

zircaloy, and which the licensee wants to test in reactor operation. Since 10 CFR 50.46 and 10 CFR part 50, appendix K limit Emergency Core Cooling System (ECCS) calculations to zircaloy and 10 CFR 50.44 relates to the generation of hydrogen gas from a metal-water reaction with zircaloy, an exemption is required in order to place two demonstration assemblies in the core. The staff has reviewed the chemical composition of the new cladding and found no significant difference between the new composition and zircaloy. Therefore, pursuant to 10 CFR 50.12, a special circumstance exists in which application of these regulations is not necessary to achieve the underlying purpose of the regulations. The NRC staff finds that granting the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Thus, an exemption is authorized by 10 CFR 50.12. The underlying purpose of 10 CFR 50.46 and 10 CFR 50 appendix K is to establish requirements for calculations of emergency core cooling systems. The licensee addressed the safety impact of the demonstration assemblies on emergency core cooling system performance as part of the application for exemption and demonstrated that the new zirconium based cladding does not affect the ECCS calculations. The underlying purpose of 10 CFR 50.44 is to ensure that means are provided for the control of hydrogen gas that may be generated following a postulated loss-of-coolant accident. The licensee previously addressed hydrogen generation following a loss-of-coolant accident. The licensee's proposed action has no significant effect on the previous assessment of hydrogen gas production.

#### *Environmental Impacts of the Proposed Action*

With regard to potential radiological impacts to the general public, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect the potential for radiological accidents and does not affect radiological plant effluents. The demonstration assemblies meet the same design bases as the fuel which is currently in the reactor. No safety limits have been changed or setpoints altered as a result of the use of these assemblies. The Final Safety Analysis Report (FSAR) analyses are bounding for the demonstration assemblies as well as the remainder of the core. The advanced zirconium-based alloys have been shown through testing to perform

satisfactorily under conditions representative of a reactor environment. In addition, the relatively small number of fuel rods involved does not represent a prohibitively large inventory of radioactive material which could be released into the reactor coolant in the event of cladding failure. The only credible consequence of this change would be a failure of the demonstration claddings. Even in the case of gross fuel failure, the number of rods involved is less than 1% of the core and, thus, sufficiently small that environmental impact would be negligible and is bounded by previous assessments. The small number of fuel rods involved in conjunction with the chemical similarity of the demonstration cladding to zircaloy cladding ensures that hydrogen production would not be significantly different from previous assessments. As a result, the proposed exemption does not affect the consequences of radiological accidents. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to the potential environmental impacts associated with the transportation of the demonstration assemblies, the advanced cladding have no impact on previous assessments determined in accordance with 10 CFR 51.52. With regard to potential nonradiological impacts, the proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

#### *Alternatives to the Proposed Action*

Because the Commission's staff has concluded that there is no significant environmental impact associated with the proposed exemption, any alternative to the proposed exemption will have either no significantly different environmental impact or greater environmental impact. The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts as a result of plant operations.

#### *Alternative Use of Resources*

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to the operation of Three Mile Island Nuclear Station, Units 1 and 2, issued by the Commission in December 1972.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, the NRC staff consulted with Richard Janati of the Pennsylvania Department of Environmental Resources on June 9, 1995, regarding the environmental impact of the proposed action. Mr. Janati had no comments on behalf of the Commonwealth of Pennsylvania.

#### **Finding of No Significant Impact**

Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated June 1, 1995, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Law/Government Publication Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland this 26th day of June, 1995.

For the Nuclear Regulatory Commission.

**Ronald W. Hernan,**

*Acting Director, Project Directorate I-3,  
Division of Reactor Projects—I/II Office of  
Nuclear Reactor Regulation.*

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#### **[Docket No. 50-272]**

#### **Public Service Electric and Gas; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. DPR-70, issued to the Public Service and Gas Company, (the licensee) for the Salem Nuclear Generating Station, Unit 1. The plant is located at the licensee's site in Salem County, New Jersey.

#### **Environmental Assessment**

##### *Identification of Proposed Action*

The proposed action would grant an exemption from a requirement of Section III.D.1.(a) of appendix J to 10 CFR part 50, which requires a set of three Type A tests (Containment

Integrated Leakage Rate Test or CILRT) be performed at approximately equal intervals during each 10-year service period. The licensee's request for an exemption would defer the next scheduled CILRT for one outage, from Refuel 12 to Refuel 13.

The proposed action is in accordance with the licensee's request for exemption dated April 4, 1995.

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

The proposed action is needed because the licensee's current schedule would require a CILRT to be performed during Refuel 12 (September 1995). Minimal safety benefit would be realized by performing the scheduled CILRT, since the majority of primary containment leakage has previously been identified through the performance of the Local Leak Rate Tests (LLRT). Without the exemption, the licensee would incur additional cost and downtime of the unit.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the proposed exemption would not significantly increase the probability or amount of expected containment leakage, and that containment integrity would thus be maintained.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternative to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. 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. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement related to the operation of Salem Nuclear Generating Station," dated April 1973.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on May 31, 1995, the NRC staff consulted with the New Jersey State official, Mr. Dennis Zannoni of the Department of Environmental Protection regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this proposed action, see the licensee's letter dated April 4, 1995, 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 Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

Dated at Rockville, Maryland, this 27th day of June 1995.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Director, Project Directorate I-2, Division of Reactor Projects—II, Office of Nuclear Reactor Regulation.*

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#### **Delegation of Authority**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of delegation of authority to the Chairman of the Nuclear Regulatory Commission.

**SUMMARY:** On July 2, 1995, due to vacancies on the Commission, a quorum of Members of the Nuclear Regulatory Commission will not be available. This circumstance is provided for in a delegation of authority approved by the Commission under section 1 of

Reorganization Plan No. 1 of 1980, whereby all Commission functions are delegated to the Chairman at such time as a quorum (at least three Members) ceases to exist.

**EFFECTIVE DATE:** This delegation shall take effect on July 2, 1995 and shall remain in effect only until a quorum has been restored.

**FOR FURTHER INFORMATION CONTACT:** Peter Crane, 301-415-1622.

**SUPPLEMENTARY INFORMATION:** The text of the delegation of authority follows:

#### **Delegation of Authority**

Under section 201(a) of the Energy Reorganization Act of 1974, as amended, a quorum for the transaction of business shall consist of at least three Members. While the Commission has a quorum, it is making necessary delegations of authority to ensure that the agency mission can be carried out in the event that, unexpectedly, a quorum is no longer available due to vacancies or the incapacitation of a Member. These delegations shall take effect immediately upon the lack of a quorum for the reasons stated above and shall remain in effect only until a quorum has been restored. This document is to be published in the **Federal Register** by the Secretary of the Commission should the delegations come into force.

Under section 1 of Reorganization Plan No. 1 of 1980, the Commission's functions are limited to policy formulation, rulemaking and adjudication. It is imperative that the agency be able to carry out these functions at all times. Section 1 further provides that the performance of any of these functions can be delegated to a member of the Commission, including the Chairman.

To ensure that these functions can be successfully carried out, the Commission, pursuant to section 1 of Reorganization Plan No. 1 of 1980, is hereby delegating the authority to carry out all Commission functions, should the absence of a quorum arise, to the Chairman of the Commission. In the event the Chairman is incapacitated or that position is not filled, the authority is delegated to the Commissioner with the longest service on the Commission. The Chairman or Commissioner exercising the authority conferred by this delegation is required to consult with the other Commissioner before taking action on a matter. For the purpose of this delegation the term "Chairman" shall also include "Acting Chairman".

All existing delegations of authority to NRC officials in effect prior to the effective date of this delegation of authority remain in full force and effect.