

As has been stated in earlier Decisions, a crude oil refund applicant will only be required to submit one application for its share of all available crude oil overcharge funds. *See, e.g., A. Tariccone Inc.*, 15 DOE ¶ 85,475 (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 deadline for filing an Application for Refund is June 30, 1995. *See* 60 Fed. Reg. 19914 (April 21, 1995). Any claimant that has executed a valid waiver pursuant to one of the escrow accounts established by the Stripper Well Agreement, however, has waived its right to file an application for a Subpart V crude oil refund. *See Mid-American 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. 11267 (D. Kan.), 3 Fed. Energy Guidelines ¶ 26,613 (1987).

To apply for a refund, a claimant should submit an Application for Refund. Each crude oil Application for Refund should contain the information specified by the OHA in past decisions. *See Texaco Inc.*, 19 DOE ¶ 85,200 at 88,374, *corrected*, 19 DOE ¶ 85,236 (1989); *Hood Goldsberry*, 18 DOE ¶ 85,902 at 89,477-78 (1989); *Wickett Refining Co.*, 18 DOE ¶ 85,659 at 89,081-82 (1989). All applications should be postmarked no later than June 30, 1995 and sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

Although an applicant is not required to use any specific form for its crude oil refund application, the OHA has prepared a suggested form, which may be obtained by sending a written request to the address given above.

#### D. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the amount remitted by MAPCO, or \$5,824,162 in principal, plus accrued interest, will be disbursed in equal shares to the states and federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the crude oil price control period. The share of the funds allocated to each state is contained in Exhibit H of the Stripper Well Agreement. When disbursed, these funds will be subject to the same limitations and reporting requirements that apply to any other crude oil overcharge funds received by the states in accordance with the Stripper Well Agreement.

#### It Is Therefore Ordered That:

(1) Applications for Refund from the alleged crude oil overcharges remitted to the Department of Energy by MAPCO, Inc. pursuant to the Settlement Agreement dated June 23, 1994 may now be filed.

(2) All crude oil refund applications submitted pursuant to Paragraph (1) above must be postmarked no later than June 30, 1995.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office

of the Controller, Department of Energy, shall transfer a total of \$2,912,081, plus accrued interest, from the subaccount denominated "MAPCO International," Consent Order No. 6C0X00270W, into the subaccount denominated "Crude Tracking-States," Account No. 999DOE003W.

(4) The Director of Special Accounts and Payroll shall transfer a total of \$2,912,081, plus accrued interest, from the subaccount denominated "MAPCO International," Consent Order No. 6C0X00270W, into the subaccount denominated "Crude Tracking-Federal," Account No. 999DOE002W.

(5) The Director of Special Accounts and Payroll shall transfer a total of \$1,456,040, plus accrued interest, from the subaccount denominated "MAPCO International," Consent Order No. 6C0X00270W, into the subaccount denominated "Crude Tracking-Claimants 4," Account No. 999DOE0010Z.

(6) This is a final Order of the Department of Energy.

Date: May 19, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 95-13306 Filed 5-31-95; 8:45 am]

**BILLING CODE 6450-01-P**

### Implementation of Special Refund Procedures

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

**ACTION:** Implementation of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy has adopted the procedures to be followed in refunding monies obtained by the Department of Energy (DOE) from Gulf Oil Corporation to settle alleged crude oil violations. The funds will be distributed pursuant to the DOE's Modified Statement of Restitutionary Policy.

**ADDRESSES:** Applications for Refund must be filed in duplicate no later than June 30, 1995, and should be addressed to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Thomas L. Wicker, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-2390.

**SUPPLEMENTARY INFORMATION:** In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final Decision and Order set out below. The Decision relates to a June 14, 1985 consent order between the DOE and Gulf Oil Corporation. The Decision sets

forth the procedures that the DOE has formulated to distribute funds that Gulf Oil Corporation remitted to the DOE to settle allegations that it violated the Agency's crude oil price and allocation regulations. The consent order covers the period January 1, 1973 through January 27, 1981.

The Decision disburses the available funds in accordance with the DOE's Modified Statement of Restitutionary Policy. Specifically, a total of \$37,309,761, will made available for direct restitution to injured end users of refined petroleum products. The States will receive \$8,706,529, and the Federal Government will receive \$8,604,301.

Applications for Refund from the portion of the Gulf Oil Corporation consent order funds allocated to the crude oil overcharge refund pool may now be filed. Applications must be filed by June 30, 1995. Applicants that have previously filed a crude oil overcharge refund application with the Department of Energy need not file an additional application in order to receive a refund from the Gulf crude oil monies.

Dated: May 19, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**DEPARTMENT OF ENERGY,  
WASHINGTON, DC 20585**

May 19, 1995.

### Decision and Order of the Department of Energy

*Implementation of Special Refund Procedures*

Name of Firm: Gulf Oil Corporation.

Date of Filing: June 30, 1987.

Case Number: KFX-0037.

On July 25, 1985, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a petition with the Office of Hearings and Appeals (OHA), requesting that the OHA formulate and implement procedures for distributing funds obtained through the settlement of enforcement proceedings involving Gulf Oil Corporation (Gulf). See 10 C.F.R. Part 205, Subpart V. On October 15, 1986, the OHA issued a Proposed Decision and Order tentatively setting forth procedures for distributing the Gulf settlement fund, remitted to the DOE pursuant to a June 14, 1985 consent order. 51 Fed. Reg. 37479 (October 22, 1986). This Decision and Order will provide the final procedures for the disbursement of the Gulf funds attributable to Gulf's alleged crude oil violations.

Under the terms of a consent order, Gulf remitted \$146,550,226.79 to the DOE in settlement of alleged violations occurring between January 1, 1973 and January 27, 1981. Because the consent order resolves alleged violations involving both sales of crude oil and refined products, we divided the fund into two pools. See Standard Oil Co. (Indiana), 10 DOE ¶ 85,048 (1982)(Amoco). As we stated in the Proposed Order,

according to information set forth in the **Federal Register** Notice announcing the proposed Gulf consent order, approximately 71 percent of the aggregate amount of the alleged violations settled by the consent order concern Gulf's alleged production and sales of crude oil. 50 Fed. Reg. 9493, 9496 (March 6, 1985). We therefore proposed that this same percentage of the principal in the Gulf escrow account, or \$104,050,661, be set aside as a pool to be used for crude oil refunds.<sup>1</sup>

The DOE's Modified Statement of Restitutionary Policy (MSRP) is applicable to the disbursal of the Gulf crude oil funds. Under the terms of the MSRP, 20 percent of crude oil violation funds are reserved to satisfy claims by injured end users of petroleum products. The remaining 80 percent of the funds are divided equally between the States and the Federal Government. We will next consider how the funds in the Gulf account should be disbursed.<sup>2</sup>

Pursuant to the MSRP, we will reserve 20 percent of the \$104,050,661 Gulf crude oil fund, or \$20,810,132, for direct restitution to end users. 51 Fed. Reg. 27899 (August 4, 1986). We will also transfer \$16,499,629 in interest on that sum for this purpose.<sup>3</sup> Thus, the total amount to be disbursed to the end user account is \$37,309,761.

We next consider the refund amount due to the States. Under the terms of the MSRP, the States were entitled to 40 percent of the

<sup>1</sup> Our Proposed Decision covered tentative refund procedures for both crude oil and refined petroleum products. We stated that the remaining 29 percent of the Gulf funds, or \$42,499,566, would be made available for distribution to claimants who were injured by Gulf's alleged violations in its sales of refined petroleum products. For simplicity, our final refund procedures relating to alleged overcharges in Gulf's sales of crude oil and refined products have been split into two Decisions and Orders. The Decision and Order establishing refund procedures concerning Gulf's alleged refined product overcharges was issued on September 8, 1987. Gulf Oil Corp., 16 DOE ¶ 85,381 (1987) (Gulf). We did not receive any comments regarding our proposed allocation of 29 percent of the Gulf funds to the refined product proceeding. Accordingly, in *Gulf*, we adopted the proposed 71/29 percent allocation between crude oil and refined product monies. We have actively been disbursing refunds to Gulf refined product purchasers for a number of years based on that division of the funds.

<sup>2</sup> The DOE used \$73,585,129 of the \$104,050,661 in Gulf crude oil funds to pay entitlements receive order firms. This includes funds paid to Consumers Power Company. As of March 31, 1995, there was \$45,815,755 in the Gulf account. We will return to the Gulf account the excess \$13,026,674 that is currently in the DOE's Consumers Power Company escrow account. The funds in the Consumers Power escrow account are those remaining after the Agency's litigation with that firm was concluded. See *Consumers Power Co. versus DOE*, 3 Fed. Energy Guidelines ¶ 26,532 (1990). After the Consumers Power transaction, there will be a total of \$58,842,429 in the Gulf account.

<sup>3</sup> The DOE Controller has indicated that the interest factor for the Gulf crude oil funds is .79286517, as of March 31, 1995. This amount represents interest earned on each dollar of Gulf funds since the day of deposit into the Department of Treasury escrow account. To derive the amount of interest to be deposited into the escrow account for end users, we multiplied that interest factor by \$20,810,132, the end users' 20 percent share.

Gulf crude oil fund, or \$41,620,264. The States have already been reimbursed \$36,792,564.<sup>4</sup> Therefore, the States are entitled to an additional \$4,827,700 plus interest. Applying the current interest factor discussed above, we find that the interest on this amount is \$3,827,715. Thus, the total is \$8,655,415. We further find that the Federal Government should receive the same share.

However, one small modification must be made to this State/Federal Government division. We will provide an adjustment to account for a payment of \$57,019, for which the Federal Government is solely responsible. This payment was made from the Gulf crude oil funds to Sage Creek Refining Company, an entitlements receive order firm. Sage Creek Refining Co., 14 DOE ¶ 85,288 (1986). We will disburse to the States one half of the amount of the Sage Creek payment plus interest, or one half of \$102,227, which is \$51,114.<sup>5</sup> Thus, the States' total refund equals \$8,655,415 plus \$51,114, or \$8,706,529. We will also deduct \$51,114 from the Federal Government's share. Thus, the Federal Government's share will be \$8,604,301.

In view of the above considerations, Applications for Refund from the funds remitted by Gulf to settle alleged crude oil violations may now be filed.<sup>6</sup>

It Is Therefore Ordered That:

(1) Applications for Refund from the portion of the Gulf Oil Corporation consent order funds allocated to the crude oil overcharge refund pool may now be filed. Applicants that have previously filed a crude oil overcharge refund application with the Department of Energy need not file an additional application in order to receive a refund from the Gulf crude oil monies.

(2) All applications submitted pursuant to Paragraph (1) above must be filed no later than June 30, 1995.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy shall take all necessary steps to transfer all funds in the Consumers Power Company escrow account (Number AAAAAAAA) to the Gulf Oil Corporation escrow account, Number RGFA00001Z, hereinafter the Gulf account.

(4) The Director of Special Accounts and Payroll shall take all necessary steps to make the disbursements set forth in Paragraphs (5), (6) and (7) below from the Gulf account.

(5) The Director of Special Accounts and Payroll shall transfer the sum of \$37,309,761 to the subaccount denominated "Crude Tracking-Claimants 4," Number 999DOE010Z.

<sup>4</sup> This amount includes a payment to State governments of \$18,396,282 of principal from the Bank IV Escrow, pursuant to a June 26, 1987 Order of the United States District Court for the District of Kansas. See *Stripper Well Exemption Litigation*, 16 DOE ¶ 85,200 (1987). The States also received \$17,492,250 of credit in the "Federal Tilt" formula, and a related \$904,032. *Id.* at 88,387.

<sup>5</sup> Interest on the \$57,019 Sage Creek payment is \$45,208 ( $57,019 \times .79286517 = 45,208$ ).

<sup>6</sup> Procedures for filing crude oil overcharge refund claims are by now well-known. We will not reiterate them here.

(6) The Director of Special Accounts and Payroll shall transfer \$8,604,301 into the subaccount denominated "Crude Tracking-Federal," Number 999DOE002W.

(7) The Director of Special Accounts and Payroll shall transfer \$8,706,529 into the subaccount denominated "Crude Tracking-States," Number 999DOE003W.

Dated: May 19, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5213-9]

### Request for Nominations to the National Advisory Council for Environmental Policy and Technology

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

**ACTION:** Notice of request for nominations.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is inviting nominations of qualified candidates to consider for appointment to fill vacancies on its National Advisory Council for Environmental Policy and Technology (NACEPT). Nominations will be accepted until 5:00 p.m. on July 10, 1995.

**ADDRESSES:** Submit nominations to: Mr. Gordon Schisler, Acting Director, Office of Cooperative Environmental Management, U.S. Environmental Protection Agency, 1601-F, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gordon Schisler, Designated Federal Official for NACEPT, U.S. Environmental Protection Agency, 1601-F, Washington, DC 20460; telephone 202-260-9741.

**SUPPLEMENTARY INFORMATION:** NACEPT is a federal advisory committee under the Federal Advisory Committee Act, PL 92-463. NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The Administrator has asked NACEPT to concentrate on how long-term ecological, economic, and social needs can be integrated to achieve a community-based approach to environmental management. Maintaining balance and diversity of experience, knowledge, and judgment is an important consideration in the selection of members.

The following three NACEPT committees were formed in FY'95 and