

Dismissals

The following submissions were dismissed:

Name	Case No.
14 Mile 7 Gratiot Service	RF321-21032
Clinchfield Railroad	RF272-93753
O/T/S/ Oil Co., Inc.,	RF300-21719
William J. Miles	RF272-89769

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: January 30, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95-3017 Filed 2-6-95; 8:45 am]

BILLING CODE 6450-01-P

Issuance of Decisions and Orders for the Week of November 21 Through November 25, 1994

During the week of November 21 through November 25, 1994, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list

Enron Corp./ Shelton Oil & Gas Co., Inc	RF340-137	11/25/94
Henson's, Inc	RF340-181	
Cedar Falls utilities	RF340-184	
Fairfax Trucking Company et al	RF272-93369 .	11/22/94
Gulf Oil Corporation/Helo's Gulf	RF300-20464 .	11/25/94
Gulf Oil Corporation/Thibaut Oil Company	RF300-20184 .	11/25/94
Sause Bros. Ocean Towing Co., Inc	RR272-183	11/22/94
Texaco Inc./Jeremiah R. Downey Oil Corp. et al	RF321-6193 ...	11/22/94
Wecota Farmers Union Oil Co. et al	RF272-94981 .	11/22/94

Dismissals

The following submissions were dismissed:

Name	Case No.
City of Norwalk	RF300-21735
Commonwealth/Cambridge Electric Co.	RF321-20759
Edmonds Arco Service	RF304-13498
Griffin Brothers, Inc	RF272-95021
Little America Refining Co.	RR195-4
Lizza Industries, Inc	RF272-77580
Meadow Gold Dairies, Inc	RF272-77135
Southside Texaco	RF321-20647

of submissions that were dismissed by the Office of Hearings and Appeals.

Requests for Exception

Applebee Oil & Profane, 11/22/94, LEE-0145

Applebee Oil & Propane of Ovid, Michigan, filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was not suffering gross inequity or serious hardship. On August 11, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and Order was filed at the Office of Hearings and Appeals of the DOE within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Applebee Oil & Propane's Application for Exception.

West-Pet., Inc., 11/22/94, LEE-0156

West-Pet., Inc. of New Orleans, Louisiana filed an Application for Exception from the Energy Information (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was not suffering gross inequity or serious hardship. On September 23, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and

Order was filed at the Office of Hearings and Appeals of the DOE within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Wes-Pet., Inc.'s Application for Exception.

Interlocutory Order

Richland Operations Office, 11/25/94, VPZ-0001

The DOE's Richland Operations Office (Richland) filed a Request for Depositions (request) on November 14, 1994 with the Office of Hearing and Appeals (OHA). The request concerns an evidentiary hearing to be convened in connection with an appeal by Benton County, Washington of a determination issued by Richland denying the County's claim for Payment-Equal-To-Taxes (PETT) under the Nuclear Waste Policy Act of 1982, as amended. In the request, Richland asked that OHA order Benton County to make available for deposition five Benton County witnesses. On considering the request, OHA found that because the five witnesses in question possessed important technical knowledge, further pre-trial discovery was warranted. Accordingly, OHA granted the request.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Name	Case No.
Stanley Construction Co	RF272-97243
Todd Ash Arco	RF304-14934

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy

Guidelines, a commercially published loose leaf reporter system.

Dated: January 30, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95-3018 Filed 2-6-95; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of a total of \$338,267.90, plus accrued interest, in crude oil overcharges obtained by the DOE from King Petroleum, Inc., *et al.*, Case No. LEF-0125 (King), and Billy Bridewell, William J. Cobb, *et al.*, Case No. LEF-0126 (Bridewell). The OHA has determined that the funds obtained from King and Bridewell, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

DATES AND ADDRESSES: Applications for Refund from the crude oil funds should be clearly labeled "Application for Crude Oil Refunds" and should be mailed to Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Applications for Refund must be filed in duplicate no later than June 3, 1996. Any party who has previously filed an Application for Refund should not file another Application for Refund from the present crude oil funds. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the procedures are finalized.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, DC 20585 (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute a total of \$338,267.90, plus accrued interest, remitted to the DOE by King Petroleum, Inc., *et al.*, and Billy Bridewell, William J. Cobb, *et al.*, to the DOE. The DOE is currently holding these funds in an interest bearing account pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion

to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury.

Applications for Refund must be postmarked no later than June 3, 1996. As we state in the Decision, any party who has previously submitted a refund application in the crude oil proceedings should not file another Application for Refund. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the proceedings are finalized.

Dated: February 1, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Implementation of Special Refund Procedures

Names of Firms: King Petroleum, Inc., *et al.*; Billy Bridewell, William J. Cobb, *et al.*

Date of Filing: May 26, 1994

Case Numbers: LEF-0125; LEF-0126

On May 26, 1994, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA), to distribute funds which King Petroleum, Inc., *et al.*, (King) and Billy Bridewell, William J. Cobb, *et al.*, (Bridewell) remitted to the DOE pursuant to settlements between the parties and the DOE. King has remitted a total of \$1,245.04, while Bridewell has remitted a total of \$337,022.86.

In accordance with the procedural regulations codified at 10 CFR. part 205, subpart V (Subpart V), the ERA requests in its Petition that the OHA establish special refund procedures to remedy the effects of any regulatory violations which were resolved by these settlements. This Decision and Order sets forth the OHA's final plan to distribute these funds.

I. Background

On July 29, 1988, the DOE issued a Remedial Order to King for violations of the mandatory petroleum price and allocation regulations governing the resale of crude oil. Prior to the issuance of the Remedial Order, the parties filed in appropriate courts for protection under Chapter 7 of the U.S. Bankruptcy Code. Pursuant to the settlement of those proceedings, the DOE has collected a total of \$1,245.04. These funds are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper disposition.

On March 23, 1984, the DOE issued a Remedial Order to Bridewell for violations of the mandatory petroleum price and allocation regulations related to Bridewell's production and sale of crude oil during the period of November 16, 1973 through August 31, 1976. The matter was referred to the Department of Justice for enforcement in April 1976. On February 15, 1987, the parties

entered into a Compromise Settlement Agreement to resolve all civil liability in this matter. Subsequently, several of the parties filed for protection with the U.S. Bankruptcy Court for Eastern Texas. The DOE has collected a total of \$337,022.86 in settlement of this matter. These funds are being held in an interest-bearing account pending a determination regarding their proper disposition.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501-07 (PODRA), *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

III. The Proposed Decision and Order

We considered the ERA's Petition that we implement a Subpart V proceeding with respect to the King and Bridewell funds and determined that such a proceeding was appropriate. On August 8, 1994, we issued a Proposed Decision and Order (PDO) setting forth the OHA's tentative plan to distribute these funds. See 59 FR 41755 (August 15, 1994). In the PDO, we stated that the DOE had previously established June 30, 1994 as the final deadline for filing an Application for Refund from the crude oil funds. See 58 FR 26318 (May 3, 1993). Since the PDO was issued after June 30, 1994, we proposed that we would accept no Applications for Refund for the King and Bridewell funds.

Since the issuance of the Proposed Decision and Order, it has been decided to re-open the crude oil proceeding. See 59 FR 55656 (November 8, 1994). The new closing date for this proceeding has been tentatively set for June 3, 1996. *Id.* Accordingly, we have decided that, contrary to the Proposed Decision and Order issued on August 15, 1994, we will accept Applications for Refund for the King and Bridewell funds in the manner set forth below.

IV. The Refund Procedures**A. Crude Oil Refund Policy**

We adopt the tentative determination of the PDO to distribute the funds obtained from King and Bridewell in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). The MSRP was issued as a result of a court-approved Settlement Agreement. *In re: The Department of Energy Stripper Well Exemption Litigation*, 653 F. Supp. 108 (D. Kan.), 6 Fed. Energy Guidelines ¶ 90,509 (1986) (the Stripper Well Settlement Agreement). The MSRP establishes that 40 percent of the crude oil funds will be remitted to the federal government, another 40 percent to the states, and up to 20 percent may be initially reserved for payment of claims to injured parties. The MSRP also

specifies that any monies remaining after all valid claims by injured purchasers are paid be disbursed to the federal government and the states in equal amounts.

The OHA has utilized the MSRP in all Subpart V proceedings involving alleged crude oil violations. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). This Order provided a period of 30 days for filing of comments or objections to our proposed use of the MSRP as the groundwork for evaluating claims in crude oil refund proceedings. Following this period, the OHA issued a Notice evaluating the numerous comments which it had received pursuant to the Order Implementing the MSRP. This notice was published at 52 FR 11737 (April 10, 1987) (the April 10 Notice).

The April 10 Notice contained guidance to assist potential claimants wishing to file refund applications for crude oil monies under the Subpart V regulations. Generally, all claimants would be required to (1) document their purchase volumes of petroleum products during the August 19, 1973 through January 27, 1981 crude oil price control period, and (2) show that they were injured by the alleged crude oil overcharges. We also specified that end-users of petroleum products whose businesses were unrelated to the petroleum industry will be presumed to have been injured by the alleged crude oil overcharges. End-users, therefore, need only submit documentation of their purchase volumes. See *City of Columbus, Georgia*, 16 DOE ¶ 85,550 (1987). Additionally we stated that we would calculate crude oil refunds on a per gallon (or volumetric) basis. We obtained this figure by dividing the crude oil refund pool by the total consumption of petroleum products in the United States during the crude oil price control period. The OHA has adopted the refund procedures outlined in the April 10 Notice in numerous cases. See *e.g.*, *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988) (*Shell*); *Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986) (*Mountain Fuel*).

B. Refund Claims

These standard crude oil procedures will be used to distribute the monies in the King and Bridewell funds. We have chosen initially to reserve 20 percent of these funds, \$67,653.38, plus accrued interest, for direct refunds to claimants in order to ensure sufficient funds will be available for injured parties. This reserve figure may later be reduced if circumstances warrant.

The OHA will evaluate crude oil refund claims filed in this proceeding in a manner consistent with our previous crude oil refund proceedings under Subpart V. See *Mountain Fuel*, 14 DOE at 88,869. Claimants in this proceeding will be required to document their purchase volumes of petroleum products and prove that they were injured as a result of the overcharges.

We adopt a presumption that the crude oil overcharges were absorbed, rather than passed on, by applicants which were (1) end-users of petroleum products, (2) unrelated to the petroleum industry, and (3) not subject to the regulations promulgated under the Emergency Petroleum Allocation Act of 1973 (EPA), 15 U.S.C. 751-760h. Under this presumption, end-user claimants need not

submit evidence of injury, and may become eligible for a refund by simply documenting their purchase volumes. See *Shell*, 17 DOE at 88,406.

Petroleum retailer, refiner, and reseller applicants must submit detailed documentation of injury. They may not rely upon the injury presumptions utilized in some refined products refund cases. *Id.* These applicants may, however, use econometric evidence of the type found in the *OHA Report on Stripper Well Overcharges*, 6 Fed. Energy Guidelines ¶ 90,507 (1985). See also PODRA § 3003(b)(2), 15 U.S.C. § 4502(b)(2). If a claimant has executed and submitted a valid waiver pursuant to one of the escrows established by the Stripper Well Agreement, it has waived its right to file an application for Subpart V crude oil refund monies. See *Mid-America Dairymen v. Herrington*, 878 F.2d 1448 (Temp. Emer. Ct. App.), 3 Fed. Energy Guidelines ¶ 26,617 (1989); *In re: Department of Energy Stripper Well Exemption Litigation*, 707 F. Supp. 1267 (D. Kan.), 3 Fed. Energy Guidelines ¶ 26,613 (1987).

As we have stated in prior Decisions, a crude oil refund applicant need only submit one application for its share of all available crude oil overcharge funds. See, *e.g.*, *A. Tarricone, Inc.*, 15 DOE ¶ 85,495 (1987). A party that has already submitted a claim in any other crude oil refund proceeding implemented by the DOE need not file another claim. The prior application will be deemed to be filed in all crude oil refund proceedings finalized to date.

The DOE had previously established June 30, 1994 as the final deadline for filing an Application for Refund from the crude oil funds. See 58 FR 26318 (May 3, 1993). Although that date has passed, it has been decided to reopen the crude proceeding. See 59 FR 55656 (November 8, 1994). The new closing date for this proceeding has tentatively been set for June 3, 1996. *Id.* It is the policy of the DOE to pay all crude oil refund claims at the rate of \$0.008 per gallon. While we anticipate that the applicants that filed their claims before June 30, 1988 will receive a supplemental refund payment, we will decide in the future whether claimants that filed later applications should receive additional refunds. See *e.g.*, *Seneca Oil Co.*, 21 DOE ¶ 85,327 (1991). Notice of any additional amounts available in the future will be published in the **Federal Register**.

C. Crude Oil Application Requirements

To apply for a crude oil refund, a claimant should submit an Application for Refund containing all of the following information.

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is a corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for any additional information, and the name and address of the person who should receive any refund check.* If the applicant

* Under the Privacy Act of 1974, the submission of a social security number by an individual

operated under more than one name or under a different name during the price control period, the applicant should specify these names;

(2) If the applicant's firm is owned by another company, or owns other companies, a list of those companies' names, addresses, and descriptions of their relationship to the applicant's firm;

(3) A brief description of the claimant's business and the manner in which it used the petroleum products listed on its application;

(4) A statement identifying the petroleum products which the applicant purchased during the period August 19, 1973 through January 27, 1981, an annual schedule displaying the number of gallons of each petroleum product purchased during this refund period, and the total number of gallons of all petroleum products claimed on the refund application;

(5) An explanation as to how the applicant obtained the above mentioned purchase volumes, and, if estimates were used, a description of its method of estimation;

(6) A statement that neither the claimant, its parent firm, affiliates, subsidiaries, successors, nor assigns has waived any right it may have to receive a crude oil refund (e.g., by having executed and submitted a valid waiver accompanying a claim to any of the escrow accounts established pursuant to the Stripper Well Settlement Agreement);

(7) A statement that the applicant has not filed any other refund application in the Subpart V crude oil refund proceeding;

(8) If the applicant is not an end-user, was covered by the DOE price regulations, or is related to the petroleum industry, a showing that the applicant was injured by the alleged crude oil overcharges;

(9) If the applicant is a regulated utility or cooperative, certification that it will pass on the entirety of any refund received to its customers, will notify its state utility commission, other regulatory agency, or membership body of the receipt of any refund, and a brief description as to how the refund will be passed along;

(10) The statement listed below signed by the individual applicant or responsible official of the company filing the refund application:

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both,

applicant is voluntary. An applicant that does not wish to submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 C.F.R. part 205, subpart V. The information may be shared with other federal agencies for statistical, auditing, or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

pursuant to 18 U.S.C. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled "Application for Crude Oil Refund." Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for this information to be publicly disclosed, it must submit an original application, clearly designated "confidential," containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, DC 20585.

The filing deadline has not yet been set. The DOE has proposed that June 3, 1996, will be the final deadline for all applications in the crude oil proceeding. See 59 Fed. Reg. 55656 (November 8, 1994). Notice of the final deadline will appear in the **Federal Register**. Even though an applicant is not required to use any specific form for its crude oil refund application, a suggested form has been prepared by the OHA and may be obtained by sending a written request to the address listed above.

D. Payments to the Federal Government and the States

Under the terms of the MSRP, we have determined that the remaining 80 percent of the Kind and Bridewell funds, plus accrued interest, should be disbursed in equal shares to the states and the federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Settlement Agreement, 6 Fed. Energy Guidelines ¶ 90,509 at 90,687. When disbursed, these funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Stripper Well Settlement Agreement.

It Is Therefore Ordered That:

(1) Applications for Refund from the crude oil overcharge funds remitted by King Petroleum, Inc., *et al.*, and Billy Bridewell, William J. Cobb, *et al.*, may now be filed.

(2) All Applications submitted pursuant to paragraph (1) must be filed in duplicate and postmarked no later than June 3, 1996.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take all steps necessary to transfer \$1,245.04, plus all accrued interest, from the King subaccount (Account No. 650X00358Z), and \$337,022.86, plus all accrued interest, from the Bridewell subaccount (Account No. 6A0C00217Z), for a total of \$338,267.90, plus all accrued interest, pursuant to Paragraphs (4), (5), and (6) of this Decision.

(4) The Director of Special Accounts and Payroll shall transfer \$135,307.16 (plus interest) of the funds obtained pursuant to Paragraph (3) above into the subaccount denominated "Crude Tracking-States," Number 999DOE003W.

(5) The Director of Special Accounts and Payroll shall transfer \$135,307.16 (plus interest) of the funds obtained pursuant to Paragraph (3) above into the subaccount denominated "Crude Tracking-Federal," Number 999DOE002W.

(6) The Director of Special Accounts and Payroll shall transfer \$67,653.58 (plus interest) of the funds obtained pursuant to Paragraph (3) above into the subaccount denominated "Crude Tracking-Claimants 4," Number 999DOE010Z.

Dated: February 1, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95-3020 Filed 2-6-95; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of \$3,657.84, plus accrued interest, in refined petroleum product violation amounts obtained by the DOE pursuant to a September 30, 1981 Remedial Order issued to Ed's Exxon, Case No. LEF-0078, and an April 27, 1982 Remedial Order issued to Ron's Shell, Case No. LEF-0084. The OHA has determined that the funds obtained from the above firms, plus accrued interest, will be distributed to customers who purchased gasoline from them during the following periods: August 1, 1979 through October 31, 1979 in the Ed's Exxon proceeding and August 1, 1979 through November 13, 1981 in the Ron's Shell proceeding.

DATES AND ADDRESSES: Applications must be filed in duplicate, addressed to "Ed's Exxon OR Ron's Shell Special Refund Proceeding" and sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, DC 20585.

Applications should display a prominent reference to the case number "LEF-0078" (for the Ed's Exxon proceeding) or "LEF-0084" (for the Ron's Shell proceeding).

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W.,

Washington, D.C. 20585 (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 C.F.R. 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute to eligible claimants \$3,657.84, plus accrued interest, obtained by the DOE pursuant to September 30, 1981 and April 27, 1982 Remedial Orders. In the Remedial Orders, the DOE found that, during periods beginning August 1, 1979, the firms each had sold motor gasoline at prices in excess of the maximum lawful selling price, in violation of Federal petroleum price regulations.

The OHA has determined to distribute the funds obtained from the firms in two stages. In the first stage, we will accept claims from identifiable purchasers of gasoline from the firms who may have been injured by overcharges. The specific requirements which an applicant must meet in order to receive a refund are set out in Section III of the Decision. Claimants who meet these specific requirements will be eligible to receive refunds based on the number of gallons of gasoline which they purchased from Ed's Exxon or Ron's Shell.

If any funds remain after valid claims are paid in the first stage, they may be used for indirect restitution in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07.

Applications for Refund must be postmarked by August 31, 1995. Instructions for the completion of refund applications are set forth in the Decision that immediately follows this notice. Applications should be sent to the address listed at the beginning of this notice.

Unless labelled as "confidential," all submissions must be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, S.W., Washington, DC 20585.

Dated: January 27, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy; Implementation of Special Refund Procedures

January 27, 1995.

Names of Firms: Ed's Exxon, Ron's Shell

Date of Filing: July 20, 1993

Case Numbers: LEF-0078, LEF-0084