Section 1010.14. Oral Argument

An opportunity for parties to present oral argument may be provided at the discretion of the Administrator, except as limited by § 1010.10(c).

Section 1010.15. Service of Documents

BPA and eacn party shall provide a copy of all motions, briefs, pleadings and prefiled materials to all persons listed in the service list compiled by the hearing officer. Until a service list is adopted by the hearing officer under § 1010.6, service on parties may be made by service on BPA General Counsel/APR. Parties may designate no more than two persons on whom service shall be made. The Administrator may designate additional persons upon whom service will be made. Participants shall not be included on the service list. Service of requests for data and responses to such requests is governed by § 1010.8 (b) and (h).

Section 1010.16. Record of Decision

Based on the entire hearing record, the Administrator shall make a decision adopting final proposed rates for submission to the Federal Energy Regulatory Commission for confirmation and approval. The record of decision shall include a full and complete justification for the final proposed rate or rates. The Administrator shall promptly serve copies of the record of decision on all parties to the proceeding. Copies of the record of decision will be made available to participants through BPA's Public Involvement manager.

[FR Doc. 86-4713 Filed 3-4-86; 8:45 am]
BILLING CODE 6450-01-M

Fall River-Lower Valley Transmission System Reinforcement; Record of Decision

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice.

SUMMARY: The U.S. Department of Energy, Bonneville Power Administration, proposed to build 161-kV transmission facilities from Goshen Substation to Drummond Substation in southeastern Idaho. The proposal was based on a need to maintain reliable service to electrical loads in the Targhee, Drummond, Palisades, West Yellowstone, and Teton areas.

Several alternatives were studied to meet the need. The alternatives, including the proposed Goshen-Drummond plan, were analyzed in the October 1985 Final Environmental Impact Statement (EIS) titled "Fall River-Lower Valley Transmission System Reinforcement." The EIS was prepared by BPA. The Bureau of Land Management (BLM) and the Forest Service (FS) participated as cooperating agencies. The Bureau of Reclamation (BOR) also participated in project development.

This Record of Decision (ROD) describes BPA's decision to build a 73-mile 161-kV transmission line from Goshen Substation southwest of Idaho Falls to Drummond Substation near Ashton, Idaho.

Decision

The Bonneville Power Administration has decided to construct the Fall River-Lower Valley 161-kV transmission line following the proposed alternative (Goshen-Drummond) identified in the draft and final EIS's.

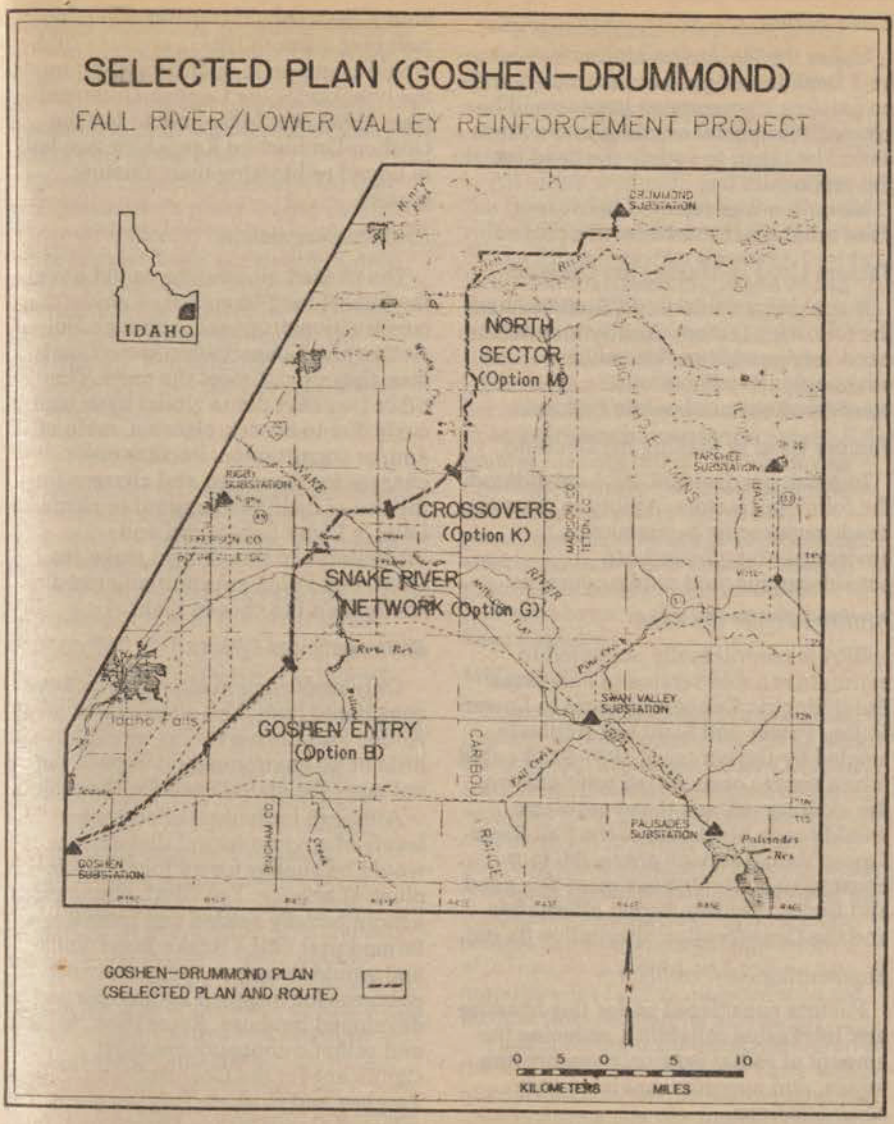
SUPPLEMENTARY INFORMATION:

Selected Alternative

A new 73-mile 161-kV line will be built from Goshen Substation (15 miles southwest of Idaho Falls) to Drummond Substation (east of Ashton, Idaho) (see map). Two 115-kV power circuit breakers will be added at Drummond Substation. The 161-kV line will operated initially at 115-kV. Later (1992) a 161/115-kV transformer will be added at Drummond Substation. An additional 115-kV circuit breaker will be required at Goshen Substation until the line is converted to 161-kV. Upon energization, BPA may transfer to Utah Power and Light Company (UP&L) ownership of approximately one-half of the transmission line (from Goshen Substation to the Snake River). This transfer would be in exchange for favorable system wheeling rates and would be part of a power sales contract currently being negotiated between BPA and UP&L.

The line will cross approximately 1/2 mile of BLM land at the Snake River and approximately 1/4 mile of BOR land at the Teton River Crossing. Procedures for obtaining land use grants from these agencies will be undertaken when location and design details have been finalized.

Goshen-Drummond was selected from among four construction alternatives. Because all four alternatives could create impacts that would be similar in nature, intensity, or significance, no one plan was considered to be environementally preferable. However, within the Goshen-Drummond alternative, the following route and design options were selected because they have the least impact of all Goshen-Drummond options. As noted below, they are part of the mitigation adopted for the selected plan.



The Goshen-Drummond plan was divided into four geographic sectors, for ease of discussion. From south to north, they are: The *Goshen Entry*, the *Snake River Network*, the *Crossovers*, and the *North Sector* (see map). The selected route, design, and mitigation options for each sector are:

Goshen Entry—Option B

Twenty miles of existing 161–kV line out of Goshen Substation will be torn down and replaced with double-circuit construction as mitigation. Because it uses the existing right-of-way, double-circuit costruction will have less impact on residences and irrigated farmland than the alternative of building a parallel line.

Snake River Network—Option G

The line will leave the existing line's path west of Ririe Reservior and head north, primarily along country roads. It will cross the southeast corner of the town of Ririe and will cross the Snake River near the Union Pacific Railroad trestle. The selected option G avoids the serious conflicts with agriculture and residences that some other alternatives would have. It also has less effect on esthetics, recreation, wildlife, and soils than some other options. On balance, it would have the least environmental effect of the seven options considered for this sector.

Construction will be entirely on single wood-pole structures on option G to minimize conflict with cultivated land and other developed land uses, as these structures take less space than H-frames.

The route relocation on the eastern side of the town of Ririe was selected as mitigation to reduce effects on agricultural operations and residences.

A cultural resources survey for the Heise-Thornton Road, followed by mapping and photographing of any remaining unaltered portions, will reduce overall impact; any portions determined eligible for National Register listing would be avoided.

Crossovers—Option K

Past the river, the line will head northeast, largely through wooded terrain. The standard H-frame structures will be used in most areas. Option K was chosen because it proved possible to locate the line on the farm/forest margins, avoiding impacts on wildlife. It also avoids the greater impacts on agriculture characteristic of the other crossover.

North Sector—Option M

The line will cross Moody Creek, then continue north, primarily along existing roads in order to minimize effects on cultivated land. Just north of the Teton Dam Site, it will turn east for about 11 miles to Drummond Substation. Single-pole structures are proposed for most cultivated areas. H-frames will be used elsewhere. Option M avoids the impacts of the other option in this sector on big game, on fisheries, on soils and vegetation, and on irrigated land. Option M effects on these resources are less severe or more mitigable. Although Option M crosses more miles of irrigated agriculture than the alternative option, a good system of roads parallels the route, reducing access road needs and allowing pole placement near road edges, thereby reducing disturbance and interference with both wildlife and agriculture.

A route adjustment north of the Teton River has been selected to avoid interfering with existing and planned circle irrigation systems for about 2 miles.

A route adjustment into Drummon has been selected to avoid building parallel to existing lines, except for the last ½ mile.

Alternatives

In arriving at a decision, BPA evaluated a number of alternatives to the Goshen-Drummon plan. These included three electrical plans of service, Conservation in-lieu-of construction, and No Action. In these evaluations, BPA considered the following factors: ability to meet the

need, engineering performance, environmental effects, cost considerations, and public concerns. Following is a brief description of each alternative and the reasons it was not selected.

A. Goshen-Targhee Plan

The area's system could be reinforced by building a mostly parallel 161-kV line along the present Swan Valley-Goshen line to Swan Valley Substation, then into Targhee Substation, for a distance of 75 miles.

This alternative was rejected because it cost the most and did not perform as well as Goshen-Drummond from an electrical or maintenance standpoint.

B. Goshen-Swan Valley-Targhee Plan

The area's system could also be reinforced by rebuilding the Palisades-Goshen 115–kV line. One option would be to rebuild it to double-circuit 161–kV (or to build a new parallel line) for 38 miles to Swan Valley. Another option would be to upgrade the existing line to 161–kV. Either option would be followed later by construction of a parallel 161–kV line from Swan Valley to Targhee.

This alternative was rejected because it cost more and would not perform as well as Goshen-Drummond from an electrical or maintenance standpoint.

C. Other-Utility-Build

Utah Power and Light Company (UP&L) could construct a 43-mile 161–kV transmission line from their Rigby Substantion to Drummond. Within a few years, they would also reinforce their facilities at Rigby Substation form their Bonneville Substation or Jefferson Substantion to the west, and still later they would reinforce the system from Goshen to Rigby to avoid overloads. Although these actions would be undertaken without a Rigby-Drummond line, building this line would accelerate their timing.

This alternative was rejected because: (1) It costs substantially more over the long term; and (2) it offers fewer benefits towards operation, maintenance and reliability of service on facilities serving the area customers.

D. Conservation In-lieu-of Construction

This alternative would involve developing programs to conserve enregy or manage loads, in addition to current weatherization and irrigation conservation programs in the area.

Conservation as an alternative was rejected because it does not meet the need for the project.

E. No Action.

Under the No Action alternative, no new facilities would be constructed and no existing transmission lines would be altered. No special or additional actions would be taken to satisfy the need for the proposal.

No action was rejected because it does not meet the need for the project.

Factors Used in Making the Decision

In making a decision, BPA considered the following factors: Ability to meet the need, engineering performance, environmental effects, cost considerations, and public concerns.

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Ability to meet the need

BPA is contractually obligated to maintain reliable service to Fall River Rural Electric Cooperative and to Lower Valley Power and Light Co. Action is needed by the winter of 1988–89 to avoid future outage or overload problems on the existing system; those problems would cause blackouts of the Fall River-Lower Valley service areas. All four construction alternatives meet this need and timing. The No Action alternative and the Conservation alternative do not.

Engineering Performance

Factors considered under this heading are: Increasing reliability, reducing the amount of radial service, reducing line losses, and operation/maintenance considerations.

Goshen-Drummond and UP&L plans would provide the greatest increase in reliability for the area transmission system. They would provide and additional source of power farther into an area currently served by a single line than would the other two BPA construction alternatives, thus, reinforcing the area transmission system closer to one of the growth areas and increasing the system's reliability. Goshen-Drummond would have greater loss savings than would the other two BPA plans. Loss savings for Goshen-Drummond and for the UP&L plan would be similar.

Because the project is being proposed primarily to impove reliability to BPA's Fall River and Lower Valley customers, having only one entity operate and maintain all sources of power to the customers is an advantage in terms of coordination and reliability of service. The UP&L alternative would not provide this advantage. This advantage would hold if BPA should transfer owership of part of the line to UP&L, because BPA would continue to operate and maintain the line. Under the Goshen-Drummond plan, UP&L would be able to tap the Goshen-Drummond line where needed in lieu of reinforcing their existing system.

Cost Considerations

The chosen alternative would have the lowest long-term cost of any construction proposal. Although No Action and Conservation would cost less, they do not meet the need. The other two BPA plans would have higher costs due to access, clearing, materials, and/or construction. Facility costs, charges for wheeling, and charges for the use of facilities required to reinforce UP&L's Rigby Substation and attributable to this project make the UP&L Build plan substantially more costly than the chosen plan.

Environmental Effects.

Only construction alternatives were considered here. The alternatives of No Action and Conservation would have little or no environmental impact, but do not meet the stated need for the project.

Although individual effects vary, levels of environmental disturbance would be similar for all four electrical plans of service. The UP&L plan crosses a more heavily settled and intensively farmed part of the Snake River Valley, and would therefore cause the most concerns for irrigated agriculture and developed land use. Recreation, wildlife, and esthetic concerns are most significant for the Goshen-Swan Valley-Targhee and Goshen-Targhee plans. The selected plan (Goshen-Drummond) falls midway between these other plans. It would have more impacts for natural resources and dryland farming than the UP&L plan, but less than the other two BPA plans. It would have fewer effects on irrigation and developed land use than the UP&L plan, but more than the other BPA plans. The selected plan offers substantial opportunities for mitigate or avoid impacts by routing along roads, using single-pole construction, or rebuilding existing facilities in places. The UP&L plan offers similar opportunities, but the other two BPA plans do not.

Transfer of ownership of part of the line to UP&L would change the economic effects of the project. Because economic impacts are minor for the overall project and are not a major factor in the environmental comparison, such changes are not important to the selection of the Goshen-Drummond plan. Under Federal ownership, the

facilities would not be subject to State or local taxes. Any portion of the line under private ownership would be taxable. A small net positive local economic benefit would result from selling part of the line.

Because resource tradeoffs for the four construction plans would balance out, environmental impacts were not a factor in selecting a construction plan. They were, however, critical in determining the route of least impact, the designs, and mitigation for the chosen plan. The selected route and design options are the environmetally preferred ones.

Public Concerns

Public input on alternative plans and on route and design options was considered in making plan, route, and design selections.

A few commenters expressed concern over whether one of the other three construction plans might better meet the need, cost less, or have lower impact. However, most commenters did not question that Goshen-Drummond would best satisfy these conditions. The comparisons above show that the alternative plans do not meet these criteria better than the plan chosen.

Public concerns over resource tradeoffs were a major factor in developing locations, designs, and mitigation for the Goshen-Drummond Plan. The decisions to build double-circuit out of Goshen Substation and to reroute the line in the town of Ririe and elsewhere were direct responses to public requests and were environmentally preferable. The decisions to locate along existing linear features as much as possible and to use single-pole construction in developed or irrigated areas were responses to public concerns to avoid impacts on agricultural land and residences. The crossing of the Snake River an the location north to Moody Creek were developed to meet agency and environmental group concerns to avoid wildlife, scenic, and recreational effects without compromising important land uses such as irrigated agriculture and residences.

Overall, the Goshen-Drummond Plan was selected because it would best satisfy engineering performance and cost criteria, while being at least as acceptable as the other construction alternatives in meeting environmental and public concerns. Specifically:

- It would provide the greatest increase in system reliability (equal to the UP&L plan);
- It would provide the greatest loss savings;
- It would retain the benefits for operation and maintenance of a single entity (BPA) managing the facilities serving the area customers;
- It would cost the least over the long term.

All of the wetlands and all but one of the floodplains crossed by the proposed route can be spanned at the South Fork Snake River crossing, however, four to five structures must be placed in the 100-year floodplain. The structures will be built on footings designed to withstand flooding and neither the construction activities nor the physical presence of the line will alter floodplain characteristics or create the potential for greater loss of property or life during flooding. Because the floodplain is too wide to be spanned, there is no practicable alternative to locating the structures in the flood plain. Also, all practicable measures to minimize potential harm to the floodplain have been included.

Mitigation

Means of mitigating environmental impacts of the project adopted as part of the proposal are listed under *Decision*. Additional measures not part of the proposal have also been adopted to reduce or avoid effects of the project which could still occur. Adopting these measures (listed below) insures that all practicable means have been used to protect the environment from harm; it also insures that BPA will follow its mandates for land management as set forth in law, regulation, and policy.

The following measures considered in the final EIS were adopted. They will be incorporated in the project construction specifications and the joint interagency mitigation plan. Where applicable, specific locations will be worked out by the interagency committee.

- Where the line parallels existing roads, access during construction will be from these roads. New access along the right-of-way (convenience roads) will be built only where absolutely necessary due to terrain limitations.
- Where there are some existing roads near key wildlife areas, spur roads to structure sites will be used to the extent practical, rather than continuous or loop roads. Road locations will be planned with assistance from the State of Idaho. Use of access roads will be controlled where appropriate.
- Noxious week surveys will be done by BPA before and after construction. A weed control plan will be developed, including mitigation measures to prevent spread of noxious weeds. The postconstruction survey will scheduled no sooner than one year after construction. BPA will work with each county on the project weed control effort.
- Disturbed areas will be seeded with quick-growing grass species easily adaptable to the site, and will be fertilized if necessary. Standard erosion control measures such as water bars, drainage structures, and low-gradient road cuts will also be used in problem soils areas. To reduce rutting and compaction, BPA will try to avoid construction on problem soils when they are wet.
- Sediment traps (e.g., bales of hay placed downstream to filter sediment during road construction) will be installed in streams with fishery values or in tributaries of these streams where road construction activities have a potential for affecting the fishery values.
- In riparian areas, clearing of vegetation for transmission line right-of-way will be limited. Access roads will be designed to avoid riparian areas as much as possible. Where canyons (such as Moody Creek and the Teton River) can be spanned with adequate line clearance, they will not be cleared. Limited clearing may be required near the top of the canyon sides to obtain adequate clearance from the conductors.
- Osprey nesting platforms will be placed in a number of structures near the Snake River Crossing to serve as nesting sites. Number and locations of platforms will be worked out by the interagency mitigation committee.
- No transmission towers or access roads will be constructed in wetland areas.
- Vegetation management plans, including uses of herbicide applications, will be developed for public lands in cooperation with the appropriate Federal land management agency (BOR, BLM).
- A vegetation control program will be used selectively to minimize injury to groundcover and low-growing shrubs which are compatible with the line and which stabilize the soil.
- To reduce effects on air quality, debris piles will be kept as clean and dry as possible and burned in such a manner as to reduce smoke. No garbage or petroleum-based products will be burned. Water or other dust control agents will be used on roads as necessary.
- Coordination with local government agencies will minimize service- and community-related impacts from the construction workforce. Close consultation with landowners on structure and access road siting, advance notice of necessary construction and maintenance work,

continued development of fair negotiation and compensation practices for easement acquisition, and prompt response to landowner problems are measures that will reduce socioeconomic impacts. Good gate management and location of structures off irrigated land wherever possible will also limit social concerns related to trespass and interference with agricultural operations.

• If residents experience television or radio reception problems due to the line, BPA will investigate such reports and provide appropriate mitigation to restore reception to preconstruction level if a BPA facility should be found to be the cause.

• Potential problems with telecommunication or railroad entities due to BPA's line will be investigated and mitigated in the design stage (before construction), according to BPA policy and in cooperation with the affected entity.

• BPA will undertake additional consultation with the Fort Hall Shoshone-Bannock Tribe should sites of religious significance be discovered during the preconstruction archeological survey. BPA would consider excavation to recover below-ground cultural remains; this could partially avoid loss of cultural deposits at most identified historic and prehistoric sites. Impacts on any remaining structures would be avoided should they be determined eligible for nomination to the "National Register of Historic Places."

Monitoring and Enforcement

BPA construction inspectors will monitor all phases of construction to ensure that all BPA standards are met. Incorporating all project mitigation measures in the project construction specifications will ensure that their implementation is monitored and enforced.

The postconstruction weed survey will serve to monitor the effectiveness of measures specified in the weed control plan.

In addition, BPA will participate with other affected agencies in an interagency mitigation committee. BPA will adopt additional mitigation measures identified and agreed upon by this committee. Specific monitoring and enforcement procedures and schedules, if necessary, will be determined by the committee, beginning in the spring of 1986.

FOR FURTHER INFORMATION CONTACT:

Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, telephone (503) 230–5136.

Issued in Portland, Oregon, on February 20, 1986.

Peter T. Johnson,

Administrator.

[FR Doc. 86–4712 Filed 3–4–86; 8:45 am]

BILLING CODE 6450–01–M

Office of Conservation and Renewable Energy

[Case No. WH–004]

Energy Conservation Program for Consumer Products; Petition for Waiver of Water Heater Test Procedure From Bock Water Heaters, Inc.

AGENCY: Conservation and Renewable Energy Office, DOE.

SUMMARY: Today's notice publishes a "Petition for Waiver" from Bock Water Heaters, Inc., (Bock) of Madison, Wisconsin, requesting a waiver from the Department of Energy (DOE) test procedure for water heaters. Bock manufactures a Model 32PG gas-fired water heaters which has a high mass heat exchanger. The petition requests DOE to grant Bock relief from the DOE test procedure for water heaters for its Model 32PG gas-fired water heater on the basis that the existing test procedure yields materially inaccurate estimates of the energy consumption of this unit. DOE is soliciting comments, data, and information regarding the petition.

DATE: DOE will accept comments, data and information not later than [April 4, 1986.]

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Test Procedures for Consumer Products, Case No. WH–004, Mail Station CE–132, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Mail Station CE–132, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–12, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–9513.

Background

The Energy Conservation Progam for Consumer Products was established pursuant to the Energy Policy and Conservation Act (EPCA) (Pub. L. 94–163, 89 Stat. 917), which was subsequently amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95–619, 92 Stat. 3266). This program requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including water heaters. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has also prescribed procedures by which manufacturers may petition for waiver of test procedure requirements for a particular basic model of a product covered by a test procedure, and the Department may temporarily waive such test procedure requirements for such basic model. Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedure or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data. These waiver procedures appear at 10 CFR 430.27. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Water heaters are one of the products covered by the Federal Trade Commission's (FTC) Appliance Labeling Program. The energy consumption of water heaters, as determined using DOE's test procedure, forms the basis of the estimated annual operating cost figures which FTC requires manufacturers of water heaters to disclose on an EnergyGuide label on each unit to asist consumers in making a purchasing decision.

By letter dated January 13, 1986, Bock filed a petition for waiver from the DOE test procedure for water heaters on the grounds that the procedure yields materially inaccurate estimates of the energy consumed by its Model 32PG gas-fired water heater. Bock states that the mass of the combustion chamber and heat exchanger of this water heater model is the highest of any water heater known to Bock. Bock further states that the Model 32PG gas-fired water heater is identical in "statistics and performance" with the Model 32E oil-fired water heater. DOE granted Bock a test procedure waiver for its Model 32E oil-fired water heater by notice published in the Federal Register on November 15, 1985. 50 FR 47106. (Hereafter referred to as the November waiver.)