

**DEPARTMENT OF ENERGY****Western Area Power Administration****Olmsted Powerplant Replacement Project—Rate Order No. WAPA-205**

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

**ACTION:** Notice of proposed formula rate for electric power service.

**SUMMARY:** The Colorado River Storage Project Management Center (CRSP MC) of the Western Area Power Administration (WAPA) proposes a new formula rate for the Olmsted Powerplant Replacement Project (Olmsted Project). The existing rate for this service under Rate Order WAPA-177 expires on May 6, 2023. There are no proposed changes to the existing formula rate in effect under Rate Order WAPA-177. WAPA proposes the new formula rate under Rate Order WAPA-205 will be effective May 1, 2023, through April 30, 2028.

**DATES:** A consultation and comment period will begin November 10, 2022 and end December 12, 2022.

CRSP MC will accept comments any time during the consultation and comment period.

**ADDRESSES:** Written comments and requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the proposed formula rate submitted by WAPA to FERC for approval should be sent to: Rodney Bailey, Manager, CRSP MC, Western Area Power Administration, 1800 South Rio Grande Avenue, Montrose, CO 81401, or email: [RBailey@wapa.gov](mailto:RBailey@wapa.gov). CRSP MC will post information about the proposed formula rate and written comments received to its website at: [www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx](http://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx).

**FOR FURTHER INFORMATION CONTACT:** Thomas Hackett, Rates Manager, CRSP MC, Western Area Power Administration, 801-524-5503 or email: [hackett@wapa.gov](mailto:hackett@wapa.gov).

**SUPPLEMENTARY INFORMATION:** On August 30, 2018, FERC approved and confirmed Rate Schedule F-1 under Rate Order No. WAPA-177 on a final basis through May 6, 2023.<sup>1</sup> This schedule applies to the Olmsted Project electric power service.

The existing formula rate provides sufficient revenue to recover annual costs within the cost recovery criteria set forth in Department of Energy (DOE) Order RA 6120.2. The proposed rate continues the formula-based

methodology that includes an annual update to the financial data in the rate formula. CRSP MC intends the proposed formula-based rate go into effect May 1, 2023. Each WAPA customer who receives an allocation of power from the Olmsted Project will pay its proportional share of the amortized portion of the United States' investment in the hydroelectric facilities with interest and the associated operation, maintenance, and replacement (OM&R) costs in an annual installment. The proportional share is based on each customer's share of the Olmsted Project's marketable energy production.

This proposed formula-based rate does not depend on the power and energy available to sell or the rate of generation each year. Each customer pays a proportional share of all investment and OM&R expenses of the Olmsted Project in return for its share of the marketable energy produced by the Olmsted Project. Each fiscal year (FY), CRSP MC will estimate the Olmsted Project expenses by preparing a power repayment study, which will include estimates of OM&R costs for the Olmsted Project. Cost allocations will be updated for the FY 2025 installment after the 2025 Olmsted Power Marketing Plan is finalized and new power contracts are effective October 1, 2024. The proposed formula rate would remain in effect until April 30, 2028, or until WAPA changes the formula rate through another public rate process pursuant to 10 CFR part 903, whichever occurs first.

**Legal Authority**

Existing DOE procedures for public participation in power and transmission rate adjustments (10 CFR part 903) were published on September 18, 1985, and February 21, 2019.<sup>2</sup> The proposed action constitutes a minor rate adjustment, as defined by 10 CFR 903.2(e). In accordance with 10 CFR 903.15(a) and 10 CFR 903.16(a), CRSP MC has determined it is not necessary to hold public information and public comment forums for this rate action but is initiating a 30-day consultation and comment period to give the public an opportunity to comment on the proposed formula rate. CRSP MC will review and consider all timely public comments at the conclusion of the consultation and comment period and make amendments or adjustments to the proposal as appropriate. Proposed rates will then be approved on an interim basis.

WAPA is establishing the formula rate for the Olmsted Project in accordance with section 302 of the DOE Organization Act (42 U.S.C. 7152).<sup>3</sup>

By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to FERC. By Delegation Order No. S1-DEL-S3-2022-2, effective June 13, 2022, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-WAPA1-2022, effective June 13, 2022, the Under Secretary for Infrastructure further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator.

**Availability of Information**

All brochures, studies, comments, letters, memoranda, or other documents that CRSP MC initiates or uses to develop the proposed formula rate are available for inspection and copying at the CRSP MC, located at 1800 South Rio Grande Avenue, Montrose, CO. Many of these documents and supporting information are also available on WAPA's website at: [www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx](http://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx).

**Ratemaking Procedure Requirements****Environmental Compliance**

WAPA has determined this action fits within the following categorical exclusions listed in appendix B to subpart D of 10 CFR part 1021.410: B4.3 (Electric power marketing rate changes) and B4.4 (Power marketing services activities). Categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment.<sup>4</sup> Specifically, WAPA has

<sup>3</sup> This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the project involved.

<sup>4</sup> The determination was done compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321-4347; the Council on Environmental Quality Regulations for

<sup>1</sup> Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF18-4-000, 164 FERC ¶ 62,116 (2018).

<sup>2</sup> 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

determined that this activity is consistent with activities identified in B4, Categorical Exclusions Applicable to Specific Agency Actions (see 10 CFR part 1021 appendix B to subpart D, part B4). A copy of the categorical exclusion determination is available on WAPA's website at: [www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx](http://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-205.aspx).

#### 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.

#### Signing Authority

This document of the Department of Energy was signed on October 28, 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 November 7, 2022.

**Treena V. Garrett,**

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

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-R08-SFUND-2022-0881; FRL-10392-01-R8]

#### Amendment to Prospective Purchaser Agreement, Anaconda Smelter Superfund Site, Anaconda, Deer Lodge County, Montana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed agreement; request for public comment.

**SUMMARY:** Notice is hereby given by the U.S. Environmental Protection Agency (EPA), Region 8, of a proposed

implementing NEPA (40 CFR parts 1500-1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

amendment to a prospective purchaser agreement originally agreed to in 1994. The 1994 agreement, with the Montana Department of Environmental Quality on behalf of the State of Montana (the "State"), Anaconda-Deer Lodge County, and the Old Works Golf Course Authority, Inc., ("Purchasers"), provided liability protection to the Purchasers in return for the implementation of certain institutional controls such as the Development Permit System, a county zoning system that regulates development in the county, and restrictive covenants limiting the use of certain properties affected by contamination, and also provided for the operation and maintenance of the Old Works Golf Course. The amended agreement, entitled Amendment to Agreement and Covenant Not to Sue, provides for the implementation of updated institutional controls, including an updated Development Permit System and modified restrictive covenants. Other work under the amended agreement includes updated operations and maintenance plans for the Old Works Golf Course, the Residential Attic Abatement Implementation Plan that provides for cleaning of attics, the Interior/Exterior Dust Program that provides for cleanup of contaminated dusts, and the Community Protective Measures Plan, an information program.

**DATES:** Comments must be submitted on or before December 12, 2022.

**ADDRESSES:** The proposed agreement and additional background information relating to the agreement will be available upon request. To reduce the risk of COVID-19 transmission, for this action we do not plan to offer hard copy review of the docket. Comments and requests for a copy of the proposed agreement should be addressed to Anntasia Copeland, Enforcement Specialist, Superfund and Emergency Management Division, Environmental Protection Agency—Region 8, Mail Code 8SEM-PAC, 1595 Wynkoop Street, Denver, Colorado 80202, telephone number: (303) 312-6343, email address: [copeland.anntasia@epa.gov](mailto:copeland.anntasia@epa.gov) and should reference the Anaconda Smelter Superfund Site. You may also send comments, identified by Docket ID No. EPA-R08-SFUND-2022-0881 to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Andy Lensink, Assistant Regional Counsel, Office of Regional Counsel, Environmental Protection Agency, Region 8, Mail Code 8 ORC-LEC, 1595 Wynkoop, Denver, Colorado 80202,

telephone number: (303) 312-6908, email address: [lensink.andy@epa.gov](mailto:lensink.andy@epa.gov).

**SUPPLEMENTARY INFORMATION:** For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

**Betsy Smidinger,**

*Division Director, Superfund and Emergency Management Division, Region 8.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-RCRA-2022-0802; 10223-01-R1]

#### Lead-Based Paint Renovation, Repair and Painting Activities in Target Housing and Child-Occupied Facilities; State of Vermont; Notice of Self-Certification Program Authorization

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This document announces that on October 1, 2022, the State of Vermont was deemed authorized under section 404(a) of the Toxic Substances Control Act (TSCA) to administer and enforce requirements for the lead-based paint pre-renovation education and renovation, repair and painting (RRP) program. This document also announces that the Environmental Protection Agency (EPA) is seeking comment during a 45-day public comment period, and it is providing an opportunity to request a public hearing within the first 15 days of this comment period on whether Vermont's program is at least as protective as the federal program and provides for adequate enforcement. This document also announces that the authorization of the Vermont pre-renovation education and renovation, repair and painting program, which was deemed authorized by regulation and statute, will continue without further notice unless the EPA, based on its own review and/or comments received during the comment period, disapproves the Vermont program application.

**DATES:** Comments must be received on or before December 27, 2022. In addition, a public hearing request must be submitted on or before November 25, 2022.