

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.

(Indian Point Station,
Unit No. 2)

)
)
) Docket No. 50-247
) (Extension of Interim
) Operation Period)
)
)

SUPPLEMENTAL TESTIMONY OF NRC STAFF IN RESPONSE
TO BOARD COMMENTS ON AQUATIC IMPACT ANALYSIS

Dr. Webster Van Winkle

This supplemental testimony is in response to comments offered by the Atomic Safety and Licensing Board at the recent hearing session with regard to the aquatic impact analysis presented in the Final Environmental Statement on this application. In particular the Board made the following comments:

Chairman Jensch:

And it is our thought that any other phases of the Final Environmental Statement that the Staff wants to improve upon, they may do so, of course; but our principal concern is with the Section 6; and it is our thought you heard Dr. Van Winkle state that he wrote a good portion of the FES about a year ago. And there may be some factors in the meantime that are of additional interest to him or to the Board in general, or to the Staff in general.

We have received from the Applicant a considerable number of reports in this proceeding; I am not certain the extent to which Staff has had an opportunity

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to review those matters; but it may be that many of these reports were not available until after the time the Draft Environmental Statement was prepared.

We do understand that the FES does represent some modifications of the Draft Environmental Statement. We are not sure of the extent to which the additional data presented in this proceeding was available to the Staff in its consideration of either the DES or the FES. (Tr. 869-870).

Mr. Briggs:

I do not believe it is intended that Dr. Van Winkle go through all these reports and make another analysis. I think the Board is primarily concerned with the cost-benefit analysis. If, because Dr. Van Winkle wrote his part a year ago something has not been done in the rewriting, I mean, if it has just been left in there--there were some statements that were suggested yesterday in the rewriting--those might be changed. (Tr. 872).

I will address first the comment with respect to the Staff's review of the numerous reports submitted by the Licensee in this proceeding. The Licensee has listed on page A-5 of the FES all of the reports submitted to the Staff with respect to this application between the time of the original application (June - July, 1975) and the transmittal of the Licensee's comments on the DES (Aug. 1976). I personally reviewed (in greater or lesser depth as I deemed appropriate) all twelve of these reports prior to my revision of the Draft Environmental Statement to produce the FES. In addition, I had reviewed the following more recent reports:

- (1) New York University. Mortality of Striped Bass Eggs and Larvae in Nets (A Special Report). July 1976.
- (2) New York University. Hudson River Ecosystem Studies. Effects of Entrainment by the Indian Point Power Plant on Biota in the Hudson River Estuary. Addenda to: the 1973 Report. I. An Analysis of the Abundance of Four Life History Stages of Striped Bass (Morone saxatilis) Collected in the Intakes and Discharge Canal of Indian Point Unit I and in the Hudson River at Indian Point. II. Larval Striped Bass (Morone saxatilis) Length Frequency Analysis. August 1976.
- (3) Texas Instruments, Incorporated. Cornwall Transect Data Display. August, 1976.

These reports (as well as the Environmental Report and the First Annual Report For The Multi-plant Impact Study of the Hudson River Estuary, collectively Licensee's Exhibit OT-1), therefore, were part of the data base underlying the FES and the conclusions reached therein.

Since the publication of the FES I have also read the following reports, which have been distributed to the parties to this proceeding:

- (1) New York University. Cytogenetic Study of the Striped Bass (Morone saxatilis) from the Hudson River. September 1976.
- (2) Edenton National Fish Hatchery. The Rearing of Hudson River Striped Bass at the Edenton National Fish Hatchery (1975). August 1976.

- (3) Texas Instruments Incorporated. Report on the Relative Contribution of Hudson River Striped Bass to the Atlantic Coastal Fishery. December 1976.
- (4) University of Rhode Island. Life Stage Duration Studies on Hudson River Striped Bass, Morone saxatilis (Walbaum). Final Report. September 1976.
- (5) Texas Instruments Incorporated. Indian Point Impingement Study Report for the Period 1 January 1975 through 31 December 1975. November 1976.
- (6) Texas Instruments Incorporated. Hudson River Ecological Study in the Area of Indian Point. Thermal Effects Report. September 1976.

Information from these reports was drawn together in the testimony of Campbell, et al. (Tr. ff 255). Based upon a review of that testimony, the principal subject areas which contain new information are (page references are to the testimony of Campbell, et al., December 7, 1976):

1. Relative contribution of Hudson River striped bass to the Atlantic coastal fishery (pp. 52-63);
2. Estimates of entrainment mortality, including correction for differential net mortality and larval-table data (pp. 25-34);
3. Compensation in the Hudson River striped bass population (pp. 46-51);

4. The method of equilibrium reduction for impact assessment (pp. 17-24).
5. Further assessment of the impacts of power plant operation on the Hudson River white perch and tomcod populations (pp. 66-68).

In these five subject areas, at a minimum, an independent assessment by the NRC Staff appears essential to any reconsideration of the ultimate question of whether closed-cycle cooling should remain a requirement of the Indian Point 2 operating license. We expect the Applicant's "January 1977 Report" to contain new information on each of these five subject areas, although even then certain important data still may not be available (e.g., larval-table data for 1976).

The Board has also raised a question whether the Staff inadvertently failed to make intended revisions and deletions to the FES. The question particularly arose as to whether references to the Staff's evaluation of a two-year extension of operation with once-through cooling (see, for example, FES, p. 3-8) were intentionally left unchanged. (Tr. 844). The Staff's evaluation of aquatic impacts was for a two-year extension. The fact that the first of these two years has already been granted to the Licensee by virtue of the delay in receipt of all required governmental approvals does not alter the

fact that from the point of view of an incremental impact on the aquatic ecosystem, an addition of two years with once-through cooling is involved.

Finally, my review of the FES has not revealed any revisions or deletions to the FES (other than those identified at Tr. 722-25) which we inadvertently failed to make.

Company and Taunton Municipal Lighting Plant.

Bangor Hydro, which serves electric customers in Eastern Maine with a 1975 peak load of 177.8 megawatts, is committed to a 3.65 percent share of Sears Island Unit No. 1, or approximately 40 megawatts of nuclear generating capacity. Taunton Municipal Lighting, which supplies electric power in the Taunton, Massachusetts area (1974 peak load 60.4 megawatts), will own a 5 percent share of the unit (approximately 6 megawatts).

Our review of the information submitted by Bangor Hydro and Taunton, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that no antitrust hearing will be necessary in the matter.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 10, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Docketing and Service Section.

For the Nuclear Regulatory Commission,

JEROME SALTZMAN,
Chief, Antitrust and Indemnity
Group Nuclear Reactor Regulation.

[FR Doc. 76-36265 Filed 12-8-76; 8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board for the Indian Point Nuclear Generating Unit No. 2 and Issuance of Amendment to Facility Operating License No. DPR-26

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's Regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated November 30, 1976, has been issued by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of a license amendment to the Consolidated Edison Company of New York, Inc., for operation of Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The Partial Initial Decision is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Partial Initial Decision is also being made available at the New York State Division of the Budget, State Capital, Albany, New York 12224, and the Tri-State Regional Planning Commission, 1 World Trade Center, 56 South Street, New York, New York 10048.

Any decision or action taken by the Atomic Safety and Licensing Board in connection with the Partial Initial Decision may be reviewed by the Atomic Safety and Licensing Appeal Board.

Pursuant to the above-mentioned Initial Decision, the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License DPR-26 to Consolidated Edison Company of New York, Inc., for operation of a pressurized water nuclear reactor known as the Indian Point Nuclear Generating Unit No. 2. The license is amended by changes which state that a natural draft, closed-cycle, wet cooling tower system is the preferred system for installation at Indian Point Unit No. 2 and that the date for termination of once through cooling from May 1, 1979 shall be postponed accordingly.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. The application for the license amendment complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license amendment is effective as of its date of issuance.

Copies of the (1) Partial Initial Decision dated November 30, 1976; (2) Amendment No. 22 to Facility Operating License DPR-26; (3) licensee's application for license amendment dated December 2, 1974 and Environmental Report on Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2 dated December 1, 1974 and supplements thereto; (4) Final Environmental Statement (NUREG-0042) dated August 1976, are available for public inspection at the above designated locations in Washington, D.C., and New York. Single copies of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Site Safety and Environmental Analysis. Copies of item (4) are available from the National Technical Information Service, Springfield, Virginia 22161. (\$10.75 printed copy; \$3.00 microfiche).

Dated at Bethesda, Maryland, this 1st day of December 1976.

For the Nuclear Regulatory Commission,

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

[FR Doc. 76-36266 Filed 12-8-76; 8:45 am]

[Docket No. RM-50-5]

MIXED OXIDE FUEL

Environmental Statement; Supplemental Notice of Hearing

On January 6, 1976, the Nuclear Regulatory Commission ("Commission") published a Notice of Hearing in the captioned proceeding (41 F.R. 1133). The

purpose of this Supplemental Notice of Hearing is to set forth special additional rules regarding the conduct of the proceeding insofar as Restricted Data or other National Security Information may be involved.

1. On December 6, 1976, the Commission published in the FEDERAL REGISTER a revision of 10 CFR Part 2, Subpart I "Special Procedures Applicable to Adjudicatory Proceedings Involving Restricted Data or other National Security Information," to become effective on January 5, 1977 (41 F.R. 53328). This subpart would not by its terms apply to the captioned proceeding. Nevertheless, the Commission desires that procedures for dealing with classified information in this proceeding be established. Therefore, all of the provisions of Subpart I, as modified and supplemented by this notice are hereby made applicable to this proceeding.

2. For purposes of application of Subpart I to this proceeding, only a full participant may qualify as a "party" or "interested party" and the hearing board shall be the "presiding officer."

3. Mr. Robert F. Whipp, Division of Security, Nuclear Regulatory Commission Office of Administration has been designated as the Commission's representative to advise and assist the hearing board and the participants with respect to security classification of information and the safeguards to be observed.

4. Except for the NRC Staff, classified documents or other materials to which access has been granted to any full participant may only be inspected by such full participant at the Commission's offices in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland. Unless specifically provided otherwise in the order granting access, or specifically provided otherwise by the hearing board or the Commission, no copying, notes, or summaries of Restricted Data or other National Security Information will be allowed.

5(a). Except as otherwise provided by the presiding officer or the Commission for good cause: (1) An application for access to classified information which has not been introduced into the proceeding but which is the subject of a notice of intent § 2.907 of the revised subpart I) filed by any full participant, including the participant requesting access, must be filed not later than 7 days after the notice of intent has been filed or received; (2) An application for access to classified information which has been introduced into the proceeding by another full participant without filing a prior notice of intent must be filed not later than 7 days after the data or information has been introduced into the proceeding; and (3) An application for access to classified information which has not been introduced into the proceeding and is not the subject of a prior notice of intent must be filed not later than 45 days before commencement of the relevant portions of the hearing.

(b) In addition to the provisions of subparagraph (a), the Commission or the hearing board may deny a request for

PR 50975) were published in the FEDERAL REGISTER on October 15, 1976.

to the above notice the following notice is deleted from the PRO-

Custodial, Homestead Air Force
Dental Clinic (Building 686),
(Building 990).

Committee.

E. R. ALLEY, JR.,
Acting Executive Director.
35617 Filed 12-2-76; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

LEAD-CONTAINING PAINT

Notice of Intent To Prepare an Environmental Impact Statement

It is given that the Consumer Product Safety Commission is preparing a draft environmental impact statement in connection with its proposal regarding lead-containing paint published in the FEDERAL REGISTER of August 10, 1976 (44 FR 33636 et seq.). Neither the National Environmental Policy Act, 42 U.S.C. 4321 et seq., nor the guidelines of the Council on Environmental Quality with respect to the preparation of environmental impact statements, 40 CFR Part 1500, requires publication in the FEDERAL REGISTER of this notice of intent. Rather, it is being published here as a measure to help achieve the fullest possible early notice of the Commission's present intention to prepare a draft environmental statement on this proposal, as required in 40 CFR 1500.6(e).

The Commission proposed a consumer product safety rule under the Consumer Product Safety Act to declare as banned hazardous products paint and similar surface-coating materials containing lead in excess of the level determined safe under recent amendments (Pub. L. 94-317) to the Lead-Based Paint Poisoning Prevention Act (LBPPA), 42 U.S.C. 4801 et seq. The proposal would also ban toys, articles intended for use by children, and articles of furniture bearing paint or other similar surface-coating materials with lead in excess of the level determined safe under the LBPPA. Comments on the environmental effects of implementing the proposal were solicited in the August 10, 1976 notice.

Further information is hereby solicited on environmental effects in connection with reduction in the use of lead dryers in paint, including information on the properties and effects of substitute dryers. Information is also solicited on the effects of possible reduction in availability of paints incorporating lead-containing pigments. Information received on these or other environmental effects which may be anticipated will be addressed in either the draft or the final statement as practicable. Persons wishing to reserve comment until the draft statement is available should send their

names and addresses to the Secretary of the Commission so that a copy of the draft statement can be sent to them as soon as it is available.

Comments, information, and requests should be submitted by January 1, 1977, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Materials received may be seen in the Office of the Secretary, 3rd floor, 1111 18th Street, N.W., Washington, D.C. during working hours Monday through Friday.

Dated: November 30, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc 76-35662 Filed 12-2-76; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS Availability

Environmental impact statements received by the Council on Environmental Quality from November 22 through November 26, 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. (January 17, 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 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

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.

FOREST SERVICE

Draft

Sabine Unit Plan, Sabine National Forest, several Texas counties, November 23: Proposed is the implementation of a 10-year management plan for the Sabine Unit. The unit includes the entire Sabine National Forest, comprising 187,081 acres in Jasper, Newton, Sabine, Shelby, and San Augustine Counties, Texas. Major actions proposed include timber harvest and site preparation; increased diversity of wildlife habitat with emphasis on tree squirrels; road construction and reconstruction; and establishment of special interest areas. Adverse effects include temporary shifts in wildlife populations, temporary increases in soil movement, and removal of land from timber production. (223 pages.) (ELR Order No. 61667.)

Final

Blacktail Land Use Plan, Routt National Forest, Grand and Routt Counties, Colo., November 22: Proposed is the implementation of a revised Land Use Plan for the Blacktail Unit, Routt National Forest, Grand and Routt Counties. The unit contains 23,420

acres of National Forest lands and includes Roadless Areas DL and DM. Adverse effects include modification of scenic values, periodic and temporary changes in water and air quality, and soil erosion due to the construction of roads and cutting of trees. Wilderness characteristics will be lost within inventoried Roadless Areas DL and DM. (144 pages.) Comments made by: EPA, DOT, state and local agencies, concerned individuals. (ELR Order No. 61655.)

CIVIL AERONAUTICS BOARD

Steve Gross, Chief, Routes and Relationships Division, Civil Aeronautics Board, Washington, D.C. 20428, 202-382-7261.

Draft

Lake Tahoe Service Investigation, California, November 24: Proposed is the granting of federal certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, or the granting of exemption authority pursuant to section 416(b) of the Act, to Air California, Air Nevada, and Pacific Southwest Airlines in reference to Lake Tahoe area service. This investigation represents an effort by CAB to reach a definitive resolution of the jurisdictional problems involved in this case while adhering to its view that air transportation at Lake Tahoe is interstate in nature and, therefore, subject to federal regulation. (20 pages.) (ELR Order No. 61671.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-692-9297.

Final

Falcon Military Operating Area, New York, November 24: Proposed is the establishment of Falcon Military Operating Area (MOA) to provide air traffic controlled assigned airspace in which to conduct low level interceptor training. Flying in the 3,500 square mile MOA will be at altitudes from 6,000 to 18,000 feet mean sea level. Some single event flyovers will cause annoyance to humans and the proposal will result in the annoyance to visitors of the Adirondack State Park wilderness areas. (137 pages.) Comments made by: EPA, DOT, DOC, HEW, HUD, DOI, state and local agencies, concerned citizens. (ELR Order No. 61673.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Tulsa Urban Renewal River Parks Project, Permit, Tulsa County, Okla., November 23: Proposed is the granting of a Department of the Army permit to the Tulsa Urban Renewal Authority for the placement of dredged and fill material in connection with bank stabilization, bank re-alignment and a low water sein. The proposed work would be located on and in the Arkansas River in the center of Tulsa, Oklahoma. Construction of the park will remove a portion of the stream side habitat, eliminate wildlife corridors, destroy nesting and breeding areas, and temporarily increase siltation and turbidity. (Tulsa District.) (140 pages.) (ELR Order No. 61662.)

Mississippi River, Additional Harbor Facilities, Memphis, Tenn., November 23: The proposed action is to create new harbor facilities.

File 50-247
Docket (Enviro) 3

DEPARTMENT OF THE INTERIOR

BUREAU OF SPORT FISHERIES AND WILDLIFE

Final. National Wildlife Refuge System, November 23: The statement examines continued operation of the National Wildlife Refuge System at approximately the present level of annual funding requirements are approximately \$22 million, to continue the protection of selected physical resources, wildlife and wildlife habitats, and overall environmental quality in representative wildlife ecosystems. Such activities as timber harvesting, diking, vegetative manipulation, and construction will result in temporary adverse effects. (665 pages.) Comments made by: EPA, USDA, DOI, DOT, EPA, and State and local agencies, concerned individuals. (ELR Order No. 61656.)

NUCLEAR REGULATORY COMMISSION

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

Final. Indian Point Unit 2, Once-Through Cooling System, Westchester County, N.Y., November 24: 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. (124 pages.) Comments made by: USDA, DOI, HEW, DOI, HUD, COE, EPA, ERDA, FPC, AHP, and State and local agencies, concerned citizens. (ELR Order No. 61672.)

DEPARTMENT OF TRANSPORTATION

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

Final. 1979 Average Fuel Economy Standard, Nonpassenger, November 26: Proposed is an average fuel economy standard (AFES) for nonpassenger automobiles (NPAs) not more than 6,000 pounds gross vehicle weight rating, which are manufactured in model year 1979. The proposal would require that the production weighted average fuel economy of all NPAs of each manufacture equal or exceed 18.7 mpg. Fuel economy would be determined in accordance with procedures established by the Environmental Protection Agency. Compliance with the requirement would result in a decrease in the consumption of fuel by NPAs. (57 pages.) (ELR Order No. 61679.)

FEDERAL AVIATION ADMINISTRATION

Final.

Lopez Island Airport Improvement, San Juan County, Wash., November 23: The proposed action is to grant funds to improve the physical and operational characteristics of the existing Lopez Island Airport, Lopez Island, Washington. Initial stage of development will include acquisition of options and easements on 47 acres of land. Major development items include a new replacement runway parallel to and 150' to the west of the existing runway. Adverse impacts include the clearing and topping of 41 acres of wooded area, and subsequent diminishment of habitat and cover. (98 pages.) Comments made by: EPA, DOI, DOC, AHP, USDA, HUD, and State and local agencies, concerned individuals. (ELR Order No. 61665.)

Final. Richland Airport Development, Washington, November 26: The proposed action involves the development of the Richland Airport, Richland, Washington. Major developments include: development of a new 4000 foot runway; construction of parallel taxiways on runways 1-19 and 7-25; the acquisition of land and easements in the clear zone areas of runways 1-19 and 7-25; installation of landing aids; development of aircraft parking areas; and the improvement of airport access road. Adverse effects include an increase in the noise and air exists. (320 pages.) Comments made by: EPA, DOI, DOT, DOD, USDE, ERDA, and State and local agencies, concerned citizens. (ELR Order No. 61678.)

FEDERAL HIGHWAY ADMINISTRATION

Draft. Albany to I-75 (south of Cordele) Connector, several counties, Ga., November 23: Proposed is the construction of a four-lane, limited access interstate type facility connecting Albany to I-75 south of Cordele in Dougherty, Lee, Worth, and Crisp Counties. The project is approximately 36 miles in length from its junction with the Albany Loop (S.R. 333) to its junction with I-75. The displacement of individuals and the disruption of farming operations along the proposed facility will occur, and will vary in severity subject to the alternate chosen. Wildlife habitats and nesting and breeding areas will be decreased due to acquisition of right of way. (Region 4) (267 pages). (ELR Order No. 61661.)

Final.

Union Boulevard, Colorado Springs, El Paso County, Colo., November 23: The proposed action is located in the northeast quadrant of Colorado Springs bounded approximately by the routes of US-85 (Nevada Avenue) on the west, Academy Boulevard on the east, Constitution Avenue on the south, and by Montebello Drive on the north. The principal concern of the action involves the proposed completion of Union Boulevard between Fillmore Avenue and a point 2,780 feet south of Academy Boulevard. This facility would consist of two 36-foot lanes with a median barrier. Adverse effects include reduction of grassland habitat and increased stress on wildlife and vegetation. (390 pages.) Comments made by: COE, EPA, HEW, HUD, DOI, DLAB, DOT, and State and local agencies, concerned citizens. (ELR Order No. 61670.)

Final.

Dahlonega Connector (S.R. 400 Extension), Forsyth, Dawson, Lumpkin, Ga., November 22: This statement concerns Georgia Projects APD-056-1(7) and APD-056-2(1), Forsyth-Dawson-Lumpkin Counties which are concurrent projects proposed to be the extension on new location of S.R. 400. The project will extend from S.R. 306 in Forsyth County 19 miles northeasterly to S.R. 60 in Lumpkin County about 3 miles south of Dahlonega, Georgia. This route will consist of four lanes on about 300 feet of right-of-way. Adverse effects include the displacement of 17 residences. (Region 4) (200 pages). (ELR Order No. 61664.)

U.S. Route 202 Relocation, Cheshire County, N.H., Cheshire County, N.H., November 23: Proposed is a 3.64 mile relocation project for U.S. Route 202, New Hampshire. The new 2-lane alignment would begin at U.S. Route 202 at the Massachusetts State Line and terminate at N.H. Route 119 in West Rindge. Adverse effects include the acquisition of approximately 150 acres of land, of which 15 acres are wetland. Two residences one business and one combination residence-business will be forced to relocate. (211 pages.) Comment made by: EPA, HEW, HUD,

DOI, USDA, DOC, COE, FPC, AHP, and USCG. (ELR Order No. 61660.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-35589 Filed 12-2-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

WARNER & SWASEY COMPANY

Notice of Proposed Cancellation or Termination of Existing Contracts and Debarment From Future Contracts; Notice of Hearing

The Executive Directorate, Contractor Employment Compliance, Headquarters, Defense Supply Agency (DSA) requested and received approval from the Director, Office of Federal Contract Compliance Programs, Department of Labor, to issue a Notice of Proposed Cancellation or Termination of Existing Contracts and Debarment from Future Contracts to The Warner & Swasey Company for its failure to provide relief for an affected class. The Warner & Swasey Company has been given 14 days after receipt of this Notice to answer allegations therein, and request a hearing on the issues with the Director, DSA.

The following letter is published in accordance with requirements of 41 CFR 60-1.26(b)(2)(i) and (ii):

OCTOBER 15, 1976.

DCAS-VO

Mr. JOSEPH T. BAILEY,
President, The Warner & Swasey Company,
11000 Cedar Avenue,
Cleveland, Ohio

DEAR MR. BAILEY: The Warner & Swasey Company has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR) Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On 3 February 1975, a compliance review was initiated at your Wiedemann Division, King of Prussia, Pennsylvania. All deficiencies which were found were corrected except that you failed to provide relief for members of an affected class which was identified. Consequently, on 27 August 1975 a 30-day show cause notice was issued to you. Negotiations during and subsequent to that period failed to resolve the problems.

The Warner & Swasey Company is an apparent noncompliance with Executive Order 11246 and applicable rules and regulations of Department of Labor which require federal contractors to refrain from discriminating in their employment practices. You are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts and debarment from future United States Government contracts or subcontracts. This action is pursuant to Section 209 of the Order and 41 CFR 60-1.26(b). The Warner & Swasey Company may, within 14 days after receipt of this notice, file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency.