filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–936 Filed 1–23–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–114–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 18, 1996.

Take notice that on January 11, 1996, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1 revised tariff sheets, as listed on Appendix A attached to the filing, proposed to be effective February 8, 1996.

Trunkline states the revised tariff sheets propose a Rate Schedule QNIT and associated conforming revisions to the General Terms and Conditions. Rate Schedule QNIT offers the same characteristics as Trunkline's Quick Notice Transportation under firm Rate Schedule QNT, except that QNIT is interruptible. The scheduling flexibility for firm shippers under Rate Schedule QNT is mirrored for interruptible shippers under Rate Schedule QNIT. Rate Schedule QNIT shippers are permitted to make multiple changes to their nomination within the gas day to be effective on one hour's notice to Trunkline. The sum of the nominated quantities for any gas day may not exceed the MDQ stated in shipper's service agreement. Intra-day nominations will be scheduled when and to the extent that Trunkline determines that it is operationally feasible.

Trunkline states that a copy of this filing is being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–938 Filed 1–23–96; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Proposed Implementation of Special Refund Procedures

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

ACTION: Notice of proposed implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy announces the proposed procedures for disbursement of $770,280.18 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Brio Petroleum, Inc. (Case No. VEF–0017), Merit Petroleum Company (Case No. VEF–0018), Texas American Oil Corp. (Case No. VEF–0019), Transcontinental Energy Corp. (VEF–0020) and Utex Oil Co.(Case No. VEF–0021). The OHA has determined that the funds obtained from these firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986).

DATE AND ADDRESS: Comments must be filed in duplicate February 23, 1996, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0107. All comments should conspicuously display a reference to Case Nos. VEF–0017, *et al.*

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585–0107, (202) 586–2860.

SUPPLEMENTARY INFORMATION: In accordance with 10 C.F.R. 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute a total of $770,280.18, plus accrued interest, remitted to the DOE by Brio Petroleum, Inc., Merit Petroleum, Inc., Texas American Oil Corp., Transcontinental Energy Corp., and Utex Oil Co. The DOE is currently holding these funds in interest bearing escrow accounts pending distribution.

The OHA proposes to 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.

Because the June 30, 1995, deadline for crude oil refund applications has passed, we propose not to accept any new applications from purchasers of refined petroleum products for these funds. As we state in the Proposed Decision, any party who has previously submitted a refund application in the crude oil refund proceeding 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.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the Federal Register, and should be sent to the address set forth at the beginning of this notice. All comments received in these proceedings will be available for public inspection between the hours of 1:00 p.m. to 5:00 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, SW., Washington, DC 20585–0107.

Dated: January 16, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Implementation of Special Refund Procedures

Names of Firms: Brio Petroleum, Inc., Merit Petroleum Company, Texas American Oil Corporation, Transcontinental Energy Corporation, Utex Oil Company.

Date of Filings: September 1, 1995.

Case Numbers: VEF–0017, VEF–0018, VEF–0019, VEF–0020, VEF–0021.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 C.F.R. Part 205, Subpart V, the Office of General Counsel, Regulatory Litigation (OGC) (formerly the Economic Regulatory Administration (ERA), Office of Enforcement Litigation), filed five Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on September 1, 1995. The Petitions request that OHA formulate and implement procedures to distribute funds received by the DOE from Brio Petroleum, Inc. (Brio), Merit Petroleum Company (Merit), Texas American Oil Corporation (Texas American), Transcontinental Energy Corp. (Transcontinental), and Utex Oil Company (Utex), pursuant to bankruptcy proceedings in which the DOE was a creditor as a result of enforcement proceedings against the firms. This Proposed Decision and Order sets forth the OHA's tentative plan to distribute these funds.

I. Background

As indicated by the following summaries of the relevant enforcement proceedings, all of the funds that are subject to this Decision were obtained through enforcement actions involving alleged or adjudicated crude oil overcharges.

A. Brio

Brio [1] was a reseller of crude oil during the period May 1, 1978 through December 31, 1979 (the audit period), and was subject to the crude oil reseller regulations set forth at 10 C.F.R. Part 212, Subpart L. As the result of an ERA audit of Brio's operations, on November 20, 1984, the ERA issued a Proposed Remedial Order (PRO) to the firm alleging that it had engaged in layered crude oil transactions in violation of 10 C.F.R. § 212.186, by charging prices for crude oil in excess of actual purchase prices without providing any service or other function traditionally and historically associated with the resale of crude oil during the audit period. After denying a Statement of Objections filed by White, Brio was issued a Remedial Order (RO) by the OHA on April 16, 1987. *Brio Petroleum, Inc.*, 15 DOE ¶ 83,033 (1987).[2] Subsequently, the matter was referred to the U.S. Department of Justice (DOJ) for enforcement of the RO. Although judgment was entered against Brio, the firm had previously filed for bankruptcy. The firm possessed assets insufficient to satisfy claims of general unsecured creditors, including the DOE. On July 14, 1993, the DOJ compromised the claim against White for $5,000. As of November 30, 1995, the Brio Consent Order fund contained $5,000 in principal plus accrued interest.

B. Merit

Merit [3] was a reseller of crude oil, and was subject to the crude oil reseller regulations set forth at 10 C.F.R. Part 212, Subpart L. As the result of an ERA audit of Merit's operations, on October 20, 1986, the ERA issued a PRO to the firm alleging that during the period November 1978 through December 1980, the firm engaged in layered crude oil transactions in violation of 10 C.F.R. § 212.186, by charging prices for crude oil in excess of actual purchase prices without providing any service or other function traditionally and historically associated with the resale of crude oil. Merit submitted a Statement of Objections to the PRO. After considering and rejecting Merit's objections, the OHA issued an RO to Merit on January 31, 1990. *Merit Petroleum, Inc.*, 20 DOE ¶ 83,002 (1990). The RO found that Merit's layered transactions resulted in overcharges amounting to $48,290,793.17. The RO was affirmed by the Federal Energy Regulatory Commission (FERC). *Merit Petroleum, Inc.*, 65 FERC ¶ 61,175. During the course of a subsequent federal district court proceeding, Merit and the DOE stipulated to an Agreed Judgment, which resolved the Merit enforcement proceeding. Pursuant to the Agreed Judgment, Merit agreed to pay to the DOE the sum of $64,715. Merit has fulfilled its financial obligation to the DOE. As of November 30, 1995, the Merit Consent Order fund contained $64,715 in principal plus accrued interest.

C. Texas American

During the price control period, Texas American was engaged in crude oil refining and reselling. The firm was therefore subject to regulations governing the pricing and allocation of crude oil set forth at 10 C.F.R. Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations. In an audit which covered the period from October 1976 through February 1977, the ERA identified instances in which it found that Texas American misreported certain crude oil subject to ''processing agreements'' in its Refiners' Monthly Reports, and thereby received excessive small refiner bias benefits under DOE's Entitlements Program, 10 C.F.R. 211.66, 211.67. As a result of the ERA audit, a PRO was issued to Texas American on September 30, 1986. Texas American filed a Statement of Objections on April 14, 1987. On September 19, 1988, the OHA denied the Statement of Objections, affirmed the findings of the PRO, and issued an RO to Texas American. *Texas American Oil Corp.*, 17 DOE ¶ 83,017 (1988). Texas American had filed a petition of bankruptcy on July 2, 1987, and the petition was still pending when the RO was issued. After protracted litigation, the Bankruptcy Court for the Northern District of Texas, Dallas Division, entered a Final Consent Order that had been agreed to by the parties concerning the DOE's proof of claim, and ordered $48,307.13 to be distributed to the DOE in full satisfaction of its claim. Texas American has fulfilled its financial obligation to the DOE. As of November 30, 1995, the Texas American Consent Order fund contained $48,307.13 in principal plus accrued interest.

D. Transcontinental

Transcontinental was a producer of crude oil during the period of January 1975 through December 1980, and was subject to the Federal petroleum price and allocation regulations. On March 30, 1979, the ERA issued a Notice of Probable Violation to Transcontinental alleging $372,151.67 in crude oil overcharge violations from several properties it operated. Transcontinental had filed a petition in bankruptcy on October 14, 1977, and had been adjudicated bankrupt on October 5, 1978. The trustee appointed by the Bankruptcy Court opposed DOE's claim, but the United States District Court in Nevada on appeal ruled in favor of the DOE. *In re Transcontinental Energy Corp.* v. *United States Department of Energy*, 3 Fed. Energy Guidelines ¶ 26,638 (D. Nev. 1990), *aff'd*, 950 F.2d 733 (Temp. Emer. Ct. App. 1991). Transcontinental's estate was insufficient to satisfy completely the claims of unsecured creditors, including the DOE. As a result, DOE received $231,335.32. As of November 30, 1995, the Transcontinental settlement fund

[1] References to Brio in this Decision include L.B. White, President, Treasurer, and a Director (White), who maintained a controlling interest in the firm during the price control period.

[2] The RO found that the firm alone was liable for refunding $1,093,548, plus accrued interest, for the layering violations that occurred from May through July 1978. White and the firm were jointly liable for the layering violations which occurred after August 1, 1978, that resulted in overcharges amounting to $849,570.

[3] References to Merit in this Decision include Thomas H. Battle, President and a Director of Merit, and Anton E. Meduna, Vice President, a Director, General Manager and Secretary of Merit.

contained $231,335.32 in principal plus accrued interest.

E. Utex

During the period of Federal petroleum price controls, Utex was engaged in producing and selling crude oil. Utex was therefore subject to the regulations governing the pricing of crude oil set forth at 10 C.F.R. Parts 205, 210, 211, and 212 of the Mandatory Petroleum Price and Allocation Regulations. On June 16, 1982, the ERA issued a PRO to the firm in which it alleged that during the period from July 1, 1975 through April 30, 1980, Utex improperly classified and priced crude oil produced from several properties it operated. In addition, the PRO also alleged that Utex disregarded the current cumulative deficiency rule, erroneously computed the base production control level, and erroneously applied the stripper well lease exemption to certain properties. As a result of these violations, the PRO alleged that Utex overcharged its customers by $502,833.21. Utex filed a Statement of Objections to the PRO on September 29, 1982. On February 19, 1985, the OHA issued the PRO as a RO. *Utex Oil Co.,* 12 DOE ¶ 83,031 (1985). The RO was affirmed by the FERC. *Utex Oil Co.,* 36 FERC ¶ 61,099 (1986). In the course of an appeal to the United States District Court in Utah, Utex and the DOE entered into a Stipulation for Withdrawal of Appeal and Judgment on Counterclaim and Order (Stipulation). Accepting the Stipulation, the Court granted DOE a judgment against Utex of $884,794.01. The judgment provided the basis for DOE's claim in the bankruptcy proceeding initiated by Utex on August 1, 1986. Utex's estate was insufficient to satisfy completely the claims of general unsecured creditors, including the DOE. As a result, DOE received distributions totalling $420,922.73. As of November 30, 1995, the Utex settlement fund contained $420,922.73 in principal plus accrued interest.

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 et seq.; see also *Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981).

We have considered the OGC's petitions that we implement Subpart V proceedings with respect to the five settlement funds and have determined that such proceedings are appropriate. The following section of this Proposed Decision and Order sets forth the OHA's tentative plan to distribute these funds. Before taking the actions proposed in this Decision, we intend to publicize our proposal and solicit comments from interested parties. Comments regarding the tentative distribution process set forth in this Proposed Decision and Order should be filed with the OHA within 30 days of its publication in the Federal Register.

III. Proposed Refund Procedures

A. Crude Oil Refund Policy

We propose to distribute the monies remitted pursuant to the five enforcement proceedings in accordance with DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP), 51 Fed. Reg. 27899 (August 4, 1986), which was issued as a result of the Settlement Agreement approved by the court *In re The Department of Energy Stripper Well Exemption Litigation,* 653 F. Supp. 108 (D. Kan. 1986). Shortly after the issuance of the MSRP, the OHA issued an Order that announced that this policy would be applied in all Subpart V proceedings involving alleged crude oil violations. Order Implementing the MSRP, 51 FR 29689 (August 20, 1986) (the August 1986 Order).

Under the MSRP, 40 percent of crude oil overcharge funds will be disbursed to the federal government, another 40 percent to the states, and up to 20 percent may initially be reserved for the payment of claims to injured parties. The MSRP also specified that any funds remaining after all valid claims by injured purchasers are paid will be disbursed to the federal government and the states in equal amounts.

In April 1987, the OHA issued a Notice analyzing the numerous comments received in response to the August 1986 Order. 52 Fed. Reg. 11737 (April 10, 1987) (April 10 Notice). This Notice provided guidance to claimants that anticipated filing refund applications for crude oil monies under the Subpart V regulations. In general, we stated that 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. Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry, and who were not subject to the DOE price regulations would be presumed to have been injured by any alleged crude oil overcharges. In order to receive a refund, end-users would not need to submit any further evidence of injury beyond the volume of petroleum products purchased during the period of price controls. See *City of Columbus Georgia,* 16 DOE ¶ 85,550 (1987).

The amount of money subject to this Proposed Decision is $770,280.18 plus accrued interest. In accordance with the MSRP, we propose initially to reserve 20 percent of those funds ($154,056.04 plus accrued interest) for direct refunds to applicants who claim that they were injured by crude oil overcharges. We propose to base refunds to claimants on a volumetric amount which has been calculated in accordance with the description in the April 10 Notice. That volumetric refund amount is currently $0.0016 per gallon. See 60 FR 15562 (March 24, 1995).

Applicants who have executed and submitted a valid waiver pursuant to one of the escrows established by the Stripper Well Settlement Agreement have waived their rights to apply for a crude oil refund under Subpart V. See *Mid-America Dairyman Inc.* v. *Herrington,* 878 F.2d 1448, 3 Fed. Energy Guidelines ¶ 26,617 (Temp. Emer. Ct. App. 1989); *In re Department of Energy Stripper Well Exemption Litigation,* 707 F. Supp. 1267, 3 Fed. Energy Guidelines ¶ 26,613 (D. Kan 1987). Because the June 30, 1995, deadline for crude oil refund applications has passed, we propose not to accept any new applications from purchasers of refined petroleum products for these funds. See *Western Asphalt Service, Inc.,* 25 DOE ¶ 85,047 (1995). Instead, these funds will be added to the general crude oil overcharge pool used for direct restitution.[4]

B. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the alleged crude oil violation amounts subject to this Proposed Decision, or $616,224.14 plus accrued interest, should be disbursed in equal shares to the states and federal government, for indirect restitution. Refunds to the states will be

[4] A crude oil refund applicant is only required to submit one application for its share of all available crude oil overcharge funds. See, *e.g., Ernest A. Allerkamp,* 17 DOE ¶ 85,079 at 88,176 (1988).

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. 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 Agreement.

It Is Therefore Ordered That: The refund amounts remitted to the Department of Energy by Brio, Merit, Texas American, Transcontinental and Utex pursuant to their respective settlement agreements or judgments will be distributed in accordance with the foregoing Decision.

[FR Doc. 96–903 Filed 1–23–96; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00422; FRL–4991–8]

Pesticides; Renewal of Agency Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that the following Information Collection Request (ICR) is coming up for renewal. This ICR, Maximum Residue Limit (MRL) Petitions for Pesticides on Food/Feed and New Inert Ingredients (ICR No. 0597) will expire on May 31, 1996. Before submitting the renewal packages to the Office of Management and Budget (OMB), EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before March 25, 1996.

ADDRESSES: Submit written comments identified by the docket control number ''OPP–00422'' and ICR number ''0597'' by mail to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments directly to the OPP docket which is located in Rm. 1132 of Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as a ASCII file avoiding the use of special characters and any form or encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–00422'' and the ICR number ''0597.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III. of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ellen Kramer, Policy and Special Projects Staff, Office of Pesticide Programs, Environmental Protection Agency, Mail Code (7501C), 401 M St., SW., Washington, DC 20460, Telephone: (703) 305–6475, e-mail: kramer.ellen@epamail.epa.gov.

Copies of the complete ICR and accompanying appendices may be obtained from Ellen Kramer at the above address or by contacting the OPP docket at the location under **ADDRESSES.**

SUPPLEMENTARY INFORMATION: *Electronic Availability:* Electronic copies of each ICR are available from the EPA Public Access gopher (gopher.epa.gov) at the Environmental Sub-Set entry for this document under ''Rules and Regulations.''

I. Information Collection Requests

EPA is seeking comments on the following Information Collection Request (ICR).

Title: Maximum Residue Limits Petitions on Food/Feed and New Inert Ingredients. ICR No. 0597. OMB No. 2070-0024. Expiration date: May 31, 1996.

Affected entities: Parties affected by this information collection are manufacturers of pesticide chemicals.

Abstract: The use of pesticides on crops often results in pesticide residues in or on the crop. To protect the public health from unsafe pesticide residues, EPA sets limits, formerly known as tolerances, on the nature and level of residues permitted. EPA is mandated under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended, to ensure that the maximum residue levels likely to be found in or on food/feed are safe for human consumption through a careful review and evaluation of residue chemistry and toxicology data. In addition, EPA must ensure that adequate enforcement of the maximum residue limits (MRL) can be achieved through testing by submitted analytical methods. EPA will establish an MRL or grant an exemption from the requirement of an MRL once the data reviewed are deemed adequate.

Burden Statement: This information is a one-time collection. The overall respondent burden hours associated with this collection has decreased from the current ICR estimate of 856,920 hours to 216,300 hours per year. This change is the result of the decrease in the number of residue petitions per year. Cost estimates, however, have increased due to more realistic labor rates supplied by the Bureau of Labor Statistics which reflect more accurately the costs borne by the pesticide manufacturers.

The annual respondent burden for this program is estimated to average 1,442 hours per response, including time for: reading any instructions, conducting required studies, compiling the information/data, completing paperwork, and storing/filing/maintaining the data. There is no third party notification or public disclosure burden associated with this collection.

Any Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are contained in 40 CFR part 9.

II. Request for Comments

EPA solicits comments to:

(i) Evaluate whether the proposed collections of information described above are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(ii) Evaluate the accuracy of the agency's estimates of the burdens of the proposed collections of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or