

your environmental comments considered.

#### Additional Information

Additional information about the proposed project may be available from the Commission's Office of External Affairs at (202) 208-1088. Copies of the application and any case-specific filings or issuances are available on the FERC website ([www.ferc.gov](http://www.ferc.gov)) at the RIMS<sup>1</sup> or CIPS<sup>2</sup> links, using Docket No. CP02-31.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application for Surrender of Exemption and Soliciting Comments, Motions To Intervene, and Protests

December 14, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of Exemption.

b. *Project No.:* 7662-016.

c. *Date Filed:* April 6, 2001.

d. *Applicant:* Reading Area Water Authority (RAWA or Authority).

e. *Name and Description of Project:* The existing Ontelaunee Hydroelectric Project consists of: (1) a 550-foot-long and 56-foot-high concrete gravity ogee spillway, Ontelaunee Dam, and adjoining 3,200-foot-long earth embankment; (2) 1,350-acre Ontelaunee Lake with a normal water elevation of 304 feet (City of Reading Datum) and a storage capacity of 11,600 acre-feet; (3) a 110-foot-long and 4-foot-diameter steel penstock, a 90-foot-long and 6-foot-diameter penstock, and a 7,920-foot-long and 6.75-foot-diameter concrete tunnel; (4) a reinforced concrete powerhouse, located at the spillway toe adjacent to the right abutment, with no installed capacity; (5) a 300-foot-long tailrace channel; (6) a generating unit with an installed capacity of 37 kW located within the exemptee's Maiden creek filter plant; and (7) other appurtenances.

The Commission's Division of Dam Safety and Inspections (D2SI) has determined that there are no outstanding dam safety issues or any outstanding compliance issues

involving dam safety matters pending before the Commission at the subject project. Consequently, D2SI concludes that it does not have any dam safety related requirements. After the issuance of any Commission order approving the proposed surrender, the State of Pennsylvania Department of Environmental Protection, Bureau of Waterways Engineering, Division of Dam Safety would be responsible for regulating the project.

RAWA proposes: (1) to decommission the 40-kilowatt unit within its Maiden creek Filter Plant; (2) to avoid entrainment of fish into the municipal water system by continuing to maintain and inspect annually the existing fish net at the intake; (3) to provide recreational opportunities by continuing to maintain the Authority's two existing picnic areas, which provide, in total, parking for approximately 75 vehicles, 15 large tables, and 12 cooking grills; and (4) to maintain the project's current conservation releases (minimum flows) from Ontelaunee Dam to Maiden Creek. These releases are provided as follows: 51 cubic feet per second (cfs) if the level of the reservoir is greater than 302 feet; 36 cfs if the reservoir level is between 300 and 302 feet; and 27 cfs if the level of the reservoir is under 300 feet. To ensure proper maintenance of these conservation releases, the Authority intends to install accurate measuring and recording devices.

f. *Location:* The project is located on Lake Ontelaunee and Maiden Creek in Berks County, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant's Contact:* Mr. Anthony J. Consentino, Executive Director, Reading Area Water Authority, 815 Washington Street, Reading, PA 19601; Telephone (610) 655-6253.

i. *FERC Contact:* James Haimes at (202) 219-2780; or e-mail at [james.haimes@ferc.fed.us](mailto:james.haimes@ferc.fed.us) j. *Deadline for filing comments and or motions:* 30 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, the intervener also must serve a copy of the document on that resource agency.

All documents (original and eight copies) should be filed with: Linwood A. Watson, Jr., Acting Secretary, Federal Energy Regulatory Commission, 888

First Street, NE, Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

Please include the project number (P-7662-016) on any comments or motions filed.

k. *Description of Proposed Action:* RAWA proposes to decommission its entire exempted project, and to cease power production at its Maiden creek Filter Plant, located 1.5 miles downstream from Lake Ontelaunee.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket" and follow the instructions (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h, above.

m. Individuals desiring to be included on the Commission's mailing list for the Ontelaunee Hydroelectric Project, No. 7662, should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene—*Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the subject application.

o. *Filing and Service of Responsive Documents—*Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the project name and number, "Ontelaunee Hydroelectric Project Surrender of Exemption, No. 7662-016". Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

<sup>1</sup> For assistance call (202) 208-2222.

<sup>2</sup> For assistance call (202) 208-2474.

A copy of any motion to intervene must also be served upon the representative of the RAWA specified in item h, above.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the subject application for surrender of exemption. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative listed in item h, above.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Los Banos-Gates Transmission Project

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Record of decision.

**SUMMARY:** The Department of Energy (DOE), Western Area Power Administration (Western), has decided to construct the Los Banos-Gates Transmission Project (Project) through a public/private partnership. Electric power transmission constraints along this path have contributed to blackouts in California. The Project will relieve these constraints.

This Record of Decision (ROD) is based on the information, analysis, and public comment received on the Final Environmental Impact Statement (EIS) for the California-Oregon Transmission Project (DOE/EIS-0128, 1988) (Final EIS), its associated Draft EIS, and the Supplemental Analysis (SA) for the Project (DOE/EIS-0128-SA-01, August 24, 2001). Based on the findings on the SA, Western has determined that further National Environmental Policy Act (NEPA) documentation is not required.

The Project, also known as Path 15, consists of approximately 84 miles of new 500-kilovolt (kV) transmission line in California's western San Joaquin Valley, starting at the existing Los Banos Substation near Los Banos in Merced County and extending generally south southeastward to the existing Gates Substation near Coalinga in Fresno County. The Project will also require modifications to some existing high-voltage transmission equipment.

Copies of the pertinent volumes of the Draft EIS (DOE/EIS-0128, 1986) and the SA can be reviewed on Western's Web site <http://www.wapa.gov/SN/path15links> or obtained by calling toll

free (866) 290-9686. A Mitigation Action Plan (MAP) will be developed and when completed, will be available on the Web site or by calling the same toll free number.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas R. Boyko, The Project Manager, Sierra Nevada Customer Service Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630, telephone (866) 290-9686, E-mail [Path15@wapa.gov](mailto:Path15@wapa.gov). For information about the Department of Energy NEPA process, contact Ms. Carol M. Borgstrom, Director, NEPA Policy and Compliance, EH-42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586-4600 or (800) 472-2756.

**SUPPLEMENTARY INFORMATION:** Title III of the Energy and Water Development Appropriations Act for Fiscal Year 1985 (Pub. L. 98-380) authorized the Secretary of Energy (Secretary), through Western, to construct or participate in the construction of additional facilities as the Secretary deems necessary to allow mutually beneficial power sales between the Pacific Northwest and California. In 1985, a group of California public and private utilities and Western developed a Memorandum of Understanding (MOU) that provided a framework for the proposed development of the California-Oregon Transmission Project (COTP) and the Los Banos-Gates Transmission Project. The Final EIS for the California-Oregon Transmission Project and the Los Banos-Gates Transmission Project (DOE/EIS-0128, 1988) (Final EIS) was issued in 1988. A ROD for construction of the COTP was issued in 1988 (53 FR 17749, May 18, 1988), and the COTP was built and placed into service in 1993. The Project was not built at that time because, as stated in the COTP ROD, Pacific Gas and Electric Company (PG&E) could meet its obligations in the MOU without construction of the Project. Now, due to the need for additional operational flexibility and capacity between Northern and Southern California, and with increasing energy demands in Northern California, the Project has been reconsidered.

In May 2001, Secretary of Energy Spencer Abraham directed Western to take the first steps, including the preparation of environmental studies, toward developing the Project. This directive was issued based on a recommendation in the National Energy Policy, issued on May 17, 2001 (<http://www.whitehouse.gov/energy>). Western issued a Request for Statements of Interest in the **Federal Register** on June

13, 2001, to solicit interest from parties to help finance, construct, and co-own the system additions. Thirteen statements of interest were received by the deadline established in the **Federal Register** notice and evaluated. The Secretary announced on October 18, 2001, that Western would enter into a MOU with qualified private and public parties to finance, construct, and co-own the system additions. These companies are Kinder Morgan Power Company, PG&E, PG&E National Energy Group, Inc., Transmission Agency of Northern California, Trans-Elect, Western's Sierra Nevada Region Marketing function, and the Williams Energy Marketing and Trading Company.

Western and PG&E have been exploring the construction of the Project under separate processes. At the request of the California Public Utilities Commission (CPUC), PG&E submitted a conditional Certificate of Public Convenience and Necessity (CPCN) application to construct the Project on April 13, 2001. The CPCN process examines the environmental impacts of the the Project under the California Environmental Quality Act and will determine if it is economically feasible for PG&E ratepayers to pay for the construction, operation, and maintenance of the Project. The Draft Supplemental Environmental Impact Report (SEIR) was released on October 5, 2001. A final decision is expected by the CPUC in March 2002.

Since the Final EIS was prepared back in 1988, Western chose to prepare an SA for the Project (DOE/EIS-0128-SA-01, August 24, 2001) to determine whether a supplemental EIS was required. The purpose of the SA was to determine if there are any substantial changes in the proposed action that are relevant to environmental concerns or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (10 CFR 1021.314(c) and 40 CFR 1502.9 (c)(1)(i) and (ii)). The SA was based on a review of the Draft and Final EIS environmental analysis and supporting documents, and an update of the information using current data available for the Project, the Project area, and its resources.

The SA did not identify any significant new circumstances or information relevant to environmental concerns identified in the Final EIS. Based on the findings of the SA, Western has determined that further NEPA documentation is not required before making a decision on the Project. Full implementation of this ROD is contingent upon: (1) Completion of