

does not have a fixed fire suppression system.

The fire area boundaries consist of reinforced concrete. Alternative shutdown capability exists independent of the fire area to ensure that the plant can be safely shutdown for a fire in this area. The low combustible loadings, principally electrical cable insulation, would result in a fire of limited size with slow growth characteristics. In the event of a fire in the area, the fire detectors would alarm and the fire brigade would extinguish the fire using manual equipment. The NRC staff agrees that an automatic fire suppression system is not necessary to control a fire in this configuration in this fire area. Control Room operators could detect a fire, and the station fire brigade would rapidly respond and extinguish a fire in this area.

Therefore, based on its review, the NRC staff concludes that the lack of fixed fire suppression specified in Appendix R, Section III.G.3, in Fire Area 1-FA-AB-84C does not present an undue risk to the public health and safety, and is not necessary to achieve the underlying purpose of the rule.

#### *NRC Staff's Conclusion*

The staff examined the licensee's rationale to support the exemption requests and concludes that the fire protection measures implemented in Fire Areas 1-FA-AB-64B, 1-FA-AB-84B, and 1-FA-AB-84C provide reasonable assurance that at least one means of achieving and maintaining safe shutdown conditions will remain available during and after any postulated fire.

Therefore, the NRC staff concludes that, pursuant to 10 CFR 50.12(a)(2)(ii), there are special circumstances present, in that the application of Sections III.G.2. and III.L.3 of 10 CFR Part 50, Appendix R, is not necessary in order to achieve the underlying purpose of those regulatory provisions.

#### **4.0 Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the 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. Also, special circumstances are present. Therefore, the Commission hereby grants PSEG Nuclear, LLC an exemption from 10 CFR, Part 50, Appendix R, Section III.G.3, fixed suppression requirements for Fire Areas 1-FA-AB-64B and 1-FA-AB-84C; and 10 CFR, Part 50, Appendix R, Section III.L.3, loss of offsite power requirements for Fire

Areas 1-FA-AB-64B and 1-FA-AB-84B for Salem, Unit No. 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (68 FR 22742).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24 day of June 2003.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-35596]**

### **Notice of Finding of No Significant Impact and Availability of Environmental Assessment for License Amendment of Materials License No. 37-30605-01, [Protarga, Inc., Exton, PA]**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Protarga, Inc., for Materials License No. 37-30605-01, to authorize release of its facility in Exton, Pennsylvania, for unrestricted use and has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

#### **II. EA Summary**

The purpose of the proposed action is to allow for the release of the licensee's Exton, Pennsylvania facility for unrestricted use. Protarga, Inc., has been authorized by NRC from December 20, 2000, to use radioactive materials for research and development purposes at the site. On April 3, 2003, Protarga, Inc., requested that NRC release the facility for unrestricted use. Protarga, Inc., has conducted surveys of the facility and determined that the facility meets the license termination criteria in subpart E of 10 CFR part 20.

#### **III. Finding of No Significant Impact**

The NRC staff has evaluated Protarga, Inc.'s request and the results of the surveys and has concluded that the completed action complies with the

criteria in Subpart E 10 CFR Part 20. The staff has prepared the EA (summarized above) in support of the proposed license amendment to terminate the license and release the facility for unrestricted use. On the basis of the EA, the NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

#### **IV. Further Information**

The EA and the documents related to this proposed action, including the application for the license amendment and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession Nos. ML031700667 and ML031080087). These documents are also available for inspection and copying for a fee at the Region I Office, 475 Allendale Road, King of Prussia, PA 19406. Any questions with respect to this action should be referred to Sattar Lodhi, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5364, fax (610) 337-5269.

Dated at King of Prussia, Pennsylvania this 19th day of June 2003.

For the Nuclear Regulatory Commission.

**John D. Kinneman,**

*Chief, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I.*

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## **NUCLEAR REGULATORY COMMISSION**

### **Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste**

On January 6, 1982 (47 FR 596 and 47 FR 600), the Nuclear Regulatory Commission (NRC) published in the **Federal Register** final amendments to 10 CFR parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in part 73 is for spent nuclear reactor fuel shipments and the notification for part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR part 73).