Regulations, federal credit unions that wish to engage in participation loans must establish a written loan participation policy and enter into a written loan participation agreement. Credit unions use the information to ensure that loan participation agreements are entered into in accordance with Board policy. NCUA uses the information during examinations to evaluate the safety and soundness of the Board's participation policy and to ensure that the participation agreements are in compliance with the policy.

Respondents: Federal credit unions.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours per Response: 4 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 4,000 total annual burden hours.

Estimated Total Annual Cost: $1,000.

OMB Number:

Form Number: None

Type of Review: New collection.

Title: Organization and Operations of Federal Credit Unions.

Description: NCUA has authorized federally insured credit unions to offer lending-related incentive pay plans, provided they establish written policies regarding such plans. 12 CFR 701.21(c)(8). NCUA believes written policies are necessary to ensure a plan is fully considered before being adopted and for the examination process. The information will be used by NCUA examiners in reviewing credit union lending policies for safety and soundness.

Respondents: Federally insured credit unions.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours per Response: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,000 total annual burden hours.

Estimated Total Annual Cost: $25,000.

By the National Credit Union Administration Board on March 18, 1996.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–7024 Filed 3–21–96; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Subcommittee Meeting on Severe Accidents

The ACRS Subcommittee on Severe Accidents will hold a meeting on April 8, 1996, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Monday, April 8, 1996—8:30 a.m. until the conclusion of business.*

The Subcommittee will discuss the NRC severe accident codes (e.g., MELCOR, SCDAP/RELAP5, CONTAIN, and VICTORIA). The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel Dudley (telephone 301/415–6888) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Date: March 18, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96–6937 Filed 3–21–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–029; License No. DPR–3]

Yankee Atomic Electric Company; Issuance of Supplemental Director's Decision Under 10 CFR 2.206

Notice is hereby given that by a Director's Decision (DD 96–02), dated March 18, 1996, the Director, Office of Nuclear Reactor Regulation, denied a supplemental Petition submitted by Citizens Awareness Network and New England Coalition on Nuclear Pollution (Petitioners) and dated February 9, 1996. Petitioners requested that the Nuclear Regulatory Commission (NRC) take action with regard to operation by Yankee Atomic Energy Company (YAEC or Licensee) of its Nuclear Power Station at Rowe, Massachusetts (Yankee Rowe).

Petitioners request that the NRC comply with *Citizens Awareness Network Inc.* v. *United States Nuclear Regulatory Commission and Yankee Atomic Electric Company*, 59 F.3d 284 (1st Cir. 1995) (*CAN* v. *NRC*). Specifically, Petitioners request that the Commission prohibit the licensee from conducting six activities prior to approval of a decommissioning plan. These activities are: (1) Consolidation of sediment in the reactor vessel; (2) removal of miscellaneous Safety Injection Building equipment; (3) installation of a temporary electrical system; (4) removal of pipe on the exterior of the Vapor Container; (5) removal of Main Coolant System insulation; and (6) installation of a temporary waste processing system. Petitioners state that none of these activities constitute minor alterations to the facility, and thus are not permitted.

The NRC staff also evaluated five other ongoing or planned activities at Yankee Rowe that were identified in the licensee's letters of January 29, 1996, February 16, 1996, and February 28, 1996. These activities are: (1) Preparation for decontamination of the Main Coolant System—removal of spool pieces; (2) removal of miscellaneous equipment outside the Vapor Container bioshield wall; (3) removal of Primary Auxiliary Building tanks; (4) removal of Turbine Building insulation; and (5) removal of spent fuel pool upender.

The staff concluded that the eleven activities are permissible, prior to approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulation, as explained in the ''Director's Decision Pursuant to 10 CFR 2.206'' (DD 96–02), the complete text of which follows this notice and 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 Greenfield Community College Library, 1 College Drive, Greenfield, Massachusetts, 01301.

A copy of the decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the Decision in that time.

Dated at Rockville, Maryland, this 18th day of March 1996.

For the Nuclear Regulatory Commission.

William T. Russell, Director, Office of Nuclear Reactor Regulation.

Attachment to Issuance of Supplemental Director's Decision Under 10 C.F.R. § 2.206

I. Introduction

On January 17, 1996, Citizens Awareness Network and New England Coalition on Nuclear Pollution (Petitioners) submitted an ''EMERGENCY MOTION FOR COMPLIANCE WITH CIRCUIT COURT OPINION'' (Petition). Petitioners requested that the United States Nuclear Regulatory Commission (NRC or Commission) take action with respect to activities conducted by Yankee Atomic Electric Company (YAEC or Licensee) at the Yankee Nuclear Power Station in Rowe, Massachusetts (Yankee Rowe or the facility). In particular, Petitioners requested that the NRC comply with *Citizens Awareness Network Inc.* v. *United States Nuclear Regulatory Commission* and *Yankee Atomic Electric Company,* 59 F. 3d 284 (1st Cir. 1995) (*CAN* v. *NRC*), and that the Commission immediately order YAEC not to undertake and the staff not to approve, and YAEC to cease, further major dismantling activities or other decommissioning activities, unless such activities are necessary to assure the protection of occupational and public health and safety. Petitioners requested that the Commission prohibit five of nine activities which the Licensee proposed to conduct prior to approval of a decommissioning plan, which activities were evaluated by the staff in a letter dated November 2, 1995.

By letter dated February 2, 1996, the NRC staff declined to take emergency action to prohibit the Licensee's shipment of low-level radioactive waste, and found that Petitioners' request to prohibit four other activities was moot.

By a Supplemental Petition, Petitioners requested the Commission to reverse the NRC staff's February 2, 1996 decision on the emergency aspects of the Petition, and contended that the staff had implicitly approved six additional activities, which the Licensee identified for the first time as under consideration in its January 29, 1996 response to the Petition, although the activities are not minor alterations to the facility. (A seventh activity was mentioned, but not contested). See Citizens Awareness Network's and New England Coalition on Nuclear Pollution's Motion for Exercise of Plenary Commission Authority to Reverse NRC Staff 2.206 Opinion (February 9, 1996).

By Order dated February 15, 1996, the Commission directed the Licensee to provide the NRC with at least two weeks advance notice before engaging in any of the seven new activities identified at page 13 of the Supplemental Petition, and directed the staff to address the arguments advanced by Petitioners at page 13 of the Supplemental Petition in a supplementary 10 CFR 2.206 decision.

By letter dated February 16, 1996, the Licensee notified the NRC staff and Petitioners that YAEC intended to commence five activities between March 1, 1996 and March 25, 1996.

On February 22, 1996, the staff issued a Director's Decision (DD 96–01) on the Petition as a whole. The staff denied Petitioners' request to prohibit the Licensee's shipments of low-level radioactive waste, and found four other activities contested by Petitioners to be moot.

By letter dated February 27, 1996, the NRC staff requested the Licensee to supply information regarding the seven activities identified by the Supplemental Petition, plus information regarding four other activities identified as ongoing in the Licensee's January 29, 1996 response to the Petition. The Licensee responded by letter dated February 28, 1996, providing information regarding the eleven activities plus an additional activity, removal of the Spent Fuel Pool Upender. Three activities were ongoing, and the remaining nine were scheduled to commence between March 1, 1996 and April 22, 1996.

By letter dated March 1, 1996, the staff notified the Licensee that three activities scheduled to commence March 1, 1996, are permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations, and thus, that there was no reason to take emergency action to prevent YAEC from starting or to order discontinuance of the ongoing activities. Additionally, the staff found no health or safety reason for immediate NRC action.

The staff has evaluated the six ongoing and planned activities contested by the Supplemental Petition and the five additional activities identified in the Licensee's letters of January 29, 1996, February 16, 1996, and February 28, 1996. Two activities, removal of miscellaneous equipment outside the Vapor Container bioshield wall and preparation for decontamination [1] of the Main Coolant System (removal of spool pieces) were completed in February 1996. For the reasons discussed below, the staff has concluded that the activities are permissible, prior to approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations. Accordingly, Petitioners' request that the NRC prohibit YAEC from undertaking or continuing the six contested activities identified at page 13 of the Supplemental Motion is denied.

II. Background

As explained in detail in DD 96–01, Petitioners sought judicial review of certain NRC actions, related to the Licensee's Component Removal Project (CRP). Petitioners challenged the CRP as an impermissible activity, before the approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

On July 20, 1995, the United States Court of Appeals held, in part, that the Commission had: (1) Failed to provide an opportunity for hearing to CAN, as required by Section 189 of the Atomic Energy Act, in connection with the Commission's decision to permit the CRP decommissioning activities; and (2) changed its pre-1993 interpretation of its decommissioning regulations without notice to the public and in violation of the Administrative

[1] Decontamination at a nuclear plant is the flushing of pipes, pumps, pressure vessels etc., with fluids to remove materials that are contaminated with radiation from the inner surfaces of these components.

Procedure Act. *Citizens Awareness Network* versus *NRC and Yankee Atomic Electric Company,* 59 F. 3d 284, 291–2, and 292–3 (lst Cir. 1995). The court remanded the matter to the Commission for proceedings consistent with the court's opinion.

The Commission implemented *CAN* versus *NRC,* in part, by issuing *Yankee Atomic Electric Company* (Yankee Nuclear Power Station), CLI–95–14, 42 NRC 130 (1995). In CLI–95–14, the Commission reinstated its pre-1993 interpretation of its decommissioning policy, required the issuance of a notice of opportunity for an adjudicatory hearing on the Yankee Rowe decommissioning plan,[2] held that YAEC may not conduct further ''major'' decommissioning activities at Yankee Rowe until approval of a decommissioning plan after completion of any required hearing, and directed YAEC to inform the Commission within 14 days of the steps it is taking to come into compliance with the reinstated interpretation of the Commission's decommissioning regulations. *Yankee Atomic Electric Company,* CLI–95–14, 42 NRC 130 (1995).

III. Discussion

A. *The licensee's planned and ongoing activities are permissible, prior to approval of a decommissioning plan, under the Commission's pre-1993 interpretation of its decommissioning regulations, and thus are permissible under CAN v. NRC and CLI 95–14.*

Petitioners contest six of the seven activities they mention in the Supplemental Petition on the ground that they do not constitute minor alterations to the facility, and thus are not permissible before approval of a decommissioning plan under the pre-1993 interpretation of the Commission's decommissioning regulations. Specifically, Petitioners object to: (1) Consolidation of sediment in the reactor vessel; (2) removal of miscellaneous Safety Injection Building equipment; (3) installation of a temporary electrical system; (4) removal of pipe on the exterior of the Vapor Container; (5) removal of Main Coolant System insulation; and (6) installation of a temporary waste processing system. Petitioners do not object to decontamination of the Main Coolant System. The staff has also evaluated the following five activities identified by the Licensee in its letters of January 29, 1996, February 16, 1996, and February 28, 1996: (1) Preparation for decontamination of the Main Coolant System—removal of spool pieces; (2) removal of miscellaneous equipment outside the Vapor Container bioshield wall; (3) removal of Primary Auxiliary Building tanks; (4) removal of Turbine Building insulation; and (5) removal of spent fuel pool upender.

Under the Commission's pre-1993 interpretation of its decommissioning regulations, a licensee ''may proceed with some activities such as decontamination, minor component disassembly, and shipment and storage of spent fuel if the activities are permitted by the operating license and/or § 50.59'' prior to final approval of a licensee's decommissioning plan,[3] as long as the activity does not involve major structural or other changes and does not materially and demonstrably affect the methods or options available for decommissioning or substantially increase the costs of decommissioning. *Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), CLI–90–8, 32 NRC 201, 207 n.3 (1990); *Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), CLI–91–2, 33 NRC 61, 73 n.5 (1991); and *Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), CLI–92–2, 35 NRC 47, 61 n. 7 (1992).

Activities such as normal maintenance and repairs, removal of small radioactive components for storage or shipment, and removal of components similar to that for maintenance and repair also were permitted prior to approval of a decommissioning plan under the Commission's pre-1993 interpretation of the Commission's decommissioning regulations. See NRC Inspection Manual, Chapter 2561, Section 06.06. (Issue Date: 03/20/92).[4]

Under the pre-1993 interpretation of the Commission's decommissioning regulations, examples of activities which were conducted at various facilities under a possession-only license, and which the staff considered permissible before approval of a decommissioning plan included:

Shoreham [5]

a. Core borings in biological shield wall.

b. Core borings of the reactor pressure vessel.

c. Regenerative heat exchanger removal and disassembly.

d. Various sections of reactor water clean-up system piping cut out and removed to determine effectiveness of chemical decontamination processes being used.

e. Removal of approximately half of reactor pressure vessel insulation and preparation for disposal.

f. Removal of fuel support castings and peripheral pieces removed and shipment offsite for disposal at Barnwell, South Carolina.

g. Reactor water clean-up system recirculation holding pump removed and shipped to James A. FitzPatrick Nuclear Power Plant.

h. Control rod drive pump shipped to Brunswick Nuclear Station.

i. One full set of control rod blade guides sold to Carolina Power and Light Company.

j. Control rod drives removed, cleaned, and stored in boxes for salvage.

k. Process initiated for segmenting and removing reactor pressure vessel cavity shield blocks.

l. Process initiated for removal of instrument racks, tubing, conduits, walkways, and pipe insulation presenting interferences for decommissioning activities and/or removal of salvageable equipment.

Fort St. Vrain [6]

a. Control rod drive and orifice assemblies and control rods removed from core during defueling and shipped offsite for processing or disposal as low-level waste.

b. All helium circulators removed and shipped offsite for disposal.

c. Core region constraint devices (internals) removed and approximately one-half shipped offsite for disposal.

[2] Pursuant to CLI–95–14, a proceeding was commenced to offer an opportunity for hearing on the Licensee's decommissioning plan for Yankee Rowe. Petitioners sought intervention and a hearing. By an Order dated March 1, 1996, the Atomic Safety and Licensing Board denied the request for intervention and dismissed the proceeding. Yankee Atomic Electric Company, LBP–96–2. By Order dated February 27, 1996, the Commission stayed any order of the Board insofar as it may have the affect of authorizing decommissioning activities which were prohibited prior to approval of a decommissioning plan.

[3] Statement of Consideration, ''General Requirements for Decommissioning Nuclear Facilities'', 53 FR 24018, 24025–26 (June 27, 1988).

[4] ''Examples of modifications and activities, that are allowed during the post-operational phase [the interval between permanent shutdown and the NRC's approval of the licensee's decommissioning plan] are (1) those that could be performed under normal maintenance and repair activities, (2) removal of certain, relatively small radioactive components, such as control rod drive mechanism, control rods, and core internals for disassembly, and storage or shipment, (3) removal of non-radioactive components and structures not required for safety in the post-operational phase, (5) shipment of reactor fuel offsite, and (6) activities related to site and equipment radiation and contamination characterization.'' *Id.*

[5] See letter dated December 11, 1991, from John D. Leonard, Jr., Long Island Lighting Company, to U.S. Nuclear Regulatory Commission, Docket No. 50–322.

[6] *See* letter dated September 4, 1992, from Donald M. Warembourg, Public Service Company of Colorado, to the U.S. Nuclear Regulatory Commission, Docket No. 50–267.

d. About 50 core metal-clad reflector blocks (top layer of core) removed and stored in fuel storage wells.

e. Removal of remaining hexagonal graphite reflector elements, defueling elements, and metal-clad reflector blocks begun.

f. Pre-stressed concrete reactor vessel (PCRV) top cross-head tendons and some circumferential tendons detensioned.

g. Some detensioned tendons removed from PCRV.

h. Work initiated to cut and remove PCRV liner cooling system piping presenting interferences to detensioning of PCRV tendons, and

i. Asbestos insulation completely removed from piping under PCRV.

In its letter of November 2, 1995, the NRC staff identified certain activities, although not proposed by the Licensee, which may not be conducted before reapproval of a decommissioning plan. Those activities include dismantlement of systems such as the main reactor coolant system, the lower neutron shield tank, vessels that have significant radiological contamination, pipes, pumps and other such components and the vapor container (containment). The staff also identified segmentation or removal of the reactor vessel from its support structure as a major dismantlement not to be conducted until after the decommissioning plan is reapproved.

Upon review of the Supplemental Petition and the Licensee's letters of January 29, 1996, February 16, 1996, and February 28, 1996, the staff concludes that the eleven planned and ongoing activities are permissible, prior to approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(1) *Consolidation of sediment in the reactor vessel.*

This item is a decontamination activity. It involves flushing loose radioactive material from the bottom of the reactor vessel (RV) and binding it in a solid mass inside the RV, in a centralized volume and, thus, displacing the contamination from the lower head of the vessel. This activity results in a large reduction of external dose during later removal and shipping of the vessel, and in a reduction of external dose to personnel who must perform day-to-day maintenance and monitoring activities.

In view of the above, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(2) *Removal of miscellaneous Safety Injection Building equipment.*

This activity entails the removal of mechanical and electrical equipment and some seismic reinforcement that is no longer required in the Safety Injection Building. The components involved in this activity are small, and constitute a minor decommissioning activity. Similar activities were conducted at the Shoreham plant prior to decommissioning plan approval. See items c, d, and g, above. Accordingly, this activity is permissible prior to approval of a decommissioning plan under the pre-1993 interpretation of the Commission's decommissioning regulations.

(3) *Installation of a new electrical system.*

This activity is not decommissioning. This activity is part of the Licensee's overall project to enhance the safety of the Spent Fuel Pool by establishing independent systems dedicated to Spent Fuel Pool reliability, and is consistent with NRC Bulletin 94–01, ''Potential Fuel Pool Draindown Caused by Inadequate Maintenance Practice at Dresden Unit 1'' (April 14, 1994). Installation of the new electrical system involves installation of power supply and switching capability to the previously installed electrical conduit, which conduit installation the staff found to be permissible prior to approval of a decommissioning plan. *See* DD 96–01, Section III. A(7).

Accordingly, this activity is permissible before approval of a decommissioning plan under the pre-1993 interpretation of the Commission's decommissioning regulations.

(4) *Removal of pipe on the exterior of the Vapor Container.*

These pipe lines are located outdoors beneath the Vapor Container and are in secondary-side systems, such as piping carrying steam from the secondary side of the steam generator to the turbine. Because this involves the removal of piping from the secondary side, it is not a major decommissioning activity. Similar activities were conducted at the Shoreham plant, see items d and g, above, and at the Fort St. Vrain plant, see item b, above, prior to approval of the decommissioning plans.

In view of the above, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(5) *Removal of Main Coolant System insulation.*

This insulation will not be removed until after the decontamination of the Main Coolant System. This insulation is not a major component and its removal is, therefore, not a major decommissioning activity. Similar activities were conducted at the Shoreham plant, see item e, above, and at the Fort St. Vrain plant, see item i, above, prior to approval of the decommissioning plans.

In view of the above, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(6) *Installation of a temporary waste processing system.*

This activity is not decommissioning. It is permitted by the Defueled Technical Specifications, an appendix to the POL. The activity involves installation of a liquid waste processing system designed to process spent fuel pool water by removing contaminants. The activity will increase assurance of satisfactory long-term operation of the spent fuel pool and is, therefore, a safety enhancement.

In view of the above, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(7) *Preparation for decontamination of the Main Coolant System-removal of spool pieces.*

This is a decontamination activity which involved the removal of eight spool pieces, and was completed in February 1996. It was part of an ongoing project, preparation of pipe flanges for the chemical decontamination of the Main Coolant System.

Because this action is in preparation for decontamination and without which decontamination could not proceed, this activity is permissible. Decontamination is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations. In any event, the Petition, insofar as it can be inferred to request action in this matter, is moot.

(8) *Removal of miscellaneous equipment outside the Vapor Container bioshield wall.*

This activity involved the removal of heating and ventilating equipment from the Vapor Container, and was completed in mid-February 1996. The components removed are minor and do not constitute a major decommissioning activity. Similar activities were conducted at the Shoreham plant prior to approval of the decommissioning plan. *See* items c and d, above.

Accordingly, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations. In any

event, the Petition, insofar as it can be inferred to request action in this matter, is moot.

(9) *Removal of Primary Auxiliary Building tanks.*

This activity involves the removal of four low pressure or drain tanks from the Primary Auxiliary Building, because they are not needed to support operation of the spent fuel pool. Two of the tanks were removed during February 1996. Similar activities were conducted at the Shoreham plant prior to approval of the decommissioning plan. *See* items c, d, and g, above. This is not a major decommissioning activity because the removed equipment involves minor components.

In view of the above, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(10) *Removal of Turbine Building insulation.*

This is an ongoing activity involving the removal of non-radioactive material from a non-contaminated area of the plant. This is not a decommissioning activity.

Accordingly, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

(11) Removal of spent fuel pool upender.

This device was used during reactor operations to transfer fuel, during reload outages, into the Vapor Container. The upender is not needed to support storage of fuel in the spent fuel pool. The upender is not a major component or structure and, therefore, this is not a major decommissioning activity. Similar activities were conducted at the Shoreham plant, see items d and f, above and at Fort St. Vrain, see item a above, prior to approval of the decommissioning plan.

In view of the above, this activity is permissible, before approval of a decommissioning plan, under the pre-1993 interpretation of the Commission's decommissioning regulations.

B. *The eleven ongoing and planned activities will neither individually nor collectively substantially increase the costs of decommissioning.*

YAEC estimates the cost of the six activities contested by Petitioners and the five additional planned and ongoing activities to be approximately $6.0 million.[7] YAEC estimates the cost of the previously contested five activities to be $6.5 million. See DD 96–01, Section III.B. The total cost of all activities which have been evaluated by the staff is approximately $12.5 million or 3.4% of the estimated $368.8 million total decommissioning cost. It would be speculative to conclude that the decommissioning method proposed by Petitioners, SAFSTOR, would be less expensive. Moreover, there is no evidence that the combined activities will give rise to consequences that will increase the total cost of decommissioning. Thus, the staff concludes that there is no evidence the combined activities will substantially increase the costs of decommissioning.

C. *The activities contested by Petitioners will neither individually nor collectively demonstrably affect the methods or options available for decommissioning.*

As the staff explained in *Yankee Atomic Electric Company*, DD 96–01 (1996), the criteria for determining whether the Licensee's planned and ongoing activities will demonstrably affect the methods or options available for decommissioning have not been well-defined. During review of the Petition and the Supplemental Petition, the NRC staff has continued to examine the question of whether the Licensee's activities will demonstrably affect the methods or options available for decommissioning. In this case, the staff has now also compared the radiation dose involved in the contested activities with the radiation doses estimated for decommissioning of the Licensee's facility. This is because, under Petitioners' theory regarding the choice of the decommissioning option, as we understand it, it seems that adoption of a different decommissioning option would most likely be required to reduce dose.

The Licensee estimates that the radiation dose involved in the six activities contested by the Supplemental Petition is 23.6 person-rem.[8] The Licensee estimates that the radiation dose involved in shipment of low-level radioactive waste, contested in the Petition, is 17 person-rem.[9] The Licensee estimates that the radiation dose involved in the other four activities contested by the Petition is 24.7 person-rem.[10] Accordingly, the radiation dose involved in all activities contested by Petitioners is approximately 65.3 person-rem. Thus, the estimated dose from the contested activities is less than 10% of the total 755 person-rem estimate for total radiation exposure from decommissioning Yankee Rowe.[11] The staff estimates that the remaining estimated dose from decommissioning activities at Yankee Rowe is, at the most, approximately 358 person-rem.[12] Thus the estimated dose from the activities contested by Petitioners is approximately 18.3% of the remaining dose from decommissioning the facility.[13] Accordingly, the staff concludes that the contested activities will not demonstrably affect the methods and options available for decommissioning.

It is not possible to determine with precision how much of the 65.3 person-rem involved in the contested activities might be avoidable by using the SAFSTOR option, i.e., by delaying completion of those activities for several decades to allow for radioactive decay. But even if the entire 65.3 person-rem

[7] *See* NRC letter from Russell A. Mellor, YAEC, to Morton B. Fairtile, NRC, dated February 28, 1996.

[8] The Licensee estimates the radiation dose to be 13.8 person-rem for consolidation of sediment in the Reactor Vessel; 0.4 person-rem for removal of miscellaneous Safety Injection Building equipment; 0.5 person-rem for installation of a temporary electrical system; 0.4 person-rem for removal of pipe on the exterior of the Vapor Container; 7.7 person-rem for removal of Main Coolant system insulation; and 0.8 person-rem for installation of a temporary waste processing system. *See* letter dated February 28, 1996, from Russell A. Mellor, YAEC, to Morton B. Fairtile, NRC.

[9] *See* letter dated February 21, 1996, from K. J. Heider, YAEC, to Morton B. Fairtile, NRC.

[10] The Licensee estimates the radiation dose to be 4 person-rem for Fuel Chute Isolation and negligible for Spent Fuel Pool Electrical Conduit Installation. *See* letter dated February 21, 1996, from K. J. Heider, YAEC, to Morton B. Fairtile, NRC. The staff estimates the radiation dose to be 19.7 person-rem from completion of removal of the remaining portions of the Upper Neutron Shield Tank, and 1.0 person-rem from removal of Component Cooling Water System pipes and components and Spent Fuel Cooling System pipes and components based on a telephone conversation with the licensee on March 15, 1996.

[11] *See* Order Approving the Decommissioning Plan and Authorizing Decommissioning of Facility (Yankee Nuclear Power Station), ''Environmental Assessment by the U.S. Nuclear Regulatory Commission Related to the Request to Authorize Facility Decommissioning'', p. 22.

[12] To estimate the remaining dose from decommissioning, the staff subtracted, from the 755 person-rem estimate for total allotted dose, the personnel exposures reported for calendar years 1993, 1994 and 1995, or 163, 156 and 78 person-rem, respectively. *See* ''Personnel Exposure Report by duty Function and 10 CFR 20.407 Personnel Monitoring Report'', dated December 31, 1993, December 31, 1994, and December 31, 1995. The resulting estimate of approximately 358 person-rem may be an underestimate of the remaining available exposure. Some of the dose from 1993 includes non-decommissioning activities and some of the dose from the contested activities was incurred during calendar year 1995, but should not be counted as expended for purposes of estimating remaining dose.

[13] DD–96–01 compared the dose from the contested shipping activity to the total radiation exposure from decommissioning, see Section III.B.(9). It is, however, preferable to use the more sophisticated approach of comparing dose from contested activities to the remaining radiation exposure from decommissioning. Nonetheless, under both approaches the staff concludes that the contested activities will not demonstrably affect the options and methods available for decommissioning.

could be counted as part of the potential SAFSTOR dose savings (an unlikely situation), the SAFSTOR dose savings still available is substantially more than the 65.3 person-rem ''lost'' by carrying out the contested activities now. Thus, even in an unlikely worst case, the SAFSTOR option would be substantially preserved. Accordingly, the staff concludes that the contested activities will not demonstrably affect the methods and options available for decommissioning.

In sum, the NRC staff will not take action to halt relatively minor YAEC activities, many of which are closely similar to ones allowed at Shoreham and Ft. St. Vrain, where there is no evidence that these activities are consuming a significant portion of the remaining radioactive dose at Yankee Rowe. In the staff's judgment, the prohibition against dismantling major systems, such as the reactor vessel and other reactor components with substantial contamination,[14] sufficiently preserves the possibility of ultimately moving to the SAFSTOR option, should that be the result of the still-pending challenge to YAEC's decommissioning plan.

IV. Conclusion

For the reasons given above, Petitioner's request to prohibit six activities is denied. Those activities, plus an additional five activities identified by the Licensee as planned or ongoing, are permissible prior to approval of a decommissioning plan under the pre-1993 interpretation of the Commission's decommissioning regulations.

As provided by 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. The Decision will become the final action of the Commission 25 days after issuance, unless the Commission on its own motion institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 18th day of March 1996.

For the Nuclear Regulatory Commission.

William. T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–6936 Filed 3–21–96; 8:45 am]

BILLING CODE 7590–01–P

[14] *See letter dated November 2, 1995, from Morton B. Fairtile, NRC, to James A. Kay, YAEC.*

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 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 March 1, 1996, of seven rescission proposals and six deferrals contained in three special messages for FY 1996. These messages were transmitted to Congress on October 19, 1995, and February 21 and 23, 1996.

Rescissions (Attachments A and C)

As of March 1, 1996, seven rescission proposals totaling $960 million had been transmitted to the Congress. Attachment C shows the status of the FY 1996 rescission proposals.

Deferrals (Attachments B and D)

As of March 1, 1996, $2,760.4 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 editions of the Federal Register cited below:

60 FR 55154, Friday, October 27, 1995
61 FR 8691, Tuesday, March 5, 1996

Alice M. Rivlin,

Director.

Attachments

Attachment A

STATUS OF FY 1996 RESCISSIONS

[In millions of dollars]

	Budgetary resources
Rescissions proposed by the President	960.0
Rejected by the Congress	
Currently before the Congress	960.0

Attachment B

STATUS OF FY 1996 DEFERRALS

[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	3,639.0
Routine Executive releases through March 1, 1996 (OMB/Agency releases of $878.7 million, partially offset by cumulative positive adjustment of $4 thousand.)	878.7
Overturned by the Congress	.....
Currently before the Congress	2,760.4

BILLING CODE 3110–01–P