

Energy), the only potential reseller claimant whose allocable share exceeds \$10,000, may elect either to receive a refund under the small claims presumption outlined above or to pursue its potential refund of \$16,034.97. If Tesoro limits its claim to the \$10,000 small claims threshold, it need not demonstrate injury beyond the requirements established for other small claimants. If the firm elects to claim its entire potential refund it must establish that it did not pass the Apache overcharges along to its customers.¹ See, e.g., *Office of Enforcement*, 8 DOE ¶ 82,597 (1981). Tesoro can make such an injury showing by demonstrating that it would have kept its motor gasoline prices at the same level had the Apache overcharges not occurred. While there are a variety of means by which a claimant could make this showing, Tesoro should demonstrate that at the time it purchased Apache motor gasoline, market conditions would not permit it to increase its prices to pass through the additional costs associated with the Apache overcharges. In addition, Tesoro must show that it had a "bank" of unrecovered product costs sufficient to support its refund claim in order to demonstrate that it did not subsequently recover those costs by increasing its prices. However, the maintenance of a cost bank does not automatically establish injury. See *Tenneco Oil/Chevron U.S.A.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

Finally, we propose to establish a minimum amount of \$15 for refund claims. We have found in prior refund proceedings that the cost of processing claims in which refunds are sought for amounts less than \$15 outweighs the benefits of restitution in those situations. See, e.g., *Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). See also 10 C.F.R. § 205.286(b). This proposed restriction would rule out the participation in this proceeding of two of the firms listed in the Appendix: Gulf Coast Waste, and Parrish Corp.²

Conclusion

Refund applications in this proceeding should not be filed until the issuance of a final Decision and Order pertaining to the instant OGC Implementation Petition. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. A copy of this Proposed Decision and Order will be published in the Federal Register and public comments will be solicited.

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the provisions of the

¹ In the event that Tesoro demonstrates that it should be treated as an end-user instead of as a reseller, it will not be required to make this injury showing.

² Although the allocable share of Clay Texaco, \$14.70, is under the \$15 threshold, we have calculated that with interest its refund would exceed \$15.

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 energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Apache escrow account the OHA determines will not be needed to effect direct restitution to injured Apache customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Houston-Pasadena Apache Oil Company, Inc. pursuant to the Stipulation for Compromise Settlement executed on June 4, 1993, will be distributed in accordance with the foregoing Decision.

APPENDIX

Applicant	Allocable share
Car Wash	\$31.17
Clay Texaco	14.70
DuMac Oil	22.59
Gulf Coast Waste ¹	8.97
Jas Lee	126.06
Joe Lee	3,059.22
John Parker	28.60
Kirby Car Wash	19.83
Lloyd Parrish	288.03
Main Stop	48.90
Parrish Corp. ¹	11.43
Quail Valley Gulf	166.95
So Sweet Energy	2,098.14
Tesoro Energy (Tesoro Crude)	16,034.97
Trio Oil Co.	1,414.17
True Oil Co.	1,119.96
Two Oil Co.	5,489.67
Yims Texaco	16.64
Total	30,000.00

The allocable share entries were generated by multiplying the principal amount in the Apache escrow account by the percentage of total overcharges incurred by each individual claimant as determined by the ERA audit of Apache's business records.

¹ Under \$15 threshold. See n.2 of Decision.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-00405A; FRL-5397-3]

Food Safety Advisory Committee Open Meeting; Change In Meeting Locaiton

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: EPA announced in the Federal Register of September 4, 1996 the initial meeting of the Food Safety Advisory Committee scheduled for

September 26, 1996 (61 FR 46641)(FRL-5395-1). The meeting was originally scheduled to be held at the Ariel Rios Federal Office Building. This notice announces the new location of the September 26, 1996 meeting.

DATES: The date of the meeting is still September 26, 1996, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The new location of the meeting is: The Sheraton City Center, the Hampshire Ballroom, 1143 New Hampshire Avenue, NW., Washington, DC. From the Foggy Bottom metro station, cross Washington Circle to New Hampshire Avenue, or from the Dupont Circle metro station, walk down 21st Street to the corner of M Street and New Hampshire Avenue and turn right on M Street.

FOR FURTHER INFORMATION CONTACT: By mail: Margie Fehrenbach, Designated Official, or Carol Peterson, Office of Pesticide Programs (7501C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 1119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-7090; e-mail: fehrenbach.margie@epamail.epa.gov, or peterson.carol@epamail.epa.gov. To contact the Sheraton City Center by telephone call (202) 775-0800.

List of Subjects

Environmental protection.

Dated: September 17, 1996.

Daniel M. Barolo,
Director, Office of Pesticide Programs.

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[FRL-5608-8]

Final National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice of final NPDES storm water multi-sector general permit for Guam.

SUMMARY: This action provides notice for the issuance of the final multi-sector general permit (MSGP) for storm water discharges associated with industrial activity for the Island of Guam. On September 29, 1995 (60 FR 50804), EPA issued the MSGP to cover storm water discharges associated with industrial