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DOCUMENT DATE: 04/13/1994

TITLE: PR-001,020,030,040,055,070,073 - 59FR17464 -  
CONSOLIDATION OF THE NRC REGION V OFFICE WITH  
THE REGION IV OFFICE

CASE REFERENCE: PR-001,020,030,040,055,070,073  
59FR17464

KEY WORD: RULEMAKING COMMENTS

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STATUS OF RULEMAKING

PROPOSED RULE: PR-001,020,030,040,055,070,073 OPEN ITEM (Y/N) N  
RULE NAME: CONSOLIDATION OF THE NRC REGION V OFFICE WITH THE  
REGION IV OFFICE  
PROPOSED RULE FED REG CITE: 59FR17464  
PROPOSED RULE PUBLICATION DATE: 04/13/94 NUMBER OF COMMENTS:  
ORIGINAL DATE FOR COMMENTS: / / EXTENSION DATE: / /  
FINAL RULE FED. REG. CITE: 5917464 FINAL RULE PUBLICATION DATE: 04/13/94  
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STATUS D ON P1.  
OF RULE  
TO FIND THE STAFF CONTACT OR VIEW THE RULEMAKING HISTORY PRESS PAGE DOWN KEY

HISTORY OF THE RULE

PART AFFECTED: PR-001,020,030,040,055,070,073  
RULE TITLE: CONSOLIDATION OF THE NRC REGION V OFFICE WITH THE  
REGION IV OFFICE  
PROPOSED RULE PROPOSED RULE DATE PROPOSED RULE  
SECY PAPER: SRM DATE: / / SIGNED BY SECRETARY: / /  
FINAL RULE FINAL RULE DATE FINAL RULE  
SECY PAPER: SRM DATE: / / SIGNED BY SECRETARY: 07/28/94

STAFF CONTACTS ON THE RULE

CONTACT1: JOHN M. MONTGOMERY MAIL STOP: PHONE:  
CONTACT2: MAIL STOP: PHONE:

DOCKET NO. PR-001,020,030,040,055,070,073  
(59FR17464)

In the Matter of  
CONSOLIDATION OF THE NRC REGION V OFFICE WITH THE  
REGION IV OFFICE

| DATE<br>DOCKETED | DATE OF<br>DOCUMENT | TITLE OR<br>DESCRIPTION OF DOCUMENT |
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04/12/94

03/31/94

FEDERAL REGISTER NOTICE - FINAL RULE

DOCKET NUMBER  
PROPOSED RULE **PR 1,20,30,40,55,70 & 73**

**(59 FR 17464)**

DOCKETED  
[7590-01-P]

Copy to Secretary  
Required sent to the  
Office of the Federal Register  
for publication

*Rulemaking Item*

NUCLEAR REGULATORY COMMISSION

10 CFR PARTS 1, 20, 30, 40, 55, 70, AND 73

RIN 3150-AE98

'94 APR 12 P5:30

OFFICE OF SECRETARY  
DOCKETING & SERVICE

Consolidation of the NRC Region V Office with the Region IV Office

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations as a result of the consolidation of the Region V office in Walnut Creek, California, with the Region IV office in Arlington, Texas. These amendments are necessary to inform the public of the administrative changes to the NRC's regulations.

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT: John M. Montgomery, USNRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011-8064; telephone (817) 860-8226.

SUPPLEMENTARY INFORMATION:

On April 4, 1994, the NRC will consolidate its Region V office in Walnut Creek, California, with the Region IV office in Arlington, Texas. An NRC field office will be established in Walnut Creek, California.

Previously, the NRC published a general notice in the Federal Register (59 FR 8667; March 1, 1994) stating that effective March 1, 1994, the

*Pub. 4/13/94*

emergency response functions and responsibilities of the current Region V office would be transferred to the Region IV office.

Because this amendment deals with agency procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). 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 change in address and telephone number. The amendment is effective April 4, 1994.

#### 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

The final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because it is an administrative action that changes the address and telephone number of an NRC region.

#### Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because this rule does not involve any provisions that would impose a backfit as defined in § 50.109(a)(1). Therefore, a

backfit analysis is not required for this rule.

#### List of Subjects

10 CFR Part 1 - Organization and functions (Government Agencies).

10 CFR Part 20 - Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 30 - Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40 - Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 55 - Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 70 - Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 73 - Criminal penalties, Hazardous materials transportation, Export, Incorporation by reference, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

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 1, 20, 30, 40, 55, 70, and 73.

#### PART 1 - STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

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

AUTHORITY: Secs. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85-256, 71 Stat. 579, Pub. L. 95-209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1980, 45 FR 40561, June 16, 1980.

#### §1.5 [Amended]

2. In § 1.5, paragraph (b), in the NRC Region IV address "Suite 1000" is revised to read "Suite 400" and the NRC Region V address is revised to read "USNRC, Region IV Walnut Creek Field Office, 1450 Maria Lane, Suite 300, Walnut Creek, CA 94596."

#### PART 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

3. The authority citation for Part 20 continues to read as follows:

AUTHORITY: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

4. Appendix D to §§ 20.1001-20.2402 is amended by removing the Region V entry and by revising the Region IV entry to read as follows:



Appendix D to §§20.1001-20.2402 - United States Nuclear Regulatory Commission Regional Offices

|  | Address   | Telephone (24 hour)              |
|--|---|----------------------------------|
| * * * * *  |   |                                  |
| Region IV: Alaska, Arizona, Arkansas, California,<br>Colorado, Hawaii, Idaho, Kansas, Louisiana,<br>Montana, Nebraska, Nevada, New Mexico, North Dakota,<br>Oklahoma, Oregon, South Dakota, Texas, Utah,<br>Washington, Wyoming, and the U.S. territories and<br>possessions in the Pacific. | USNRC, Region IV, 611<br>Ryan Plaza Drive, Suite<br>400, Arlington TX 76011   | (817) 860-8100<br>(FTS) 728-8100 |
| Region IV: Field Office  | USNRC, Region IV, Uranium<br>Recovery Field Office,<br>730 Simms Street, Suite<br>100a, Golden, CO 80401;<br>Mail: P.O. Box 25325,<br>Denver, CO 80225. | (303) 231-2805<br>(FTS) 554-2805 |
| Region IV: Field Office  | USNRC, Region IV, Walnut<br>Creek Field Office, 1450<br>Maria Lane, Suite 300,<br>Walnut Creek, CA 94596.   | (510) 975-0200                   |

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

5. The authority citation for Part 30 continues 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, 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).

§ 30.6 [Amended]

6. In § 30.6, paragraph (b)(2)(v) is removed and paragraph (b)(2)(iv) is revised to read as follows:

§30.6 Communications.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) Region IV. The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and a territory: Alaska, Hawaii, Montana, Oklahoma, South Dakota, Wyoming, and Guam. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection

Section, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

(v) [Removed]

PART 40 - DOMESTIC LICENSING OF SOURCE MATERIAL

7. The authority citation for Part 40 continues 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, 2233, 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).

8. In § 40.5, paragraph (b)(2)(v) is removed and paragraph (b)(2)(iv) is revised to read as follows:

§40.5 Communications.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) Region IV. The regional licensing program involves all Federal

facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and a territory: Alaska, Hawaii, Montana, Oklahoma, South Dakota, Wyoming, and Guam. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

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(v) [Removed]

## 55 - OPERATORS' LICENSES

9. The authority citation for Part 55 continues to read as follows:

AUTHORITY: Secs. 107, 161, 182, 68 Stat. 939, 948, 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97-425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

10. In §55.5, paragraph (b)(2)(v) is removed and paragraphs (b)(1) and (b)(2)(ii) are revised to read as follows:

§55.5 Communications.

\* \* \* \* \*

(b)(1) Except for test and research reactor facilities, the Director of Nuclear Reactor Regulation has delegated to the Regional Administrators of Regions I, II, III, and IV, authority and responsibility pursuant to the regulations in this part for the issuance and renewal of licenses for

operators and senior operators of nuclear power reactors licensed under 10 CFR Part 50 and located in these regions.

(2) \* \* \*

(v) Removed

(3) \* \* \*

(ii). For all test and research reactor facilities located in Regions I, II, III, and IV, submissions must be made to the Director, Division of Licensee Performance and Quality Evaluation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Operator Licensing Branch.

#### 70 - DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

11. The authority citation for Part 70 continues 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, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). 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. 93-3772, 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).

12. In § 70.5, paragraph (b)(2)(v) is removed and paragraph (b)(2)(iv) is revised to read as follows:

§70.5 Communications.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) Region IV. The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and a territory: Alaska, Hawaii, Montana, Oklahoma, South Dakota, Wyoming, and Guam. All inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must be sent to: U.S. Nuclear Regulatory Commission, Region IV, Material Radiation Protection Section, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

(v) [Removed]

PART 73 – PHYSICAL PROTECTION OF PLANTS AND MATERIALS

13. The authority citation for Part 73 continues to read as follows:

AUTHORITY: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99-399, 100 Stat. 876 (42 U.S.C. 2169).

14. Appendix A to Part 73 is amended by removing the Region V entry and revising the Region IV entry to read as follows:

Appendix A to Part 73 - U.S. Nuclear Regulatory Commission Regional Offices

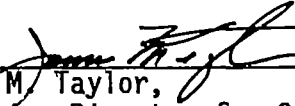
|  | Address  | Telephone (24 hour)              |
|--|--|----------------------------------|
| * * * * *  |  |                                  |
| Region IV: Alaska, Arizona, Arkansas, California,<br>Colorado, Hawaii, Idaho, Kansas, Louisiana,<br>Montana, Nebraska, Nevada, New Mexico, North Dakota,<br>Oklahoma, Oregon, South Dakota, Texas, Utah,<br>Washington, Wyoming, and the U.S. territories and<br>possessions in the Pacific. | USNRC, 611 Ryan Plaza<br>Drive, Suite 400,<br>Arlington TX 76011   | (817) 860-8100<br>(FTS) 728-8100 |
| Region IV: Field Office  | USNRC, Region IV Uranium<br>Recovery Field Office,<br>730 Simms Street, Suite<br>100a, Golden, CO 80401;<br>Mail: P.O. Box 25325,<br>Denver, CO 80225. | (303) 231-2805<br>(FTS) 554-2805 |
| Region IV: Field Office  | USNRC, Region IV, Walnut<br>Creek Field Office, 1450<br>Maria Lane, Suite 300,<br>Walnut Creek, CA 94596.  | (510) 975-0200                   |



SUBJECT: CONSOLIDATION OF THE NRC REGION V OFFICE WITH THE REGION IV OFFICE  
(RIN: 3150-AE98)

Dated at Rockville, Maryland, this *31<sup>st</sup>* day of *March*, 1994.

For the Nuclear Regulatory Commission.

  
\_\_\_\_\_  
James M. Taylor,  
Executive Director for Operations.