

wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before _____ and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

§ 365.4 Effect of Filing.

A person applying in good faith for a Commission determination of exempt wholesale generator status will be deemed to be an exempt wholesale generator from the date of receipt of the application until the date of Commission action pursuant to § 365.5.

§ 365.5 Commission action.

If the Commission has not issued an order granting or denying an application within 60 days of receipt of the application, the application will be deemed to have been granted.

§ 365.6 Notification of Commission action to the Securities and Exchange Commission.

The Secretary of the Commission will notify the Securities and Exchange Commission whenever a person is determined to be an exempt wholesale generator.

§ 365.7 Procedure for notifying Commission of material change in facts.

If there is any material change in facts that may effect an EWG's eligibility for EWG status under section 32 of the Public Utility Holding Company Act of 1935, the EWG must within 60 days: apply for a new determination of EWG status; file a written explanation of why the material change in facts does not affect the EWG's status; or notify the Commission that it no longer seeks to maintain EWG status.

PART 381—FEES

2. The authority citation for part 381 continues to read as follows:

Authority: 15 U.S.C. 717-717w; 16 U.S.C. 791-828c; 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352; and 49 U.S.C. 1-27.

3. Part 381 is amended to add subpart H, consisting of § 381.801 as follows:

SUBPART H—FEES APPLICABLE TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 381.801 Applications for exempt wholesale generator status.

The fee established for applications for exempt wholesale generator status under section 32 of the Public Utility Holding Company Act of 1935 and subchapter T, part 365 of this chapter, applicable to applicants who will not become public utilities as defined in section 201(e) of the Federal Power Act upon the sale of electric energy at wholesale, is \$1,000. The fee must be submitted in accordance with subpart A of this part.

Appendix A

Note: This appendix will not appear in the Code of Federal Regulations.

Commenters

1. Allegheny Power System
2. American Gas Association
3. American Paper Institute, Inc.
4. Arizona Public Service Company
5. Arkansas Public Service Commission
6. Atlantic City Electric Company
7. Bald Eagle Power Company Inc.
8. Baltimore Gas and Electric Company
9. City of Colorado Springs, Colorado
10. CMS Energy Corporation
11. Cogeneration Partners Group
12. Cogenerators of Southern California
13. Colorado Association of Municipal Utilities
14. Department of Energy
15. Destec Energy, Inc.
16. Detroit Edison
17. Edison Electric Institute
18. Electric Generation Association
19. Electricity Consumers Resource Council
20. El Paso Electric Company
21. Enron Gas Services Corp.
22. Enron Power Corp.
23. Environmental Action Foundation, et al. (Consisting of Environmental Action Foundation, Union of Concerned Scientists, Geothermal Resources Association, American Public Power Association, Toward Utility Rate Normalization, Electric Consumers Resource Council, Consumer Federation of America, Indiana Consumer Counsel, Missouri Office of the Public Counsel, State of Ohio Office of the Consumer Counsel, Commonwealth of Pennsylvania Office of the Consumer Advocate and Utah Committee of Consumer Services)
24. Florida Power & Light Company
25. Idaho Public Utilities Commission
26. Imperial Irrigation District
27. LG&E Energy Corp.
28. Long Island Lighting Company
29. Michigan Public Service Commission Staff
30. Mission Energy Company
31. Missouri Basin Municipal Power Agency
32. Missouri Public Service Commission
33. National Association of Regulatory Utility Commissioners
34. National Independent Energy Producers

35. Natural Gas Supply Association
36. New England Power Company
37. New York State Department of Public Service
38. New York State Electric & Gas Corporation, et al. (consisting of New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation)
39. Pennsylvania Power & Light Company
40. Pentzer Energy Services, Inc.
41. Public Service Commission of Nevada
42. Public Service Commission of Wisconsin
43. Public Utilities Commission of California
44. San Diego Gas & Electric Company
45. Southern Company Services, Inc.
46. Southwestern Public Service Company
47. Texas Utilities Electric Company
48. Utah Municipal Power Agency
49. UtiliCorp United Inc.
50. Utility Working Group

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

Collection of Royalties, Rentals, Bonuses and Other Monies Due the Federal Government

CFR Correction

In title 30 of the Code of Federal Regulations, parts 200-699, revised as of July 1, 1992, on page 105, in § 218.51, the last three sentences of paragraph (a)(1) were inadvertently removed. The entire text of paragraph (a)(1) should read as follows:

§ 218.51 Method of payment.

(a) *Payment of royalties.* (1) All payors whose aggregate royalty payment obligation to MMS on the payment due date totals \$10,000 or more must make royalty payment by Electronic Funds Transfer (EFT) using the Federal Reserve Communications System (FRCS) link to the Financial Management Service Fedwire Deposit System (FDS), unless otherwise directed by MMS. Bills for Royalty-In-Kind (RIK) Oil and Bills for Collection of additional royalties owed as the result of audits are considered to be royalty payment obligations subject to the requirements of this paragraph. Early payment by other than EFT of a portion of the aggregate royalty payment obligation to avoid remittance by EFT on the payment due date is not permitted. Such early payments are permitted regardless of amount, but must be remitted by EFT.

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