

This review has not been completed. The Commission believes that additional time should be provided for this review, prior to implementation of the expanded definition of "subject security," because of the additional quotation obligations that may result from the rules. The Commission also believes that extending the effective date will give additional time to evaluate the effect on existing systems of the potential increase in quotation traffic that may be caused by the mandatory quotation requirement for exchange-traded securities.

III. Conclusion

For the reasons described above, the Commission is modifying the effective date of the Limit Order Display Rule and the amendments to the Quote Rule (except as discussed below concerning subsection (a)(25)(ii) of the Quote Rule) until the start of business on Monday, January 13, 1997, rather than on January 10, 1997.

In addition the Commission is modifying the compliance dates of the ECN Amendment in order to phase-in the implementation of the ECN Amendment. Accordingly, beginning on January 13, 1997, compliance with the ECN Amendment will be required with respect to all exchange-traded securities and 50 of the 1000 Nasdaq securities, as identified by Nasdaq for the first phase of compliance with the Limit Order Display Rule. On January 31, 1997, compliance with the ECN Amendment will be required with respect to the additional 100 of these 1,000 securities selected by Nasdaq. The ECN Amendment will apply to the remaining 850 of the 1,000 securities on February 21, 1997, as identified by Nasdaq. The next phase-in date will be on March 28, 1997, and, unlike the Limit Order Display Rule, will cover all remaining Nasdaq securities. The Commission will review the operation of the markets during this phase-in period.

Finally, the Commission is modifying the effective date of the amendment to Rule 11Ac1-1(a)(25)(ii) from January 10, 1997, to April 10, 1997. In the interim, the Commission expects the NASD and the ITS Participants to continue to review the NASD's and ITS Plan's limitations on automated quotations.

Dated: January 2, 1997.

By the Commission.
Jonathan G. Katz,
Secretary.
[FR Doc. 97-440 Filed 1-8-97; 8:45 am]
BILLING CODE 8010-01-M

FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Parts 33, 34, 35, 36, 292 and 300

[Docket No. RM96-16-000; Order No. 593]

Revision of Form of Notice Requirements; Final Rule

Issued January 2, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is revising the form of notice requirements applicable to filings under several parts of its regulations. The final rule establishes requirements for submitting diskette copies of the notices of filing for the Federal Register, in addition to the paper copies currently required, in order to speed the process of noticing such filings. In addition, the final rule makes a minor correction to the regulations being revised, to delete a reference to filing fees.

EFFECTIVE DATE: This final rule is effective on February 10, 1997.

FOR FURTHER INFORMATION CONTACT:

L. Jorn Dakin, (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First St. NE., Washington, D.C. 20426, (202) 208-2172
Michael Miller, (Technical Information), Office of Executive Director, Federal Energy Regulatory Commission, 888 First St. NE., Washington, D.C. 20426, (202) 208-1415.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street N.E., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the

texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397, if dialing locally, or 1-800-856-3920 if dialing long distance. CIPS is also available on the Internet through the FedWorld System (by modem or Internet). To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this order will be available on CIPS in ACSII and WordPerfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room at 888 First Street N.E., Washington, DC 20426.

I. Introduction

The Federal Energy Regulatory Commission is revising the form of notice requirements for filings under Parts 33, 34, 35, 36, 292 and 300 of the Commission's regulations.¹ The revised requirements provide that an electronic version, in addition to the paper copy, of the draft notice of filing (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) be submitted on a 3½" diskette. This diskette is to be a part of the filing. In addition, all entities submitting filings for which there is not a requirement of a draft notice (but for which the entity expects the Commission to issue a notice) are encouraged to provide a draft notice in the same fashion as set out in these revised regulations. Finally, a reference to filing fees under Part 33 of the regulations, in the caption and text of 18 CFR 33.2, will be deleted. The Commission no longer charges filing fees for applications under Part 33.

II. Public Reporting Burden

The final rule, if adopted, would amend reporting requirements, but would result in insignificant changes to the reporting burden. In the long term, the Commission's switch to electronic filing should result in further reductions in reporting burden and savings to the entities that make such filings. These reporting requirements are associated with the following data collections:

Data collection	CFR	Respondents	Frequency	Responses	Hrs. per filing	Total
FERC-516	Part 35	328	2.97	975	901	878,500

¹ 18 CFR Parts 33, 34, 35, 36, 292, and 300.

Data collection	CFR	Respondents	Frequency	Responses	Hrs. per filing	Total
FERC-519	Part 33	30	1	30	80	2,400
FERC-523	Part 34	60	1	60	110	6,600
FERC-556	Part 292	332	1	332	16	2,047
FERC-716A	Part 36	20	1	20	5	100

¹ Rounded off.

To send comments regarding the burden estimates or other aspects of these collections of information, including suggestions for reducing burdens, please direct them to the contacts listed under "Information Collection Statement."

Data Collection/Requirement Costs: The Commission believes that there will be minimal cost to implement these requirements. The Commission believes that the vast majority of filing entities are currently preparing these draft notices in electronic form as a preliminary to preparing paper copies of the draft notices, and many filing entities are already voluntarily providing draft notices in electronic form. The Commission is merely formalizing an existing business practice.

Internal Review: The Commission has reviewed in general the requirements and determined that they are necessary to expedite the process of preparing and publishing notices of filings. The requirements conform to the Commission's plan for efficient information collection, communication and respond to the requirements of the Paperwork Reduction Act of 1995 (P.L. 104-13) and the Office of Management and Budget's implementing regulations in 5 CFR 1320 to minimize the burden on those who are to respond through the use of the appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements established in this final rule.

III. Background

Under various provisions of Parts 33, 34, 35, 36, 292, and 300 of the Commission's regulations, an applicant must file a draft notice of filing for publication in the Federal Register. In this final rule, the Commission is revising the applicable specific sections of its regulations to require that the filing entity submit its draft notice on paper and in electronic form, on a separate 3½" diskette, either in ASCII text, WordPerfect 5.1 for DOS or

WordPerfect 5.2 for Windows format, marked with the name of the applicant and the words "Notice of Filing." This revision of the notice requirements in specific provisions of Parts 33, 34, 35, 36, 292, and 300 will enable the Commission to accelerate the process by which notice of filings is provided through publication in the Federal Register and, especially, through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that requires that text be in ASCII text format in order for it to provide electronic access to the text information.

In this final rule, the Commission is also deleting a reference to filing fees in Part 33 of its regulations. The Commission no longer requires filing fees for applications under Part 33, and so the reference no longer is necessary.

IV. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA)² generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Most, if not all, of the applicants required to comply with this final rule are entities which do not fall within the RFA's definition of small entity. Further, most, if not all, of these entities already have this material in electronic form and therefore, forwarding a diskette to the Commission would not be an additional burden.

The Commission certifies that promulgating this rule does not represent a major Federal action having a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis is required.

V. Information Collection Statement

The Office of Management and Budget's (OMB) regulations (5 CFR 1320.12) require that OMB approve certain information and recordkeeping requirements. Since this order does not increase the reporting burden and formally adopts current business practices, OMB approval will not be requested for these collections of

information. When the rule is issued, the Commission will submit a copy to OMB for informational purposes only.

Title:

- FERC-516, Electric Rate Schedule Filings
- FERC-519, Corporate Applications, Dispositions of Facilities, Mergers and Acquisitions of Securities
- FERC-523, Applications for Authorization of Issuance of Securities
- FERC-556, Cogeneration and Small Power Production
- FERC-716A, Application for Transmission Services Under Section 211 of the Federal Power Act

OMB Control No: The following OMB control numbers correspond to the collections of information listed above: 1902-0096; 1902-0082; 1902-0043; 1902-0075; and 1902-0168.

Failure to comply with this collection of information will not result in a penalty, if you were unaware that a valid control number assigned by the Office of Management and Budget must be displayed on this collection of information.

Action: Proposed Data Collection Requirements

Respondents: Public utilities, small power production and cogeneration facilities, and Federal Power Marketing Administrations.

Frequency of Responses: On Occasion

Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 [Attention: Michael Miller (202) 208-1415, fax: (202) 273-0873] and to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Washington, D.C. 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission (202) 395-3087].

VI. National Environmental Policy Act Analysis

The Commission concludes that promulgating this rule does not represent a major Federal action having significant adverse effect on the human environment under the Commission's regulations implementing the National

² 5 U.S.C. 601-612.

Environmental Policy Act.³ This rule is procedural in nature and does not substantially change the effect of the regulation being amended. Therefore, this rule falls within the categorical exemptions provided in the Commission's regulations.⁴ Consequently, neither an environmental impact statement nor an environmental assessment is required.

VII. Administrative Findings and Effective Date

This final rule is a matter of agency organization, procedure, or practice. Since this rule does not itself alter the substantive rights or interests of any interested persons, prior notice and comment are unnecessary under Section 4 of the Administrative Procedure Act.⁵

This final rule is effective February 10, 1997.

VIII. Congressional Notification

The Small Business Regulatory Enforcement Fairness Act of 1996 requires agencies to report to Congress on the promulgation of certain final rules prior to their effective dates.⁶ That reporting requirement does not apply to this final rule because it falls within a statutory exception for rules relating to agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.⁷

List of Subjects in 18 CFR Parts 33, 34, 35, 36, 292 and 300

Electricity, Reporting and recordkeeping requirements.

By the Commission.

Lois D. Cashell,
Secretary.

In consideration of the foregoing, the Commission amends Parts 33, 34, 35, 36, 292, and 300, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

1. The authority citation for Part 33 continues to read as follows:

Authority: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

³42 U.S.C. 4332.

⁴18 CFR 380.4(a)(2)(ii).

⁵5 U.S.C. 553(b).

⁶Pub. L. No. 104-121, 110 Stat. 847 (1996).

⁷Pub. L. No. 104-121, 110 Stat. 847, 804(3)(C) (1996).

2. In §33.2, the section heading, introductory text and paragraph (l) are revised to read as follows:

§ 33.2 Contents of application.

Each such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which should insofar as possible be furnished as to said applicant and each company whose facilities or securities are involved:

* * * * *

(l) A form of notice suitable for publication in the Federal Register, as well as a copy of the same notice in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing," which will briefly summarize the facts contained in the application in such way as to acquaint the public with its scope and purpose.

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

1. The authority citation for Part 34 continues to read as follows:

Authority: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

2. In §34.3, paragraph (k) is revised to read as follows:

§ 34.3 Contents of application for issuance of securities.

* * * * *

(k) A form of notice suitable for publication in the Federal Register, as well as a copy of the same notice in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing," setting forth:

- (1) The legal name of the applicant;
- (2) The securities offered for issuance including the proposed issue date; and
- (3) The comment procedure.

* * * * *

PART 35—FILING OF RATE SCHEDULES

1. The authority citation for Part 35 continues to read as follows:

Authority: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

2. In §35.8, the introductory text to paragraph (a) is revised to read as follows:

§ 35.8 Comments by interested parties.

(a) *Form of notice for Federal Register.* The public utility shall file a form of notice suitable for publication in the Federal Register, as well as a copy of the same notice in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing," which shall be in the following form:

* * * * *

PART 36—RULES CONCERNING APPLICATIONS FOR TRANSMISSION SERVICES UNDER SECTION 211 OF THE FEDERAL POWER ACT

1. The authority citation for Part 36 is revised to read as follows:

Authority: 5 U.S.C. 551-557; 16 U.S.C. 791a-825r; 31 U.S.C. 9701; 42 U.S.C. 7107-7352.

2. In §36.1, the first sentence of paragraph (b)(1) is revised to read as follows:

§ 36.1 Notice provisions applicable to applications for transmission services under section 211 of the Federal Power Act.

* * * * *

(b) * * *

(1) A form of notice suitable for publication in the Federal Register, as well as a copy of the same statement in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing."

* * * * *

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

1. The authority citation for Part 292 continues to read as follows:

Authority: 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352.

2. In §292.207, the first sentence of paragraph (b)(4)(i) is revised to read as follows:

§ 292.207 Procedures for obtaining qualifying status.

* * * * *

(b) * * *

(4) *Notice.* (i) Applications for certification filed under paragraph (b) of this section must include a form of notice of the request for certification suitable for publication in the Federal Register, as well as a copy of the same

notice in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing."

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PART 300—CONFIRMATION AND APPROVAL OF THE RATES OF FEDERAL POWER MARKETING ADMINISTRATIONS

1. The authority citation for Part 300 continues to read as follows:

Authority: 16 U.S.C. 825s, 832–832i, 838–838k, 839–839h; 42 U.S.C. 7101–7352; 43 U.S.C. 485–485k.

2. In § 300.10, paragraph (a)(1) is revised to read as follows:

§ 300.10 Application for confirmation and approval.

(a) *General provisions*—(1) *Contents of filing*. Any application under this subpart for confirmation and approval of rate schedules must include, as described in this section a letter of request for rate approval, a form of notice suitable for publication in the Federal Register, as well as a copy of the same notice in electronic format (in either ASCII text, WordPerfect 5.1 for DOS or WordPerfect 5.2 for Windows format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing," the rate schedule, a statement of revenue and related costs, the order, if any, placing the rates into effect on an interim basis, the Administrator's Record of Decision or explanation of the rate development process, supporting documents, a certification, and technical supporting information and analysis.

* * * * *

[FR Doc. 97–380 Filed 1–8–97; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300447; FRL–5579–7]

RIN 2070–AB78

Myclobutanil; Pesticide Tolerances for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of the fungicide myclobutanil in or on the crop group cucurbit vegetables in

connection with EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of myclobutanil on cucurbit vegetables in California. This regulation establishes a maximum permissible level for residues of myclobutanil in these foods pursuant to section 408(l)(6) of the Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and be revoked automatically without further action by EPA on November 30, 1997.

DATES: This regulation becomes effective January 9, 1997. This regulation expires and is revoked automatically without further action by EPA on November 30, 1997. Objections and requests for hearings must be received by EPA on March 10, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300447], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket number, [OPP–300447], should be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP–300447]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8337, e-mail: schaible.stephen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for residues of the fungicide myclobutanil [alpha-butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile] and its metabolite alpha-(3-hydroxybutyl)-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (free and bound), hereafter referred to as myclobutanil, in or on cucurbit vegetables at 0.3 part per million (ppm). This tolerance will expire and be revoked automatically without further action by EPA on November 30, 1997.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996).

New section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and