

Additional Findings and Conclusions

Upon consideration of the entire record in this proceeding and the briefs of the parties herein, it is further found and concluded that:

(1) The Kerr-Thompson Falls 100-kV "A" and "B" lines, which are included in the license for Project No. 5, should be eliminated from the license as their basic purpose is no longer that of primary project lines within the meaning of Section 3(11) of the Act.

(2) The Kerr-Rattlesnake-Anaconda 161-kV "B" line is a primary line within the meaning of Section 3(11) of the Act and should be made a part of the licensed project.

(3) The license for Project No. 5 should be further amended to reflect the deletion of the Kerr-Thompson Falls "A" and "B" lines and the addition of the Kerr-Rattlesnake-Anaconda 161-kV "B" line.

WHEREFORE, *It is ordered*, subject to review by the Commission on appeal, or upon its own motion as provided in the Commission's Rules of Practice and Procedure, that:

(A) The license for Project No. 5 issued to The Montana Power Company, as amended, be and is hereby further amended by (1) deleting from Article 2 thereof the Kerr-Thompson Falls "A" and "B" lines; and by including in Article 2 the Kerr-Rattlesnake-Anaconda 161-kV "B" line.

(B) Licensee shall file appropriate revisions to the license exhibits, in accordance with Commission Rules and Regulations, to reflect the license amendment ordered herein.

MICHEL LEVANT,
Presiding Administrative Law Judge.

[EDITOR'S NOTE: APPENDIX TO ID OMITTED. IDENTICAL APPENDIX
(APPENDIX B) PRINTED, *SUPRA*, P. 3300]

LICENSE AMENDMENT; REVISED EXHIBITS

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith,
John H. Holloman III and James G. Watt.

NEW ENGLAND POWER COMPANY, PROJECT NO. 2669

ORDER APPROVING REVISED EXHIBITS AND AMENDING LICENSE

(Issued November 29, 1976)

On November 24, 1975, New England Power Company, Licensee for the constructed Bear Swamp Project, FPC No. 2669,¹ filed an application for approval of revised Exhibit J and L drawings as part of the license for the project. Licensee filed a further application for approval of revisions to Exhibit M on July 30, 1976.

¹ The Bear Swamp Project is located on the Deerfield River in Franklin and Berkshire Counties, Massachusetts.

Article 40 of the license for Project No. 2669, as issued with the Presiding Examiner's Initial Decision on February 11, 1970, and affirmed and adopted by the Commission in Opinion No. 576 on April 28, 1970,² requires the Licensee to submit Exhibit J and L drawings and Exhibit M showing the final designs of the project works, to be approved by the Commission prior to commencement of construction of the project structures. Revised Exhibit J and L drawings were submitted by Licensee in accordance with Article 40 and approved by Commission orders of April 12, 1971, 45 FPC 555, and July 27, 1971, 46 FPC 230. A revised Exhibit M was approved by Commission order of May 21, 1973, 49 FPC 1127.

During construction of the Bear Swamp Project, Licensee deviated somewhat from the plans and specifications on the approved exhibits. Licensee states that these divergences were necessitated by field conditions or recommended by the board of independent consultants retained under Article 32 of the license. Article 3 of the license for Project No. 2669, governing such changes without prior Commission approval, provides, in pertinent part, as follows:

* * * Minor changes in the project works or divergence from * * * approved exhibits may be made if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development, but any of such minor changes made without the prior approval of the Commission, which in its judgement have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct. Upon completion of the project * * * the Licensee shall submit to the Commission for approval revised maps, plans, specifications, and statements insofar as necessary to show any divergence from or variations in * * * the project works as actually constructed when compared with * * * works described in the license or in the maps, plans, specifications, and statements approved by the Commission * * *

The revised Exhibit J and L drawings here under consideration fall within the purview of Article 3 of the license.

Exhibit L, Sheets 1B and 2B (FPC Nos. 2669-27 and -28) reflect modifications to the upper reservoir of the project occasioned by use of a part of the reservoir area as a quarry during construction. As a result of a shortage of suitable fill material at established borrow areas, it was necessary to create a quarry in the western end of the upper reservoir. Incorporation of the quarry into the reservoir increased the capacity of the reservoir by approximately 450 acre-feet.

Exhibit L, Sheet 1B also shows the Bear Swamp transformer portal, as

² Opinion and Order Issuing Major License and Amending Existing License, *New England Power Co.*, Project Nos. 2669 and 2323, 43 FPC 568 (1970), clarified and amended by order issued May 25, 1970, 43 FPC 785.

constructed, approximately 400 feet east of the lower reservoir intake structure, rather than adjacent to that structure as originally planned. The portal was relocated to reduce the amount of excavation that would be necessary and to minimize the visual impact.

Exhibit L, Sheet 2B and Exhibit L, Sheet 3B (FPC No. 2669-29) show the incorporation of crushed rock drains in the upstream slopes of the upper reservoir dams. These drains increase the stability of the dams under rapid drawdown conditions.

Exhibit L, Sheets 4B, 5B, and 6A (FPC Nos. 2669-30, -31, and -32) show minor changes in the powerhouse and the tailrace outlet.

Exhibit J, Sheet 2B (FPC No. 2669-26) shows the location of the visitors center that was constructed pursuant to the Exhibit R for the project, approved by Commission order of June 4, 1974, 51 FPC 1786, as well as the project access roads, the transformer portal, and the upper reservoir, as modified.

The revisions to Exhibit M were filed to reflect deletion of certain electrical appurtenances that were incorrectly listed in the approved Exhibit M as part of the project. Absent from the Exhibit M, Sheets 2B and 3B which were filed with the application are four circuit breakers, ten disconnecting switches, and three lightning arrestors that are listed on Sheets 2A and 3A of the approved Exhibit M.

The changes to the former plans and specifications that are reflected in the revised Exhibit J and L drawings are minor in nature and provide a safer and more aesthetically pleasing project. We find that these changes did not result in a decrease in efficiency, a material increase in cost, or impairment of the general scheme of development. The revised drawings and revisions to Exhibit M reflect the project as constructed and would not authorize any further construction or change in project operation. Our approval of the revised Exhibits J and L drawings and the revisions to Exhibit M would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2) (C) of the National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C), and therefore would not require preparation of an environmental impact statement.

The revised Exhibits J and L drawings and the revisions to Exhibit M have been examined and found to conform to the Commission's Regulations, and should be approved as part of the license for Project No. 2669. All superseded exhibit drawings or parts of exhibits should be deleted from the license. Further, inasmuch as the design of certain project works has changed since the license was issued, the project description contained in the license³ should be amended to conform to current conditions.

³ *New England Power Co.*, *supra*, 43 FPC at 608.

The Commission finds:

(1) The applications by New England Power Company for Commission approval of revised Exhibits J and L drawings and revisions to Exhibit M conform to the Commission's Rules and Regulations.

(2) Approval of the revised Exhibits J and L drawings and the revisions to Exhibit M would not constitute a major Federal action significantly affecting the quality of the human environment.

(3) It is appropriate for the purposes of the Federal Power Act and in the public interest that the revised Exhibit J and L drawings and the revisions to Exhibit M filed by New England Power Company on November 24, 1975, and July 30, 1976, respectively, be approved as part of the license for Project No. 2669; that all superseded exhibit drawings or parts of exhibits that are currently part of the license be deleted from the license; and that the description of the project contained in the license be modified to conform to current conditions at the project.

The Commission orders:

(A) The following Exhibits J and L drawings and revisions to Exhibit M filed by New England Power Company on November 24, 1975, and July 30, 1976, are hereby approved as part of the license for Project No. 2669:

<i>Exhibit</i>	<i>FPC No. 2669-</i>	<i>Title</i>
J, Sheet 2B	26	Power Plant-General Map.
L, Sheet 1B	27	Tail Pond-Dam-Powerhouse and Intake.
L, Sheet 2B	28	Upper Reservoir Dikes Plan and Sections.
L, Sheet 3B	29	Tail Pond Dam and Fife Brook Powerhouse Spillway-Embankment- Intake.
L, Sheet 4B	30	Floor Plan-Powerhouse.
L, Sheet 5B	31	Cross Section-Intake and Powerhouse.
L, Sheet 6A	32	Tailrace Outlet Plan and Sections.

Exhibit M: Two (2) typewritten pages (Sheets 2B and 3B) filed on July 30, 1976, for inclusion in the approved four-page exhibit entitled "General Descriptions and General Specifications of Mechanical Electrical and Transmission Equipment."

(B) The following Exhibit J and L drawings and parts of Exhibit M are hereby deleted from the license for Project No. 2669:

<i>Exhibit</i>	<i>FPC No. 2669-</i>	<i>Title</i>
J, Sheet 2A.....	14	Power Plant-General Map.
L, Sheet 1A.....	15	Tail Pond-Dam-Power-house and Intake.
L, Sheet 2A.....	16	Upper Reservoir Dikes Plan and Sections.
L, Sheet 3A.....	17	Tail Pond Dam Spillway-Embankment and Wall.
L, Sheet 4A.....	10	Floor Plan-Powerhouse.
L, Sheet 5A.....	11	Cross Section-Intake and Powerhouse.
L, Sheet 6.....	12	Tailrace Outlet Plan and Sections.

Exhibit M: Two (2) typewritten pages (Sheets 2A and 3A) to be deleted from the approved four-page exhibit entitled "General Descriptions and General Specifications of Mechanical Electrical and Transmission Equipment," filed on February 15, 1968.

(C) Ordering Paragraph (C)(ii) of the license for Project No. 2669 is hereby amended to read as follows:

(ii) All project works consisting of: (1) an upper reservoir containing approximately 4,900 acre-feet of useable storage with 46 feet of draw-down from normal maximum water surface elevation 1,600 feet m.s.l.; (2) four impervious-core rockfill dams impounding the upper reservoir, with a composite length of about 6,450 feet; (3) a concrete-lined 25-foot-diameter vertical shaft about 665 feet long; (4) a concrete-lined horizontal tunnel 570 feet long tapering from 25 feet to 19.5 feet in diameter at the point where the tunnel bifurcates into penstocks; (5) two 17.5-foot-diameter, 240-foot-long, concrete-lined penstocks leading to the powerhouse; (6) an underground powerhouse containing two reversible pump-generating units, each rated at 300,000 kilowatts; (7) two 512-foot-long, concrete-lined horseshoe tailrace tunnels with cross-sectional areas of 586 square feet, terminating at an intake outlet structure located on the lower reservoir with invert at elevation 790 feet m.s.l.; (8) a lower reservoir containing approximately 4,900 acre-feet of useable storage with 40 feet of drawdown from normal maximum water surface elevation 870 feet m.s.l.; (9) an impervious-core rockfill dam impounding the lower reservoir, with a maximum height of about 130 feet and a length of about 700 feet; (10) a lower reservoir spillway structure about 90 feet long surmounted with two tainter gates, each of which is 36 feet wide and 40 feet high; (11) a concrete gravity intake structure about 70 feet long connected to a 10-foot-diameter penstock leading to the powerhouse; (12) the Fife Brook powerhouse containing one vertical-shaft Francis turbine connected to a generator rated at 11,250 kilowatts; (13) a 13.8-kV, single-circuit transmission line originating at the Fife Brook powerhouse and terminating at the Deerfield No. 5 switchyard; (14) a

2.6-mile-long 115-kV single-circuit tap line from the Adams-Harriman (B-131) line to the Bear Swamp switchyard; (15) the 115-kV portion of the Bear Swamp switchyard, including the 115-230-kV step-up transformers; (16) two 230-kV single-circuit tap lines, each of which is about one-mile long, connecting the Bear Swamp transformer portal with the 230-kV portion of the Bear Swamp switchyard; (17) recreational facilities; and (18) appurtenant facilities—the location, nature, and character of which are more specifically shown and described by the exhibits hereinbefore cited and by certain other exhibits which are designated and described as follows * * *.

(D) This order shall become final 30 days from the date of its issuance unless an application for rehearing shall be filed as provided in Section 313(a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this license amendment. In acknowledgment of the acceptance of this license amendment, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

EXHIBIT R

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III and James G. Watt.

NIAGARA MOHAWK POWER CORPORATION, PROJECT NO. 2084

ORDER APPROVING EXHIBIT R AND AMENDING LICENSE

(Issued November 29, 1976)

On July 14, 1976, Niagara Mohawk Power Corporation (Applicant), Licensee for Project No. 2084 known as the Raquette River Project, filed an Exhibit R for Commission approval pursuant to Article 25 of the license. Article 25 was added to the project license by the Order Approving System-wide Recreation Plan As Modified, Docket No. E-7470, issued June 9, 1975, 53 FPC 1972. The Raquette River Project is located on the Raquette River in St. Lawrence County, New York.

The existing recreational facilities provided by Applicant at four of the project's developments consist of: (1) Two small picnic areas totaling 5.7 acres and one 2.3-acre boat launch facility with parking at the Stark Development; (2) A campground with 49 campsites and three overflow campsites, a picnic area, a boat launch area, a supervised swimming area, a children's play area, drinking water and sanitary facilities at a 26-acre recreation area, eight acres of which are reserved for future expansion at the Blake Development; (3) A 3.5-acre public boat launch and picnic area with three picnic tables at the Rainbow Development; and (4) A 3.5-acre public boat launch and picnic area with two picnic tables at the Five Falls Development. No recreational facilities are provided by the Applicant at the South Colton Development.