

“Procedures for Public Participation in Power and Transmission Rate Adjustment,” has been followed in connection with the proposed rate adjustment. More specifically, opportunities for public review and comment during a 90-day period on the proposed Rayburn power rate were announced by notice published in the **Federal Register**, May 21, 2002, 67 FR 35805. A Public Information Forum was scheduled to be held June 6, 2002, and a Public Comment Forum was scheduled to be held July 10, 2002, both in Tulsa, Oklahoma. Both forums were canceled as no one expressed an intent to participate. Written comments were due by August 19, 2002. Southwestern provided notice of the **Federal Register**, together with supporting data, to the customer and interested parties for review and comment during the formal period of public participation. In addition, prior to the formal 90-day public participation process, Southwestern met with the customer and the customer representative to discuss the preliminary information on the proposed rate adjustment. Only one formal comment was received from Gillis & Angley, Counsellors at Law, on behalf of Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC), which stated that SRDEC (the sole customer) had no objection to the proposed rate adjustment.

Upon conclusion of the comment period in August 2002, Southwestern finalized the Power Repayment Study and rate schedule for the proposed annual rate of \$2,013,024 which is the lowest possible rate needed to satisfy repayment criteria. This rate represents an annual decrease of 3.1 percent.

Information regarding this rate decrease, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, One West Third Street, Tulsa, Oklahoma 74103.

Comments and Responses

Southwestern received one written comment in which the customer representative expressed no objection to the proposed rate adjustment.

Other Issues

There were no other issues raised during the informal meeting or during the formal public participation period.

Administrator's Certification

The FY 2002 Revised Rayburn PRS indicates that the annual power rate of \$2,013,024 will repay all costs of the project, including amortization of the power investment consistent with

provisions of the Department of Energy (DOE) Order No.

RA 6120.2. In accordance with Delegation Order No. 00-037.00, December 6, 2001, and Section 5 of the Flood Control Act of 1944, the Administrator has determined that the proposed Rayburn power rate is consistent with applicable law and the lowest possible rate consistent with sound business principles.

Environment

The environmental impact of the rate decrease proposal was evaluated in consideration of DOE's guidelines for implementing the procedural provisions of the National Environmental Policy Act, 10 CFR part 1021, and was determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment.

Order

In view of the foregoing and pursuant to the authority delegated to me, I hereby confirm, approve and place in effect on an interim basis, for the period October 1, 2002, through September 30, 2006, the annual Sam Rayburn Dam Rate of \$2,013,024 for the sale of power and energy from Sam Rayburn Dam to the Sam Rayburn Electric Cooperative, Inc., under Contract No. DE-PM75-92SW00215, dated October 7, 1992.

Dated: September 18, 2002.

Spencer Abraham,

Secretary.

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DEPARTMENT OF ENERGY

Western Area Power Administration

Modification and Construction of Transmission Lines for the U.S. 93 Hoover Dam Bypass Project (DOE/EIS-0352)

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of Decision.

SUMMARY: The Federal Highway Administration (FHWA) prepared an Environmental Impact Statement (EIS) for construction of a new segment of U.S. Highway 93 for the purpose of improving congestion and hazardous vehicle/pedestrian conflicts where the highway crosses the Colorado River over Hoover Dam. As a cooperating agency for the EIS, Western Area Power Administration (Western) proposed

modifications to its transmission system and facilities to accommodate the construction of the new highway and bridge spanning the Colorado River. With this Record of Decision (ROD), Western is adopting the FHWA EIS and announcing its decision to modify its transmission system to accommodate the new highway segment. Western's decision for its action considered the environmental ramifications of the U.S. 93 Hoover Dam Bypass Project (Project). Western will ensure that its responsibilities under the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA) are met before the modifications are implemented.

FOR FURTHER INFORMATION CONTACT: Mr. John Holt, Environment Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, telephone (602) 352-2592, e-mail holt@wapa.gov. Copies of the EIS and the FHWA ROD are available from Dave Zanell, Project Manager, Federal Highway Administration, 555 Zang Street, HFL-16, Lakewood, CO 80228, telephone (303) 716-2157. For information about the Department of Energy (DOE) National Environmental Policy Act (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: FHWA was the lead agency for the Project EIS (FHWA-AZNV-EIS-98-03-01; Final dated January 2001). Western was designated a cooperating agency for the Project EIS by the FHWA on November 27, 1998. After an independent review of the Final FHWA EIS, Western concluded that its comments and suggestions have been satisfied and with this notice, is adopting the FHWA EIS for its participation in the Project. Western's EIS number is DOE/EIS-0352.

The FHWA released its ROD on the Project in March 2001 and selected the Sugarloaf Mountain route as its preferred alternative. The Sugarloaf Mountain Alternative consists of construction of a new bridge and highway access across the Colorado River in the vicinity of Hoover Dam. The new bridge and highway will eliminate truck traffic and other through-traffic over Hoover Dam. The Project is located in Clark County, Nevada, and Mohave County, Arizona, and lies entirely on Federal lands, including the Lake Mead National Recreation Area (administered by the

National Park Service) and the Hoover Dam Reservation Area (administered by the U.S. Bureau of Reclamation). The Sugarloaf Mountain Alternative crosses the Colorado River about 1,500 feet downstream from Hoover Dam and requires construction of approximately 2.2 miles of highway approach in Nevada, a 1,700-foot-long bridge, and a 1.1-mile highway approach in Arizona. The EIS addresses the effects of the Project, including modification of Western's transmission system.

Western has decided to modify the current transmission system configuration including substation terminal work, and remove the Arizona and Nevada (A&N) Switchyard to accommodate the new highway segment and bridge. Modifications to Western's transmission system will occur in two phases. The modifications for the first phase include: (a) Rebuilding approximately 2.6 (total) miles of the Hoover-Mead No. 6 (single circuit) and No. 7 (double circuit) 230-kilovolt (kV) Transmission Lines (removing electrical equipment, conductors, overhead ground wires; replacing lattice steel structures with steel poles; and installing conductors, overhead ground wire, insulators, and miscellaneous transmission line hardware); (b) Removing conductors and overhead ground wires and insulator assemblies for approximately 1.2 (total) miles of the existing Arizona-Nevada Circuits 11 and 12 230-kV Transmission Lines between the Hoover Dam to the A&N Switchyard; (c) Constructing approximately 0.3 miles of single circuit 230-kV transmission line connecting Southern California Edison Circuit No. 10 to the A&N Switchyard and to the Hoover Dam Power Plant; and (d) Modifying transmission line connections at the Hoover Dam Power Plant yard and A&N Switchyard to accommodate the new configurations. Terminal work will include replacing surge arresters and associated steel supports. Other first phase modifications may be required based on final design. Phase one would be complete by spring 2003.

Modifications for the second phase include the removal of the A&N Switchyard and the upgrade of the Hoover-Mead transmission line. The impacts of the removal of the A&N Switchyard were evaluated as part of the EIS. The removal of the A&N Switchyard will dictate upgrades to existing transmission lines that connect at the switchyard and run to the Mead substation (Hoover-Mead Transmission Line Upgrade). The need for this transmission line upgrade was part of the transmission reconfiguration options evaluated in the Final EIS, but since the

final configuration was dependent upon the FHWA's decision, this upgrade was not fully evaluated in the EIS. Phase two is scheduled for completion in spring 2004.

The FHWA determined that the Sugarloaf Mountain Alternative is the environmentally preferable alternative and evaluated the social, economic, and environmental impacts to the affected area in the EIS. Where the impact from Western's action was addressed as a subset of the overall Project impacts, the EIS serves as Western's environmental review. For the Hoover-Mead Transmission Line Upgrade, where the impacts from Western's action were not addressed pending final Project design, Western will prepare a separate Environmental Assessment (EA). Western will complete the EA, including cultural and endangered species consultations, prior to its implementation.

The EIS impact analysis concluded that, with mitigation measures, most impacts from the Project would not be significant. There would be significant unavoidable visual impacts to several historic properties and Traditional Cultural Properties (TCPs), including the Hoover Dam National Historic Landmark and the Gold Strike Canyon and Sugarloaf Mountain TCPs. Other historic sites or features would be affected or potentially affected by the Project, including some elements of the transmission system not owned by Western (the Nevada State Switchyard, the Metropolitan Water District Switchyard, and the Southern California Edison Switchyard), as well as the transmission towers and lines in Arizona and Nevada and the A&N Switchyard that would be affected by Western's action. The FHWA has consulted with the State Historic Preservation Office, the Advisory Council on Historic Preservation and Native American tribes. A Programmatic Agreement (PA) and treatment plan was developed for avoidance, minimization, and mitigation of adverse effects to historical and cultural properties.

Western is a signatory to the PA. The FHWA is required to complete historic documentation of facilities affected by the Project as described in the PA. Western will ensure that its responsibilities under the NHPA are met before its action is implemented.

There will be no air, noise, land use, or socioeconomic impacts stemming from phase one of Western's action. For the Project as a whole, there will be no long-term impacts to air quality. Noise levels would be elevated during construction due to construction traffic and blasting. Some recreational

activities would be restricted during construction for safety purposes, but there are no long-term impacts to the general uses of the area. Since the Project area is located in a currently unpopulated area, no minority or low-income groups live in the area; therefore, no disproportionately high and adverse human health or environmental effects on minority and low-income groups is anticipated.

The U.S. Fish and Wildlife Service issued a Biological Opinion for the Project, which determined that the Project is not likely to adversely affect the bald eagle (*Haliaeetus leucocephalus*), razorback sucker (*Xyrauchen texanus*), southwestern willow flycatcher (*Empidonax traillii extimus*), bonytail chub (*Gila elegans*), or Devil's Hole pupfish (*Cyprinodon diabolis*), which are federally listed endangered species. The Sugarloaf Mountain Alternative may affect the desert tortoise, a Federally-listed threatened species. The Biological Opinion provides mitigation to avoid harm to the desert tortoise. Western will ensure that its responsibilities under the ESA are met before the transmission line modifications are implemented.

Other species of concern affected by the Project include the desert bighorn sheep (*Ovis canadensis nelsoni*), banded Gila monster (*Heloderma suspectum cinctum*), Yuma puma (mountain lion) (*Felis concolor concolor*), and bicolored penstemon (*Penstemon bicolor* ssp. *roseus*). Western is adopting the mitigation measures in the Final EIS and the terms and conditions identified in the FHWA Biological Opinion for reducing impacts to these species.

While the Colorado River itself is in an area subject to flooding, the Project area is considered to be in an area of minimal or moderate risk of flooding. There are no wetlands in the Project area. Construction impacts to water quality will primarily be from runoff from new cut and fill slopes and construction roads. Western construction activities may impact water quality; therefore, it is adopting mitigation measures specified in the EIS to minimize these impacts.

The A&N Switchyard will be removed as part of Western's phase two action. The site may contain soil contaminated with polychlorinated biphenyls (PCBs). Prior to any construction activities, contaminated soil will be identified, removed, and properly disposed of in accordance with the Resource Conservation and Recovery Act, and other applicable or relevant and appropriate requirements.

Description of Alternatives

Construction of the FHWA preferred alternative will require removal and modification of Western's transmission system. Western evaluated seven preliminary electrical transmission reconfiguration options as part of the EIS. All options require removal of existing spans and towers and construction of new spans. Three of the options would require removal of the existing A&N Switchyard and replacing a single-phase circuit with a double-phase circuit to the Mead Substation (phase two). Additionally, the Sugarloaf Mountain Alternative requires a realignment of two of the Hoover-Mead transmission lines to accommodate the new highway alignment.

Western determined the best engineering approach for the phase one and two modifications discussed above based on an evaluation of the electrical conditions on the transmission lines and switchyards and current transmission line construction and electrical standards.

The No Action Alternative was evaluated in the EIS and found to not meet the Project purpose and need.

Mitigation Measures

The Final EIS identified mitigation measures needed to reduce the impacts of the Project. The specific measures are discussed in the FHWA ROD on pages 22 to 35 and in Chapter 3 of the EIS. Western is adopting those measures that are applicable to its action and will issue a Mitigation Action Plan (MAP) prior to any construction activities that will address the adopted and standard mitigation measures. Some of the measures include restricting vehicular traffic to existing access roads or public roads, recontouring and reseeding disturbed areas, environmental awareness training for all construction and supervisory personnel, and mitigation of radio and television interference generated by transmission lines. Long-term operations of the transmission line will follow Western's standard operating procedures and will not be affected by this action. The mitigation that applies to the construction of the new lines and the upgrading of the existing lines includes the following provisions:

1. Protection of the desert tortoise and banded Gila monster through compliance with the FHWA Biological Opinion.
2. Protection of Cultural and Historical resources as signators to the Programmatic Agreement.
3. Adoption of mitigation measures as specified in the FWHA EIS.

4. Monitor actions for compliance with Western's standard mitigation measures.

This ROD has been prepared in accordance with Council on Environmental Quality regulations for implementing NEPA (40 CFR parts 1500–1508) and DOE Procedures for Implementing NEPA (10 CFR part 1021). Upon approval, the MAP will be made available.

Dated: September 20, 2002.

Michael S. Hacskaylo,
Administrator.

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17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 566-1672, by e-mail at auby.susan@epa.gov, or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1745.04. For technical questions about the ICR contact Paul Cassidy at 703-308-7281 in the Office of Solid Waste.

SUPPLEMENTARY INFORMATION: Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements—40 CFR Part 257, Subpart B, OMB Control No. 2050-0154, EPA ICR No. 1745.04, expiring September 30, 2002. This is a request for extension of a currently approved collection.

In order to effectively implement and enforce final changes to 40 CFR part 257, subpart B on a State level, owners/operators of construction and demolition waste landfills that receive CESQG hazardous wastes will have to comply with the final reporting and recordkeeping requirements. The 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA), as amended, mandated that the U.S. Environmental Protection Agency (EPA) revise the Criteria for Solid Waste Disposal Facilities that may receive household hazardous wastes and conditionally exempt small quantity generator (CESQG) wastes. EPA submitted a Report to Congress in October 1988 that assessed the impacts on human health and the environment associated with Subtitle D (non-hazardous waste) units. While this study found that the revised Criteria for municipal solid waste disposal units were necessary to protect human health and the environment, the report failed to draw a conclusion relating to industrial Subtitle D units. The limited data on such units indicated that there might be a basis for concern and further study was needed.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 1, 2002 (67 FR 21668); no comments were received. Burden Statement: The annual public reporting and record keeping

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7386-6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements—40 CFR Part 257, Subpart B

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting requirements—40 CFR Part 257, Subpart B, ICR #1745.04, OMB Control #2050-0154, expiring September 30, 2002. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 31, 2002.

ADDRESSES: Send comments, referencing EPA ICR No. 1745.04 and OMB Control No. 2050-0154, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725