

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 AAAAAAAAAA) 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 92463. 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

will continue to examine different aspects of the Agency's community-based approach to environmental protection in FY'96.

- The Information and Assessments Committee is examining the availability, access, and use of environmental information in support of a community-based approach to environmental protection, as well as examining current environmental assessment processes to determine success factors.

- The Implementation Tools Committee is evaluating opportunities for EPA to reorient the use of its existing statutory and regulatory authorities to integrate a community-based approach to environmental protection into the Agency's decision-making process.

- The Sustainable Economies Committee is examining the defining elements of sustainable economies and opportunities for harmonizing environmental policy, economic activity, and ecosystem management.

NACEPT comprises a representative cross-section of EPA's partners and constituents in order to gain insights and perspectives from all interested parties. As these committees continue their work and to maintain a good balance of capabilities on the committees, nominations for additional membership are being solicited for all committees and NACEPT's executive committee.

EPA is seeking nominees for representation from all sectors, especially state and local planning agencies, industry, tribal organizations, environmental NGOs, and community organizations currently engaged in community-based environmental protection.

Nominations for membership must include a resume and short biography describing the educational and professional qualifications of the nominee and the nominee's current business address and daytime telephone number.

Dated: May 18, 1995.

**Gordon Schisler,**

*Designated Federal Official.*

[FR Doc. 95-13373 Filed 5-31-95; 8:45 am]

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[FRL-5213-6]

### Public Water Supply Supervision Program; Program Revision for the State of Alaska

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the State of Alaska is revising its

approved State Public Water Supply Supervision Primacy Program. Alaska has adopted drinking water regulations for certain inorganic, volatile organic and synthetic organic chemicals (collectively known as the Phase II, Phase IIB and Phase V contaminants) and for lead and copper. EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions. By approving Alaska's Phase II/IIB/V Contaminants Rule and its Lead and Copper Rule, EPA does not intend to affect the rights of Federally recognized Indian tribes within "Indian Country," as defined in 18 U.S.C. 1151, nor does it intend to limit existing rights of the State of Alaska.

All interested parties may request a public hearing. A request for public hearing must be submitted by July 3, 1995 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by July 3, 1995, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective July 3, 1995.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Department of Environmental Conservation (DEC), 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801

DEC South Central Regional Office, 3601 C Street, Suite 1334, Anchorage, Alaska 99503

DEC Northern Regional Office, 1001 Noble Street, Suite 350, Fairbanks, Alaska 99701

DEC Pipeline Corridor Regional Office, 411 West 4th Avenue, Suite 2C, Anchorage, Alaska 99501  
Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington

**FOR FURTHER INFORMATION CONTACT:** Wendy Marshall, EPA, Region 10, Ground Water and Drinking Water Branch, at the EPA address given above, telephone (206) 553-1890.

Dated: May 16, 1995.

**Chuck Clarke,**

*Regional Administrator.*

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[FRL-5213-9]

### Gulf of Mexico Program Joint Issue and Operating Committee; Meetings

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

**ACTION:** Notice of Meetings of the Joint Issue and Operating Committees of the Gulf of Mexico Program.

**SUMMARY:** The Gulf of Mexico Program's Joint Issue and Operating Committees will hold meetings at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana.

**FOR FURTHER INFORMATION CONTACT:** Dr. Douglas Lipka, Acting Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529-6000, at (601) 688-3726.

**SUPPLEMENTARY INFORMATION:** Meetings of the Joint Issue and Operating Committees of the Gulf of Mexico Program will be held June 21 and 22, 1995, at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana. The committees will meet from 8:30 a.m. to 4:30 p.m. Agenda items will include: Continue Development of the Third Generation Action Agenda Process; Determine Projects to be Funded in FY96; and Finalize Process for Integration of Issue Committee Action Items into the Gulf of Mexico Program Environmental Challenges.

The meeting is open to the public.

**Douglas A. Lipka,**

*Acting Director, Gulf of Mexico Program.*

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[FRL-5214-1]

### Gulf of Mexico Program Citizens Advisory Committee Meeting

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