

**Department of Energy**

**§ 212.78**

Name of firm	Location
Perry Gas Processors, Inc .....	Odessa, TX.
Peoples Energy Corp .....	Chicago, IL.
Perta Oil Marketing Corp .....	Beverly Hills, CA.
Peterson Petroleum Inc .....	Hudson, NY.
Petro-Lewis Corp .....	Denver, CO.
Petrolane-Lomita Gasoline Co .....	Long Beach, CA.
Petroleum Heat & Power Co. Inc .....	Stamford, CT.
Petroleum Sales/Services Inc .....	Buffalo, NY.
Pioneer Corp .....	Amarillo, TX.
Planet Engineers Inc .....	Denver, CO.
Plateau, Inc .....	Albuquerque, NM.
Plaquemines Oil Sales .....	Belle Chasse, LA.
Point Landing Inc .....	Hanrahan, LA.
Port Oil Company, Inc .....	Mobile, AL.
Post Petroleum Co .....	West Sacramento, CA.
Power Pak Co., Inc .....	Houston, TX.
Pride Refining, Inc .....	Abilene, TX.
Pronto Gas Co .....	Abilene, TX.
Propane Gas & Appliance Co .....	New Brockton, AL.
Prosper Energy Corporation .....	Dallas, TX.
Pyro Energy Corporation .....	Evansville, IN.
Pyrofax Gas Corporation .....	Houston, TX.
Quaker State Oil .....	Oil City, PA.
Quarles Petroleum, Inc .....	Fredericksburg, VA.
Resources Extraction Process .....	Houston, TX.
Reynolds Oil Co .....	Kremling, CO.
Richardson Ayers Jobbers, Inc .....	Alexandria, LA.
Riverside Oil, Inc .....	Evansville, IN.
Roberts Oil Co. Inc .....	Albuquerque, NM.
Rookwood Oil Terminals Inc .....	Cincinnati, OH.
Saber Energy, Inc .....	Houston, TX.
Sanesco Oil Co .....	Escondido, CA.
Schroeder Oil Company .....	Carroll, IA.
Seminole Refining Inc .....	St. Marks, FL.
Sid Richardson Carbon & Gas .....	Ft. Worth, TX.
Sigmore Corporation .....	San Antonio, TX.
Southwestern Refining Co., Inc .....	Salt Lake City, UT.
Speedway Petroleum Co., Inc .....	Fitchburg, MA.
St. James Resources Corp .....	Boston, MA.
Standard Oil Co. (Indiana) .....	Chicago, IL.
Stinnes Inter Oil Inc .....	New York, NY.
Tenneco Oil Company .....	Houston, TX.
Texas/Arkansas/Colorado/Oklahoma/Oil Purchasing .....	Dallas, TX.
Texas Gas & Exploration .....	Dallas, TX.
Texas Oil & Gas Corporation .....	Dallas, TX.
Texas Pacific Oil Company, Inc .....	Casper, WY.
The True Companies .....	Purcellville, VA.
Thompson Oil Inc .....	Yakima, WA.
Tiger Oil Co .....	Seattle, WA.
Time Oil Company .....	Midland, TX.
Tipperary Corp .....	Richmond, MO.
Tippins Oil & Gas Co .....	Dallas, TX.
Triton Oil & Gas Corp .....	King of Prussia, PA.
U.S. Compressed Gas Company .....	Combined Locks, WI.
U.S. Oil Company .....	Santa Monica, CA.
U.S.A. Petroleum, Inc .....	Houston, TX.
Union Texas Petroleum Corp .....	Hillside, NJ.
United Oil Company .....	Mineral Wells, TX.
Upham Oil & Gas Co .....	Fresno, CA.
Vangas Inc .....	Jackson, MS.
VGS Corporation .....	Towson, MD.
Waller Petroleum Company, Inc .....	Providence, RI.
Warren Holding Company .....	Tuscaloosa, AL.
Warrior Asphalt Co. of Alabama .....	Smyrna, CA.
Webco Southern Oil Inc .....	Jersey City, NJ
Wellen Oil Co .....	Wiesehan Oil Co.
Wiesehan Oil Co. ....	Erie, PA.
Willis Distributing Company .....	Fort Worth, TX.
Winston Refining Company .....	New York, NY.
Witco Chemical Corporation .....	Los Angeles, CA.
World Oil Company .....	Denver, CO.
Worldwide Energy Corp .....	Young Refining Corporation .....
Young Refining Corporation .....	Douglasville, GA.

Name of firm	Location
Zia Fuels (G.G.C. Corp.) .....	Hobbs, NM.

(Approved by the Office of Management and Budget under control number 1903-0073)

[50 FR 4962, Feb. 5, 1985]

**Subparts B-D [Reserved]**

**PART 212—MANDATORY PETROLEUM PRICE REGULATIONS**

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33577; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11748, 38 FR 33575; Cost of Living Council Order Number 47, FR 24.

**Subparts A-C [Reserved]**

**Subpart D—Producers of Crude Oil**

**§ 212.78 Tertiary incentive crude oil.**

*Annual prepaid expenses report.* By January 31 of each year after 1980, the project operator with respect to any enhanced oil recovery project for which a report had been filed previously with DOE pursuant to paragraph (h)(2)(i) of this section as that paragraph was in effect on January 27, 1981, shall file with DOE a report in which the operator shall certify to DOE (a) which of the expenses that had been reported previously to DOE pursuant to paragraph (h)(2)(i) of this section as that paragraph was in effect on January 27, 1981, were prepaid expenses; (b) the goods or services for which such expenses had been incurred and paid; (c) the dates on which such goods or services are intended to be used; (d) the dates on which such goods or services actually are used; (e) the identity of each qualified producer to which such prepaid expenses had been attributed; and (f) the percentage of such prepaid expenses attributed to each such qualified producer. An operator shall file an annual prepaid expenses report each year until it has reported the actual use of all the goods and services for which a prepaid expense had been incurred and paid. For purposes of this

paragraph, a prepaid expense is an expense for any injectant or fuel used after September 30, 1981, or an expense for any other item to the extent that IRS would allocate the deductions (including depreciation) for that item to the period after September 30, 1981.

(Approved by the Office of Management and Budget under OMB Control No.: 1903-0069)

[46 FR 43654, Aug. 31, 1981, as amended at 46 FR 63209, Dec. 31, 1981]

### Subparts E-I [Reserved]

## PART 215—COLLECTION OF FOREIGN OIL SUPPLY AGREEMENT INFORMATION

Sec.

215.1 Purpose.

215.2 Definitions.

215.3 Supply reports.

215.4 Production of contracts and documents.

215.5 Pricing and volume reports.

215.6 Notice of negotiations.

**AUTHORITY:** Emergency Petroleum Allocation Act of 1973, Pub. L. 93-519, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.

**SOURCE:** 42 FR 48330, Sept. 23, 1977, unless otherwise noted.

### §215.1 Purpose.

The purpose of this part is to set forth certain requirements pursuant to section 13 of the Federal Energy Administration Act to furnish information concerning foreign crude oil supply arrangements. The authority set out in this section is not exclusive.

### §215.2 Definitions.

As used in this subpart:

*Administrator* means the Federal Energy Administrator or his delegate.

*DOE* means the Department of Energy.

*Host government* means the government of the country in which crude oil is produced and includes any entity which it controls, directly or indirectly.

*Person* means any natural person, corporation, partnership, association, consortium, or any other entity doing business or domiciled in the U.S. and includes (a) any entity controlled directly or indirectly by such a person and (b) the interest of such a person in any joint venture, consortium or other entity to the extent of entitlement to crude oil by reason of such interest.

### §215.3 Supply reports.

(a) Any person having the right to lift for export by virtue of any equity interest, reimbursement for services, exchange or purchase, from any country, from fields actually in production, (1) an average of 150,000 barrels per day or more of crude oil for a period of at least one year, or (2) a total of 55,000,000 barrels of crude oil for a period of less than one year, or (3) a total of 150,000,000 barrels of crude oil for the period specified in the agreement, pursuant to supply arrangements with the host government, shall report the following information.

(1) Parties (including partners and percentage interest, where applicable).

(2) Grade or grades available; loading terminal or terminals.

(3) Government imposed production limits, if any.

(4) Minimum lifting obligation and maximum lifting rights.

(5) Details of lifting options within the above limits.

(6) Expiration and renegotiation dates.

(7) Price terms including terms of rebates, discounts, and number of days of credit calculated from the date of loading.

(8) Other payments to or interests retained by the host government (i.e. taxes, royalties, and any other payment to the host government) expressed in terms of the applicable rates or payment or preemption terms, or the base to which those rates or terms are applied.

(9) Related service or other fees and cost of providing services.

(10) Restrictions on shipping or disposition.

(11) Other material contract terms.

(b) Reports under this section shall be made no later than (1) 60 days after

final issuance of reporting forms implementing this regulation, as announced in the FEDERAL REGISTER, (2) fourteen days after the date when supply arrangements are entered into, or (3) fourteen days after the initial lifting under an agreement in which the parties have tentatively concurred but not signed, whichever occurs first. Reporting shall be based on actual practice between the parties. Material changes in any item which must be reported pursuant to this section shall be reported no later than 30 days after a person receives actual notice of such changes.

(c) Where reports under this section by each participant in a joint operation would be impracticable, or would result in the submission of inaccurate or misleading information, the participants acting together may designate a single participant to report on any of the rights, obligations, or limitations affecting the operation as a whole. Any such designation shall be signed by a duly authorized representative of each participant, and shall specify:

(1) The precise rights, obligations, or limitations to be covered by the designation; and

(2) The reasons for the designation. Such designations shall be submitted to the Assistant Administrator for International Energy Affairs, and shall take effect only upon his written approval, which may at any time be revoked.

**§215.4 Production of contracts and documents.**

Whenever the Administrator determines that certain foreign crude oil supply information is necessary to assist in the formulation of energy policy or to carry out any other function of the Administrator, he may require the production by any person of any agreement or document relating to foreign oil supply arrangements or reports related thereto. Such material shall be provided pursuant to the conditions prescribed by the Administrator at the time of such order or subsequently. As used in this section, the term "agreement" includes proposed or draft agreements, and agreements in which the parties have tentatively concurred

but have not yet signed, between or among persons and a host country.

**§215.5 Pricing and volume reports.**

To the extent not reported pursuant to §215.3, any person lifting for export crude oil from a country shall report to the DOE within 30 days of the date on which he receives actual notice:

(a) Any change (including changes in the timing of collection) by the host government in official selling prices, royalties, host government taxes, service fees, quality or port differentials, or any other payments made directly or indirectly for crude oil; changes in participation ratios; changes in concessionary arrangements; and

(b) Any changes in restrictions on lifting, production, or disposition.

**§215.6 Notice of negotiations.**

Any person conducting negotiations with a host government which may reasonably lead to the establishment of any supply arrangement subject to reporting pursuant to §215.3(a), or may reasonably have a significant effect on the terms and conditions of an arrangement subject to §215.3(a), shall notify DOE of such negotiations. Such notice shall be made no later than the later of 30 days after the effective date of this regulation or within 14 days after such negotiations meet the conditions of this section, and shall specify all persons involved and the host government affected. Notice must be in writing to the Assistant Administrator for International Energy Affairs. Where this notice pertains to negotiations to modify a supply agreement previously reported to the Department of Energy under this part, such notice shall include the agreement serial number assigned to the basic agreement.

**PART 216—MATERIALS ALLOCATION AND PRIORITY PERFORMANCE UNDER CONTRACTS OR ORDERS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES**

Sec.  
 216.1 Introduction.  
 216.2 Definitions.  
 216.3 Requests for assistance.  
 216.4 Evaluation by DOE of applications.  
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## §216.1

- 216.6 Petition for reconsideration.
- 216.7 Conflict in priority orders.
- 216.8 Communications.
- 216.9 Violations.

AUTHORITY: Section 104 of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 89 Stat. 871; section 101(c) of the Defense Production Act of 1950, 50 U.S.C. 4511(c); E.O. 12919, 59 FR 29525 (June 7, 1994); E.O. 13286, 68 FR 10619 (March 5, 2003); 15 CFR part 700; Defense Priorities and Allocations System Delegation No. 2 (Aug. 6, 2002), as amended at 15 CFR part 700.

SOURCE: 43 FR 6212, Feb. 14, 1978, unless otherwise noted.

### §216.1 Introduction.

(a) This part describes and establishes the procedures to be used by the Department of Energy (DOE) in considering and making certain findings required by section 101(c)(2)(A) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2071(c)(2)(A) (DPA). Section 101(c) authorizes the allocation of, or priority performance under contracts or orders (other than contracts of employment) relating to, materials and equipment, services, or facilities in order to maximize domestic energy supplies if the findings described in section 101(c)(2) are made. Among these findings are that such supplies of materials and equipment, services, or facilities are critical and essential to maintain or further exploration, production, refining, transportation or the conservation of energy supplies or for the construction or maintenance of energy facilities. The function of finding that supplies are critical and essential was delegated to the Secretary of Energy pursuant to E.O. 12919 (59 FR 29525, June 7, 1994) and Department of Commerce Defense Priorities and Allocations System Delegation No. 2, 15 CFR part 700.

(b) The purpose of these regulations is to establish the procedures and criteria to be used by DOE in determining whether programs or projects maximize domestic energy supplies and whether or not supplies of materials and equipment, services, or facilities are critical and essential, as required by DPA section 101(c)(2)(A). The critical and essential finding will be made only for supplies of materials and equipment, services, or facilities related to those programs or projects de-

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termined by DOE to maximize domestic energy supplies. These regulations do not require or imply that the findings, on which the exercise of such authority is conditioned, will be made in any particular case.

(c) If DOE determines that a program or project maximizes domestic energy supplies and finds that supplies of materials and equipment, services, or facilities are critical and essential to maintain or further the exploration, production, refining, transportation or conservation of energy supplies or for the construction or maintenance of energy facilities, such determination and finding will be communicated to the Department of Commerce (DOC). If not, the applicant will be so informed. If the determination and finding described in this paragraph are made, DOC, pursuant to DPA section 101(c) and section 203 of E.O. 12919, will find whether or not: The supplies of materials and equipment, services, or facilities in question are scarce; and maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies or the construction or maintenance of energy facilities cannot be reasonably accomplished without exercising the authority specified in DPA section 101(c). If these additional two findings are made, DOC will notify DOE, and DOE will inform the applicant that it has been granted the right to use priority ratings under the Defense Priorities and Allocations System (DPAS) regulation established by the DOC, 15 CFR part 700.

[73 FR 10983, Feb. 29, 2008]

### §216.2 Definitions.

As used in these regulations:

(a) *Secretary* means the Secretary of the Department of Energy.

(b) *Applicant* means a person requesting priorities or allocation assistance in connection with an energy program or project.

(c) *Application* means the written request of an applicant for assistance.

(d) *Assistance* means use of the authority vested in the President by DPA section 101(c) to implement priorities and allocation support.

(e) *DHS* means the Department of Homeland Security.

## Department of Energy

## §216.3

(f) *DOC* means the Department of Commerce.

(g) *DOE* means the Department of Energy.

(h) *Defense Priorities and Allocations System Coordination Office* means the Department of Energy, Office of Electricity.

(i) *Eligible energy program or project* means a designated activity which maximizes domestic energy supplies by furthering the exploration, production, refining, transportation or conservation of energy supplies or construction or maintenance of energy facilities within the meaning of DPA section 101(c), as determined by DOE.

(j) *Facilities* means all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

(k) *Materials and equipment* means: (1) Any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

(2) Any technical information or services ancillary to the use of such raw materials, commodities, articles, components, products, or items.

(l) *National Defense* means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and any directly related activity. Such term also includes emergency preparedness activities conducted pursuant to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195, *et seq.*) and critical infrastructure protection and restoration.

(m) *Person* means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any state or local government or agency thereof.

(n) *Services* include any effort that is needed for or incidental to:

(1) The development, production, processing, distribution, delivery, or use of an industrial resource, or critical technology item; or

(2) The construction of facilities.

[43 FR 6212, Feb. 14, 1978, as amended at 51 FR 8311, Mar. 11, 1986; 73 FR 10983, Feb. 29, 2008; 85 FR 31669, May 27, 2020]

### §216.3 Requests for assistance.

(a) Persons who believe that they perform work associated with a program or project which may qualify as an eligible energy program or project and wishing to receive assistance as authorized by DPA section 101(c)(1) may submit an application to DOE requesting DOE to determine whether a program or project maximizes domestic energy supplies and to find whether or not specific supplies of materials and equipment, services, or facilities identified in the application are critical and essential for a purpose identified in section 101(c). The application shall be sent to: U.S. Department of Energy, Attn: Office of Electricity, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. The application shall contain the following information:

(1) The name and address of the applicant and of its duly authorized representative.

(2) A description of the energy program or project for which assistance is requested and an assessment of its impact on the maximization of domestic energy supplies.

(3) The amount of energy to be produced by the program or project which is directly affected by the supplies of the materials and equipment, services, or facilities in question.

(4) A statement explaining why the materials and equipment, services, or facilities for which assistance is requested are critical and essential to the construction or operation of the energy project or program.

(5) A detailed description of the specific supplies of materials and equipment, services, or facilities in connection with which assistance is requested, including: Components, performance data (capacity, life duration, etc.), standards, acceptable tolerances in dimensions and specifications, current inventory, present and expected rates of use, anticipated deliveries and substitution possibilities (feasibility of using other materials and equipment, services, or facilities).