

## IV

Any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how such person's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an Order designating the time and place of such hearing.

The issue to be considered at any such hearing will be whether this Order should be sustained.

Any request for a hearing must be filed with Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Chief Docketing and Services Section, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Copies should also be sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to J. E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

This Order is effective upon issuance. For further details with respect to this action, see the application dated April 5, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Rockville, Maryland, this 18th day of October 1996.

For the Nuclear Regulatory Commission.

Frank J. Miraglia, Jr.,

*Acting Director, Office of Nuclear Reactor Regulation.*

Carl J. Paperiello,

*Director, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 96-28222 Filed 11-1-96; 8:45 am]

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[Docket No. 50-262]

**Brigham Young University (Brigham Young University L-77 Research Reactor); Order Terminating Facility License**

By application dated June 28, 1990, as supplemented on July 2, 1991, and March 9, 1992, Brigham Young University (BYU or the licensee) requested from the U.S. Nuclear Regulatory Commission (the

Commission) authorization to dismantle and dispose of the component parts of the BYU L-77 Research Reactor located on the licensee's campus in Provo, Utah. The July 2, 1991, letter contained a request that upon completion of decommissioning, authorization be given for termination of Facility License No. R-109. A "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License," was published in the Federal Register on August 1, 1991 (56 FR 36851). No requests for a hearing were received. By Order dated July 23, 1992 (57 FR 33979), the Commission authorized dismantling of the facility and disposition of component parts as proposed in the decommissioning plan of the licensee. By letter dated April 15, 1994, as supplemented on May 30, October 9, and December 7, 1995, the licensee submitted the Decommissioning Survey for the L-77 Research Reactor.

The reactor fuel has been removed from the core and was shipped to a Department of Energy (DOE) facility. The reactor facility has been completely dismantled and all requirements pertaining to residual radioactivity, personnel and external radiation exposure, and fuel disposition have been satisfied. The termination radiation survey and associated documentation demonstrate that the facility and site are suitable for release. Confirmatory radiological surveys verified that the facility complied with the recommended regulatory guidance for release of the facility for unrestricted use. Accordingly, the Commission has found that the licensee decommissioned the facility in accordance with the approved decommissioning plan and the facility has been dismantled and decontaminated pursuant to the Commission's Order dated July 23, 1992. The component parts and fuel have been disposed of in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security, nor to the health and safety of the public. Therefore, on the basis of the application filed by BYU, and pursuant to Sections 104 and 161 b, and i, of the Atomic Energy Act of 1954, as amended, and in accordance with 10 CFR 50.82(b)(6), Facility License No. R-109 is terminated as of the date of this Order. In accordance with 10 CFR Part 51, the Commission has determined that the issuance of this termination Order will have no significant environmental impact. The Environmental Assessment and Finding of No Significant Impact

was published in the Federal Register on October 28, 1996 (61 FR 55672).

For further details with respect to this action see (1) the application for termination of Facility License No. R-109, dated July 2, 1991, as supplemented, (2) the Commission's Safety Evaluation related to the termination of the license, (3) the Environmental Assessment and Finding of No Significant Impact, and (4) the "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License," published in the Federal Register on August 1, 1991 (56 FR 36851). Each of these items is available for public inspection at the Commission Public Document Room, 2120 L Street, N.W., Washington, D.C. 20037.

Copies of items 2, 3, and 4 may be obtained upon request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Director, Division of Reactor Program Management.

Dated at Rockville, Maryland this 29th day of October 1996.

For the Nuclear Regulatory Commission.

Thomas T. Martin,

*Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*

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**Notice of Issuance of Branch Technical Position on Screening Methodology for Assessing Prior Land Burials of Radioactive Waste Authorized Under Former 10 CFR 20.304 and 20.302 for Interim Use and Comment**

**SUMMARY:** This notice is to advise the public of the U.S. Nuclear Regulatory Commission's issuance of a Branch Technical Position (BTP) which provides a screening methodology that the staff finds acceptable to determine the need for further characterization and/or remediation of prior low-level radioactive waste disposal conducted under the provisions of former 10 CFR 20.304 and 20.302.

Burial of certain quantities of radioactive waste in soil, by licensees, without prior NRC approval, was authorized on January 29, 1959 (22 FR 548). This authorization was codified in former 10 CFR 20.304. On January 28, 1981, the NRC concluded that it was inappropriate to continue generic authorizations of burials pursuant to 10 CFR 20.304 without regard to factors such as location of burial, concentrations of radioactive material, form of packaging, and notification of NRC. Therefore, NRC rescinded 10 CFR