that it was discontinuing operations and going out of business. WDEQ informed the NRC on July 21, 1994, that it was prepared to complete reclamation of the site and had initiated bond forfeiture. The Wyoming Environmental Quality Council forfeited ANC's reclamation bond to WDEQ by Order dated October 5, 1994. It is understood that the State of Wyoming, through WDEQ, is reclaiming the site with proceeds from the reclamation bond forfeiture on October 5, 1994, and that the state has been spending its funds thereafter on reclamation at the site. WDEQ has hired a consultant to design final reclamation plans for ANC's Gas Hills site.

Any person adversely affected by the Confirmatory Order, other than WDEQ, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, DC 20555–0001. Copies also shall be sent to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; to the Assistant General Counsel for Hearings and Enforcement at the same address; to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011–8064; and to the Land Quality Division Administrator, WDEQ, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002. If such a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained. In the absence of any request for hearing, the requirements specified shall be final 20 days from the date of this Order without further order or proceedings.

The Confirmatory Order is available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 21st day of October 1996.

For the Nuclear Regulatory Commission.

Joseph J. Holonich,

*Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 96–27560 Filed 10–25–96; 8:45 am]

**BILLING CODE 7590–01–P**

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**[Docket No. 50–262]**

## Environmental Assessment and Finding of No Significant Impact Regarding Termination of Facility License No. R–109 Brigham Young University L–77 Research Reactor

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Order terminating Facility License No. R–109 for the Brigham Young University (BYU or the licensee) L–77 Research Reactor located on the licensee's campus in Provo, Utah in accordance with the application dated June 28, 1990, as supplemented on July 2, 1991; March 9, 1992; April 15, 1994; and May 30, October 9, and December 7, 1995.

### Environmental Assessment

#### *Identification of Proposed Action*

By application dated June 28, 1990, as supplemented on July 2, 1991, and March 9, 1992, the licensee requested authorization to dismantle the BYU L–77 Research Reactor, and dispose of its component parts in accordance with the proposed decommissioning plan. The July 2, 1991, submittal also requested authorization to terminate Facility License No. R–109. Following an ''Order Approving Decommissioning Plan and Authorizing Decommissioning,'' dated July 23, 1992 (57 FR 33979), the licensee completed the dismantlement and submitted a final survey report dated April 15, 1994, as supplemented on May 30, October 9, and December 7, 1995. Representatives of the Oak Ridge Institute for Science and Education (ORISE), under contract to NRC, conducted a survey of the facility on April 10 and 11, 1996. The survey is documented in an ORISE report, ''Radiological Survey for the Brigham Young University L–77 Research Reactor Provo, Utah,'' dated June 1996. NRC Region IV staff, in a memorandum dated July 15, 1996, found that the ORISE report findings support the data developed in the licensee final survey report.

#### *The Need for the Proposed Action*

In order to release the facility for unrestricted access and use, Facility License No. R–109 must be terminated.

#### *Environmental Impact of License Termination*

The licensee indicates that the residual contamination and dose exposures comply with the criteria of Regulatory Guide 1.86, Table 1, which establishes acceptable residual surface contamination levels, and the exposure limit, established by the NRC staff, of less than 5 micro-R/hr above background at 1 meter. The NRC verified these measurements. The NRC finds that, since these criteria have been met, there is no significant impact on the environment, and the facility can be released for unrestricted use.

#### *Alternative to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts and would deny release of the site for unrestricted use and require continuance of the facility license. The environmental impacts of the proposed action and the alternative action are similar. Since the contaminated and activated reactor and component parts have been dismantled and disposed of in accordance with NRC regulations and guidelines, there is no alternative with less of an environmental impact than the termination of Facility License No. R–109.

#### *Agencies and Persons Consulted*

Personnel from the Oak Ridge Institute of Science and Education (an NRC contractor) conducted the confirmatory survey for the BYU L–77 Research Reactor. The staff consulted with the Utah State official regarding the environmental impact of the proposed action. The State official had no comments.

### Finding of No Significant Impact

The NRC has determined not to prepare an Environmental Impact Statement for the proposed action. On the basis of the foregoing Environmental Assessment, the NRC has concluded that the issuance of the Order will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for termination of Facility License No. R–109, dated June 28, 1990, as supplemented. These documents are available for public inspection at the Commission's Public Document Room,

2120 L Street, N.W., Washington, D.C. 20037.

Dated at Rockville, Maryland this 21st day of October 1996.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

*Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 96–27561 Filed 10–25–96; 8:45 am]

**BILLING CODE 7590–01–P**

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**[Docket No. 50–325 and 50–324]**

## Carolina Power & Light Company, Brunswick Steam Electric Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U. S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of amendments to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (CP&L or the licensee) for operation of the Brunswick Steam Electric Plant (BSEP), Units 1 & 2, located in Brunswick County, North Carolina.

Environmental Assessment

*Identification of the Proposed Action*

This Environmental Assessment addresses potential environmental issues related to Carolina Power & Light Company's (CP&L) application to amend the BSEP, Units 1 and 2, Operating Licenses. The proposed amendments would increase the licensed core thermal power from 2436 megawatts thermal (MWt) to 2558 MWt, which represents an increase of 5 percent over the current licensed power level. This request is in accordance with the generic boiling water reactor (BWR) power uprate program (Reference 1) established by the General Electric Company (GE) and approved by the NRC staff in a letter dated September 30, 1991 (Reference 2).

The proposed action involves NRC issuance of license amendments to uprate the authorized power level by changing the Operating Licenses, including Appendix A (Technical Specifications). The proposed action is in accordance with the licensee's application for amendment dated April 2, 1996 (Reference 3), as supplemented by an earlier submittal dated November 20, 1995 (Reference 4), and by subsequent submittals dated July 1, 1996 (Reference 5), July 30, 1996 (Reference 6), August 7, 1996 (Reference 7), September 13, 1996 (Reference 8), September 20, 1996 (Reference 9), October 1, 1996 (Reference 10), October 22, 1996 (BSEP 96–0392) (Reference 11), and October 22, 1996 (BSEP 96–0403) (Reference 12).

*The Need for the Proposed Action*

The proposed action is needed to authorize CP&L to increase the potential electrical output of the BSEP by approximately 40.5 megawatts per unit, thus providing additional electrical power to service CP&L's grid.

*Environmental Impacts of the Proposed Action*

The ''Final Environmental Statement'' (FES) related to operation of BSEP, Units 1 and 2 (Reference 13) assumed a maximum reactor power level of 2550 MWt per unit in calculating releases of radioactivity in effluents. The licensee submitted a nonradiological environmental assessment (Enclosure 3 to Ref. 4) supporting the proposed power uprate action and provided a summary of its conclusions concerning the radiological and nonradiological environmental impacts (Enclosure 3 to Ref. 3) of the proposed action. As described in a July 1, 1996, response to NRC staff questions (Enclosure 1 to Ref. 5), evaluations performed by the licensee show no changes to the conclusions of the FES (Ref. 13) as a result of power uprate.

A summary of the nonradiological and radiological effects on the environment that may result from the proposed amendments is provided below.

*Nonradiological Environmental Assessment*

As presented in the following evaluation, the proposed power uprate will not change the method of generating electricity nor the method of handling any influents from the environment or nonradiological effluents to the environment. Therefore, no new or different types of nonradiological environmental impacts are expected. The evaluation is based upon information provided by the licensee in a September 1995 GE licensing topical report supporting the BSEP power uprate (Reference 14) and in Enclosure 3 of Reference 4.

The BSEP uses a once-through circulating water system for dissipating heat from the main turbine condensers. This cooling system withdraws water from the Cape Fear River through a 3-mile long intake canal. The heated water is discharged to the Atlantic Ocean after it travels through a 6-mile long canal. A pumping station at the end of the canal pumps the water 2000 feet off of the beach through pipes. The National Pollutant Discharge Elimination System (NPDES) permit, issued on October 1, 1996, by the State of North Carolina Department of Natural Resources and Community Development, specifies requirements applicable to nonradiological effluents released from the BSEP. No changes or other action relative to the NPDES Permit are required to implement power uprate at the Brunswick Plant.

The NPDES permit currently allows the withdrawal, from the Cape Fear River, of 922 cubic feet of water per second (cfs), per unit, from December through March; 1105 cfs, per unit, from April through November; and 1230 cfs through one unit only from July through September. No changes to the flow rate of intake circulating cooling water will occur as a result of the proposed uprated power levels, therefore there will be no associated increase in the entrainment of planktonic organisms or impingement of fish, crabs, or shrimp. Chlorine is injected into the circulating water system to retard the growth of biofouling organisms. The NPDES permit limits the rate of chlorine injection. The chlorine injection rate is determined by the flow rate through the circulating water system. As stated above, the circulating water system flow rate will not change as a result of operation at uprated power levels; therefore, the chlorine injection rate will not change. As a result of the uprated power, the licensee has conservatively calculated an increase in the temperature of the circulating water leaving the main condensers of 1.4°F in the winter and 1.2°F in the summer (Table 6–3, Enclosure 2 to Ref. 4). These small increases at the condenser should not significantly impact the temperature of water discharged to the ocean, after traveling more than 6 miles through the discharge canal. As an example, on August 1, 1994, the ambient ocean water temperature was 83°F. With both units operating at 100% power, the water temperature at the point of ocean discharge was 91°F. At 1500 feet north and south from the point of discharge, approximately a 50-acre area, the water temperature was 83°F, i.e., ambient temperature. The NPDES permit allows a temperature increase up to 89.5°F within an area of 1,000 acres during the summer. Therefore, the ocean discharge mixing zone temperature limits, defined by the NPDES permit, should not be exceeded by operation at the uprated power.

Nonradiological effluent discharges from other systems were also reviewed by the licensee for potential effects from the proposed power uprate. Effluent limits for systems such as roof drains, yard drains, low volume waste, metal