

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The Provisional Formula Rate herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

Order

In view of the above, and under the authority delegated to me, I hereby confirm, approve, and place into effect, on an interim basis, Rate Order No. WAPA-201. The rate will remain in effect on an interim basis until: (1) FERC confirms and approves it on a final basis; (2) a subsequent rate is confirmed and approved; or (3) such rate is superseded.

Signing Authority

This document of the Department of Energy was signed on July 25, 2022, by Tracey A. LeBeau, Administrator, Western Area Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 29, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

UNITED STATES DEPARTMENT OF ENERGY WESTERN AREA POWER ADMINISTRATION**SIERRA NEVADA REGION Washoe Project, Stampede Division****NON-FIRM POWER FORMULA RATE (Approved Under Rate Order No. WAPA-201)***Effective*

The first day of the first full billing period beginning on or after October 1, 2022, through September 30, 2027, or

until superseded by another rate schedule, whichever occurs earlier.

Available

Within the marketing area served by the Sierra Nevada Region.

Applicable

To preference customers under the 2004 Power Marketing Plan, the 2025 Power Marketing Plan, and the applicable third party(ies) who are under contract (Contractor) with the Western Area Power Administration (WAPA).

Character and Conditions of Service

Alternating current, 60 hertz, three-phase, delivered and metered at the voltages and points established by contract.

Non-Firm Power Formula Rate

To serve project use loads and effectively market the energy from Stampede, WAPA has contracted with a third-party Contractor that provides for a Stampede Energy Exchange Account (SEEA). The SEEA is an annual energy exchange account for Stampede energy. In the SEEA, the revenues from sales (generation revenues) made at the SEEA Rate are reduced by the project use and station service power costs, and SEEA administrative costs. WAPA applies the ratio of project use costs to the generation revenue recorded in the SEEA to determine a non-reimbursable percentage. One hundred percent minus this non-reimbursable percentage establishes a reimbursable percentage. This reimbursable percentage is then applied to the appropriate power-related costs to determine the reimbursable costs for repayment. The reimbursable costs are then netted against generation revenues made at the SEEA Rate. As stipulated under the 2004 Power Marketing Plan and 2025 Power Marketing Plan, any remaining reimbursable costs, including interest and annual capital costs, are then transferred to the Central Valley Project for incorporation into the CVP Power Revenue Requirement.

The formula rate for Stampede power is:

$$\text{Stampede Annual Transferred PRR} = \text{Stampede Annual PRR} - \text{Stampede Revenue}$$

Where:

Stampede Annual Transferred Power Revenue Requirement (PRR) = Stampede Annual PRR identified as a cost transferred to the CVP.

Stampede Annual PRR = The total PRR for Stampede required to repay all annual costs, including interest, and the investment within the allowable period.

Stampede Revenue = Revenue from applying the SEEA Rate to project generation.

Billing

Billing for the SEEA Rate will be as specified in the service agreement.

Adjustment for Losses

Losses will be accounted for under this rate schedule as stated in the service agreement.

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FEDERAL MARITIME COMMISSION

[Docket No. 22-17]

Bakerly, LLC, Complainant. v. Seafrigo USA, Inc., Respondent; Notice of Filing of Complaint and Assignment

Served: July 27, 2022.

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by BAKERLY, LLC, hereinafter "Complainant," against SEAFRIGO USA, INC., hereinafter "Respondent." Complainant states that it is a New York corporation. Complainant states that Respondent is a New Jersey corporation, and that it is a non-vessel-common-carrier licensed by the Federal Maritime Commission.

Complainant alleges that Respondent violated 46 U.S.C. 41104(a)(2)(A); 46 U.S.C. 41104(a)(14)-(15); 46 U.S.C. 41102(c); and 46 CFR 545.5 with regard to assessing fees against containers. The full text of the complaint can be found in the Commission's Electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/22-17/>. This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding office in this proceeding shall be issued by July 27, 2023, and the final decision of the Commission shall be issued by February 9, 2024.

William Cody,

Secretary.

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