

Commission will continue to act on the motion according to current procedures.

C. Delegation to the General Counsel Under §375.309

To date, the Commission has acted on over 200 EWG applications. The vast majority of these applications have not presented unusual issues or issues requiring the interpretation of section 32 of PUHCA. However, the preparation of EWG orders has been time-consuming. The responsibility to grant uncontested EWG applications will now be delegated to the General Counsel, or the General Counsel's designee. Applications presenting unusual or interpretation issues will continue to be brought to the Commission, as will any contested applications and applications in which staff recommends denial of EWG status.⁶

In addition, the General Counsel or the General Counsel's designee will be authorized to act on uncontested motions to withdraw applications for EWG status. Under 18 CFR 365.5, if the Commission has not acted upon an EWG application within 60 days, it will be deemed to have been granted. While most motions to withdraw EWG applications are granted by operation of law 15 days after filing pursuant to 18 CFR 385.216(b), Commission action on a motion to withdraw an EWG application is necessary if the motion is contested or if the 60th day for action on the EWG application is sooner than the 15th day after the filing of the motion to withdraw. Contested motions to withdraw will be acted on by the Commission. However, this delegation will allow the General Counsel or the General Counsel's designee to act on uncontested motions in a timely fashion.

III. Conclusion

As explained above, in the interests of administrative efficiency, we will amend: (1) 18 CFR 375.302 to add that the Secretary, or the Secretary's designee, is authorized to toll the time for action on stand-alone requests for rehearing, and to issue RFA notices; (2) 18 CFR 375.308 to authorize the Director, or the Director's designee, to act on uncontested, stand-alone interim electric rate motions that would result in lower rates, pending Commission action on settlement agreements; and (3) 18 CFR 375.309 to authorize the General Counsel, or the General Counsel's designee, to grant uncontested EWG applications not involving unusual or interpretation issues, and to act on

uncontested motions to withdraw EWG applications.

IV. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.⁷ The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.⁸ No environmental consideration is necessary for the promulgation of a rule that is clarifying, corrective, or procedural.⁹ As explained above, this final rule is procedural and ministerial in nature, and promotes internal administrative efficiency. Accordingly, no environmental consideration is necessary.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act¹⁰ requires rulemakings either to contain a description and analysis of the impact the rule will have on small entities or a certification that the rule will not have a substantial economic impact on a substantial number of small entities. 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.

VI. Information Collection Statement

The Paperwork Reduction Act of 1995¹¹ authorizes the Office of Management and Budget (OMB) to review and approve information collection requirements imposed by agency rule. These requirements are submitted by Federal agencies in accordance with OMB's regulations,¹² as appropriate. However, this order neither contains new information collection requirements nor modifies existing information collection requirements in the Commission's regulations. Therefore, this final rule is not subject to OMB approval. A copy of this rule will be sent to OMB for informational purposes only.

⁷ Regulations Implementing the National Environmental Policy Act, Order No. 486, 52 FR 47897 (Dec. 17, 1987), *FERC Stats. and Regs. Regulations Preambles 1986-1990* ¶ 30,783 (1987) (codified at 18 CFR part 380).

⁸ 18 CFR 380.4.

⁹ 18 CFR 380.4(a)(2)(ii).

¹⁰ 5 U.S.C. 601-612 (1994).

¹¹ 44 U.S.C. 3507 *et seq.* (1994).

¹² 5 CFR Part 1320.

VII. Administrative Findings and Effective Date

The Administrative Procedure Act (APA)¹³ requires rulemakings to be published in the Federal Register. The APA also mandates that an opportunity for comments be provided when an agency promulgates regulations. However, notice and comment are not required under the APA when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.¹⁴ The Commission finds that notice and comment are unnecessary for this rulemaking. As explained above, this final rule is procedural and ministerial in nature and is being promulgated to advance internal administrative efficiency. The Commission is merely amending its rules to improve the efficiency with which certain routine items are processed.

The Commission will make this rule effective January 5, 1996.

List of Subjects in 18 CFR Part 375

Authority delegations (Government agencies), Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By the Commission.

Lois D. Cashell,

Secretary.

In consideration of the foregoing, the Commission amends part 375, chapter I of title 18, Code of Federal Regulations, as set forth below.

PART 375—THE COMMISSION

1. The authority citation for part 375 continues to read as follows:

Authority: 5 U.S.C. 551-557; 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 791-825r, 2601-2645; 42 U.S.C. 7101-7352.

2. In §375.302, paragraphs (v) and (w) are added to read as follows:

§ 375.302 Delegations to the Secretary.

* * * * *

(v) Toll the time for action on requests for rehearing.

(w) Issue notices in compliance with section 206(b) of the Federal Power Act.

3. In §375.308, paragraph (a) is amended by adding paragraph (a)(4) to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

* * * * *

(a) * * *

(4) Take appropriate action on uncontested interim electric rate

⁶ Because there is no rehearing available on EWG applications, denials will continue to be addressed by the Commission.

¹³ 5 U.S.C. 551-559 (1994).

¹⁴ 5 U.S.C. 553(B) (1994).