

The Chairman has approved tribal gaming ordinances authorizing class III gaming for the following Indian tribes: Assiniboine & Sioux Tribes of the Fort Peck Reservation  
Big Pine Paiute Tribe of the Owens Valley  
Bishop Paiute Tribe  
Citizen Band Potawatomi Indians of Oklahoma  
Comanche Indian Tribe  
Conferated Tribes of the Colville Reservation  
Delaware Tribe of Western Oklahoma  
Elk Valley Rancheria  
Ho-Chunk Nation  
Hualapai Tribe  
Iowa Tribe of Oklahoma  
Kiowa Tribe of Oklahoma  
Klamath Tribes  
Lac Courte Oreilles Band of Lake Superior Chippewa Indians  
Lower Brule Sioux Tribe  
Mescalero Apache Tribe  
Morongo Band of Mission Indians  
Muscogee (Creek) Nation  
Narragansett Indian Tribe  
Nisqually Indian Tribe  
Northern Arapaho Tribe of the Wind River Indian Reservation  
Omaha Tribe of Nebraska  
Pit River Tribe  
Pueblo of Laguna  
Pueblo of San Juan  
Quapaw Tribe of Oklahoma  
Redwood Valley Rancheria  
Rincon San Luiseno Band of Mission Indians  
Sac and Fox Nation of Missouri  
Santa Ynez Band of Mission Indians  
Santo Domingo Tribe  
Sherwood Valley Rancheria  
Smith River Rancheria  
Spokane Tribe of Indians  
Suquamish Tribe  
Susanville Indian Rancheria  
Swinomish Indian Tribal Community  
U-Tu Utu Gwaitu Paiute Tribe of Benton Paiute Reservation  
Yankton Sioux Tribe  
Yavapai-Prescott Indian Tribe  
Harold A. Monteau,  
*Chairman.*

[FR Doc. 96-15791 Filed 6-20-96; 8:45 am]

BILLING CODE 7565-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219-OLA; ASLBP No. 96-717-02-OLA]

### General Public Utility Nuclear Corp.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972,

published in the Federal Register, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

General Public Utility Nuclear Corporation  
*Oyster Creek Nuclear Generating Station*

This Board is being established pursuant to a notice published by the Commission on May 8, 1996, in the Federal Register (61 FR 20842). The notice reports a proposed determination by the Staff that the issuance of a license amendment to the General Public Utility Nuclear Corporation for the Oyster Creek Nuclear Generating Station would involve no significant hazards consideration. The amendment would revise the technical specifications to allow the handling of loads greater than the weight of one fuel assembly over the irradiated fuel in the spent fuel storage facility. The petitioners, Nuclear Information and Resource Service, Oyster Creek Nuclear Watch and Citizens Awareness Network, seek to intervene and request a hearing on the grounds that the change would present a significant increase in the risk probability of an accident.

The Board is comprised of the following administrative judges:

G. Paul Bollwerk, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR § 2.701.

Issued at Rockville, MD, this 14th day of June 1996.

B. Paul Cotter, Jr.

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 96-15836 Filed 6-20-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-029, 50-312, 50-344, 50-206; License Nos. DPR-3, DPR-54, NPF-1, DPR-13]

### Yankee Atomic Electric Co., Sacramento Municipal Utility District, Portland General Electric Co., and Southern California Edison Co.; Receipt of a Petition for, and Issuance of, a Director's Decision under 10 CFR 2.206

Notice is hereby given that by a letter dated April 1, 1996, Citizens Awareness Network, Nuclear Information and Resource Service, and nine other organizations<sup>1</sup> (Petitioners) requested action pursuant to 10 CFR 2.206 to modify the possession-only licenses of the Yankee Nuclear Power Station (or Yankee Rowe), Rancho Seco Nuclear Generating Station, Trojan Nuclear Plant, and San Onofre Nuclear Generating Station, Unit 1, licensed respectively to the Yankee Atomic Electric Company (YAEC), Sacramento Municipal Utility District, Portland General Electric Company, and Southern California Edison Company (Licensees). The Petitioners request that the U.S. Nuclear Regulatory Commission (NRC) take emergency action to require a collaborative effort by the licensees of the four nuclear power plants to document and research radiation embrittlement of reactor pressure vessels (RPVs) as an age-related deterioration phenomenon. Specifically, Petitioners request that the NRC: (1) Suspend the current plan by Yankee Atomic Electric Company (YAEC) for the removal, transport, and burial of the Yankee Rowe RPV; (2) require the licensees of the four permanently closed reactors, who are now developing plans to remove, transport, and bury their respective RPVs, to suspend such operations; and (3) require the owners of the four nuclear power plants to present substantial metal and weld specimens from their respective RPVs to the NRC for analysis in order to study and materially archive the radiation embrittlement phenomenon.

As bases for their requests, Petitioners state that: (1) The four permanently closed reactors constitute a valuable asset for evaluating RPV embrittlement, (2) "boat" or scoop samples from the RPV could be retrieved with minimal occupational radiation exposure, (3) data from boat samples could be used to verify the veracity of simulated

<sup>1</sup> Don't Waste Oregon Council, Greenpeace, Environmental Coalition on Nuclear Power, Friends of the Coast Opposing Nuclear Pollution, New England Coalition Against Nuclear Pollution, Ohio Citizens for Responsible Energy, Physicians for Social Responsibility, the Redwood Alliance, and the Westchester People's Action Coalition.

embrittlement in research reactors, and (4) boat samples could be subjected to annealing or reheating processes to analyze the results for restoring ductility of the material and for determining the durability of an annealing process.

Notice is also hereby given that by a Director's Decision (DD 96-07) dated June 14, 1996, the Director, Office of Nuclear Reactor Regulation, has denied the petition. The NRC staff has concluded that sufficient information is already and will be available to the staff to satisfactorily and timely address such radiation embrittlement phenomenon in a manner which protects public health and safety, as explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD 96-07), the complete text of which follows this notice and is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC, and at the local public document room located at the Greenfield Community College Library, 1 College Drive, Greenfield, Massachusetts; the Central Library, Government Documents, 828 I Street, Sacramento, California; the Branford Price Millar Library, Portland State University, Portland, Oregon; the Science Library, University of California, Irving, California.

Dated at Rockville, MD, this 14th day of June 1996.

For the Nuclear Regulatory Commission.  
Frank J. Miraglia,  
*Acting Director, Office of Nuclear Reactor Regulation.*

Appendix to Receipt of a Petition for, and Issuance of, a Director's Decision Under 10 CFR 2.206

#### *Office of Nuclear Reactor Regulation*

In the Matter of: Yankee Atomic Electric Company (Yankee Nuclear Power Station), Docket No. 50-029, License No. DPR-3; Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station), Docket No. 50-312, License No. DPR-54; Portland General Electric Company (Trojan Nuclear Plant), Docket No. 50-344, License No. NPF-1; Southern California Edison Company (San Onofre Nuclear Generating Station, Unit 1), Docket No. 50-206, License No. DPR-13.

#### I. Introduction

Citizens Awareness Network, Nuclear Information and Resource Service and nine other organizations<sup>1</sup> (Petitioners) submitted a Petition dated April 1, 1996, pursuant to § 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR), requesting that the U.S.

Nuclear Regulatory Commission (NRC) take action with regard to the Yankee Nuclear Power Station (or Yankee Rowe, licensed to the Yankee Atomic Electric Company), Rancho Seco Nuclear Generating Station (licensed to the Sacramento Municipal Utility District), Trojan Nuclear Plant (licensed to the Portland General Electric Company), and San Onofre Nuclear Generating Station, Unit 1 (licensed to the Southern California Edison Company). These four power reactors have permanently ceased operation and are in various stages of decommissioning.

Petitioners request that the NRC take emergency action to require a collaborative effort by the licensees of the four power reactors to document and research radiation embrittlement of reactor pressure vessels (RPVs) as an age-related deterioration phenomenon because an archive is essential in understanding the issues surrounding embrittlement of reactor vessels. Specifically, the petitioners request that the NRC (1) suspend the current plan by Yankee Atomic Electric Corporation (YAEC) for the removal, transport, and burial of the Yankee Rowe RPV; (2) require licensees of the four permanently closed reactors, who are now developing plans to remove, transport, and bury their respective RPVs to suspend such operations; and (3) require the owners of the four nuclear power plants to present substantial metal and weld specimens from their respective RPVs to the NRC for analysis in order to study and materially archive the radiation embrittlement phenomena.

As bases for their requests, Petitioners state that (1) the four permanently closed reactors constitute a valuable asset for evaluating RPV embrittlement, (2) "boat" or scoop samples from the RPV could be retrieved with minimal occupational radiation exposure, (3) data from boat samples could be used to verify the veracity of simulated embrittlement in research reactors, and (4) boat samples could be subjected to annealing or reheating processes to analyze the results for restoring ductility of the material and for determining the durability of an annealing process.

For the reasons explained below, Petitioners request is denied.

#### II

Irradiation of the reactor pressure vessel materials adjacent to the reactor core (the beltline materials), by neutrons escaping from the reactor core leads to embrittlement of those materials. This embrittlement phenomena causes the reactor pressure vessel to be more susceptible to fracture when subjected to operational or accident transients that cause overcooling (thermal shock) concurrent with or followed by significant pressure in the reactor vessel. Concern over this phenomenon has resulted in the NRC developing regulations to closely monitor embrittlement of reactor vessels. Additionally, to better understand and qualify the embrittlement process, the NRC Office of Research has a reactor pressure vessel safety research program that addresses the embrittlement phenomenon on a broad basis.

#### III

The NRC staff has concluded that sufficient information already is and will be available to the staff in order to address radiation embrittlement phenomena in a manner which protects public health and safety, without ordering any of the four licensees to suspend decommissioning plans or decommissioning activities to supply metal and weld RPV samples for study. In addition to studying monitoring data which all licensees are required to supply, the staff has tested and will continue to test material from several sources as part of its confirmatory research program. Samples obtained from decommissioned reactor pressure vessels already do and will continue to supplement other embrittlement data.

Licensees are required by 10 CFR 50.61 and appendix H, "Reactor Vessel Material Surveillance Program Requirements," to monitor RPV embrittlement. Appendix H specifies requirements for material surveillance programs to monitor changes in the fracture toughness of ferritic materials in the RPV beltline region from exposure of these materials to neutron radiation. This regulation requires each licensee to monitor neutron irradiation embrittlement by placing weld and/or base materials (either plate or forging) that are representative of its beltline materials in capsules that are placed inside the RPV. Most plants have plant-specific surveillance programs under which the capsules are irradiated in the licensee's RPV. Some licensees are participating in integrated surveillance programs under which the capsules are irradiated in a vessel that has an irradiation and thermal environment equivalent to that of the licensee's RPV. The capsules are periodically withdrawn from the RPV and the materials tested to monitor the effect of neutron radiation on the fracture toughness of the vessel beltline materials. These programs have been reviewed by the staff and are sufficient for monitoring the effect of neutron radiation at all operating light water reactors.

In addition to licensee programs, the NRC is sponsoring a number of other programs. NRC confirmatory research programs in which materials are irradiated in test reactors, and the effect of neutron radiation on the fracture toughness of beltline materials is analyzed, are the Heavy Section Steel Irradiation Program, the Radiation Embrittlement and Prediction Program, the Improved Radiation Embrittlement Correlation Program, and the Embrittlement Database and Dosimetry Evaluation Program. In the Improved Radiation Embrittlement Correlation and the Embrittlement Database and Dosimetry Evaluation Programs, the staff accumulates and evaluates data from power reactor licensee and test reactor programs and determines the effect of neutron radiation on the fracture toughness of beltline welds, forgings, and plates. In connection with these issues, the staff has documented in Regulatory Guide 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Materials," a methodology for determining the effect of neutron radiation on reactor vessel welds, forgings, and plates. The methodology in Regulatory Guide 1.99 includes a margin term to account for the

<sup>1</sup> Don't Waste Oregon Council, Greenpeace, Environmental Coalition on Nuclear Power, Friends of the Coast Opposing Nuclear Pollution, New England Coalition Against Nuclear Pollution, Ohio Citizens for Responsible Energy, Physicians for Social Responsibility, the Redwood Alliance, and the Westchester People's Action Coalition.

uncertainties in the material properties and the radiation environment. As the NRC staff accumulates more surveillance data from licensees, it periodically evaluates the data to determine whether the Regulatory Guide 1.99 methodology needs revision. The licensee surveillance database consists of data from several hundred licensee capsules.

The Heavy Section Steel Irradiation Program provides experimental evaluation of the effects of chemistry and radiation environment on the irradiation embrittlement of reactor pressure vessel steels, including the effects of thermal aging, recovery of fracture toughness by thermal annealing, and reembrittlement trends on annealed reactor vessel materials. This program, in conjunction with the Radiation Embrittlement and Prediction Program, is developing improved methods for predicting irradiation embrittlement. Both programs are evaluating, experimentally and analytically, the mechanisms that control irradiation embrittlement to justify extrapolation of the empirical model to predict plant-specific irradiation embrittlement. These programs are validating the analytical and empirical models through the testing of service degraded reactor vessel materials.

The NRC staff's recommended methodology for determining the effect of thermal annealing on RPV embrittlement is documented in Regulatory Guide 1.162, "Format and Content of Report for Thermal Annealing of Reactor Pressure Vessels." NUREG/CR-6327, "Models for Embrittlement Recovery due to Annealing of Reactor Pressure Vessel Steels," contains the data and evaluation that form the bases for the percent recovery of radiation embrittlement from thermal annealing that is documented in Regulatory Guide 1.162. The thermal annealing rule, 10 CFR 50.66, requires that each licensee performing a thermal anneal must monitor the post-anneal reembrittlement trend using a surveillance program that conforms with the intent of appendix H. The effect of thermal annealing on RPV embrittlement is adequately addressed by requiring licensees to monitor the post-anneal reembrittlement trend through a surveillance program and by use of the Regulatory Guide 1.162 methodology.

Based on analysis performed by licensees and the NRC, the staff has concluded that the overall integrity analyses, including the various margins, are conservative and that they provide reasonable assurance that the vessels can withstand normal operation and accident conditions. Furthermore, each licensee must bear the burden of demonstration the adequacy of its pressure vessel to withstand the effects of a transient causing overcooling concurrent with or followed by significant pressure when the methodology of Regulatory Guide 1.99, Revision 2, does not predict an acceptable result. Should a licensee not be able to demonstrate, or be unwilling to expend the resources to demonstrate, the adequacy of its pressure vessel (which may include actual

samples of base material), the plant must be shutdown as was the case for Yankee Rowe.

Test material from the Yankee Rowe pressure vessel would not be of value in estimating the level of embrittlement, thermal annealing recovery, and reembrittlement after annealing at currently operating U.S. facilities. The Yankee Rowe reactor operated at a lower temperature than typical of operating plants, making any data on embrittlement from Yankee Rowe difficult to correlate with other light water reactor designs in the U.S.

Samples from the Rancho Seco vessel would not provide useful information since equivalent weld material and vessel wall samples are available from the Babcock and Wilcox Owners Group and from the canceled Midland Nuclear Plant. These samples are currently being evaluated in a program that irradiates the samples in test reactors. These components and samples, taken from power reactors and irradiated in test reactors, will provide data that could be correlated to other sample research programs that utilize research reactors.

The licensee for the San Onofre 1 reactor has submitted a decommissioning plan to the NRC that proposes SAFSTOR, or long-term storage of the facility, until the licenses for San Onofre Units 2 and 3 expire, sometime after 2013. Therefore, the Unit 1 vessel will remain onsite and in a condition that would allow samples of test material to be obtained for a substantial period of time, should it be determined that such samples would be useful for study.

The Trojan Nuclear Plant is currently undergoing active dismantlement. Portland General Electric, the licensee, is planning to remove the reactor vessel and dispose of it at the Hanford, Washington low-level burial site no earlier than 1998. The staff currently is pursuing the possibility of obtaining samples from the reactor vessel once the reactor vessel reaches the burial site.

For the above reasons, the staff concludes that sufficient information is already and will be available to appropriately and timely address the radiation embrittlement phenomenon.

#### IV. Conclusion

The Petitioners have not provided sufficient bases to warrant the suspension of decommissioning plans or activities at the four nuclear power plants in order to take specimens of reactor vessels for the purpose of studying nuclear power reactor pressure vessels radiation embrittlement phenomena. Moreover, as explained above, sufficient information is available to the staff to address such radiation embrittlement phenomena in a manner which protects public health and safety without the issuance of an order. Accordingly, for the reasons discussed above, the Petition, including the request to take emergency actions is denied.

A copy of this Director's Decision will be filed with the Office of the Secretary for the Commission to review in accordance with 10 CFR 2.206(c). As provided by § 2.206(c), this

decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, MD, this 14th day of June 1996.

Frank J. Miraglia,  
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 96-15838 Filed 6-20-96; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Cumulative Report on Rescissions and Deferrals

June 1, 1996.

This report is submitted in fulfillment of the requirement of section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of June 1, 1996, of 24 rescission proposals and six deferrals contained in seven special messages for FY 1996. These messages were transmitted to Congress on October 19, 1995; and on February 21, February 23, March 5, March 13, April 12, and May 14, 1996.

#### Rescissions (Attachments A and C)

As of June 1, 1996, 24 rescission proposals totaling \$1.4 billion had been transmitted to the Congress. Congress approved eight of the Administration's rescission proposals in P.L. 104-134. A total of \$963.4 million of the rescissions proposed by the President was rescinded by that measure. Attachment C shows the status of the FY 1996 rescission proposals.

#### Deferrals (Attachments B and D)

As of June 1, 1996, \$2,376.5 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1996.

#### Information From Special Message

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the