

distribute the funds obtained from the two firms in accordance with the MSRP, which was issued as a result of the Settlement Agreement approved by the court in 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. See Order Implementing the MSRP, 51 Fed. Reg. 29,689 (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. 11,737 (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).

1. Individual Refund Claims

The amount of money attributed for restitution of crude oil pricing violations is \$264,471 plus accrued interest. In accordance with the MSRP, we shall initially reserve 20 percent of those funds (\$52,894 plus accrued interest) for direct refunds to applicants who claim that they were injured by crude oil overcharges. We shall base refunds on a volumetric amount which has been calculated in accordance with

the methodology described in the April 10 Notice. That volumetric refund amount is currently \$0.0016 per gallon. See 57 FR 15562 (March 24, 1995).

The filing deadline for refund applications in the crude oil refund proceeding was June 30, 1994. This was subsequently changed to June 30, 1995. See Filing Deadline Notice, 60 FR 19914 (April 20, 1995); see also DMLP PDO, 60 FR 32004, 32007 (June 19, 1995). Because the June 30, 1995, deadline for crude oil refund applications has passed, no new applications for restitution from purchasers of refined petroleum products for the alleged crude oil pricing violations of Intercoastal and Gulf States will be accepted for these funds. Instead, these funds will be added to the general crude oil overcharge pool used for direct restitution.

2. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the crude oil violation amounts subject to this Decision, or \$ 211,577 plus accrued interest, should be disbursed in equal shares to the states and 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. 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.

Accordingly, we will direct the DOE's Office of the Controller to transfer one-half of that amount, or \$105,788 plus interest, into an interest bearing subaccount for the states, and one-half or \$105,789 plus interest, into an interest bearing subaccount for the federal government.

It is therefore ordered That:

The payments remitted to the Department of Energy by Intercoastal Oil Corporation and Gulf States Oil & Refining, pursuant to consent orders signed on January 25, 1983 and February 1, 1983 respectively, will be distributed in accordance with the forgoing Decision.

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ENVIRONMENTAL PROTECTION AGENCY

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed partial consent decree in *Sierra Club v. Whitman*, Civ. No. 1:00CV02206 (D.D.C.), a lawsuit filed by the Sierra Club and the Group Against Smog and Pollution ("GASP") under section 304(a) of the Act, 42 U.S.C. 7604(a). The lawsuit concerns EPA's alleged failure to determine whether various identified areas that are designated as nonattainment for either the 1-hour ozone or PM10 NAAQS attained these NAAQS by their applicable attainment dates. An earlier proposed partial consent decree, addressing claims as to certain of these areas, was lodged with the United States District Court for the District of Columbia on January 12, 2001.

DATES: Written comments on the proposed partial consent decree must be received by August 24, 2001.

ADDRESSES: Written comments should be sent to Kendra Sagoff Air and Radiation Division (2344A), Office of General Counsel, U.S. Environmental Protection Agency, Ariel Rios Building—North, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20004. Copies of the proposed partial consent decree are available from Samantha Hooks, (202) 564-5566.

SUPPLEMENTARY INFORMATION: The Clear Air Act requires EPA to determine within six months of the applicable attainment date whether areas that are designated as nonattainment for the ozone and PM10 national ambient air quality standards ("NAAQS") attained those standards by those dates. See sections 181(b)(2) and 188(b)(2), 42 U.S.C. 7511(b)(2) and 7513(b)(2). If EPA determines that an area failed to attain the applicable NAAQAs by the applicable attainment date, the Act provides that such area shall be reclassified by operation of law to the next higher classification. This second proposed partial consent decree provides that, with respect to certain additional areas identified in the complaint, EPA shall sign a notice of final rulemaking by specified dates, determining for each identified area

either that it attained the relevant NAAQS by the applicable attainment date, or did not attain such NAAQS by such date. In the case where the determination is that the area did not timely attain the NAAQS, the proposed partial consent decree provides that EPA shall inform the public through notice in the **Federal Register**, and identify the appropriate reclassification for that area in the notice of final rulemaking.

For the period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed partial consent decree 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 consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will then be executed by the parties.

Dated: July 17, 2001.

John T. Hannon,

Associate General Counsel, Air and Radiation Law Office.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-100174; FRL-6792-6]

Science Applications International Corporation and Indus Corporation and Premier, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Science Applications International Corporation and its subcontractors, Indus Corporation, and Premier, Inc., in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Science Applications International Corporation and its

subcontractors, Indus Corporation, and Premier, Inc., have been awarded a contract to perform work for OPP, and access to this information will enable Science Applications International Corporation and its subcontractors, Indus Corporation, and Premier Inc., to fulfill the obligations of the contract.

DATES: Science Applications International Corporation and its subcontractors, Indus Corporation, and Premier, Inc., will be given access to this information on or before July 30, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations", "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register—Environmental Documents**." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

II. Contractor Requirements

Under Contract No. 68-W9-9002/000, Science Applications International Corporation and its subcontractors, Indus Corporation and Premier, Inc., will perform the following based on the statement of work:

The Office of Compliance (OC), under the Office of Enforcement and Compliance Assurance (OECA), is responsible for successful implementation of OECA's compliance

enforcement policies and priorities. As such, OC publishes guidance for field inspectors (including targeting strategies), develops and conducts inspector training programs, coordinates national compliance initiatives, collects compliance-related data from the regulated community and program accomplishment data from the Headquarters, Regional and state pesticides and toxics compliance and enforcement programs. OC is responsible for a number of ADP systems that support the above activities.

Section Seven Tracking System (SSTS) serves as the repository of pesticide production and facility information which is collected under Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (92 Stat. 829). Section 7 requires that all pesticide-producing establishments be registered with and file an annual pesticide production report to the Environmental Protection Agency.

The purpose of this task order is to provide analysis, enhancement, and maintenance support, as specified through specific task order tasks, to the pesticides and toxics automated data systems for which OECA is responsible.

The scope of work to be performed under this task order includes support for the automated systems described above; support for the functional management of the information contained in these systems and the related physical records, correspondence, etc.

The OPP has determined that access by Science Applications International Corporation and its subcontractors, Indus Corporation and Premier, Inc., to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Science Applications International Corporation and its subcontractors, Indus Corporation, and Premier Inc., prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security