

significantly and to make the process transparent and virtually automatic. In addition, the government-controlled distribution instrumentality has satisfactorily addressed the major existing distribution problems. When implemented, these measures should accomplish our goal of obtaining increased access for U.S. firms to Japan's cigarette market. This determination shall be published in the Federal Register.

Ronald Reagan

THE WHITE HOUSE,
Washington, October 6, 1986.

[FR Doc. 86-22978

Filed 10-7-86; 11:49 am]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 51, No. 195

Wednesday, October 8, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 0, 1, 9, 10, 14, 51, and 110

Nomenclature Changes To Implement Consolidation of OGC and OELD

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to reflect the changes resulting from the Commission decision to consolidate the Office of the Executive Legal Director into the Office of the General Counsel. These amendments are necessary to inform the public of these administrative changes to NRC regulations.

EFFECTIVE DATE: October 8, 1986.

FOR FURTHER INFORMATION CONTACT:

Barry Pineles, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7688.

SUPPLEMENTARY INFORMATION: On July 1, 1986, the Nuclear Regulatory Commission decided to consolidate its two legal offices, the Office of the Executive Legal Director and the Office of General Counsel, into one legal office—the Office of the General Counsel.

The Nuclear Regulatory Commission is amending portions of its regulations to substitute references to the Office of the General Counsel in lieu of the Office of the Executive Legal Director. In addition, the Nuclear Regulatory Commission is amending portions of its regulations to delete references to the Office of the Executive Legal Director. The amendments also will describe the new structure of the Office of the General Counsel and its subsidiary divisions.

Because these are amendments dealing with agency practice and

procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendments are effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor and administrative nature dealing with a matter of agency conduct, the consolidation of two legal offices into one office.

Environmental Impact—Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Existing requirements were approved by the Office of Management and Budget approval numbers 3150-0043 (Part 9), 3150-0021 (Part 51), and 3150-0036 (Part 110).

List of Subjects

10 CFR Part 0

Conflict of interest, Penalty.

10 CFR Part 1

Organization and functions (Government Agencies).

10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

10 CFR Part 14

Administrative practice and procedures, Tort claims.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statements, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 110

Administrative practice and procedure, Classified information, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Scientific equipment.

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 publishing the following amendments to 10 CFR Parts 0, 1, 9, 10, 14, 51, and 110.

PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for Part 0 continues to read as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 0.735-28, paragraph (a)(2), is revised to read as follows:

§ 0.735-28 Confidential statements of employment and financial interests.

(a) * * *

(2) All contracting officers in the Office of Administration, and all attorneys in the Office of the General Counsel (including those employees being paid below the GG-13 level).

* * * * *

PART 1—ORGANIZATION

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

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. In the Table of Contents in Part 1, remove § 1.42.

5. Section 1.32 is revised to read as follows:

§ 1.32 Office of the General Counsel.

(a) The Office of the General Counsel directs matters of law and legal policy, providing opinions, advice and assistance to the NRC with respect to all of its activities; reviews and prepares appropriate draft Commission decisions on Atomic Safety and Licensing Appeal Board decisions and rulings, public

petitions seeking direct Commission action, and rulemaking proceedings involving hearings; provides interpretation of laws, regulations, and other sources of authority; reviews the legal form and content of proposed official actions; prepares or concurs in all contractual documents, interagency agreements, delegations of authority, regulations, orders, licenses, and other legal documents and prepares legal interpretations thereof; reviews and directs intellectual property work; represents and protects the interests of the NRC in legal matters and in court proceedings, and in relation to other government agencies, administrative bodies, committees of Congress, foreign governments, and members of the public.

(b) The Office of the General Counsel is directed and supervised by the General Counsel who is the chief legal officer and legal advisor to the NRC. The General Counsel is assisted in carrying out the functions of the office by the Deputy General Counsel and by the following:

(1) The Solicitor assists the General Counsel in all aspects of his or her role as the chief legal officer and legal advisor to the NRC with primary responsibility in matters involving the supervision of litigation in courts of law; represents the NRC in litigation before the Federal courts of appeals and, in conjunction with the Justice Department, in other Federal courts; provides counsel to NRC employees called to testify concerning official duties in cases to which the NRC is not a party; and advises the Commission on litigation implications of proposed actions.

(2) The Associate General Counsel for Licensing and Regulation advises the General Counsel and the Commission on all aspects of domestic licensing and regulation with particular emphasis on adjudication, legislation, rulemaking and fuel cycle matters; and provides advice on employee conduct and administrative law issues, and on the implementation of atomic energy and environmental laws.

(3) The Associate General Counsel for Hearings and Enforcement advises the General Counsel and the Deputy General Counsel, as appropriate, on all licensing, inspection and enforcement activities, with particular emphasis on the conduct of adjudicatory hearings and the implementation of the Commission's enforcement program; and assists the General Counsel and the Deputy General Counsel, as appropriate, in providing legal advice on interagency and international agreements, procurement, intellectual property,

security, personnel, and administrative functions.

(4) The Assistant General Counsel for Adjudications and Opinions assists the General Counsel in providing legal advice and assistance to the Commission in the review of adjudicatory decisions and on the implementation of employee conduct regulations; and provides legal advice and assistance to the Office of Investigations.

(5) The Assistant General Counsel for Rulemaking and Fuel Cycle assists the General Counsel in developing and reviewing NRC regulations and guides pertinent to the licensing and construction of nuclear facilities and the use of nuclear materials; represents the NRC staff in public rulemaking hearings; interprets regulations and statutes relevant to NRC activities; provides legal analyses of authorities affecting the NRC.

(6)(i) The Assistant General Counsel for Hearings assists the Deputy General Counsel in the development of legal policy; represents the NRC staff in public hearings conducted in conjunction with the licensing of nuclear users and facilities and assists in the development of legal policy associated with such licensing; and provides advice and consultation to the staff on health and safety and environmental issues arising from the licensing process.

(ii) The Assistant General Counsel for Hearings also represents the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeals Boards, Atomic Safety and Licensing Boards, and administrative law judges in matters relating to antitrust aspects of applications for nuclear facility licenses; provides legal advice regarding NRC antitrust responsibilities; and for operating license antitrust reviews, together with the Antitrust and Economic Analysis Branch of the Office of Nuclear Reactor Regulation, recommends to the appropriate Office Director (Nuclear Reactor Regulation or Nuclear Material Safety and Safeguards) whether or not a finding of significant changes should be made.

(7) The Assistant General Counsel for Enforcement assists the General Counsel and the Deputy General Counsel, as appropriate, in providing legal advice and assistance to the Commission, all Regional Offices, and the Offices of Inspection and Enforcement, Nuclear Material Safety and Safeguards, and Nuclear Reactor Regulation on inspection and enforcement matters; and assist the Deputy General Counsel in advising and

representing NRC offices in enforcement proceedings against licensees involving imposition of civil penalties, modifications, suspension or revocation of licenses.

(8) The Assistant General Counsel for Administration assists the General Counsel and the Deputy General Counsel, as appropriate, in providing legal advice and assistance to NRC offices involved in interagency and international agreements, procurement, intellectual property, budget, security, and administrative functions; represents NRC in administrative hearings involving procurement, personnel, personnel security, labor relations, and equal employment opportunity matters.

6. Section 1.40 is amended by removing the words "the Office of the Executive Legal Director," in paragraph (b) and by revising paragraph (n) to read as follows:

§ 1.40 Office of the Executive Director for Operations.

* * * * *

(n) Exercises final determination on appeals under the Freedom of Information Act except for those pertaining to advisory committees, boards, panels, and offices reporting to the Commission.

* * * * *

§ 1.42 [Removed]

7. Section 1.42 is removed and reserved.

§ 1.61 [Amended]

8. In § 1.61, paragraph (e), remove the words "Office of the Executive Legal Director" and add, in their place, the words "Office of the General Counsel".

PART 9—PUBLIC RECORDS

9. The authority citation for Part 9 continues to read as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

10. In § 9.3a, paragraph (a) is revised to read as follows:

§ 9.3a Definitions.

As used in this subpart:

(a) "Office", unless otherwise indicated, means all offices and divisions of the NRC reporting to or through the Executive Director for Operations.

* * * * *

§ 9.8 [Amended]

In § 9.8, paragraph (e) introductory text, remove the words "Executive Legal

Director" and add, in their place, the words "General Counsel".

§ 9.9 [Amended]

12. In § 9.9, paragraphs (a) and (b), remove the words "Executive Legal Director" and add, in their place, the words "General Counsel".

§ 9.15 [Amended]

13. In § 9.15, paragraph (a), remove the words "and the Office of the Executive Legal Director".

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

14. The authority citation for Part 10 is revised to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10450, 3 CFR Parts 1949-1953 COMP., p. 936, as amended; E.O. 10865, 3 CFR 1959-1963 COMP., p. 398, as amended; 3 CFR Table 4.

§ 10.5 [Amended]

15. In § 10.5, paragraph (c), remove the words "Executive Legal Director" and add, in their place, the words "General Counsel".

§ 10.22 [Amended]

16. In the introductory paragraph of § 10.22, remove the words "Office of the Executive Legal Director" and add, in their place, the words "Office of General Counsel".

§ 10.24 [Amended]

17. In § 10.24, paragraph (a), remove the words "Executive Legal Director" and add, in their place, the words "the General Counsel".

PART 14—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

18. The authority citation for Part 14 continues to read as follows:

Authority: Sec. 1, 80 Stat. 306 (28 U.S.C. 2672); sec. 2679, 62 Stat. 984, as amended (28 U.S.C. 2679); sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); 28 CFR 14.11.

§ 14.15 [Amended]

19. In § 14.15, remove the words "Office of the Executive Legal Director" and add, in their place, the words "Office of the General Counsel".

20. Section 14.33 is revised to read as follows:

§ 14.33 Officials authorized to act.

The General Counsel or the General Counsel's designee shall exercise the

authority to adjust, determine, compromise and settle a claim under the provisions of 28 U.S.C. 2672.

§ 14.35 [Amended]

21. In § 14.35, paragraph (b) introductory text, remove the words "Office of the Executive Legal Director" and add, in their place, the words "Office of the General Counsel".

§ 14.51 [Amended]

22. In § 14.51, paragraphs (a) and (b), remove the words "Executive Legal Director" and add, in their place, the words "General Counsel"; and remove paragraph (c).

23. Section 14.53, is revised to read as follows:

§ 14.53 Scope of employment report.

A report containing all data bearing upon the question whether the employee was acting within the scope of his or her office or employment will be furnished by the General Counsel or designee to the United States Attorney for the district encompassing the place where the civil action or proceeding is brought. A copy of the report also will be furnished to the Director of the Torts Branch, Civil Division, Department of Justice, at the earliest possible date, or within the time specified by the United States Attorney.

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

24. The authority citation for Part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

25. In § 51.4, the definition of "NRC Staff director," is revised to read as follows:

§ 51.4 Definitions.

As used in this part:

* * * * *

"NRC Staff Director" means:

Executive Director for Operations;
Director, Office of Nuclear Reactor Regulation;
Director, Office of Nuclear Material Safety and Safeguards;
Director, Office of Nuclear Regulatory Research;
Director, Office of Inspection and Enforcement;
Director, Office of State Programs; and
The designee of any NRC staff director.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

26. The authority citation for Part 110 continues to read as follows:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 110.89 [Amended]

27. In § 110.89, paragraph (b), remove the words "Executive Legal Director" and add, in their place, the words "General Counsel".

Dated at Bethesda, Maryland, this 26th day of September, 1986.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 86-22838 Filed 10-7-86; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Parts 30, 40, and 70

Regional Nuclear Materials Licensing for the United States Air Force

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulation concerning the domestic licensing of source, byproduct, and special nuclear material (collectively referred to as nuclear materials) to provide for further decentralization of the NRC licensing process. This amendment extends to the Region IV Office the same authority for the United States Air Force license as they now possess for nearly all other Federal activities.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, Chief, Material Licensing Branch, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 427-4002.

SUPPLEMENTARY INFORMATION: Each year since 1982 (May 27, 1982; 47 CFR 23138) (April 14, 1983; 48 FR 16030) (May 9, 1984; 49 FR 19630) (April 15, 1985; 50 FR 14692), the Nuclear Regulatory Commission (NRC) published rules decentralizing most licensing of nuclear materials. The NRC is amending its regulations to include the United States Air Force license in its decentralization program.

The NRC recently consolidated approximately 70 individual United

States Air Force licenses into one "master" license with many individual permits. During the consolidation and for a short time after it, Headquarters retained the regulatory authority for the Air Force licensing effort to maintain continuity. NRC Headquarters is now prepared to transfer this authority to the appropriate Regional Office, consistent with a similar delegation which affected nearly all other Federal licenses in 1985.

With respect to licenses issued pursuant to 10 CFR Part 30 through 35, 40, and 70, revisions to 10 CFR 30.6, 40.5 and 70.5 would require the Air Force to contact the appropriate Regional office, rather than NRC Headquarters offices, for license applications, renewals, and revisions. This action now incorporates the U.S. Air Force license into the NRC Regional materials licensing program.

The only Federal licensee not included in the decentralization program is the United States Navy. Navy submittals under Parts 30 through 35, 40 and 70 will continue to be sent to the Office of Nuclear Material Safety and Safeguards (NMSS). These licenses have not been included because the Navy is currently in the process of submitting a proposal for a "master" materials license with the NRC, which would, if approved, consolidate over one hundred individual licenses into one license. Following this consolidation, it is intended that the licensing authority for the Navy also will be delegated to the appropriate Region.

Delegations of authority to the Regional Administrator are contained in NRC Manual Chapter 0128. The changes to §§ 30.6, 40.5, and 70.5 are nonsubstantive amendments. The revised sections indicate the type of licensing authority delegated to the Regional Administrator.

Because these are amendments dealing with Agency practice, procedure, and organization, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendments are effective October 1, 1986. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor and administrative nature dealing with a matter of Agency practice that for administrative convenience should begin with a new fiscal year.

Environmental Impact—Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3)(i). Accordingly, pursuant to 10 CFR 51.22(b), neither an environmental impact statement nor an

environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). existing requirements were approved by the Office of Management and Budget approval numbers 3150-0017 for Part 30, 3150-0016 for Part 31, 3150-0001 for Part 32, 3150-0015 for Part 33, 3150-0007 for Part 34, 3150-0010 for Part 35, 3150-0020 for Part 40, and 3150-0009 for Part 70.

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 40

Government contracts, Hazardous materials-transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, and Uranium.

10 CFR Part 70

Hazardous materials-transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

Under 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 following amendments to 10 CFR Parts 30, 40, and 70 are published as a document subject to codification.

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: Secs. 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, 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 the 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. In § 30.6, paragraphs (b)(2) (i), (ii), (iii), (iv), and (v) are amended by changing the phrase, "With the exception of the United States Air Force and Navy . . ." to read "With the exception of the United States Navy . . ." Also, the introductory text of paragraph (b) and paragraph (b)(1) are revised to read as follows:

§ 30.6 Communications.

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its decentralized licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30 through 35, 40, and 70 to all persons except the United States Navy for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's Headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extracting of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) Distribution of products containing radioactive material to persons exempt pursuant 10 CFR 32.11 through 32.26.

(v) New uses or techniques for use of byproduct, source, or special nuclear material.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended [42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2236, 2282]; sec. 274, Pub. L. 86-373, 73 Stat. 688 [42 U.S.C. 2021]; secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 [42 U.S.C. 5841, 5842, 5846]; sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 [42 U.S.C. 2022].

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 [42 U.S.C. 5851]. Section 40.31(g) also issued under sec. 122, 68 Stat. 939 [42 U.S.C. 2152]. Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended [42 U.S.C. 2234]. Section 40.71 also issued under sec. 187, 68 Stat. 955 [42 U.S.C. 2237].

For the purposes of sec. 223, 68 Stat. 958, as amended [42 U.S.C. 2273]: §§ 40.3, 40.25(d) (1)-(3), 40.35(a)-(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended [42 U.S.C. 2201(b)]; and §§ 40.5, 40.25 (c), (d) (3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended [42 U.S.C. 2201(o)].

4. In § 40.5, paragraphs (b)(2) (i), (ii), (iii), (iv), and (v) are amended by changing the phrase, "With the exception of the United States Air Force and Navy . . ." to read "With the exception of the United States Navy . . ." Also, the introductory text of paragraph (b) and paragraph (b)(1) are revised to read as follows:

§ 40.5 Communications.

* * * * *

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its decentralized licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30 through 35, 40, and 70 to all persons except the United States Navy for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in

any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's Headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extracting of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) distribution of products containing radioactive material to persons exempt pursuant 10 CFR 32.11 through 32.26.

(v) New uses or techniques for use of byproduct, source, or special nuclear material.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

5. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended [42 U.S.C. 2071, 2073, 2201, 2232, 2282]; secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 [42 U.S.C. 5841, 5842, 5845, 5846].

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 [42 U.S.C. 5851]. Section 70.21(g) also issued under sec. 122, 68 Stat. 939 [42 U.S.C. 2152]. Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 [42 U.S.C. 2077]. Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended [42 U.S.C. 2234]. Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 [42 U.S.C. 2236, 2237]. Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended [42 U.S.C. 2138].

For the purposes of sec. 223, 68 Stat. 958, as amended [42 U.S.C. 2273]: §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)-(k), 70.24 (a) and (b), 70.32 (a) (3), (5), (6), (d), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended [42 U.S.C. 2201(b)]; §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51 (c)-(g), 70.56, 70.57 (b) and (d), and 70.58 (a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended [42 U.S.C. 2201(i)]; and §§ 70.5, 70.20b (d) and (e), 70.38, 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.56 (g)(4), (k), and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended [42 U.S.C. 2201(o)].

6. In § 70.5, paragraphs (b)(2) (i), (ii), (iii), (iv), and (v) are amended by changing the phrase, "With the

exception of the United States Air Force and Navy . . ." to read "With the exception of the United States Navy . . ." Also, the introductory text of paragraph (b) and paragraph (b)(1) are revised to read as follows:

§ 70.5 Communications.

* * * * *

(b) The Commission has delegated to the five Regional Administrators licensing authority for selected parts of its decentralized licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted as specified in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR Parts 30 through 35, 40, and 70 to all persons except the United States Navy for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's Headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extracting of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) Distribution of products containing radioactive material to persons exempt pursuant 10 CFR 32.11 through 32.26.

(v) New uses or techniques for use of byproduct, source, or special nuclear material.

* * * * *

Dated at Bethesda, MD, this 26th day of September, 1986.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 86-22840 Filed 10-7-86; 8:45 am]

BILLING CODE 7590-01-M