

ATOMIC ENERGY COMMISSION

[10 CFR Part 40]

URANIUM CONTAINED IN COUNTERWEIGHTS

Notice of Proposed Rule Making

Section 40.13(c) (5) of the regulations of the Atomic Energy Commission "Licensing of Source Material", 10 CFR Part 40, exempts from the regulations in Part 40 and the requirements for a license set forth in section 62 of the Atomic Energy Act of 1954, as amended, the receipt, possession, use, transfer, or import of uranium contained in counterweights installed in aircraft, rockets, projectiles, or missiles, or stored or handled in connection with installation or removal of such counterweights, when (1) the counterweights are manufactured in accordance with a Commission specific license, (2) each counterweight has been impressed with the legend "Caution—Radioactive Material—Uranium", and (3) the plating or other covering has not been removed or penetrated. Paragraph (c) provides a general license for the export of such counterweights to any foreign country or destination other than Southern Rhodesia and Sino-Soviet bloc countries.

By letter dated January 28, 1969, National Lead Company of Albany, N.Y., filed a petition (PRM 40-13) with the Commission requesting amendments of Part 40 to (a) change the labeling requirement in §§ 40.13(c) (5) (ii) and 40.23 (c) for uranium in the form of counterweights to eliminate the words "Caution—Radioactive Material" and substitute the word "Uranium" and disposal instructions as the required legend, (b) revise § 40.13(c) (5) (iii) to eliminate the provision of the exemption that the plating or other covering of the counterweight not be removed or penetrated, and (c) add a proviso that the exemption not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of counterweights other than minor repair of the plating or other covering.

The Commission has given careful consideration to the petition and is considering adoption of the following amendments, which would revise the legend requirements in §§ 40.13(c) (5) (ii) and 40.23(c), and the requirement in § 40.13(c) (5) (iii) for plating or other covering.

Under revised § 40.13(c) (5) (ii), each exempt counterweight would be impressed with the legend (clearly legible through any plating or other covering): "Depleted Uranium," and under revised § 40.13(c) (5) (iii), each exempt counterweight would be durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "Unauthorized Alterations Prohibited".

The safe handling of counterweights during installation, storage, or removal does not depend on any specific actions by workers in response to the words, "Caution—Radioactive Material", in the existing required legend. Limitation of exposures is dependent on the design of

(2) In § 71.181 (34 F.R. 4637), the following transition area is revoked: Peru, Ind.

(3) In § 71.171 (34 F.R. 4557), the following control zone is added:

KOKOMO, IND.

Within a 5-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 2½ miles each side of the Grissom AFB TACAN 220° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; within 3 miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

(4) In § 71.181 (34 F.R. 4637), the following transition area is added:

KOKOMO, IND.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°39'40" N., longitude 86°08'30" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind., Municipal Airport (latitude 40°42'40" N., longitude 86°22'35" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course extending from the 8½- and 6½-mile radii areas to 3½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½- and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to the point of beginning.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 20, 1969.

BROWNING ADAMS,
Acting Director, Central Region.

[F.R. Doc. 69-8511; Filed, July 17, 1969; 8:50 a.m.]

Federal Highway Administration

[49 CFR Ch. III]

INFLATABLE OCCUPANT RESTRAINT SYSTEMS

Notice of Meeting

On June 26, 1969, the Administrator issued an advance notice of proposed

rule making which advised that he was considering the issuance of a Federal Motor Vehicle Safety Standard relating to inflatable occupant restraint systems or other passive occupant restraints in certain motor vehicles (34 F.R. 11148).

In the interest of furthering the prompt development of a final rule relating to passive restraints, the National Highway Safety Bureau has scheduled a public meeting to be held on August 27, 1969. The meeting will provide interested persons with a general orientation on the subject of inflatable occupant restraints and, to the extent that time allows, will give equipment suppliers, vehicle manufacturers, researchers, and other knowledgeable persons the opportunity to make formal presentations, if they desire to do so, and to exchange technical information. An additional purpose of the meeting is to provide a forum for discussion of the general state-of-the-art of inflatable occupant restraints or other passive restraint systems and their components, to permit discussion of the broad implications of a standard specifying requirements for such systems, and to stimulate cooperative research, design, development, and testing of the systems and their components. The Bureau anticipates that the meeting will result in the submission of more meaningful data in response to the advance notice of proposed rule making.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Clue Ferguson, Director, Office of Standards on Crash-Injury Reduction, National Highway Safety Bureau, 1730 K Street NW., Washington, D.C. 20591 (Area Code 202-382-3191) before August 13, 1969, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include photographs, slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting, if possible.

The formal agenda will be available on the date of the meeting. A transcript of the meeting will be made. It will be available for examination in the Docket Room, Room 512, 400 Sixth Street SW., Washington, D.C. 20591, approximately 3 days after the meeting is adjourned.

The date, time, and place of the meeting are as follows:

Date: August 27, 1969, and August 28, 1969, if necessary.

Time: 9 a.m. to 5 p.m.

Place: Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); 49 CFR 353.27)

Issued on July 17, 1969.

ROBERT BRENNER,
Acting Director,
National Highway Safety Bureau.

[F.R. Doc. 69-8481; Filed, July 17, 1969; 8:47 a.m.]

the counterweights, the relatively low radiation levels from depleted uranium and the limited period of time personnel are required to be in close proximity to the counterweights. Accordingly, the Commission considers that the revision of § 40.13(c) (5) (ii) to delete the precautionary words "Caution—Radioactive Material", as requested by the petitioner, is appropriate. The general license in § 40.23 for the export of counterweights would be revised to reflect the proposed new legend requirement in § 40.13(c) (5) (ii).

One purpose of limiting the exemption to counterweights on which the plating or other covering has not been removed or penetrated was to provide assurance against loss of plating or other covering which could result in significant oxidation of the uranium and spread of contamination. Experience to date with thousands of counterweights in use over the past several years indicates that present manufacturing techniques provide adequate protection against oxidation of uranium. Accordingly the proposed amendments would eliminate the present provisions in the exemption (§ 40.13(c) (5) (iii)) that the plating or other covering of the counterweights not be removed or penetrated.

Another purpose of limiting the exemption to counterweights on which the plating or other covering has not been removed or penetrated was to prohibit activities under the exemption that would involve processing of the uranium. This restriction against processing of the uranium in counterweights would be continued by adding a new § 40.13(c) (5) (iv). The new § 40.13(c) (5) (iv) provides that the exemption in § 40.13(c) (5) shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of exempt counterweights. The repair or restoration of any plating or other covering would, however, be permitted under the exemption since this process would not involve exposure hazards significantly different from those involved in handling an undamaged counterweight.

To provide positive identification of the radioactive material in exempt counterweights, the words "Depleted Uranium" would be required to be impressed in each counterweight. Also, to call attention to the excluded chemical, physical, and metallurgical treatment or processing, a proposed new § 40.13(c) (5) (iii) would require each counterweight to be labeled or marked durably and legibly with the statement: "Unauthorized Alterations Prohibited". A footnote to §§ 40.13(c) (5) (ii) and (iii) would continue the exemption for currently exempted counterweights that do not meet the requirements of new §§ 40.13(c) (5) (ii) and (iii), if they are manufactured prior to December 31, 1969, under a specific license issued by the Commission and are impressed with the legend required by § 40.13(c) (5) (ii) in effect on June 30, 1969. The Commission considers that these provisions will adequately control the low radiation exposures that may result from discarded counterweights.

The use, storage, and handling of counterweights installed in aircraft, rockets, projectiles, and missiles under the proposed amendments which follow do not involve radiation safety considerations that are significantly different from those involved in the use, storage, and handling of the counterweights under current § 40.13(c) (5).

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 40 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 40.13(c) of 10 CFR Part 40, subparagraph (5) is revised to read as follows:

§ 40.13 Unimportant quantities of source material.

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

(5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights: *Provided, That:*

(i) The counterweights are manufactured in accordance with a specific license issued by the Commission authorizing distribution by the licensee pursuant to this subparagraph;

(ii) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";¹

(iii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED";¹ and

¹The requirements specified in subdivisions (ii) and (iii) of this subparagraph need not be met by counterweights manufactured prior to December 31, 1969: *Provided, That* such counterweights were manufactured under a specific license issued by the Commission and were impressed with the legend required by § 40.13(c) (5) (ii) in effect on June 30, 1969.

(iv) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering.

2. In § 40.23 of 10 CFR Part 40, paragraph (c) is revised to read as follows:

§ 40.23 General licenses to export.

(c) A general license designated AEC-GRO-SMC is hereby issued authorizing the export from the United States to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 40.90, of uranium in the form of counterweights installed in aircraft, rockets, projectiles, or missiles: *Provided, That* such counterweights have been manufactured under a specific license issued by the Commission and have been impressed with a statement, clearly legible after plating, which states, "DEPLETED URANIUM".

(Sec. 62, 68 Stat. 932, 42 U.S.C. 2092; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of July 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69-8532; Filed, July 17, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 18346, RM-1259; FCC 69-569]

INSTRUCTIONAL TELEVISION FIXED STATIONS

Further Notice of Proposed Rule Making Regarding Licensing of ITFS Response Stations

In the Matter of Amendment of Part 74, Subpart I of the Commission's rules and regulations governing instructional television fixed stations to provide for the licensing of ITFS response stations in the band 2686-2690 Mc/s.

1. In a first report and order adopted herein today, the Commission has provided for response stations in the Instructional Television Fixed Service (2500-2690 Mc/s), using the top 4 Mc/s of that band. The rules as adopted limit the use of the response stations to voice transmissions, which was the only type of usage requested in the petition of Leland Stanford Junior University (Stanford) on which the notice of proposed rule making herein was based, or proposed in that notice.

2. As mentioned in paragraphs 3-5 of the first report and order, a number of commenting parties requested that the