

type of sale (e.g., sale of corporate stock, sale of company assets);

(8) A statement as to whether the applicant has ever been a party in a DOE enforcement action or a private Section 210 action. If so, an explanation of the case and copies of the relevant documents should also be provided;

(9) The following statement signed by the individual applicant or a responsible official of the firm filing the refund application:¹²

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, 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 "Vessels Special Refund Proceeding, Case No. VEF-0007." 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 postmarked no later than 90 days from the publication of this Decision and Order in the Federal Register, and sent to: Vessels Special Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-0107.

In those cases where applications are filed by representatives, e.g., filing services or attorneys, we may request information from the representative regarding its solicitation practices and materials and the procedures it uses. Furthermore, each representative that requests that it be a payee of a refund check must file with the OHA if it has not already done so a statement certifying that it maintains a separate escrow account at a bank or other financial institution for the deposit of all refunds received on behalf of applicants, and that its normal business

practice is to deposit all Subpart V refund checks in that account within two business days of receipt and to disburse refunds to applicants within 30 calendar days thereafter. Unless such certification is received by the OHA, all refund checks approved will be made payable solely to the applicants. Representatives who have not previously submitted an escrow account certification form to the OHA may obtain a copy of the appropriate form by contacting: Marcia B. Carlson, HG-13, Chief, Docket & Publications Division, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585-0107.

F. Distribution of Funds Remaining After First Stage

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Vessels escrow account the OHA determines will not be needed to effect direct restitution to injured Vessels customers will be distributed in accordance with the provisions of PODRA.

It is therefore ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Vessels Gas Processing Company pursuant to the Consent Order that became final on February 16, 1988 may now be filed.

(2) All Applications for Refund must be postmarked no later than 90 days after publication of this Decision and Order in the Federal Register.

Date: December 21, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 96-290 Filed 1-8-96; 8:45 am]

BILLING CODE 6450-01-P

Western Area Power Administration Pacific Northwest-Pacific Southwest Intertie Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice and Request for Applications of Additional Capacity.

SUMMARY: The Western Area Power Administration (Western) is requesting applications on the Pacific Northwest-Pacific Southwest Intertie Project, responding to comments received on the Federal Register notice (FRN) dated September 19, 1995, and issuing its final marketing plan for firm transmission service available as a result of the completion of construction of the Mead-Phoenix (MPP) and Mead-Adelanto (MAP) 500-kV transmission projects.

DATES: Applications from all interested parties will be accepted until February 8, 1996.

FOR FURTHER INFORMATION CONTACT:

Mr. J. Tyler Carlson, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, Telephone: (602) 352-2521, Facsimile: (602) 352-2630

Mr. Anthony Montoya, Acting, Power Marketing Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, Telephone: (602) 352-2789, Facsimile: (602) 352-2630

SUPPLEMENTARY INFORMATION: In the FRN dated September 19, 1995 (60 FR 48513), Western announced its intention to market the additional capacity available as a result of the completion of the construction on the MPP and MAP which are a part of the Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie). Comments were requested and received from customers and interested parties by the deadline of October 19, 1995. As a result of comments received, Western is issuing its marketing plan for MPP and MAP.

Customer Comments

Comment: The MPP has been identified by Western in the past as the Westwing-Marketplace Transmission Project. Many customers anticipated, and responded particularly to earlier interest requests by Western, based on the premise of interconnection and access to the Westwing bus. Western's marketing plan should include access between Westwing and Perkins to ensure that allocations of project capability are usable and to ensure the highest practical subscription level.

Response: Western has access to the Westwing 500-kV bus in an amount up to its equivalent ownership share in MPP. Western believes that the Perkins and Westwing 500-kV buses are equivalent and that access to Westwing 500-kV bus is ensured for allocations of project capability.

¹² We will not process applications signed by filing services or other representatives. In addition, the statement must be dated on or after the date of this Decision and Order. Any application signed and dated before the date of this Decision will be summarily dismissed.

Comment: The requirements of existing Parker-Davis Project transmission customers to serve load growth along the Colorado River should be given first priority on available AC Intertie transmission capacity. One way to do this might be to operationally transfer to the AC Intertie system existing Parker-Davis Project contracts of customers using Parker-Davis Project capability as a path between Arizona and either Nevada or California, rather than serving loads along the river within Arizona. Capacity made available on the Parker-Davis Project transmission system could then be utilized to serve existing and growing loads along the Colorado River.

Response: The only priority being assigned to this marketing plan was discussed in the September 19 FRN and again in this FRN. It is not Western's intention to establish any new priorities in marketing this additional capacity. Western would be willing to accommodate a customer with both Parker-Davis Project and AC Intertie allocations, who wished to make a contractual change which would give it the ability to schedule its capacity in a manner such as discussed in this comment.

Comment: The available capacity defined in the Marketable Resource section of the September 19 FRN should correspond with the Marketable Capacity used in the proposed rate. If Western is planning to utilize capacity in MPP or MAP for its own purposes, Western should publish its capacity requirements and the effect of such reservation of capacity on the MPP and MAP rates.

Response: The Marketable Resource identified in the September 19 FRN is the incremental AC Intertie capacity

that Western will have the right to market as a result of the completion of the construction of the MPP and MAP. Although Western has rights to market this capacity, Western does not believe that all of the capacity on all of the segments will initially be fully subscribed, therefore, Western has estimated, for rate making purposes, that 668 MW will be the initial marketable capacity for the AC Intertie System. This estimated marketable capacity will be used as a starting point for determining a transmission rate and does not represent a limit for marketing capacity on the AC Intertie system. At this time Western has no plans to reserve capacity in the AC Intertie for its own purposes.

Comment: One customer indicated it may be interested in obtaining short-term and/or long term firm transmission service from Perkins Substation to Marketplace Substation to transmit a portion of its San Juan Unit entitlement. Since terms and conditions for such service are not specified in the September 19 FRN, this customer was unable to evaluate the characteristics of the service provided by Western.

Response: A prototype transmission service contract has been drafted which will include terms, conditions and standard contract language to be provided by Western. The prototype contract may be requested by calling, writing or faxing your request to the name, address or number provided in the "For Further Information Contact" section above.

Comment: The comment was made that as the electric utility industry is undergoing dramatic structural changes at this time, it is the customers' view that Western may market its assets in a manner that provides the customers

with as much flexibility as possible. This means that Western may market a portion of its MPP and MAP entitlement as long term and a portion of it as short term. In this manner Western may benefit from opportunities in the future to better utilize its transmission assets. For example, Western may utilize its transmission assets to make sales in southern California or the southwest United States.

Response: It is Western's intention to make the most effective long term use of capacity and resulting project repayment. This marketing plan is designed to meet this goal.

Comment: A comment was made that customers taking transmission service should be allowed to assign and/or wheel for third parties when the customers are not utilizing the service themselves. The belief is that this would enhance the marketability of Western's transmission assets.

Response: The ability to assign or transfer may be used under certain terms and conditions which will be agreed to during contract negotiations.

Marketing Issues

The additional capacity on the AC Intertie is anticipated to be available after January 1, 1996. Western's contracted firm transmission service will begin on the inservice date of the MPP and MAP, as determined by Western.

Marketing Criteria

a. Authority: Congress has granted the Secretary of Energy acting by and through Western's Administrator, the authority to market certain Federal resources.

b. Marketable Resource:

Point of receipt	Point of delivery	Capacity
Perkins Switchyard	Mead Substation	412 MW
Mead Substation	Perkins Switchyard	412 MW
Mead Substation	Marketplace Switching Station	580 MW
Marketplace Switching	Mead Substation Station	580 MW
Marketplace Switching	Adelanto Switching Station Station	100 MW
Adelanto Switching	Marketplace Switching Station	100 MW

c. Marketing Area: Western will market this additional capacity to a requester regardless of their principal place of business.

d. Priority of Allocation: Western will market the capacity from MPP and MAP by line segments in each direction. The following method will be used in the evaluation process as follows:

1. Perkins to Mead, Mead to Marketplace or Marketplace to Adelanto

- (a) Both directions, same amount
- (b) Both directions, different amounts
- (c) One direction only

2. Perkins to Marketplace or Mead to Adelanto

- (a) Both directions, same amount
- (b) Both directions, different amounts
- (c) One direction only

3. Perkins to Adelanto

- (a) Both directions, same amount
- (b) Both directions, different amounts
- (c) One direction only

e. Resource Allocation: The priority of each request will be evaluated in the following descending order, with requests for service under section (a) on each line segment having the highest priority. A request for firm bidirectional capacity on each segment would receive the highest priority. If any one path is oversubscribed, then all the requested allocations on such path will be prorated to try to accommodate each requestor.

After this initial marketing process is completed, and if there is still some remaining capacity available, Western will market such capacity under other transmission service categories, such as, nonfirm, or short-term.

f. **Term of Contracts:** Firm Transmission Service contracts will become effective on January 1, 1996, subject to the inservice date determined by Western, and will have a minimum term of 10 years, *provided*, that no contract will exceed a term of 40 years from the date of execution.

g. **Contract Provisions:** All contracts offered as a result of this marketing plan will incorporate Western's standard terms, conditions and provisions for transmission service contracts, including the latest version of the General Power Contract Provisions as may be updated for transmission service. A notice in the Federal Register will announce Western's final allocations under this marketing plan.

h. **Application Information:** Each application for firm transmission service must include:

1. Customer/Entity Name, address, and point of contact.
2. Selected Point of Receipt(s) and Point(s) of Delivery.
3. Amount of long term firm transmission service requested in megawatts (MW) for each Point.

4. Contract term requested.

Incomplete or late applications will be considered only after all other applications received which meet the requirements of this FRN have been evaluated.

i. **Evaluation Process:** The applications will be evaluated on the following criteria:

1. The most effective use of capacity and resulting project repayment.
2. The amount of capacity requested bidirectionally on each segment.
3. The amount of capacity requested bidirectionally in a continuous path on more than one segment.
4. The amount of capacity requested unidirectionally on one or more segments.
5. The length of contractual term requested.

Determination Under Executive Order 12866

DOE has determined that this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866 (58 FR 51735). Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Environmental Evaluation

Western will comply with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*; Council On Environmental Quality (40 CFR Parts 1500-1508) and DOE NEPA regulations (10 CFR Parts 1500-1508) and DOE NEPA regulations (10 CFR Part 1021). Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Issued in Golden, Colorado, December 14, 1995.

J. M. Shafer,

Administrator.

[FR Doc. 96-291 Filed 1-8-96; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-51845; FRL-4993-9]

Certain Chemicals; Premanufacture Notices; Extension of Review Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Due to the lack of authorized funding (i.e., a Fiscal Year 1996 Appropriations Bill or a Continuing Resolution), and the resultant furlough of the EPA employees, EPA is extending the review periods for all premanufacture notices (PMNs), submitted under section 5 of the Toxic Substances Control Act (TSCA; 15 U.S.C. section 2604), received by EPA before December 16, 1995, and for which the review period has not yet expired as of the date of signature of this notice. This action is taken under the authority of TSCA sections 5(c) and 26(c).

DATES: The duration of this extension period will be equivalent to the duration of the current furlough, i.e., equivalent to the number of days between December 15, 1995, and the date on which the EPA furlough terminates and EPA operations resume.

FOR FURTHER INFORMATION CONTACT: Paul J. Campanella, Chief, New Chemicals Branch, Chemical Control Division (7405), Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-3725, Facsimile: (202) 260-0118.

*Note: No one will be available at EPA to respond to inquiries until the furlough ends and EPA operations resume.

SUPPLEMENTARY INFORMATION: In anticipation of the then impending furlough, EPA arranged with the PMN submitters voluntary suspensions, pursuant to 40 CFR 720.75(b), of the PMN review periods for any PMNs submitted under TSCA section 5(a)(1) and 40 CFR part 720, received by EPA before December 16, 1995, and for which the review period had not yet expired. Effective December 16, 1995, due to the lack of authorized funding (i.e., a Fiscal Year 1996 Appropriations Bill or a Continuing Resolution), EPA employees have been furloughed and non-expected work operations at the Agency have ceased. No work has been performed on reviewing these PMNs since the furlough began. Due to the protracted duration of the current furlough, EPA is now extending for an additional period of time, pursuant to TSCA sections 5(c) and 26(c) and 40 CFR 720.75(c), the review periods of all PMNs received before December 16, 1995, and for which the review period has not yet expired as of the date of signature of this notice.

There is a possibility that the chemical substances submitted for review in these PMNs may be regulated by EPA under TSCA. The Agency requires an extension of the review periods to complete its risk assessment, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required. Therefore, EPA has determined that good cause exists to extend, under TSCA section 5(c), the review period for each such PMN.

The duration of this extension period will be equivalent to the duration of the current furlough, i.e., equivalent to the number of days between December 15, 1995, and the date on which the EPA furlough terminates and EPA operations resume. Under TSCA section 5(c), the total extensions of the review period for an individual PMN shall in no event exceed 90 days. Thus, if the extension described in this notice is for less than 90 days, EPA reserves the right to issue additional extensions under TSCA section 5(c) in the future for good cause up to a total of 90 days.

After the furlough ends and EPA operations resume, PMNs will be available for public inspection in Rm. NE-B607, at the EPA headquarters, address given above, from noon to 4 p.m., Monday through Friday, except legal holidays.