attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's Regulations (18 CFR 385.214).

For additional information please contact Michael D. Cotleur, (202) 208–1076, or Russell B. Mamone (202) 208–0744.

Lois D. Cashell,

Secretary.

[FR Doc. 95–15378 Filed 6–22–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

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 $10,700,000, plus accrued interest, in alleged crude oil overcharges obtained by the DOE pursuant to a Settlement Agreement entered into by the DOE and Murphy Oil Corp., Murphy Oil USA, Inc. and Murphy Exploration & Production Co., Case No. VEF–0003 (Murphy). The DOE has determined that the funds obtained from Murphy 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 Ave., S.W., Washington, DC 20585. Applications for Refund must be filed in duplicate no later than June 30, 1995. Any party who has previously filed an Application for Refund should not file another for the present crude oil funds. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the proceedings are finalized.

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

SUPPLEMENTARY INFORMATION: In accordance with 10 C.F.R. 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 the DOE has formulated to distribute a total of $10,700,000, plus accrued interest, obtained from Murphy pursuant to the Settlement Agreement entered into by Murphy and 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 30, 1995. As we state in the Decision, any party who has previously filed 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: June 15, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Implementation of Special Refund Procedures

Name of Firm: Murphy Oil Corp./ Murphy Oil USA, Inc.
Date of Filing: October 25, 1994
Case Number: VEF–0003

On October 25, 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 $10,700,000 remitted by Murphy Oil Corp., Murphy Oil USA, Inc., and Murphy Exploration & Production Co. (collectively referred to as ''Murphy''), pursuant to a Consent Order entered into between Murphy and the DOE on July 15, 1994. In accordance with the procedural regulations codified at 10 C.F.R. Part 205, Subpart V (Subpart V), the ERA requests in its Petition that the OHA establish special procedures to make refunds in order to remedy the effects of alleged regulatory violations which were resolved by the present Consent Order. This Decision and Order sets forth the OHA's plan to distribute these funds.

I. Background

Murphy is a major integrated refiner which produced and sold crude oil and a full range of refined petroleum products during the period of federal price controls. As such, it was subject to the federal petroleum price and allocation regulations. During that time, the ERA conducted an extensive audit of Murphy and issued an Issue Letter to Murphy on September 29, 1976. ERA issued a Notice of Probable Violation to Murphy on January 28, 1981. ERA issued a Proposed Remedial Order (PRO) to Murphy on December 15, 1986, which Murphy contested before the OHA.

On February 9, 1987, Murphy and the DOE entered into a Consent Order which resolved disputes regarding Murphy's refined petroleum product operations during the period the petroleum price and allocation regulations were in effect. See *Murphy Oil Corp.*, 17 DOE ¶ 85,782 (1987) (the first Consent Order). The first Consent Order left the issue of Murphy's alleged violations as a producer of crude oil unresolved. Those issues were decided by the OHA on June 17, 1992 when the OHA issued a modified version of the PRO as a Remedial Order (RO). See *Murphy Oil Corp.*, 22 DOE ¶ 83,005 (1992). Murphy subsequently appealed the OHA's determination to the Federal Energy Regulatory Commission (FERC). On January 24, 1994, a FERC Administrative Law Judge (ALJ) issued a Decision and Proposed Order (D&PO) which modified the RO. See *Ocean Drilling & Exploration Co., et al.*, 66 FERC ¶ 63,002 (1994).

On July 15, 1994, Murphy and the DOE entered into the present Consent Order. This second Consent Order, which does not modify or affect the terms of the first Consent Order, resolves all existing or potential civil and administrative claims against Murphy for alleged violations of the federal petroleum price and allocation regulations left unresolved by the first Consent Order. Under the terms of this second Consent Order, Murphy has remitted $10,700,000 to the DOE, and all outstanding or potential crude oil overcharge claims by the DOE against Murphy have been settled. These funds are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper distribution.

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 for 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* The Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501–07; *Office of Enforcement,* 9 DOE ¶ 82,508 (1981); *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 Murphy funds and, on December 12, 1994, we issued a Proposed Decision and Order (PDO) setting forth the tentative plan to distribute these funds. *See* 59 FR 65332 (December 19, 1994). In the PDO, we proposed to distribute the Murphy funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986) (the MSRP). The MSRP was issued as a result of the Stripper Well 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). Under the MSRP, 40 percent of the crude oil overcharge funds will be remitted to the federal government and 40 percent to the states for indirect restitution, and up to 20 percent may be initially reserved for direct restitution to injured parties. Any money remaining after all valid claims by injured parties are paid will be disbursed to the federal government and the states in equal amounts.

We received two comments on the PDO. The first comment was submitted by the Controller of the State of California (Controller). The second comment was submitted by Utilities, Transporters and Manufacturers (UTM), a consortium of six utilities, fourteen transporting companies, and five manufacturers. Both address the issue of royalties paid by Murphy to the federal government under its lease agreements to produce crude oil from federal lands.[1]

A. The Royalty Issue

As part of its operations, Murphy leased land from the United States and paid royalties to the United States Geological Survey of the Department of the Interior (USGS) on all crude oil produced from federal lease areas. During the Murphy enforcement proceedings, Murphy claimed that the United States had benefited from the overcharges through increased royalty payments (since royalty payments are based on the sale price of crude produced from leased federal land). Accordingly, Murphy argued, the amount of any overcharges assessed against Murphy should be reduced by the amount of royalties paid to prevent the United States from enjoying a double recovery. *Murphy Oil Corp.,* 22 DOE ¶ 83,005 at 86,097. While the OHA rejected this argument, the FERC ALJ found that the argument had merit. The ALJ ordered the OHA to reconsider the issue on remand and determine to what extent the United States benefited from the overcharges through increased royalty payments, and to reduce Murphy's overcharges accordingly. *Ocean Drilling & Exploration Co., et al.,* 66 FERC ¶ 63,002 at 65,027–29.

The second Murphy Consent Order eliminated the need to make any such determination, since it settled all claims by the DOE against Murphy in exchange for one lump sum payment. In its announcement of the Proposed Consent Order, the ERA listed the royalty issue as one of the matters addressed and settled by the agreement between Murphy and the DOE. Announcement of Proposed Consent Order with Murphy Oil Corporation, Murphy Oil USA, Inc., and Murphy Exploration & Production Co., 59 FR 38169, at 38170 (July 27, 1994).

In response to the Proposed Consent Order, the Controller and UTM submitted comments asking that, if the ERA accepted an offset from the alleged overcharges based on FERC's determination on the royalty issue, the ERA identify the amount of money in the settlement set aside as royalty payments. UTM and the Controller further stated that this amount should not be subject to the usual division of funds between the federal government, the states, and individual claimants, as set forth in the MSRP. Instead, they argued that the amount attributable to the royalty issue should be divided exclusively between the states and individual claimants to prevent any sort of ''double recovery'' by the federal government. For a more detailed discussion of their comments, see Announcement of Final Consent Order with Murphy Oil Corporation, Murphy Oil USA, Inc. and Murphy Exploration & Production Company, 59 Fed. Reg. 47315 (September 15, 1994) (Final Consent Order Notice). In considering these comments, the ERA stated that it would be difficult to set a dollar value on the amount attributable to the royalty issue.[2] The ERA also stated that consideration of any comments regarding the division of funds should wait until the implementation of the Subpart V process. Accordingly, the Controller and UTM have filed comments with us after the publication of the PDO in the **Federal Register**.

B. Comments of the Controller and UTM

Both the Controller and UTM argue that none of the Murphy Consent Order fund attributable to the royalty issue should be disbursed to the federal government for indirect restitution under the MSRP. In addition, since the ERA did not set a value on the royalty issue in the Final Consent Order Notice, UTM proposes its own formula for determining the percentage of the Murphy funds attributable to the royalty issue.

C. Analysis of Comments

As explained below, we find no merit in the Controller's and UTM's arguments that we should alter the normal formula set forth in the MSRP for the disbursement of funds in this proceeding.

The Controller asserts that, by compromising with Murphy on the royalty issue in the final Consent Order, the ERA reduced the amount of the settlement. The Controller argues that, in so doing, ERA had, in effect, acted to reduce the potential amount of restitutionary funds available to the states and individual claimants. Controller Comments at 1. The Controller maintains that this is inequitable in light of the determination of the FERC ALJ that the federal government may have benefited from the overcharges through the royalties. The Controller therefore asks us to deny the federal government the right to receive any money attributable to the royalty issue, so that the states and individual claimants ''are not required to bear this burden out of their share of the refund.'' *Id.* at 2.

UTM's position is also based on the issue raised by the FERC ALJ that the federal government, through the royalty payments made to the USGS, may have benefited from the overcharges. UTM

[1] UTM also commented, without elaboration, upon the Subpart V proceedings as a whole. We have previously considered these comments at length and rejected them. We therefore do not discuss them again here. See *Permian Corp.,* 23 DOE ¶ 85,034 (1993); *Seneca Oil Co.,* 21 DOE ¶ 85,327 (1991).

[2] However, in two footnotes, the ERA indicated that the value could be $341,798, or 3.2% of the total. Final Consent Order Notice at 47316 n.3, 47317 n.5.

Comments at 3. According to UTM's theory, we should regard the royalty payments as ''an advance payment of restitution to the U.S. Treasury.'' *Id.* Therefore, UTM argues, the federal government should receive none of the money attributable to the royalty issue, in order to preserve the 40:40:20 ratio set forth in the Stripper Well Settlement Agreement and the MSRP.[3]

We reject these arguments to change the disbursement of the Murphy Consent Order funds from the formula set forth in the Stripper Well Settlement Agreement. Under the statute and regulations governing the litigation between Murphy and the DOE, the final Consent Order is a final Order of the DOE which is not subject to administrative appeal. See Department of Energy Organization Act, section 503, 42 U.S.C. 7193; 10 C.F.R. 205.199B. It therefore supersedes the determination of the FERC ALJ and forecloses further inquiry into the issue of whether, and to what extent, the federal government may have benefited from the alleged Murphy overcharges through the royalties paid to USGS. We instead rely on the ERA's statement that ''it is neither practical nor appropriate to quantify the portion of the $10.7 million proposed settlement sum that exceeds the $5.2 million in restitution under the D&PO that can be ascribed to the royalty payment issue.'' Final Consent Order Notice, 59 FR 47315, 47316. As the Court of Appeals recently noted in *Mullins* v. *DOE,* No. 93–1424 (Fed. Cir. March 25, 1995), *petition for rehearing en banc denied* (June 8, 1995), the OHA may rely on ERA's statements about overcharges compromised in settlements when implementing Subpart V refund procedures.

Furthermore, contrary to the Controller's assertion, the ERA did not disturb the ''inviolate'' allocation of the crude oil restitutionary funds by agreeing to settle the Murphy crude oil overcharge litigation. The disbursement of crude oil overcharge funds is based on the total amount of funds collected by the DOE in its enforcement proceedings and then turned over to the OHA for distribution through Subpart V proceedings. It is not based on the potential amount of funds that the DOE could have obtained if it successfully litigated every claim to finality. The ERA correctly noted that the royalty issue was one of the litigation risks which could justifiably be compromised in settlement. See Final Consent Order Notice at 47315, 47317. As courts have noted in the past, Consent Orders result from a process in which each party ''gives up something it might have won in litigation.'' *Consumer Energy Council* v. *Duncan,* No. CA 80–2570 (D.D.C. April 1, 1981), 3 Fed. Energy Guidelines ¶ 26,314 (1981) (*CEC*). Consent Order negotiations, therefore, fall entirely within ERA's prosecutorial discretion. *Id.* See also *Payne 22, Inc.,* 762 F.2d 91 (1985) (Court review of DOE Consent Orders would result ''in chaos''). If we followed the Controller's logic to its natural conclusion, the OHA could never rely on an ERA Consent Order. Instead, the OHA would need to determine what ERA could conceivably have won in completely successful litigation and deduct the amount of any compromise from the federal share of any crude oil refund disbursement under the MSRP. This notion is patently absurd. It would run counter to the considerations of administrative efficiency underlying ERA's settlement authority, and impose an impossible burden on DOE's limited resources. *CEC,* 3 Fed. Energy Guideline at 28,417.

We do not, however, rely solely on these considerations in rejecting the Controller's and UTM's comments on the proper disbursement of funds. We reject the suggested disbursement changes because they stem from a misunderstanding of the federal government's role in the disbursement of funds for indirect restitution. Our recent holding in *Defense Logistics Agency,* 24 DOE ¶ 85,134 (1995) (*DLA*) is relevant here. As we stated in *DLA,* the federal government is not seen as a monolithic entity for the purposes of refund proceedings. Its role in the division of funds is entirely separate from the role of individual agencies as consumers of petroleum products or, in the case of USGS, as a collector of royalties for crude oil produced on federal land. ''[T]he division of monies between the federal government and the states pursuant to the terms of the Settlement Agreement arose as a function of their role as *parens patriae,* as stand-ins for their citizens who, though unidentified, were nonetheless injured by the crude oil overcharges.'' *Id.* at 88,415. In other words, the federal government's 40 percent share of crude oil monies for indirect restitution under the MSRP is not paid to compensate the federal government for any injuries from petroleum overcharges. It is paid to the federal government so that the federal government can compensate the mass of unidentified citizens who all suffered to some degree from the overcharges.

The federal government and the states also have other, different roles in the process. For example, we have held that state and federal agencies may receive refunds as end-users in refund proceedings because their role as purchasers and consumers is entirely separate from their role in providing indirect restitution to their citizens. *Id.; City of Burbank,* 19 DOE ¶ 85,169 (1989) (No double recovery ''is presented by a state serving as a conduit for indirect restitution on behalf of its citizens, while at the same time receiving direct restitution in its own right for petroleum product purchases.''); *Metropolitan Atlanta Rapid Transit Authority,* 17 DOE ¶ 85,243 (1988); *Chicago Transit Authority,* 17 DOE ¶ 85,223 (1988). Pursuant to this reasoning, we have granted direct refunds to a number of states based on their purchases of petroleum products. *See, e.g., The Commonwealth of Massachusetts,* 22 DOE ¶ 85,002 (1992); *State of Minnesota,* 21 DOE ¶ 85,342 (1991); *State of Tennessee,* 21 DOE ¶ 85,334 (1991); *State of New Hampshire,* 21 DOE ¶ 85,234 (1991); *State of Arkansas,* 20 DOE ¶ 85,741 (1990). Similarly, any benefit USGS received from the alleged overcharges through the royalties has no effect upon the disbursement of the Murphy funds to the federal government for indirect restitution.

In addition, if we accepted UTM's argument that we consider royalty payments to the USGS as an advance payment of restitution, we would need to apply the same principle to the states. Several states have leasing provisions for state-owned land which require payments of royalties on mineral rights. To apply this principle consistently, we would be forced to revisit each crude oil overcharge proceeding in which we have disbursed money to the states, determine if the funds came from a firm which paid royalty payments to any state, and retroactively deduct that amount from our disbursement to the states in question. Such a scheme would be hopelessly complex, particularly at this late date, and we would refuse to adopt UTM's arguments for this reason alone.

In conclusion, we reject UTM's argument that we depart from the disbursement of funds set out in the MSRP and the Stripper Well Agreement. Whether one agency of the federal government arguably received some benefit from the alleged overcharges is immaterial to the right of all United States citizens to receive indirect restitution through the 40 percent share of the Murphy Consent Order fund deposited in the United States Treasury under the MSRP. In addition, principles of administrative efficiency would provide ample reason not to deviate

[3] In view of our determination not to alter the distribution of funds from the formula in the MSRP, there is no need to discuss UTM's suggested method of estimating the percentage of the Murphy funds attributable to the royalty issue.

from our established policy and begin a lengthy examination into the question of which states received royalty payments from crude oil producers, how much the states may have benefited from these royalties, and whether to rescind refunds already made to them. Accordingly, we have decided that we will not alter the formula.

IV. The Refund Procedures

A. Crude Oil Refund Policy

As explained above, we will distribute the Murphy funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). As noted above, the MSRP establishes that 40 percent of the crude oil overcharge funds will be remitted to the federal government, another 40 percent to the states, and up to 20 percent may initially be reserved for the payment of claims by 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 the 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 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) prove that they were injured by the alleged crude oil overcharges. We also specified that end-users of petroleum products whose businesses are unrelated to the petroleum industry will be presumed to have been injured by the alleged crude oil overcharges and need not submit any additional proof of injury beyond documentation of their purchase volumes. See *City of Columbus, Georgia,* 16 DOE ¶ 85,550 (1987). Additionally, we stated that crude oil refunds would be calculated on the basis of a per gallon (or ''volumetric'') refund amount, which is obtained by dividing the crude oil refund pool by the total consumption of petroleum products in the United Sates 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., Texaco, Inc,* 19 DOE ¶ 85,200 (1989); *Shell Oil Co.,* 17 DOE ¶ 85,204 (1988) (*Shell*); *Mountain Fuel Supply Co.,* 14 DOE ¶ 85,475 (1986) (*Mountain Fuel*).

B. Refund Claims

We adopt the DOE's standard crude oil refund procedures to distribute the monies remitted by Murphy. We have chosen initially to reserve 20 percent of the fund, plus accrued interest, for direct refunds to claimants in order to ensure that 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 in a manner similar to that used in Subpart V proceedings to evaluate claims based on alleged refined product overcharges. See *Mountain Fuel,* 14 DOE at 88,869. Under these procedures, claimants will be required to document their purchase volumes of petroleum products and prove they were injured as a result of the alleged violations.

We adopt a presumption that the alleged 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 (EPAA), 15 U.S.C. 751–760h. In order to receive a refund, end-user claimants need not submit any evidence of injury beyond documentation of their purchase volumes. See *Shell,* 17 DOE at 88,406.

Petroleum retailer, reseller, and refiner applicants must submit detailed evidence of injury, and they may not rely upon the injury presumptions utilized in refined product cases. *Id.* These applicants, however, may 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 section 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 Settlement Agreement, it has waived its rights 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 has been stated in prior 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. Tarricone, Inc.,* 15 DOE ¶ 85,495 (1987). A party that has already submitted a claim to 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 final deadline for the crude oil refund proceeding is June 30, 1995. It is the policy of the DOE to pay eligible crude oil refund claimants at the rate of $0.0016 per gallon. We will decide after the resolution of a few outstanding enforcement proceedings whether sufficient funds are available for additional refunds.

To apply for a refund, a claimant should submit an Application for Refund containing the information specified by the OHA in past Decisions. See, *e.g., Permian Corp.,* 23 DOE ¶ 85,034 (1993); *Hood Goldsberry,* 18 DOE ¶ 85,902 (1989). All applications must 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 Avenue, SW., Washington, DC 20585

Although 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.

C. Payments to the Federal Government and the States

Under the terms of the MSRP, we have determined that the remaining 80 percent of the Murphy 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 Murphy Oil Corp./Murphy Oil USA, Inc., may now be filed.

(2) All Applications submitted pursuant to paragraph (1) must be filed in duplicate and 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 of the Department of Energy shall take all steps necessary to transfer $10,700,000, plus all accrued interest, from the Murphy subaccount (Account No. RMUC01994W) pursuant to Paragraphs (4), (5), and (6) of this Decision.

(4) The Director of Special Accounts and Payroll shall transfer $4,280,000 (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 $4,280,000 (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 $2,140,000 (plus interest) of the funds obtained pursuant to Paragraph (3) above into the subaccount denominated ''Crude Tracking-Claimants 4,'' Number 999DOE010Z.

Date: June 15, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–15465 Filed 6–22–95; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5226–2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before July 24, 1995.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, please refer to EPA ICR # 0143.05.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Recordkeeping Requirements for Producers of Pesticides (EPA ICR No.: 0143.05; OMB No.: 2070–0028). This is a request for an extension of the expiration date of a currently approved collection.

Abstract: This collection requires producers of pesticides to maintain records related to production and other operations. EPA may inspect these records to determine compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Producers themselves may use the records to fulfill various FIFRA-mandated reporting requirements.

Burden Statement: The estimated annual recordkeeping burden for this collection of information is an average of 2 hours per pesticide producer. This estimate includes the time needed to review instructions, plan activities, gather information, process and review for accuracy, and store and maintain the information.

Respondents: Pesticide producers.

Estimated No. of Respondents: 12,700.

Estimated No. of Responses per Respondent: 0 (Recordkeeping only).

Estimated Total Annual Burden on Respondents: 25,400 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, (please refer to EPA ICR # 0143.05 and OMB # 2070–0028) to:

Sandy Farmer, EPA ICR # 0143.05, U.S. Environmental Protection Agency, Regulatory Information Division—2136, 401 M Street, S.W., Washington, D.C. 20460.

and

Tim Hunt, OMB # 2070–0028, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, N.W., Washington, D.C. 20503.

Dated: June 19, 1995.

Richard Westlund,

Acting Director for Regulatory Information Division.

[FR Doc. 95–15432 Filed 6–22–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5226–5]

Proposed Stipulation of Settlement; NO_X Waivers for Clean Air Act Conformity Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed stipulation; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act (Act), notice is hereby given of a proposed stipulation of partial settlement in litigation instituted against the Environmental Protection Agency (EPA) challenging EPA's rules on determining conformity of federal actions to State Implementation Plans (SIPs). The Environmental Defense Fund (EDF) and several other environmental groups challenged numerous aspects of EPA's transportation and general conformity rules issued under section 176(c) of the Act (58 FR 62,188 (Nov. 24, 1993); 58 FR 63,214 (Nov. 30, 1993)). *EDF et al.* v. *EPA, et al.*, D.C. Cir. No. 94–1044 and consolidated cases.

EPA is currently reconsidering various provisions of these regulations, including some of those under challenge by EDF. The parties to the litigation agree that judicial consideration of the issues under reconsideration by EPA should be stayed pending EPA action with respect to any changes to those provisions.

One of the provisions under reconsideration by EPA is EPA's authority to issue exemptions from interim conformity requirements for NO_X emissions under the authority of section 182(f) of the Act. EPA proposes to enter into a stipulation with EDF in which EPA will commit not to use the authority of the conformity regulations to sign any conformity waivers under section 182(f) of the Act for areas subject to section 182(b)(1) of the Act from April 20, 1995 until EPA takes final action completing the reconsideration of the conformity regulations with respect to this issue. In addition, if EPA grants any conformity waivers during the period described above as to areas not subject to 182(b)(1) and the regulatory provisions relied upon in issuing such waivers are reversed by the court, EPA agrees to reconsider any such waivers within six months following such court determination.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed modification of the stipulation of settlement. EPA or the Department of Justice may withhold or withdraw