

found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rule implementing section 134 of the NWA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors," (published at 50 FR 41662, October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument to held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, subpart G apply.

For further details with respect to this action, see the application dated May 9, 1995, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, D.C. 20555, and at the local public document room at the Special Collections Department, Second Floor Alderman Library, University of Virginia, Charlottesville, Virginia 22903-2498. The Commission's licenses and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Rockville, Maryland, this 28th day of June, 1995.

For the U.S. Nuclear Regulatory Commission.

William D. Travers, Director,

Spend Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 95-16524 Filed 7-5-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 5-278]

PECO Energy Company; Public Service Electric and Gas Company; Delmarva Power and Light Company; Atlantic City Electric Company; Peach Bottom Atomic Power Station, Unit 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to the PECO Energy Company, et al. (the licensee) for the Peach Bottom Atomic Power Station (PBAPS), Unit 3, located in York County, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from 10 CFR Part 50, Appendix J, Section III.D.1(a). Section III.D.1(a) requires a set of three Type A tests (i.e., Containment Integrated Leak Rate Test (CILRT)) to be performed at approximately equal intervals during each 10-year service period and specifies that the third test of each set shall be conducted when the plant is shut down for the performance of the 10-year inservice inspection (ISI). The request involves a one-time schedular exemption from the requirements of Section III.D.1(a) that would extend the PBAPS, Unit 3 Type A test service period and allow the three Type A tests in the current service period to be performed at intervals that are not approximately equal. Hence, this one-time exemption would allow the third, Unit 3, Type A test to be performed during refueling outage 11, scheduled to begin in September 1997, approximately 70 months after the last Unit 3 test, thereby coinciding with the 10-year plant ISI refueling outage.

The proposed action is in accordance with the licensee's application dated November 21, 1994.

Need for the Proposed Action

The proposed action is required in order to allow the third Type A test to be performed during the eleventh Unit 3 refueling outage scheduled to begin in September 1997, concurrent with the 10-year plant inservice inspections. Without the exemption, the licensee would be required to perform a Type A test during both refueling outage 10, scheduled to begin in September 1995 and refueling outage 11. Performing the Type A test during two consecutive refueling outages would result in increased personnel radiation exposure and increased cost to the licensee. With the exemption, the third Type A test would be performed during the eleventh

Unit 3 refueling outage which would thus align the start of the third 10 CFR Part 50, Appendix J, 10-year service period with the start of the third 10-year ISI period.

Environmental Impacts of the Proposed Action

The Commission has completed the evaluation to the action and concludes that this action would not significantly increase the probability or amount of expected primary containment leakage. The performance history of Type A leak tests at PBAPS, Unit 3, demonstrates adequate margin to acceptable leak rate limits. No time-based failure mechanisms were identified that would significantly increase expected leak rates over the proposed extended interval. The three historical Type A test failures at PBAPS, Unit 3, in April 1977, September 1981 and August 1983, were determined to be activity-related failures, which would not be related to an extended test interval. Thus radiological release rates will not differ from those determined previously and would not be expected to result in undetectable leak rates in excess of the values established by 10 CFR Part 50, Appendix J.

Consequently, the probability of accidents would not be increased, nor would the post-accident radiological releases be greater than previously determined. The proposed action does not otherwise affect radiological plant effluents or increase occupational radiation exposures. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

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

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the action would be to deny the request. Such action would not reduce environmental impacts of plant operation and would result in increased radiation exposure to plant personnel.