

VII

After reviewing the information submitted in the letters of October 17 and December 13, 1996, and other information before the Commission, and in consideration of the foregoing findings, the NRC staff has determined that IP is qualified to hold the license and that the transfer, subject to the conditions set forth herein, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission. Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended; 42 U.S.C. sections 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, the Commission consents to the proposed transfer of the license described herein from Soyland to IP, subject to the following: (1) The issuance of approved amendments fully reflecting the transfer approved by this Order at the time such transfer is effected; (2) should the transfer not be completed by December 31, 1997, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended; and (3) IP shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from IP to Illinova Corporation (its parent company) or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding ten percent (10%) of IP's consolidated net utility plant.

This Order is effective upon issuance.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and a finding of no significant impact have been prepared and published in the **Federal Register** on February 5, 1997 (62 FR 5495). On the basis of the environmental assessment, the Commission has determined that the issuance of this Order will not have a significant effect on the quality of the human environment.

Notice of consideration of issuance of an order approving the transfer of the license and an opportunity for a hearing was published in the **Federal Register** on January 29, 1997 (62 FR 4337).

For further details with respect to this action, see IP's letters requesting approval of the transfer of the license dated October 17 and December 13, 1996, which are 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 Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, IL 61727.

Dated at Rockville, Maryland, this 13th day of March 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-7332 Filed 3-21-97; 8:45 am]

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[Docket No. 50-245]

Northeast Nuclear Energy Company Notice of Withdrawal of Applications for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company, et. al (the licensee) to withdraw its July 28, 1994, and November 8, 1995, applications for proposed amendments to Facility Operating License No. DPR-21 for the Millstone Nuclear Power Station, Unit 1, located in New London County, Connecticut.

The amendment proposed in the July 28, 1994, letter would have modified the facility technical specifications pertaining to seismic capability of the feedwater coolant injection system. The amendment proposed in the November 8, 1995, letter would have modified the facility technical specifications for the jet pumps in order to make the technical specifications consistent with the limiting conditions for operation and surveillance requirements in the NRC's Standard Technical Specifications for General Electric Plants (NUREG-1433).

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 15, 1995 (60 FR 14023) for the July 28, 1994, request, and March 27, 1996 (61 FR 13528) for the November 8, 1995, request. However, by letter dated February 27, 1997, the licensee withdrew the proposed changes.

For further details with respect to this action, see the applications for amendments dated July 28, 1994, and November 8, 1995, and the licensee's letter dated February 27, 1997, which withdrew the applications for license amendments. The above documents are 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 rooms located at the Learning Resources Center, Three Rivers

Community-Technical College, 574 New London Turnpike, Norwich, Connecticut 06360 and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Dated at Rockville, Maryland, this 17th day of March 1997.

For the Nuclear Regulatory Commission.

Stephen Dembek,

Project Manager, Special Projects Office, Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 97-7319 Filed 3-21-97; 8:45 am]

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[Docket No. 50-72]

University of Utah (University of Utah AGN-201 Research Reactor), Order Terminating Amended Facility Operating License No. R-25

By application dated July 17, 1990, as supplemented on July 18, 1990, and June 12, 1991, the University of Utah (the licensee) requested from the U.S. Nuclear Regulatory Commission (NRC or the Commission) authorization to dismantle and dispose of the component parts of the AGN-201 Research Reactor (AGN-201 or the reactor) located on the licensee's campus in Salt Lake City, Utah. The letter of July 17, 1990, contained a request that upon successful completion of decommissioning, authorization be given for termination of Amended Facility Operating License No. R-25. A "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License," was published in the **Federal Register** on May 9, 1991 (56 FR 21508). No requests for a hearing were received. By Order dated August 1, 1991 (56 FR 37733), the Commission authorized dismantling of the reactor and disposition of component parts as proposed in the decommissioning plan of the licensee. By letter dated April 13, 1994, as supplemented on March 17 and 22, 1995, and February 6, 1996, the licensee submitted "A Summary of the Decommissioning Process of the University of Utah AGN-201M Reactor No. 107."

The reactor fuel has been removed from the core and shipped to a Department of Energy facility. The reactor has been completely dismantled, and all requirements pertaining to residual radioactivity, personnel and external radiation exposure, and fuel

disposition have been met. By separate action, the NRC has granted in accordance with 10 CFR 50.12, upon its own initiative, a specific exemption to the part of the requirements in 10 CFR 50.82(b)(6)(ii) that requires as a condition of license termination a terminal radiation survey and associated documentation to demonstrate that the site is suitable for release. Because the AGN-201 is located in the same room as the University of Utah TRIGA Research Reactor (Docket No. 50-407, Facility Operating License No. R-126), the Reactor Room in the Merrill Engineering Building is not being released for unrestricted use by this Order and will continue to be subject to the terms of Operating License No. R-126 for the TRIGA Research Reactor. Only residual reactor components from the AGN-201 remaining on Amended Facility Operating License No. R-25 are being released for unrestricted use by this action.

The terminal radiation survey and associated documentation demonstrate that the remaining reactor components are suitable for release. Confirmatory radiological surveys verified that the reactor components meet the recommended regulatory guidance for release of the components for unrestricted use. Accordingly, the Commission has found that the decommissioning has been performed in accordance with the approved decommissioning plan in that the reactor has been dismantled and decontaminated pursuant to the Commission's Order dated August 1, 1991. Satisfactory disposition has been made of the component parts and fuel in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security, or to the health and safety of the public. Therefore, on the basis of the application filed by the University of Utah, 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), Amended Facility Operating License No. R-25 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 March 13, 1997 (62 FR 11935).

For further details with respect to this action, see (1) the application for termination of Amended Facility Operating License No. R-25, dated July 17, 1990, 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; (4) the Commission's exemption to part of the requirements of 10 CFR 50.82(b)(6); and (5) the "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License," published in the **Federal Register** on May 9, 1991 (56 FR 21508). Each of these items is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, D.C. 20037.

Copies of items (2), (3), (4), and (5) may be obtained upon receipt of a request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attention: Director, Division of Reactor Program Management.

Dated at Rockville, Maryland, this 14th day of March 1997.

For the Nuclear Regulatory Commission.

Thomas T. Martin,

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

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[Docket No. 50-72]

University of Utah (University of Utah AGN-201 Research Reactor); Exemption

I

The University of Utah (the licensee) is the holder of Facility Operating License Nos. R-25 and R-126, which authorize operation of the University of Utah AGN-201 Research Reactor (AGN-201) and the University of Utah TRIGA Research Reactor (TRIGA). The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. The reactors are located in the Reactor Room in the Merrill Engineering Building on the campus of the University of Utah in Salt Lake City, Salt Lake County, Utah.

II

By application dated July 17, 1990, as supplemented on July 18, 1990, and June 12, 1991, the licensee requested from the U.S. Nuclear Regulatory Commission (NRC or the Commission) authorization to dismantle and dispose of the component parts of the AGN-201. The letter of July 17, 1990, contained a request that upon successful completion of decommissioning, authorization be

given for termination of Amended Facility Operating License No. R-25. By Order dated August 1, 1991 (56 FR 37733), the Commission authorized dismantling of the AGN-201 and disposition of component parts as proposed in the decommissioning plan of the licensee. By letter dated April 13, 1994, as supplemented on March 17 and 22, 1995, and February 6, 1996, the licensee submitted "A Summary of the Decommissioning Process of the University of Utah AGN-201M Reactor No. 107." As discussed in the University of Utah's decommissioning plan and letter of March 22, 1995, the site where the AGN-201 is housed is also under the license of the TRIGA and is a restricted environment.

As part of the license termination process, the NRC has decided to grant upon its own initiative a specific exemption in accordance with Title 10 of the Code of Federal Regulations, § 50.12 (10 CFR 50.12), to part of the requirements of 10 CFR 50.82(b)(6)(ii). The part of the regulation for which the staff is granting an exemption requires, as a condition of license termination, that a terminal radiation survey and associated documentation demonstrates that the site is suitable for release. The University of Utah operates the TRIGA (Docket No. 50-407, Facility Operating License No. R-126) in the same room (Reactor Room in the Merrill Engineering Building) where the AGN-201 is located. The Reactor Room will remain subject to the TRIGA license after termination of the AGN-201 license, and, therefore, a terminal survey of the site is not necessary for termination of the AGN-201 license. All that remains of the AGN-201 are reactor components that are to be released for unrestricted use. The Reactor Room will be considered for release in the future when the University of Utah requests termination of the TRIGA license.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security and (2) when special circumstances are present. Special circumstances are present, according to 10 CFR 50.12(a)(2)(ii), whenever "application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule."