

RULES AND REGULATIONS

15613

Factors	Score points	
Color	(A)	45-50
	(C)	40-44
	(SStd.)	0-39
Defects	(A)	45-50
	(C)	40-44
	(SStd.)	0-39
Total score	100	
Flavor and odor	Good	
	Fairly good	
	Off	
Grade		

*Indicates limiting rule.

NOTE: The U.S. Standards for Grades as hereby amended shall become effective May 1, 1978, and thereupon will supersede U.S. Standards for Grades of Canned Tomato Puree which have been in effect since February 25, 1970.

NOTE: The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C. on April 10, 1978.

JOSEPH A. POWERS,
Acting Administrator, Food
Safety and Quality Service.

[FR Doc. 78-9893 Filed 4-13-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Change in Disease Status of Italy because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document designates Italy as a country in which African swine fever, a contagious and infectious disease of swine, exists. Notice has been received that an outbreak of African swine fever has occurred in the Province of Sardinia, Italy. The intended effect of this amendment is to restrict the entry of pork and pork products from Italy in order to protect the livestock of the United States.

EFFECTIVE DATE: April 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. James D. Roswurm, USDA, APHIS, VS, Room 818, Federal Building, Hyattsville, Md. 20782, 301-436-8499.

SUPPLEMENTARY INFORMATION:

African swine fever is potentially the most dangerous and destructive of all communicable swine diseases. The causative virus of African swine fever is highly virulent and may be present in pork and pork products originating in countries where the disease exists. The only known practical method of destroying the contagion of the disease in pork and pork products is by heat treatment.

This document amends the regulations (9 CFR 94.8) to designate Italy as a country in which African swine fever exists, and restricts the entry of pork and pork products from Italy to those pork and pork products which have been commercially sterilized by heat in hermetically sealed containers or which are allowed controlled entry into the United States for further processing by heat.

Accordingly, Part 94, Title 9, Code of Federal Regulations is hereby amended in the following respect:

§ 94.8 Pork and pork products from countries where African swine fever exists. [Amended]

In § 94.8, in the introductory paragraph, the name of Italy is added after the reference to "France."

(Sec. 2, 32 Stat. 792, as amended (21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141)

This amendment is of an emergency nature and must be made effective immediately to protect the livestock of the United States against the introduction of African swine fever from Italy, except with respect to intransit shipments of pork and pork products that are on board a carrier moving to the United States at the time of issuance hereof. Such intransit shipments shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Administrator may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of African swine fever into the United States. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is

found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-9898 Filed 4-13-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management

AGENCY: Nuclear Regulatory Commission.

ACTION: Effective clarifying amendment to Table S-3 and Response to Petition for Rulemaking filed on behalf of the New England Coalition on Nuclear Pollution (Docket No. PRM-51-1).

SUMMARY: The Commission has previously published Table S-3 of 10 CFR Part 51 which identified environmental effects for the uranium fuel cycle which are to be included in environmental reports and environmental impact statements for individual light water nuclear power reactors. This action amends the prior regulations to remove the value contained in Table S-3 for releases of radon and to clarify that Table S-3 does not include health effects from the effluents described. The rule as amended states that the fuel cycle rule does not preclude consideration of these impacts in individual cases. This action also responds to the NECNP rulemaking petition.

EFFECTIVE DATE: April 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Jane A. Axelrad, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone: 301-492-7437.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Nucle-

ar Regulatory Commission (hereinafter "NRC" or "Commission") has decided to amend Table S-3 of 10 CFR Part 51 "Summary of Environmental Considerations for Uranium Fuel Cycle" in the Commission's regulations "Licensing and Regulatory Policy and Procedures for Environmental Protection," 10 CFR Part 51. Specifically, the Commission has decided to clarify that certain environmental effects from the uranium fuel cycle are not included in the Table and may be litigated in individual cases.

In conjunction with this notice of rulemaking, the Commission hereby gives notice that the petition for rulemaking submitted by letter dated November 19, 1975 by Roisman, Kessler, and Cashdan, 1025 15th Street NW., Washington, D.C., on behalf of the New England Coalition on Nuclear Pollution is being denied in part. However, the issues raised in the petition relating to Radon-222 will be addressed in a future rulemaking proceeding to amend the value for Radon in Table S-3. Accordingly, action on this part of the petition is being deferred.

DESCRIPTION OF THE PETITION

The New England Coalition on Nuclear Pollution petitioned the Commission to amend Table S-3 of 10 CFR Part 51, "Summary of Environmental Considerations for Uranium Fuel Cycle" in the Commission's regulations "Licensing and Regulatory Policy and Procedures for Environmental Protection," 10 CFR Part 51. A notice of the filing of the petition, Docket No. PRM-51-1, was published in the FEDERAL REGISTER on January 16, 1976 (41 FR 2448).

The petition for rulemaking was accompanied by two technical documents authored by Professor Robert O. Pohl, Professor of Physics, Cornell University, entitled "Nuclear Energy: Health Impact of Carbon-14" and "Health Effects of Thorium-230." These technical papers provided the technical bases for the claims presented in the petition. On December 23, 1976, the NRC received a final draft of Professor Pohl's paper "Nuclear Energy: Health Impact of Carbon-14" that replaced the draft previously sent to the NRC on November 19, 1975 as part of the original petition.

The notice of petition filing invited interested persons to submit written comments or suggestions on the petition by March 16, 1976. Because of public interest about the concerns expressed by the petition, the public comment period was extended to April 26, 1976 (41 FR 12365). The following responded to the requests for written comments: Atomic Industrial Forum, Inc.; Commonwealth Edison Co.; U.S. Environmental Protection Agency

(EPA); General Electric Co.; Nuclear Fuel Services, Inc.; Ranchers Exploration and Development Corp.; Tennessee Valley Authority; Union Carbide Corp.; United Nuclear Corp.; and Westinghouse Electric Corp. All commenters, except EPA, recommended that NRC should deny the petition because, in their opinion, the petitioners have provided insufficient bases and rationale to support their claims for reassessing Table S-3 and existing licenses and for the postponement of pending applications. EPA only supplied correspondence between EPA and Dr. Pohl because of references made in the petition to EPA's dose estimate methods presented in the EPA Uranium Fuel Cycle report, EPA-520/9-73-003-B, October 1973.

In the petition, the petitioners state that: (1) The current Table S-3 seriously underestimates the impact on human health and safety by disregarding the long-term effects of certain long-lived radionuclides, particularly Thorium-230 which decays into radon gas, and that the health effects of uranium mining and milling, presently listed in Table S-3 as a total of 0.08 man-rems within five miles of the plant per annual fuel requirement, fails to disclose the long-term and long-range health effects of radon-222 gas released from tailings piles; (2) The health effects of Krypton-85 and Tritium releases from fuel reprocessing plants are underestimated in Table S-3; (3) Releases of Carbon-14 from the fuel cycle should be included in Table S-3; (4) That Table S-3, by the exclusive use of the term "man-rems", does not provide a meaningful representation of these health effects, at least in the case of those radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more easily comprehended consequence of the fuel cycle activities; and (5) The magnitude of the potential death toll from mill tailings alone is so great as to alter the previous judgments on these matters and to require as a minimum a reassessment of previous conclusions to authorize construction or operation of nuclear reactors and a postponement of resolution of all pending applications for construction or operation authority until final resolution of this issue by the Commission.

The petitioners requested certain numerical changes and additions as well as a narrative text to be incorporated into Table S-3 of 10 CFR Part 51 under the subheading entitled "Effluents—Radiological (curies), Gases (including entrainment)."

DISPOSITION OF ISSUES RAISED IN THE PETITION

With regard to the first issue raised by the petition, the current Table S-3 value for Radon-222 is incorrect and does not include:

Estimates of radon released from mining operations.

Estimates of releases of radon from interim tailings piles after the mill has shut down and during the ensuing period while the tailings pond is evaporating and before stabilization programs are completed.

Estimates of releases of radon from stabilized mill tailings piles.

At the time the Staff developed the Table S-3 value for radon, the Staff did not have sufficient data to quantify the releases from radon involved in the mining of uranium. The Staff was unable to find any field data for radon emissions but field measurements taken by the Bureau of Mines for radon concentrations in open pit mines revealed no significant alpha concentrations.

Even though there was no meaningful field data for estimating a specific radon release quantity, the Staff was able to conclude that radon concentrations away from the immediate vicinity of the mine would not be detectable against natural background. This Staff conclusion was supported by conclusions reached in the BEIR report¹ and the U.S. Environmental Protection Agency report, "Estimates of Ionizing Radiation Doses in the United States 1960-2000,"² both of which are cited in WASH-1248.

With regard to milling, estimates of releases from interim tailings piles were not included because it was assumed that these piles remained wet until stabilized and therefore did not permit significant releases of radon. The Staff considered available information, particularly the report of the U.S. Environmental Protection Agency entitled, "Estimates of Ionizing Radiation Doses in the United States 1960-2000" to determine releases from stabilized piles. This document reported the results of studies made at active and inactive mill sites with covered and uncovered tailings which showed no significant radiation exposure to the public. Based on these studies, the Staff concluded in WASH-1248, B-23, that population doses attributable to the uranium milling industry would not be distinguishable from natural background radiation.

However, since the original Table S-3 was promulgated, new estimates of releases have been devised that require upward revision of the value for radon in Table S-3. Therefore, the

¹"The Effects on Populations of Exposure to Low Levels of Ionizing Radiation." Report of the Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR), Nat'l. Ac. Sci., Nat'l Res. Council, Washington, D.C., (Nov. 1972), P. 15. (Cited in WASH-1248 at p. A-4).

²ORP/CSD 72-1, Estimates of Ionizing Radiation Doses in the United States 1960-2000, U.S. Env. Prot. Agency (Aug. 1972), p. 27. (Cited in WASH-1248 at p. A-4).

Commission is amending Table S-3 to eliminate the value for radon releases. This issue may henceforth be litigated in individual licensing proceedings since it is not now covered by the rule. A clarifying amendment to Table S-3 to this effect is set forth below.

The Commission intends to evaluate data that is being collected in a series of ongoing programs described below and will determine when the Generic Environmental Impact Statement (GEIS) on uranium milling is issued whether to initiate a limited rulemaking proceeding to include a revised value for Radon-222 in an updated Table S-3. In determining whether to initiate such a rulemaking, the Commission will evaluate the arguments of the NECNP petition. It will also consider statements made in a memorandum written by Walter H. Jordan, a member of the Atomic Safety and Licensing Board Panel, to James R. Yore, Chairman of the Atomic Safety and Licensing Board Panel. A copy of that memorandum, which raised issues similar to those raised in the petition, is on file in the NRC public document room. In any event, the Commission plans a general long-term effort to update the rule and the radon issue will be addressed then.

The second and third issues raised by the petition were specifically addressed when the Commission published a revised interim Table S-3 in March of 1977 (42 FR 13803, March 14, 1977). Interim Table S-3 contains upward revisions of releases for both Krypton-85 and Tritium. The differences between the petitioner's estimates of releases and the NRC estimates are due to differences in the models. The basis for the NRC models is described in detail in NUREG-0116 and 0216.

Carbon-14 has been added to the interim Table S-3. The differences between petitioner's estimates of releases and the NRC estimates are due to differences in models. The basis for the Carbon-14 model is described in NUREG-0116 and NUREG-0216.

The petitioner's fourth issue is that Table S-3 does not provide a meaningful representation of health effects. Health effects were addressed in NUREG-0216 in response to comments that the Commission should have considered them. However, the Commission decided to pattern the interim rule after the original S-3 Table which did not include such effects in the actual table. The Commission implicitly addressed fuel cycle health effects in the Statement of Considerations accompanying Table S-3 when the Commission noted that "the environmental impacts of the uranium fuel cycle have been shown to be relatively insignificant." Accordingly,

health effects were not discussed in individual licensing proceedings until after the decision in *Tennessee Valley Authority* (Hartsville Nuclear Plant, Units 1A, 2A, 1B, and 2B), 5 NRC 92, 103 (1977) where the Appeal Board required that they be considered in connection with comparison of the uranium and fossil fuel cycles. The Commission believes that, for the present, the purposes of NEPA are advanced by discussing health effects in individual cases. To clarify this point, the Commission has removed all dose estimates attributable to gaseous effluents from the Footnotes in the Table and has amended Footnote 1 to indicate that health effects are not covered by the Table and may be litigated in individual cases.

To summarize the Commission's position on the NECNP petition:

1. The portion of the petition that recommends that Table S-3 be amended to include upward revisions of the values for Krypton-85, Tritium and Carbon-14 was in effect granted, although the specific values suggested by the petitioner were not adopted. These values were revised upward when the Commission promulgated the Interim Table S-3 on March 14, 1977 and are being reexamined during the final rulemaking proceeding on waste management and reprocessing.

2. The portion of the petition that recommends that Table S-3 be amended to include health effects is denied. The Commission has determined for the present that these effects should be dealt with in individual licensing proceedings rather than by rule. The effluent release data set forth in the revised Table shall provide the basis for derivation of population doses and resultant health effects in individual licensing proceedings. The Commission will, at a later date, reexamine whether doses and health effects should be included in Table S-3. It will also address the question of what period of time should be used to calculate doses and health effects. These issues have been raised in the final rulemaking proceeding on waste management and reprocessing mentioned above and will be addressed in the overall revision of Table S-3 described below.

3. The Commission agrees with that portion of the petition that recommends that the values for Radon-222 in Table S-3 be amended. The Commission, however, is deferring instituting a rulemaking on this issue. The Commission recognizes that radon releases from the fuel cycle must be considered in licensing decisions. Pending generic consideration of this issue, radon released from the fuel cycle can be considered in individual proceedings.

Petitioner has asserted that the NRC should halt licensing until the

issues raised by the petition are resolved. The Commission believes that the clarifying amendment now issued removes any need for a blanket postponement of licensing. Some issues raised by the petition have already been resolved by the Commission. Other issues, particularly those relating to Radon-222 and health effects, may be considered in individual cases. The Commission believes that the information that is presently available should enable individual licensing boards to evaluate the significance of fuel cycle radon releases in striking the environmental cost-benefit balance for a nuclear power reactor.⁴ The Commission has chosen to leave these issues open for litigation in individual proceedings, rather than freeze by an immediate rulemaking the form such an evaluation should take. In order that experience with varying approaches may be gathered as a possible basis for generic rule later on. Also, much new information relevant to the environmental impacts of radon will soon become available. When the Commission considers environmental impacts in individual licensing actions, it need not also consider them generically. *NRDC v. NRC*, 547 F. 2d 633, 641 (D.C. Cir. 1976) cert. granted, 429 U.S. 1090 (1977) (No. 76-419). Accordingly, the Commission denies petitioner's request to halt licensing of reactors.

The Commission does not believe it is necessary to now reopen all proceedings where licenses have already been issued. With regard to the most serious issue, radon releases, as discussed below, a number of programs are in progress to gather additional information on the environmental impacts of mining and milling. Upon completion of these programs, the Commission may reassess its conclusions as to the acceptability of the environmental impacts from mining and milling. Existing licenses may be reevaluated at that time if the data warrants it. It does not seem likely that any radon hazard associated with continued construction or continued operation of reactors in the interim will be significant. The short term releases of radon from mill tailings will be small, and steps can be taken in the future to reduce long-term releases.⁵ If, however, anyone be-

⁴It remains up to the licensing board, however, to determine in the first instance whether the evidence actually presented to it by the parties and the NRC staff is sufficient to support an environmental analysis that meets NEPA standards.

⁵The NRC Staff is currently requiring applicants for uranium mill licenses to commit to plans for tailings disposal in accordance with interim criteria developed by the Staff for tailings waste management and disposal. Key features of these interim criteria include requirements to (a) locate the tailings isolation area such that disruption and dispersion by natural forces are minimized, (b)

Footnotes continued on next page

³39 FR 14188.

lieves that the circumstances of a particular case dictate that a license should be reexamined to take into account new information on radon or on the other subjects on which the amendments set forth below would now permit case-by-case adjudication, then an appropriate request for enforcement action can be filed under 10 CFR § 2.206.

Where limited work authorizations, construction permits, or operating licenses have been issued but proceedings are still pending before Licensing or Appeal Boards, evidence on radon releases shall be received as follows: In proceedings pending before Licensing Boards the Commission hereby directs the Licensing Boards to reopen the record on NEPA issues for the limited purpose of receiving new evidence on radon releases and on health effects resulting from radon releases. Where cases are pending before Appeal Boards, the Appeal Boards are also directed to reopen the records to receive new evidence on radon releases and on health effects resulting from radon releases.

LWA's, construction permits, or operating licenses already issued shall remain effective unless a stay of the decision issuing the license or LWA is granted upon request of a party pursuant to the criteria set forth in 10 CFR § 2.788.

Footnotes continued from last page reduce the release of radon from the tailings disposal area to about twice the release rate in the surrounding environs, and (c) eliminate the need for routine long-term monitoring and maintenance programs.

Licenses have proposed various methods to meet the performance objectives. One is a surface burial method whereby radon control and isolation is achieved through placement of a clay cap over the tailings covered by an overburden of several feet of soil with appropriate consideration given to minimizing effects of wind and soil erosion.

A more recent method that has been proposed consists of below grade burial of the tailings to provide increased assurance that tailings will remain isolated for long periods of time. This kind of disposal virtually eliminates potential for disturbance by natural erosion forces and makes possible increased attenuation of radon releases. Return of the tailings to open minepits has been selected as the tailings disposal method for one of our applicants. Below grade disposal is being evaluated as the prime option for other mills currently undergoing license review.

The generic environmental impact statement on uranium milling presently being prepared by the Commission is considering a wide range of alternatives similar to those previously evaluated by Oak Ridge National Laboratory (ORNL-4903). For example, it will evaluate alternatives which entail removing radioactivity from the tailings.

On the basis of the Staff's reviews of reclamation plans employing surface burial or below grade burial methods, the Staff has advised the Commission that steps such as those described above, can be taken in the future to reduce long-term releases from tailings disposal sites.

ONGOING PROGRAMS

The Commission has a number of programs in progress, some of which will supply data necessary for a generic resolution of issues not now covered in Table S-3:

Waste management and reprocessing. The Commission recently published a revised Interim Table S-3 (42 FR 13803, March 14, 1977) along with supporting documents, NUREG-0116 and NUREG-0216. The Commission has already begun to conduct rulemaking proceedings to replace the Interim Table S-3 with an updated rule in the areas of fuel reprocessing and waste management.*

Milling. Preparation of a draft Generic Environmental Statement (GEIS) on mill tailings is underway and is expected to be made available for public comment in September 1978. In conjunction with preparation of this statement, an extensive multi-year field measurement program was initiated in early 1977 to develop data to estimate effluent release rates from mills and stacks, from ore piles and from tailings piles. These studies will also measure offsite concentrations to evaluate transport information and the significance of food ingestion pathways. Specific laboratory studies are also being conducted to estimate radon emissions from tailings piles both during operation and following stabilization. More recently, a general study was initiated as part of the GEIS to evaluate the long term stability of mill tailings disposal alternatives. Data from these studies is expected to become available in the summer of 1978. As a result of these studies the Commission will evaluate whether levels of radon releases should be further reduced.

The Commission will explore several alternatives to determine what level of reduction of releases is environmentally acceptable including reduction of radon releases to natural background levels and reduction of releases to amounts equal to releases had no mining or milling taken place.

Mining. A 2-year research program was initiated in the fall of 1977 to obtain measurements of radon-222 at underground and open pit mines. The initial measurements from underground mines are expected early in 1978. Information from this program and from research on uranium mills might provide a basis for the limited rulemaking proceeding on radon described above. As was stated previously, the Commission will make the determination whether to initiate such a limited proceeding after the draft GEIS on milling is issued.

*Nothing in this Notice should be construed as affecting in any way the scope of the final rulemaking proceeding on waste management and reprocessing.

Overall update of Table S-3. In addition to the aforementioned programs, the Commission has announced its intention to initiate a long-term effort to completely update the rule in all areas of the fuel cycle. (42 FR 26987, May 26, 1977). Specific efforts to produce a completely updated and revised Table S-3 and supporting document for the entire fuel cycle have begun. A technical assistance contractor to work with the NRC Staff is now being selected. The contractor will first analyze the format and content of Table S-3 to determine the method for most effectively characterizing environmental impacts. The contractor will collect, evaluate, and synthesize the results from a wide range of applicable NRC research and study programs. The major research programs include field measurements of radon releases from mining and the GEIS on milling, as discussed above. In addition, emphasis will be given to NRC studies of occupational exposure, decommissioning, and non-radiological effluents. The importance of new concepts and technologies, such as centrifuge enrichment, mining by in-situ leaching, spent fuel storage, and disposal will be evaluated.

IMMEDIATE CLARIFYING CHANGES

The amendments to Table S-3 set forth below clarify that the Table does not cover:

Estimates of radon released;
Health effects.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and section 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 51 are published as a document subject to codification. Since the amendments are of a clarifying nature, serve to relieve a restriction, and are necessary to enable correct information regarding fuel cycle environmental impacts to be utilized in ongoing and future licensing proceedings, the Commission has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon, and that the amendments may be made effective upon publication.

In Table S-3—Summary of environmental considerations for uranium fuel cycle, of 10 CFR Part 51, (a) the entry for Radon-222 under "Effluents—radiological (curries)" and the accompanying textual material which now reads:

"Rn-222 74.5 Principally from milling operations and excludes contributions from mining."

is revised to read as follows;

"Rn-222 — Presently under reconsideration by the Commission."

and (b) footnotes 5 and 6 accompanying the Table are deleted and footnote 1 is amended to read as follows:

"In some cases where no entry appears it is clear from the background documents that the matter was addressed and that, in effect, the Table should be read as if a specific zero entry had been made. However, there are other areas that are not addressed at all in the Table. Table S-3 does not include health effects from the effluents described in the Table, or estimates of releases of Radon-222 from the uranium fuel cycle. These issues which are not addressed at all by the Table may be the subject of litigation in individual licensing proceedings. Data supporting this Table are given in the 'Environmental Survey of the Uranium Fuel Cycle,' WASH-1248, April 1974; the 'Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle,' NUREG-0116 (Supp. 1 to WASH-1248); and the 'Discussion of Comments Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle,' NUREG-0216 (Supp. 2 to WASH-1248). The contributions from reprocessing, waste management and transportation of wastes are maximized for either of the 2 fuel cycles (uranium only and no-recycle). The contribution from transportation excludes transportation of cold fuel to reactor and of irradiated fuel and radioactive wastes from a reactor which are considered in Table S-4 of sec. 51.20(g). The contributions from the other steps of the fuel cycle are given in columns A-E of Table S-3A of WASH-1248."

3. The second sentence of 10 CFR § 51.20(e) is amended to read as follows:

"No further discussion of the environmental effects addressed by the Table shall be required."

Effective date: The foregoing amendments take effect on April 14, 1978.

(Sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended, Pub. L. 94-83, 89 Stat. 424 (42 U.S.C. 4332); Sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 202, Pub. L. 93-438, 88 Stat. 1244 (42 U.S.C. 5842); Pub. L. 89-554, 80 Stat. 383 (5 U.S.C. 553).)

Copies of the petition for rulemaking, the associated public comments, and the Commission's letter to the petitioner are available for inspection or publication in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Washington, D.C. this 11th day of April, 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-9952 Filed 4-13-78; 8:45 am]

[3128-01]

**CHAPTER II—FEDERAL ENERGY
ADMINISTRATION¹
PART 205—ADMINISTRATIVE
PROCEDURES AND SANCTIONS**

**1978 Interpretations of the General
Counsel**

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached are the Interpretations issued by the Office of the General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period March 1, 1978 through March 31, 1978. Also attached is a copy of a delegation of authority by the General Counsel effective April 6, 1978, authorizing the Assistant General Counsel for Interpretations and Rulings to issue Interpretations.

**FOR FURTHER INFORMATION
CONTACT:**

Diane Stubbs, Office of the General Counsel, Department of Energy, 12th and Pennsylvania Avenue NW., Room 1121, Washington, D.C. 20461, 202-566-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the FEDERAL REGISTER in accordance with the editorial and classification criteria set forth in 42 FR 7923, February 8, 1977, as modified in 42 FR 46270, September 15, 1977.

These Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). In addition, the Interpretations published below are subject to appeal pursuant to § 205.86 as it existed prior to the amendment of DOE's procedural regulations (43 FR 14436, April 6, 1978), which eliminated administrative appeals of Interpretations issued after April 1, 1978. The Interpretations appended hereto are published today only for general guidance in accordance with the reasons set forth in the Notice first cited above.

¹EDITORIAL NOTE.—Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

Issued in Washington, D.C., April 11, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

APPENDIX I

No., to, date, category

- 1978-8—Mobley Oil Co., March 16, price.
- 1978-7—Amoco Oil Co., March 18, price.
- 1978-8—Mobil Oil Corp., March 18, price.
- 1978-9—H. H. Weinert Estate, March 18, price.
- 1978-10—Tesoro Petroleum Corp., March 24, price/allocation.

INTERPRETATION 1978-6

To: Mobley Oil Co.
Date: March 16, 1978.
Rules Interpreted: § 212.75, Ruling 1975-15, Ruling 1977-2.
Code: GCW-PI-Unitization, BPCL.

FACTS

Mobley Oil Co. (Mobley) is the producer-operator of the Lewisville Smackover Lime Unit, an enhanced recovery project located in Lafayette County, Arkansas. According to its submission, the various leases which comprise this unit were unitized on May 1, 1975 by order of the Arkansas Oil and Gas Commission and at that time their production patterns were significantly altered.

After the publication of Ruling 1975-15 on September 4, 1975, by the Federal Energy Administration (FEA), a predecessor agency of the Department of Energy, Mobley determined and certified a unit base production control level (BPCL) for the Lewisville Smackover Lime Unit. Mobley continued to utilize the unit BPCL computer pursuant to Ruling 1975-15 after the FEA promulgated a new § 212.75 (effective February 1, 1976). However, following the amendment of § 212.75 by the FEA (effective September 1, 1976), Mobley recalculated its unit BPCL in accordance with that regulation. Due to Mobley's uncertainty as to the application of § 212.75 to its unit's operations, Mobley calculated two unit BPCL's after September 1, 1976—one in accordance with Ruling 1975-15 and the other pursuant to § 212.75. Since that time, Mobley has placed in an escrow account the difference between the production proceeds which would have been received under Ruling 1975-15 and those actually received by its application of § 212.75.

ISSUE

May Mobley utilize the provisions of § 212.75 to compute a unit base production control level for the Lewisville Smackover Lime Unit, which was unitized and significantly altered its producing patterns in May 1975?

INTERPRETATION

It has been concluded that units which initiated enhanced recovery operations or significantly altered producing patterns prior to February 1, 1976, may not utilize § 212.75 for computation of their unit base production control levels (BPCL's).

On August 31, 1975, the FEA issued Ruling 1975-15, 40 FR 40832 (September 4, 1975), which represents the agency's first ruling discussing the concept of a unitized property. The ruling provides with respect to post-1972 unitization:

"In the case of a property that was unitized after calendar year 1972, the need for