

Ecology Consultants, Inc.

P.O. Box 2105
1716 Heath Parkway
Fort Collins, Colorado 80522

Telephone
(303) 493-8878

*Slater
JG*



July 16, 1976

*Docket file
50-247*

Mr. George W. Knighton, Chief
Environmental Projects Branch No.1
Division of Site Safety and
Environmental Analysis
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Knighton:

Thank you for your letter of July 8, 1976. I would appreciate it very much if you would send me the draft, "Facility License Amendment for the Extension of Operation with Once-Through Cooling for Indian Point Nuclear Generating Unit No.2."

Thank you very much for this courtesy.

Sincerely,
ECOLOGY CONSULTANTS, INC.

Stephen G. Martin

Stephen G. Martin, Ph.D.
Vice President

SGM:clr

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Docket File 50-247 (Env)

U.S. Nuclear Regulatory Commission,
Washington, D.C. 20555, Attention: Director,
Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th
day of June 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc. 76-20107 Filed 7-14-76; 8:45 am]

[Docket Nos. 50-286 and 50-301]

**WISCONSIN ELECTRIC POWER CO. AND
WISCONSIN MICHIGAN POWER CO.**

**Issuance of Amendments to Facility
Operating Licenses**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 18 and 23 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowish County, Wisconsin. The amendments are effective as of the date of issuance.

The amendment will change the Technical Specifications to (1) add surveillance requirements for the limit switches associated with the auxiliary building crane trolley and bridge motions and (2) establish the maximum weight of spent fuel shipping cask that may be used.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 13, 1976, (2) Amendment No. 18 to License No. DPR-24, (3) Amendment No. 23 to License No. DPR-27, and (4) the Commission's related safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 717 H Street N.W., Washington, D.C. and at the University of Wisconsin—

Document Department, ATTN: Mr. Arthur M. Fish, Stevens Point Library, Stevens Point, Wisconsin 54481.

A copy of items (2) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of July 1976:

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc. 76-20108 Filed 7-14-76; 8:45 am]

[Docket Nos. 50-29; 50-271; 50-309]

**YANKEE NUCLEAR POWER STATION
(YANKEE ROWE) ET AL.**

Petition for Order To Show Cause

Notice is hereby given that by Petition dated June 11, 1976, the New England Coalition on Nuclear Pollution and Safe Power for Maine filed a request for an Order to Show Cause why Licenses No. DPR-3, DPR-29, and DPR-36 should not be revoked or suspended. The requested order would be issued to Yankee Atomic Electric Company, Vermont Yankee Nuclear Power Corporation and Maine Yankee Atomic Power Company. In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts, at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05321, and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine 04578.

For the Nuclear Regulatory Commission,

Dated at Bethesda, Maryland, this 30th day of June 1976.

BEN C. RUSCHE,
Director, Office of
Nuclear Reactor Regulation.

[FR Doc. 76-20116 Filed 7-14-76; 8:45 am]

**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 50-247]

**CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.**

Availability of Draft Environmental Statement for Facility License Amendment for the Extension of Operation With Once-Through Cooling for Indian Point Nuclear Generating Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51 (formerly Appendix D to 10 CFR Part 50), notice

is hereby given that a Draft Environmental Statement (NUREG-0080) prepared by the Commission's Office of Nuclear Reactor Regulation related to the facility license amendment for the extension of operation with once-through cooling for Indian Point Unit No. 2, located in Westchester County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street N.W., Washington, D.C. and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Draft Statement is also being made available at the New York State Division of the Budget, State Capitol, Albany, New York, 12224 and the Tri-State Regional Planning Commission, 1 World Trade Center, New York, New York 10048. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented, submitted by the Consolidated Edison Company of New York, Inc., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 3, 1975 (40 FR 45874).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 30, 1976. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Md., this 8th day of July 1976.

For the Nuclear Regulatory Commission,

FRED J. CLARK,
Acting Chief, Environmental
Projects Branch No. 1 Division
of Site Safety and Environmental
Analysis.

[FR Doc. 76-20438 Filed 7-14-76; 8:45 am]

at this time.¹ However, from the review that was conducted, the Commission has observed various aspects of the operation of these rules which it believes necessitate a Commission policy statement at this time.

If the Commission finds, after hearing, that any director, officer, agent, or employee of any contract market (hereinafter "exchange official") is violating or has violated any of the provisions of the Act or any of the rules, regulations or orders of the Commission thereunder, section 6b of the Act authorizes the Commission to assess a civil penalty, against such persons, of up to \$100,000 for each violation.² It is and will be the Commission's policy to consider carefully all the facts and circumstances surrounding the participation of individual exchange officials in alleged violations of the Act before taking enforcement action against such individual exchange officials and to impose civil penalties on such officials only in cases involving culpable conduct. But if a fine or civil penalty is imposed on an exchange official pursuant to section 6b of the Act, the Commission believes that it would be against public policy, as expressed in the Act, for an exchange designated by the Commission as a contract market to indemnify its officials for the civil penalty, or any fine that might be subsequently imposed for failure to comply with the Commission's order. As interpreted by the Commission, one of the basic purposes of section 6b is to stimulate diligence on the part of persons who are responsible for assuring that contract markets adhere to the standards and requirements of the Act and the Commission's regulations. If exchange officials know that they need not pay a penalty imposed by the Commission, the prophylactic and deterrent effect of section 6b would be undermined. Since the threat of a civil penalty is an important factor in assuring compliance in such cases, indemnification would be contrary to public policy.

¹Section 5a(12) of the Act, 7 U.S.C. § 7a(12) (Supp. IV, 1974), requires that contract markets submit to the Commission for its approval all bylaws, rules, regulations and resolutions of the contract market which relate to "terms and conditions in contracts of sale" or "other trading requirements." The words "terms and conditions in contracts of sale" and "other trading requirements" are not defined in the Act or its legislative history. As a result, the scope of section 5a(12) and the types of contract market rules which must be reviewed and approved by the Commission are unresolved at this time. The Commission has requested comment as to the types of operational and administrative rules which should be exempt from the prior-approval requirements of section 5a(12) of the Act. See 41 Fed. Reg. 9528 (March 4, 1976).

²Section 6b provides in relevant part that—

[I]f any contract market, or any director, officer, agent, or employee of any contract market otherwise is violating or has violated any of the provisions of this chapter or any of the rules, regulations, or orders of the Commission thereunder, the Commission may * * * make and enter an order directing that such contract market, director, officer,

The Commission wishes to make clear that, in its view, there is no distinction between direct indemnification, such as that provided pursuant to the terms of a contract market rule, and indirect indemnification, such as that provided by insurance or a separate agreement between an exchange and its officers. In the latter case, the Commission believes that the effect would be the same as indemnification provided by an exchange rule, and would be, to that extent, also inconsistent with the regulatory purposes of the Act and contrary to public policy. The Commission takes no position at this time with respect to indemnification of exchange officials for liabilities arising out of civil proceedings instituted by private parties. The Commission also wishes to note that the views expressed in this release are not limited to exchange officials. For example, the Commission believes that it would be against public policy for a registered futures commission merchant to indemnify its officers, partners, directors or other officials for fines or civil penalties imposed pursuant to provisions of the Act comparable to those pursuant to which exchange officials are penalized.

Dated: July 9, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity
Futures Trading Commission.
[FR Doc. 76-20577 Filed 7-15-76; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY ENVIRONMENTAL IMPACT STATEMENTS RECEIVED JULY 5-9, 1976 Availability

Environmental impact statements received by the Council on Environmental Quality from July 5, 1976 through July 9, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (August 30, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1345 Connecticut Avenue, Washington, D.C. 20036.

agent, or employee shall cease and desist from such violation, and assess a civil penalty of not more than \$100,000 for each such violation. If such contract market, director, officer, agent, or employee * * * shall fail or refuse to obey or comply with such order, such contract market, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100,000 or imprisoned for not less than six months nor more than one year, or both.

7 U.S.C. § 13(a) (Supp. IV, 1974).

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Draft

Agricultural Conservation Program, July 8: The statement concerns the enactment of S. 3299, a bill to amend the Soil Conservation and Domestic Allotment Act. The purpose of the amended legislation is to direct the Agricultural Conservation Program toward an emphasis on enduring conservation and environmental enhancement practices which otherwise might not be undertaken by farmers and ranchers without cost-share assistance from the Federal government. Adverse impacts may occur during construction phases and herbicide use. (ELR Order No. 60999.)

FOREST SERVICE

Final

Long Island Unit Plan, Tongass, National Forest, Alaska, July 8: The statement concerns the land use plan for the Long Island Unit, Tongass National Forest. The plan provides recreation areas, intensification of timber management, soil and water resource management, promotion of wildlife values, and the maintenance of fish habitat. Adverse impacts include the changing of wildlife habitat, and the addition of roads to the area. Comments made by: DOI, EPA, HUD, DOC, USCG, and State agencies, private citizens, and companies. (ELR order No. 61008.)

Palomar Planning Unit, Cleveland National Forest, San Diego, and Riverside Counties, Calif., July 8: The statement concerns the 58,171 acre Palomar Mountain Unit of the Cleveland National Forest. Within the Unit there are 15,934 acres of classified Wilderness, 20,000 acres of unroaded and undeveloped lands, 50,000 acres of land closed to public access and use from July to December due to extreme fire potential, and 4,500 acres of potentially unique vegetation. Implementation of the plan will provide more opportunities for public use but create more conflict between people and wildlife in dispersed areas now free from people use. Increased risk of fire by the addition of more people is expected. Comments made by: AHP, USA, HEW, DOI, FPC, EPA, State and local agencies, associations and individuals. (ELR Order No. 61004.)

SOIL CONSERVATION SERVICE

Final

Espanola-Rio Chama Watershed, Rio Arriba, and Sandoval counties N. Mex., July 8: Proposed is a project for watershed protection and flood prevention in Rio Arriba and Sandoval Counties, New Mexico. The proposed plan calls for the application of accelerated land treatment measures on 1,110 acres of irrigated cropland and 23,000 acres of rangeland. The plan also includes the construction of ten floodwater retarding structures with associated appurtenances. All structures will be designated for a 100-year life span and will be protected by reinforced concrete emergency spillways, except Site No. 5 which will have an earth spillway. Temporary loss of vegetation and lag gravel cover on about 911 acres will occur. (ELR Order No. 61009.)

Norwalk River Watershed, Fairfield County Conn., July 8: The Norwalk River Watershed Project was designed for watershed protection, flood prevention and wetland wildlife habitat improvement. Four impoundment structures and a total of 2.1 miles of flood

File Socket 50-247
(ENVIRO)

Comments made by: DOT, DOI, STAT, EPA, AEC. (ELR Order No. 60991.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Bernard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Indian Point Unit 2, Once-Through Cooling, Westchester County, N.Y., July 9: Proposed is the issuance of an amendment to the Facility Operating License held by Consolidated Edison. The amendment would permit the company to continue its once-through cooling system for an additional two years. The extension would permit the completion of on-going research studies and the gathering of additional data. The primary adverse effect is the loss of fish life by impingement and entrainment at the plant. (ELR Order No. 61013.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Rush County Airport, Kans., July 7: The statement concerns the construction of an airport in Rush County near LaCross, Kansas. Included in the proposal is the construction of a 3200' x 60' Runway 16/34 with exit taxiway and ramp and associated taxiways, aprons, etc. Since the airport would be used primarily for small aircraft (private and business) adverse effects due to noise and air pollution are expected to be minimal. (ELR Order No. 60996.)

Draft

Vernal Airport, Uintah County, Utah, July 8: Proposed is the approval of a development project at Vernal Airport to construct new and resurface old runways and taxiways, to acquire easements, and to install visual approach slope indicators. Public controversy surrounds the project. Adverse effects include short-term pollution during construction operations, increased noise levels at 9 public gathering places, and increased use of electrical energy. (ELR Order No. 61000.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Fort Wayne Southeast Bypass, Interstate 69 to U.S. 27, Allen County, Ind., July 6: Proposed is the construction of a four-lane divided highway in the US 24 corridor to bypass Fort Wayne. The 8 to 13 mile segment connects I-69 and US 27. Adverse effects include increased noise level, decreased air quality, displacement of families and businesses, the acquisition of agricultural and farm lands, disturbance of wildlife species, and changed traffic patterns. (Region 5). (ELR Order No. 60983.)

Draft

Fort Wayne Southeast Bypass, U.S. 27 to U.S. 30, Allen County, Ind., July 6: Proposed is the construction of a four-lane divided highway in the US 24 corridor to bypass Fort Wayne. This 6 to 10 mile segment connects US 27 and US 30. Adverse effects include displacement of 13 families, and 5 businesses, increased noise and air pollution, and acquisition of land. (Region 5) (ELR Order No. 60984)

U.S. 95 and Interstate 515 Spur, East Leg, Clark County, Nev., July 8: Proposed is the construction of a 20-mile segment of U.S. 95 from Las Vegas to an unincorporated area of Clark County. The leg has been declared a Federal Aid Priority Primary Route. Part

of the segment has been approved as a spur of I-15 (I-515 Spur). Adverse effects include the acquisition of 600 acres resulting in the loss of natural vegetation, wildlife habitat and an expanse of open desert terrain in the Las Vegas Valley, the relocation of many families and businesses, loss of low-income housing, increased air and noise pollution, potential runoff and downstream erosion problems, and an undetermined impact on one archaeological site. (ELR Order No. 60100.)

Interstate 95 Relocation, Petersburg to Interstate 64 Interchange, Prince George, Chesterfield, and Henrico Counties, Va., July 9: Proposed is a new location for I-95 from South of Petersburg, Virginia, to a new interchange between I-95 and I-64 in Henrico County, east of Richmond. The highway will vary from four to six lanes, depending on traffic volumes. It will be divided along its entire 31.88 to 44.47 mile length. Adverse effects include the displacement of from 230 to 630 persons, negative impacts on existing businesses, loss of wildlife habitat including crossing of a minimum of 6 to 10 acres of wetlands, some decline in water quality, and possible exceeding of FHWA design noise levels. (Region 3). (ELR Order No. 61011.)

Final

27th Street Improvement, Lincoln, Nebr., Lancaster County, Nebr., July 8: The proposed project consists of reconstructing a 0.9 mile segment of 27th Street to a four-lane urban type facility. The project also includes traffic signal renovation and street lighting improvements. Section 4(f) land from Antelope Park and "Sunken Gardens" may be encroached upon. Three homes will require relocation; 69 on-street parking spaces and 10 off-street parking spaces will be displaced. Comments made by: DOT, SBA, COE, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 61006.)

Interstate-80, Pershing County, Nev., July 8: The proposed action is the design and construction of a 14.2 mile section of Interstate Route 80 which lies between a point 5.5 miles southwest of Lovelock to a point 8 miles northeast of Lovelock. This section removes thru-traffic from existing U.S. 40 and the downtown Lovelock area. The roadway will require 558 acres of privately held land for right-of-way and will displace one business and from 60 to 70 people. Comments made by: USDA, DOI, DOT, EPA, and State and local agencies, and other agencies and organizations. (ELR Order No. 61003.)

U.S. COAST GUARD

Draft

Coast Guard Family Housing, Eureka, Humboldt County, Calif., July 7: Proposed is the acquisition of 6 acres for construction of 62 units of family housing for Coast Guard personnel. Adverse effects include increased use of sewage treatment facilities, permanent displacement of wildlife and removal of vegetation, potential increased erosion and sedimentation, and negative aesthetic impacts. (ELR Order No. 60997.)

Interstate-495 and Relocated State Route 140, Taunton, Massachusetts. The proposed improvement is an extension of Massachusetts S.R. 25 westward from an interchange with S.R. 24 in Bridgewater to Route I-95 in the Foxborough/Mansfield area. The 6-lane highway, designated I-495, runs for 14.3 miles and includes 6 interchanges. Also proposed is the relocation of Route 140 from its interchange with Route I-95 in Foxborough to an interchange with proposed Route 25, south of Mansfield's town center. Alternative B would displace about 60 residential structures and three businesses and would commit 48 acres of productive farmland to highway use. (Region 1). (Comments

made by: DOI, HEW, HUD, USDA, EPA, GSA, TREA, USCG, and State agencies.) (ELR Order No. 61001.)

GARY L. WIDMAN,
General Counsel.

[FE Doc. 76-20573 Filed 7-15-76; 8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

LIVERMORE LABORATORIES

Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act, the Energy Research and Development Administration (ERDA) has commenced the preparation of a draft environmental statement on its operations at Lawrence Livermore Laboratory and Sandia Laboratories at Livermore, Alameda County, California. The Livermore laboratories have been in operation for over 20 years. Nuclear weapons design, research and development activities are conducted at both laboratories. Research and development is also conducted in the general energy area. Environmental assessments were prepared on the operations at the two laboratories and will be used as background documentation in the preparation of the draft statement.

The current cumulative impact on the environment of the operation of the various facilities will be assessed as well as the anticipated future impact of continuing the operations at the site. When completed, the draft statement will be circulated for review to Federal, State and local agencies and interested public organizations and individuals. The comments received on the draft statement will be considered in the preparation of the final statement which will provide environmental input into ERDA decisions affecting the future operation at the Livermore site.

Copies of documents to be utilized in the preparation of this draft environmental statement will be available for inspection at the Lawrence Livermore Laboratory, and the assessments and bibliography of the documents will be available at the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.
Albuquerque Operations Office, Kirkland Air Force Base East, Albuquerque, New Mexico
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street Idaho Falls, Idaho.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

All interested agencies, organizations or persons desiring to submit comments or suggestions for consideration in connection with the preparation of the draft