

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 and Publications Division, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585-0107.

E. 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 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:

(1) Applications for Refund from the funds remitted to the Department of Energy by the Houston-Pasadena Apache Oil Company pursuant to the Stipulation for Compromise Settlement that became effective on June 4, 1993, 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.

Dated: November 19, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.

APPENDIX—Continued

Applicant	Allocable share
True Oil Co	1,119.96
Two Oil Co	5,489.67
Yims Texaco	16.64
Total	\$30,000.00

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

Note: 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.

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BILLING CODE 6450-01-P

A copy of the proposed settlement agreement is available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7606. Written comments should be sent to John Hannon, Esq. at the above address and must be submitted on or before December 30, 1996.

Dated: November 20, 1996.

Scott C. Fulton,

Acting General Counsel.

[FR Doc. 96-30482 Filed 11-27-96; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-5475-4]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5657-1]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

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

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), notice is hereby given of a proposed settlement agreement in the following case: *Sierra Club versus Carol M. Browner*, Civ. No. 93-0124 (consol. with 93-0125, 93-0197, and 93-0564) (D.D.C.). This action was filed under section 304(a)(2) of the Act, 42 U.S.C. 7604(a)(2), contesting among other matters EPS's failure to promulgate regulations containing standards applicable to emissions from new nonroad engines pursuant to section 213(a) of the Act. The Settlement Agreement concerns issuance by EPA of guidance to states on State Implementation Plan emissions credits for California Tier 2 Utility and Lawn and Garden Equipment Engine Emission Regulations.

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 settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 04, 1996 Through November 08, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1996 (61 FR 15251).

Draft EISs

ERP No. D-BLM-K67037-NV Rating EO2, Twin Creeks Mine Consolidation and Expansion, which encompasses the former Rabbit Creek Mine and the former Chimney Creek Mine, Plan of Operation and Permit Application Approval, Winnemucca District, Humboldt County, NV.

Summary: EPA expressed environmental objections due to potential impacts to water quality/quantity, biological resources, including impacts associated with groundwater drawdown from pit dewatering; as well as the project's potential risks related to geologic hazards. EPA also requested additional information regarding these issues, as well as mitigation measures, geochemical characterization, reclamation, and ecological risk assessment.

ERP No. D-NPS-K61212-CA Rating EC2, San Francisco Maritime National Historical Park, General Management Plan, Implementation, San Francisco County, CA.

Summary: EPA expressed environmental concerns regarding water quality and erosion control, hazardous

APPENDIX

Applicant	Allocable share
Car Wash	\$31.17
Clay Texaco	14.70
DuMac Oil	22.59
Gulf Coast Waste*	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.*	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

materials, and construction activities. EPA requested additional information on these issues be included in the Final EIS.

ERP No. D-NPS-K65187-CA Rating EC2, Santa Rosa Island Resources Management Plan, Improvements of Water Quality and Conservation of Rare Species and their Habitats, Channel Islands National Park, Santa Barbara County, CA.

Summary: EPA expressed environmental concerns with potential impacts associated with the weed and road management programs. EPA requested that the FEIS demonstrate consistency with the applicable Basin Plan, and encouraged Park Service to modify the preferred alternative to include more environmental protection features found in the Conservation Team Recommendations Alternative.

Regulations

ERP No. RR-DOA-A90083-00, 7 CFR Part 12—Highly Erodible Land and Wetland Conservation.

Summary: EPA commented that the interim final rule raised a number of issues that may affect implementation of the Clean Water Action Section 404 regulatory program. Rather than proposing specific revisions to the regulations regarding the Swampbuster program. EPA recommended that issues be addressed, where possible, through the development of a formal interagency agreement between EPA, NRCS, the Corps of Engineers and the US Fish and Wildlife Service. EPA also recommended that the final rule clarify the Swampbuster status of prior-converted cropland when wetland characteristics return as a result of a lack of maintenance of the land or other circumstances beyond the control of the property owner. EPA raised concerns over the adequacy of the Environmental Assessment (EA) and recommended that the EA be revised prior to publication of the final rule.

ERP No. R-DOA-A99214-00, 7 CFR Part 1466—Environmental Quality Incentives Program—Commodity Credit Corporation.

Summary: EPA supported the proposed approach for designating priority areas, and recommended establishing a financial incentive program for states to develop priority areas that effectively direct funds to critical environmental resource problems, and that the Commodity Credit Corporation reject these proposals that do not meet the relevant criteria. EPA also recommended that in defining a "large confined livestock operation," the final rule should emphasize that assistance is meant for

family farmers and ranchers and that a specific level for defining large operations be established, allowing for exceptions based upon ability to pay and on maximizing environmental benefits per dollar.

Dated: November 25, 1996.

William D. Dickerson,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96-30496 Filed 11-27-96; 8:45 am]

BILLING CODE 6560-50-P

[ER-FRL-5475-3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153. Weekly receipt of Environmental Impact Statements Filed November 18, 1996 Through November 22, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960542, Final EIS, FHW, MO, MO-13 Highway Improvement, Existing MO-13 to MO-10 just south of Richmond to US 24 just south of Lexington, Funding, COE Section 10 and 404 Permits and US Coast Guard Bridge Permit Issuance, Ray and Lafayette Counties, MO, Due: December 30, 1996, Contact: Donald Neumann (573) 636-7104.

EIS No. 960543, Draft Supplement, DOE, NM, Waste Isolation Pilot Plant Disposal Phase, Updated Information, Disposal of Transuranic Waste, Carlsbad, NM, Due: January 28, 1997, Contact: Harold Johnson (505) 234-7349.

EIS No. 960544, Final EIS, DOI, UT, Wasatch County Water Efficiency Project and Daniel Replacement Pipeline Project, Implementation, Wasatch County, UT, Due: December 30, 1996, Contact: Karen Ricks (801) 226-7126.

EIS No. 960545, Final EIS, DOE, CT, S1C Prototype Reactor Plant Disposal, Windsor Site Located at the Knolls Atom Power Laboratory, CT, Due: December 30, 1996, Contact: Christopher G. Overton (860) 687-5610.

Dated: November 25, 1996

William D. Dickerson,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96-30497 Filed 11-27-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5656-9]

Proposed Cost Recovery Settlement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, 42 U.S.C. 9622(h)(1), Pipe and Piling Superfund Site, Omaha and Avoca, Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed cost recovery settlement under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9622(h)(1), Pipe and Piling Superfund Site, Omaha and Avoca, Nebraska.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into a cost recovery administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9622(h)(1). This settlement is intended to resolve the liability of Pipe and Piling Supplies (U.S.A.) Ltd. (Pipe & Piling) for the response costs incurred by the EPA in overseeing a removal action conducted by Pipe & Piling at Pipe and Piling Superfund Site, Omaha and Avoca, Nebraska. The proposed settlement consent order was signed by the Environmental Protection Agency (EPA) on October 29, 1996. Because EPA's total response costs did not exceed \$500,000, the Attorney General's concurrence is not required for this settlement.

DATES: Written comments must be provided on or before December 30, 1996.

ADDRESSES: Comments should be addressed to Daniel J. Shiel, Office of Regional Counsel, United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 and should refer to: *In the matter of Pipe and Piling Supplies (U.S.A.) Ltd.*, EPA Docket No. VII-96-F-0031.

The proposed administrative settlement may be examined in person at the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. To request a copy by mail please refer to the matter name and docket number set forth above and enclose a check in the amount of \$3.75 (25 cents per page for reproduction costs), payable to the United States Environmental Protection Agency.