism and other radiation control mechanisms (if any), is commonly called a "device." Examples of devices are teletherapy units, industrial radiographic equipment, and industrial thickness and density gauges.

Before authorizing the distribution and use of byproduct material in a device, the NRC determines the adequacy of the radiation safety features of the device. This determination is based on information submitted by the manufacturer or distributor of the device or by the applicant for a specific license that authorizes use of the device containing byproduct material. Thw NRC uses its regulations and radiation safety criteria set out in industry standards in making this determination.

C. Sealed Source and Device Registry

Manufacturers and distributors of sealed sources and devices subject to NRC regulation routinely submit radiation safety information about their byproduct directly to the NRC. This system avoids multiple and time-consuming submission of the same detailed information by each applicant for a specific license that proposes to obtain and use those products.

The NRC maintains a nationwide registry of radiation safety information on sealed sources and devices containing byproduct material. Regulatory authorities in the Agreement States (where NRC has relinquished its regulatory jurisdiction) also provide information to the NRC for the registry on their radiation safety evaluations and have access to all the information contained in the registry. Thus, when a nanufacturer or distributor of products within either an Agreement State or in NRC's regulatory jurisdiction provides detailed information about its sealed source or device to its regulatory agency, the results of the radiation safety evaluation will be available for use in granting licensing approval to users of the sealed source or device throughout the United States, its territories and possessions, and in Puerto Rico.

D. Requests for Registration

Requests for evaluation and registration of sealed sources and devices must contain sufficient information for an NRC determination that the radiation safety properties of the product are adequate to protect health and minimize danger to life or property. This general guidance on the expected content of a request is supplemented currently by detailed guidance in two NRC documents: (1) Regulatory Guide 10.11, "Guide for the Preparation of Applications for Radiation Safety Evaluation and Registration of Sealed Sources Containing Byproduct Material," and (2) Regulatory Guide 10.10, "Guide for the Preparation of Applications for Radiation Safety Evaluation and Registration of Devices Containing Byproduct Material." [1] These documents discuss the expected technical content of a request and offer a suggested format. Included in each document is a checklist that may help an applicant to assure that it submits adequate information for NRC's radiation safety evaluation and determination of the conditions under which the source or device will be authorized for distribution and use. Manufacturers and distributors of sealed sources and devices are encouraged to consider these documents when preparing requests for registration.

E. Certificate of Registration

After a determination of the adequacy of the radiation safety properties of a sealed source or device, the NRC or an Agreement State issues a numbered certificate or registration to the manfacturer or distributor. This certificate, among other things, summarizes the submitted radiation safety information and specifies the limitations and conditions of use of the sealed source or device, such as requirements for periodic leak tests and restrictions on environmental condition of use. Although the certificate of registration is, in effect, a premarketing approval of the source or device, its issuance does not constitute a commitment to issue a specific license authorizing use of the source or device. Approval of an application for a specific license also requires satisfaction of other requirements listed in § 30.33 of 10 CFR Part 30 such as the training and experience qualifications of the applicant.

Copies of the registration certificate are provided to regulatory authorities in the Agreement States for their use in granting specific licensing approval to users within their jurisdictions.

[1] Copies of Regulatory Guides may be purchased through the U.S. Government Printing Office by calling (202) 275-2060 or by writing to the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. A copy is available for inspection and/or copying for a fee in the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

III. Public Comments

The proposed rule was published for public comment on January 23, 1987. The comment period ended March 24, 1987. A total of nine letters of comment were received. Five letters were from regulatory authorities in Agreement States supporting issuance of the final rule. One letter from a trade association and two letters from manufacturers support the rule. A third manufacturer commented that if all sources are to be included under the proposed rulemaking, a major revision should be made to clarify the conditions imposed upon a diverse field of manufacturers. This comment and others that suggest significant modification of the proposed rule are discussed below.

The manufacturer that submitted the comment about a needed revision if all sources were to be covered by the rule is a distributor of reference standards that are used under the exemption from regulations provided in 10 CFR 30.18. The regulatory requirements for distribution of these small quantities of radioactive material are set out in 10 CFR 32.18, 32.19 and 32.20. Similarly, regulatory requirements for distribution of devices used under the general license in 10 CFR 31.5 are set out in §§ 32.51 and 32.52. This final rule has no effect on those and similar products for which particular manufacturing requirements are set out in the regulations. This final rule pertains only to sealed sources and devices that are to be used under a specific license. To clarify this point, the text of the proposed § 30.32(g) is changed from "An application for a license to receive and possess byproduct material in the form of a sealed source or in a device * * *" to "An application for a specific license to use byproduct material in the form of a sealed source or in a device * * *."

One commenter interpreted the proposed rule to require that licensees now using sealed sources and devices determine that the products are properly registered with the NRC immediately. The commenter asked that the due date for submitting additional information to NRC be delayed until the next license renewal or update cycle after the effective date of the final rule. This interpretation of the rule was not intended by NRC. The rule is merely a codification of current administrative practice and requires no additional action for sources and devices presently used because necessary safety information was evaluated before issuance of the specific license to the user. Consistent with administrative practice and the rule, applications

submitted after the effective date of the rule must identify the source or device by manufacturer and model number as registered with the NRC or an Agreement State or the application must contain the information identified in § 32.210(c).

A manufacturer suggested that the NRC perform all the safety evaluations of sealed sources and devices in lieu of sharing this activity with regulatory authorities in the Agreement States. The commenter remarked that the Agreement States often have a shortage of manpower for the performance of evaluations and that performance of all evaluations by a single group at NRC would enable evaluation personnel to gain the benefit of multiple experiences. The NRC is aware that some, but not all, manufacturers share the commenter's opinion that all safety evaluations should be done centrally. Other manufacturers prefer the States' involvement because of the increased availability of, and ease of communication with, State regulatory authorities as a result of their relatively close location. Upon consideration of distribution of the regulatory burden, the States' interests in regulating their respective manufacturers, and the established program for cooperation with the States, the NRC favors the continued sharing of this safety evaluation activity with the States.

One manufacturer recommended that, in addition to providing in the regulations for the manufacturers' registration of safety information about their sealed sources and devices, a system be established for manufacturers' registration of approved transportation containers for sealed sources. As proposed by the commenter, firms using radioactive sources then could use any approved transportation container without prior approval of the NRC and license amendment. The system described by the commenter deals with the NRC's and the Department of Transportation's packaging and transportation requirements for radioactive material. The sealed sources and devices generally contain no more than a Type A quantity of radioactive material and would be subject to the packaging and transportation requirements of the Department of Transportation. In those cases where sealed sources and devices contain greater than a Type A quantity of radioactive material, an administratively convenient system is in place to use packages under general licenses provided in 10 CFR Part 71 and under multiple specific licenses which are related to a single package evaluation and approval by NRC. However, this comment is beyond the scope of this rulemaking proceeding and the feasibility of the suggested system is not under consideration. This final rule is published without substantive change from the proposed rule.

IV. Environmental Impact: Categorical Exclusion

The NRC has determined that this regulation is the type of action described in the categorical exclusion set out in 10 CFR 51.22(c)(3)(i). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this regulation.

V. Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget under approval numbers 3150–0017 and 3150–0001.

VI. Regulatory Analysis

The Commission has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Mr. Steven Baggett (see "For Further Information Contact:" heading).

VII. Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The Sealed Source and Device Registry now contains approximately 3,000 certificates of registration which have been issued to about 400 manufacturers and distributors. These totals include actions both by the Agreement States and by the NRC. NRC's current rate of issuance of certificates is about 100 per year to an estimated 40 manufacturers and distributors. From year to year, there is some turnover among the manufacturers and distributors. Although a substantial number would be considered small entities, the rule is not expected to have a significant impact on them.

Under present practice, the estimated average technical time (in addition to time spent on laboratory work and engineering analysis) required by the manufacturer or distributor to prepare a request for evaluation of a sealed source is 10 hours and for evaluation of a device is 30 hours. The rule does not change the technical time needed for the preparation of a request for an evaluation and registration.

Use of the Sealed Source and Device Registry under present practice and as provided in the rule results in savings to manufacturers and distributors and to applicants for specific licenses in the following manner. The NRC annually processes about 1,500 applications for specific licenses, or amendments to specific licenses, which reference safety information contained in the Registry. If, in lieu of referring to information in the Registry, each license applicant submitted complete safety information for the source or device, the increased technical time needed by the applicant for license to prepare its application is estimated to be 5 hours for a source and 15 hours for a device. These estimated times assume that the license applicant obtains needed test and engineering data and some assistance from the manufacturer or distributor. The increased assistance provided to each of its multiple customers by the manufacturer or distributor is estimated to be 2 hours for a source and 6 hours for a device.

The NRC has determined that the rule does not impose an additional burden on any manufacturer or distributor of sealed sources and devices.

VIII. Backfit Analysis

The NRC has determined that the backfit analysis provisions in 10 CFR 50.109 do not apply to this rule because these amendments apply to materials licenses issued under Parts 30 and 32. These amendments do not apply to licenses under 10 CFR Part 50.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 32

Byproduct material, Labeling, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 30 and 32.

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

1. The authority citation for Part 30 is revised to read as follows:

Authority: Sections 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.34(b) and (c), 30.41(a) and (c), and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 30.6, 30.36, 30.51, 30.52, 30.55, and 30.56(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 30.32 is amended by adding a new paragraph (g) to read as follows:

§ 30.32 Application for specific license.

* * * * *

(g) An application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source must either—

(1) Identify the source or device by manufacturer and model number as registered with the Commission under § 32.210 of this chapter or with an Agreement State; or

(2) Contain the information identified in § 32.210(c).

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIALS

3. The authority citation for Part 32 is revised to read as follows:

Authority: Sections 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273; §§ 32.13, 32.15(a), (c), and (d), 32.19, 32.25(a) and (b), 32.29(a) and (b), 32.54, 32.55(a), (b), and (d), 32.58, 32.59, 32.62, and 32.210 are issued under sec. 161B, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 32.12, 32.16, 32.20, 32.25(c), 32.29(c), 32.51a, 32.52, 32.56, and 32.210 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 32.1, paragraph (a) is revised to read as follows:

§ 32.1 Purpose and scope.

(a) This part prescribes requirements for the issuance of specific licenses to persons who manufacture or initially transfer items containing byproduct material for sale or distribution to:

(1) Persons exempted from the licensing requirements of Part 30 of this chapter, or

(2) Persons generally licensed under Part 31 or 35 of this chapter.

This part also prescribes certain regulations governing holders of these licenses. In addition, this part prescribes requirements for the issuance of specific licenses to persons who introduce byproduct material into a product or material owned by or in the possession of the licensee or another and regulations governing holders of such licenses. Further, this part describes procedures and prescribes requirements for the issuance of certificates of registration (covering radiation safety information about a product) to manufacturers or initial transferors of sealed source or devices containing sealed sources which are to be used by persons specifically licensed under Part 30 of this chapter or equivalent regulations of an Agreement State.

* * * * *

5. Subpart D is added as follows:

Subpart D—Specifically Licensed Items

§ 32.210 Registration of product information.

(a) Any manufacturer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to NRC for evaluation of radiation safety information about its product and for its registration.

(b) The request for review must be made in duplicate and sent to the U.S. Nuclear Regulatory Commission; Division of Fuel Cycle, Medical, Academic, and Commercial Use Safety; Medical, Academic, and Commercial Use Safety Branch; Washington, DC 20555.

(c) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and its potential hazards, to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.

(d) The NRC normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The NRC shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property.

(e) After completion of the evaluation, the Commission issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product.

(f) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with—

(1) The statements and representations, including quality control program, contained in the request; and

(2) The provisions of the registration certificate.

Dated at Bethesda, Maryland, this 14th day of July, 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87-16727 Filed 7-23-87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ASW-10, Amdt. 39-5679]

Airworthiness Directives; Aerospatiale (Societe Nationale Industrielle Aerospatiale) Model SA 365 Series Helicopters

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires repetitive inspections of this main rotor mast on Aerospatiale Model SA 365 helicopters. This amendment is needed because the FAA has determined that the inspections specified in the existing AD are

inadequate to detect all main rotor mast cracks to prevent mast failure and consequent loss of control of the helicopter.

DATES: Effective Date: August 10, 1987. *Compliance:* Within the next 50 hours' time in service after the effective date of this amendment.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

A copy of each of the service bulletins is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. John Varoli, Manager, Brussels Aircraft Certification Office, Federal Aviation Administration, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO New York 09667, or Mr. Robert Weaver, Rotorcraft Standards Staff, Federal Aviation Administration, Southwest Region, Fort Worth, Texas 76193–0111, telephone (817) 624–5122.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–5093 (50 FR 29649; July 22, 1985), AD 85–15–01, which currently requires inspection of the main rotor mast for cracks and repair or replacement, as necessary, on Aerospatiale (SNIAS) Model SA 365 series helicopters. After issuing Amendment 39–5093, the FAA has determined, based on French AD Revisions 84–19–21(B) R1, 84–20–6(B) R1, and French AD 86–123–17(B), that the repetitive inspections required by AD 85–15–01 are inadequate and that inspections at more frequent intervals are required. Therefore, the FAA is amending Admendment 39–5093 by supplementing the 300-hour repetitive inspection intervals specified in the AD with visual inspections at 50-hour intervals on Aerospatiale (SNIAS) Model SA 365 series helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedure of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 39–5093 (50 FR 29649; July 22, 1985), AD 85–15–01, by revising paragraph (g) as follows:

Aerospatiale (Societe Nationale Industrielle Aerospatiale): Applies to Aerospatiale Model SA 365 series helicopters, certificated in all categories.

Compliance is required as indicated (unless already accomplished).

* * * * *

(g) Conduct the following repetitive inspections:

(i) Repeat the inspections of paragraph (d) at intervals to exceed 300 hours' time in service from the last inspection.

(ii) Visually inspect the upper mast flange-to-shaft radius within the next 50 hours' time in service from the effective date of this amendment and thereafter at intervals not to exceed 50 hours' time in service from the last inspection. Inspect for finish deterioration, corrosion, or cracks. Use a 10-power glass in areas of suspected cracks. Conduct magnetic particles or dye penetrant inspections of all areas where finish deterioration is found. Remove polyurethane shock-proofing coating of the upper main rotor shaft, if installed, to allow more effective inspections of this area (Service Bulletin SA 365 No. 01–17 provides information concerning the shock-proofing coating and its removal).

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This amendment becomes effective August 10, 1987.

This amendment amends Amendment 39–5093 (50 FR 29649; July 22, 1985), AD 85–15–01.

Issued in Fort Worth, Texas, on July 10, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87–16786 Filed 7–23–87; 8:45 am]

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14 CFR Part 39

[Docket No. 87–ASW–28, Amdt. 39–5681]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta S.p.A. Model A109A and A109A II Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes a calendar life of 10 years on main rotor retention straps on Agusta Model A109A and A109A II helicopters. The AD is needed to prevent failure of the main rotor retention straps which could result in rotor head failure and consequent loss of control of the helicopter.

DATES: Effective August 10, 1987. *Compliance:* As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Agusta Aviation Corporation, NE. Service Center, Norcom and Red Lion Roads Philadelphia, Pennsylvania 19154.

A copy of the technical bulletin is contained in the Rules Docket, Office of the Regional Counsel, FAA, Southwest Region, 400 Blue Mound Road, Fort Worth, Texas 76106–9958.

FOR FURTHER INFORMATION CONTACT: Mr. John Varoli, Manager, Brussels Aircraft Certification Office, Federal Aviation Administration, c/o American Embassy, APO New York 09667–1011, or Mr. Robert Weaver, Rotorcraft Standards Staff, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106–9958, telephone (817) 624–5122.

SUPPLEMENTARY INFORMATION: The FAA has determined that the main rotor retention straps deteriorate with calendar time, as well as flight time, on Agusta Model A109A and A109A II helicopters. Such deterioration could lead to strap failure and loss of control of the helicopter if the straps are not replaced. Since this condition is likely to exist or develop on other helicopters of the same type design, as airworthiness directive is being issued which requires replacement of main rotor retention straps no later than 10 years from