

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.

[FR Doc. 96-24396 Filed 9-23-96; 8:45 am]

BILLING CODE 6450-01-P

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.

[FR Doc. 96-24600 Filed 9-23-96; 8:45 am]

BILLING CODE 6560-50-F

[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

activity in the various states, territories and Indian reservations which are listed below. The September 29, 1995 MSGP is being revised today to include Guam on the list of geographic areas for which discharges may be authorized. The MSGP for Guam also includes certain special conditions required by the Guam EPA pursuant to section 401 of the Clean Water Act (CWA).

EFFECTIVE DATE: This action is effective on September 24, 1996.

FOR FURTHER INFORMATION CONTACT: Eugene Bromley, U.S. Environmental Protection Agency, Region 9 (W-5-1), 75 Hawthorne Street, San Francisco, CA 94105, 415-744-1906.

SUPPLEMENTARY INFORMATION:

I. Introduction

On September 29, 1995 (60 FR 50804), EPA published its final NPDES multi-sector general permit (MSGP) for storm water discharges associated with industrial activity for the following areas: the States of Arizona, Florida, Idaho, Louisiana, Maine, Massachusetts, New Hampshire, New Mexico, Oklahoma and Texas; the District of Columbia; Johnston Atoll, and Midway and Wake Islands; the Commonwealth of Puerto Rico; Federal Indian reservations in Alaska, Arizona, California, Connecticut, Idaho, Louisiana, Maine, Massachusetts, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Utah (only the Navajo and Goshute Reservations), Vermont, and Washington; and Federal facilities located in Arizona, the Commonwealth of Puerto Rico, the District of Columbia, Delaware, Idaho, Johnston Atoll, Midway and Wake Islands, Vermont, and Washington. On February 9, 1996 (61 FR 5248), notice was provided of certain deadline extensions and technical corrections to the MSGP, and MSGP coverage was extended to the State of Alaska. Notice of a subsequent technical correction was also provided on February 20, 1996 (61 FR 6412).

The draft MSGP was proposed by EPA on November 19, 1993 (58 FR 61146), and Guam was proposed to be included among the areas of coverage of the MSGP. However, at the time of issuance of the final MSGP for most areas (September 29, 1995), the Guam EPA had not completed its review of the MSGP for certification purposes pursuant to section 401 of the CWA. As such, the MSGP could not be issued for Guam at that time.

On April 8, 1996, the Guam EPA provided its 401 certification for the MSGP, including certain special conditions necessary to ensure

compliance with the CWA. Today, EPA is providing notice of the issuance of the final MSGP for Guam including the special conditions required by the Guam EPA.

II. Final MSGP for Guam

The MSGP covers storm water discharges from a wide variety of industrial activities which are described in the fact sheet. The MSGP also includes industry-specific sections that describe the storm water pollution prevention plan requirements, numeric effluent limitations and monitoring requirements for the specific industries. These industry-specific sections are contained in Part XI of the MSGP and are described in Part VIII of the fact sheet. There are also a number of permit requirements that apply to all industries which are found elsewhere in the MSGP and described in the fact sheet.

Today's notice incorporates by reference the permit terms and conditions set forth at 60 FR 51108-51255 published on September 29, 1995, and also incorporates by reference the technical corrections of February 9, 1996 (61 FR 5251-5254) and February 20, 1996 (61 FR 6412). These requirements may be found in Parts I through XI of the permit. The MSGP published on September 29, 1995 on pages 51108-51255 is being revised today to include Guam among the areas for which discharges may be authorized. Today's notice also includes the 401 certification conditions required by the Guam EPA, which are found in Part XII of today's revised MSGP.

A. Contacts

Notices of Intent (NOIs) to be covered under the MSGP and Notices of Termination (NOTs) to terminate coverage under the MSGP must be sent to the Storm Water Notice of Intent Processing Center (see address below). The complete administrative record for the MSGP is available through the Water Docket MC-4101, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. A reasonable fee may be charged for copying.

Notice of Intent Address. Notices of Intent to be authorized to discharge under the MSGP should be sent to: NOI/NOT Processing Center (4203), 401 M Street SW., Washington, D.C. 20460.

Address for Other Submittals. Other submittals of information required under the MSGP should be sent to EPA, Region 9, Water Management Division (W-5-3), 75 Hawthorne Street, San Francisco, CA 94105.

NOIs and certain other materials must also be sent to the Guam EPA in

accordance with the 401 certification (see below).

B. 401 Certification

Section 401 of the CWA provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters, shall be granted until the state in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the CWA. As noted above, the Guam EPA provided its 401 certification on April 8, 1996 for the MSGP. The following special conditions were included:

1. NOIs must be sent to the Guam EPA for review and comment as well as to EPA.

2. Storm water pollution prevention plan (SWPPPs) and supporting best management practices must be submitted to the Guam EPA for review and comment. (Although the Guam EPA did not specify a deadline for submittal, it is presumed that submittal is required as soon as the SWPPP is completed.)

3. All monitoring reports must be submitted concurrently to the Guam EPA to verify discharge compliance with Territorial water quality standards.

These conditions have been included in the final MSGP for Guam.

C. Deadlines

For facilities eligible for coverage under the MSGP of September 29, 1995, EPA's notice of February 9, 1996 (61 FR 5248) extended the deadline for submittal of NOIs to March 29, 1996. In addition, the deadline for SWPPP preparation and compliance was extended until September 25, 1996. However, the following special extended deadlines have been established for facilities in Guam in consideration of the delay in the issuance of the final MSGP for Guam:

NOI Submittal. NOIs must be submitted no later than 90 days after the effective date of the MSGP for Guam (which is the date of publication in the Federal Register).

SWPPP Preparation and Compliance. Preparation and compliance with SWPPPs must be completed no later than 270 days after the effective date of the MSGP for Guam.

These deadlines establish the same time frames for completion of the above actions that were established for facilities by the MSGP issued on September 29, 1995. The expiration date for the MSGP for Guam has been set at October 1, 2000, which is the same expiration date for areas covered of the September 29, 1995 MSGP. Although this results in a permit term slightly less

than the usual five years, alignment of the expiration dates will facilitate permit reissuance.

D. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in the final MSGP for Guam under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* The information collection requirements in today's final notice for Guam have already been approved by the Office of Management and Budget in previous submissions made for the NPDES permit program under the provisions of the CWA.

E. Considerations Under Other Federal Laws

For the MSGP issued for Guam by today's notice, EPA is required to conduct and certify certain analyses under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Unfunded Federal Mandates Act, Public Law 104-4. By today's action, EPA adopts, incorporates, and certifies the necessary findings under the Regulatory Flexibility Act and the Unfunded Federal Mandates Act made in the September 29, 1995 MSGP for the purposes of the MSGP issued for Guam.

F. Regulatory Flexibility Act Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. Under 5 U.S.C. 605(b), no Regulatory Flexibility Analysis is required where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Today's permit will provide any small entity the opportunity to obtain storm water permit coverage as a result of the group application process. Group applications provided small entities a mechanism to reduce their permit application burden by grouping together with other industrial facilities and submitting a common permit application with reduced monitoring requirements and shared costs. The group application information submitted to EPA provided a basis for the development of storm water permit conditions tailored specifically for each industry. The permit requirements have been designed to minimize significant administrative and economic impacts on small entities and should not have a significant impact on industry in general. Moreover, the permit reduces a significant burden on regulated sources of applying for individual permits.

Accordingly, I hereby certify pursuant to 5 U.S.C. 605(b) that this permit will not have a significant impact on a substantial number of small entities.

Dated: September 3, 1996.

Alexis Strauss,

Acting Regional Administrator, Region 9.

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*, the "Act"), except as provided in Part I.B.3 of this storm water multi-sector general permit, operators of point source discharges of storm water associated with industrial activity that discharge into waters of the United States, represented by the industry sectors identified in Part XI. of this permit, are authorized to discharge in the areas of coverage listed below in accordance with the conditions and requirements set forth herein.

Area of Coverage	Permit No.
Guam (non-Federal Facilities)	GUR05####
Federal Facilities on Guam	GUR05###F

Operators of storm water discharges from the industrial activities covered under this permit who intend to be authorized by this permit must submit a Notice of Intent (NOI) in accordance with Part II.B of this permit. Operators of storm water discharges associated with industrial activity who fail to submit an NOI in accordance with Part II.B of this permit are not authorized under this general multi-sector permit.

This permit shall become effective on September 24, 1996.

This permit and the authorization to discharge shall expire at midnight, October 1, 2000.

Signed this 3rd day of September, 1996.

Alexis Strauss,

Acting Regional Administrator Region 9.

For reasons set forth in this preamble, Parts I, II, IV and XII of the NPDES Storm Water Multi-Sector General Permit (MSGP) are amended as follows:

I. Inclusion of Guam in MSGP

Part I (Amended)

Part I is amended by revising paragraph A. Permit Area, Region IX to include Guam before the phrase "Midway and Wake Island" as follows:

Part I. Coverage Under This Permit

A. Permit Area

* * * * *

Region IX—the State of Arizona, the Territories of Johnston Atoll, Guam, and Midway and Wake Island; * * *

II. NOI Submittal Deadline for Guam

Part II (Amended)

The deadline for NOI submittal for existing facilities in Guam is established by adding Parts II.A.7 and 8 to the MSGP as follows:

Part II. Notification Requirements

A. Deadlines for Notification

* * * * *

7. Existing Facilities in Guam. Except as provided in paragraphs II.A.4 (New Operator), and II.A.5 (Late Notification), individuals on Guam who intend to obtain coverage for an existing storm water discharge associated with industrial activity under this general permit shall submit an NOI in accordance with the requirements of this Part on or before [insert date 90 days after permit publication date].

8. Facilities on Guam Previously Subject to the Baseline General Permit. Eligible facilities previously covered by EPA's 1992 Baseline General Permit for Storm Water Discharges Associated with Industrial Activity (57 FR 44438) may elect to be covered by this permit by submitting an NOI in accordance with the requirements of this Part within [insert date 90 days after permit publication date]. To avoid a lapse in permit coverage should reissuance or termination of the 1992 Baseline General Permit eliminate coverage for certain industries under that permit, NOIs from eligible facilities may also be submitted during the period 90 days prior to the expiration date of the Baseline General Permit.

III. Deadlines for Storm Water Pollution Prevention Plan Preparation and Compliance for Facilities on Guam

Part IV (Amended)

For facilities on Guam, the deadline for storm water pollution prevention plan preparation and compliance is established in the MSGP by adding Parts IV.A.8 and 9 as follows: Part IV. Storm Water Pollution Prevention Plans

A. Deadlines for Plan Preparation and Compliance

* * * * *

8. Existing Facilities on Guam. Except as provided in paragraphs 3, 4, and 5 (above), all existing facilities and new facilities that begin operation on or before [insert date] 270 days after permit publication date shall prepare and implement the plan by [insert date 270 days after permit publication date].

9. Facilities on Guam Switching from the Baseline General Permit to This Permit. Facilities previously subject to the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (57 FR 44438) that switch to coverage under this permit shall continue to implement the storm water pollution prevention plan required by that permit. The plan shall be revised as necessary to address requirements under Part XI of this permit no later than [insert date 270 days after permit publication date]. The revisions to the plan shall be implemented on or before [insert date 270 days after permit publication date].

IV. 401 Certification Requirements for Guam

Part XII (Amended)

The Guam 401 certification requirements revise the MSGP by adding the following paragraphs after the requirements for Arizona:

Part XII. Coverage Under This Permit

* * * * *

Region IX

* * * * *

Guam (GUR05*###) and Federal Facilities in Guam (GUR05##F)

1. An additional notification requirement is established as follows:

Part II. Notification Requirements

* * * * *

D. Additional Notification

* * * Notices of Intent shall also be submitted to the Guam EPA for review and comment at the following address: Guam Environmental Protection Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921.

2. Storm water pollution prevention plans must be submitted for review by the Guam EPA in accordance with the following added language:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

B. Signature and Plan Review

1. Signature/Location. * * * For facilities on Guam, a copy of the plan and supporting best management practices shall be submitted to the Guam EPA at the following address: Guam Environmental Protection Agency, P. O. Box 22439 GMF, Barrigada, Guam 96921. The plan shall be submitted as soon as it is completed.

3. Storm water discharge monitoring reports and all other reports required by the MSGP must be submitted to the

Guam EPA in accordance with the following added language:

Part VI. Monitoring and Reporting Requirements

* * * * *

B. Reporting: Where to Submit

* * * * *

2. Additional Notification. * * * For facilities on Guam, copies of all discharge monitoring reports and other reports required under this permit shall also be sent to the Guam EPA at the following address: Guam Environmental Protection Agency, P.O. Box 22439 GMF, Barrigada, Guam 96921.

[FR Doc. 96-24285 Filed 9-23-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections being Reviewed by the Federal Communications Commission

September 18, 1996.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce the paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the proposed FCC 398, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

For additional information or copies of the proposed FCC 398 contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov. Copies of the form can also be obtained via fax on demand and via internet. To retrieve the form via fax call 202-418-0177 (from the handset of a fax machine) and enter the document retrieval number 000398 when prompted by the system. To retrieve the form via internet download postscript file from the FCC internet site <http://www.fcc.gov/formpage.html>. Copy the file to a postscript printer to print.

Persons wishing to comment should direct comments to Dorothy Conway,

Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov. All comments should be received by November 23, 1996, for this collection.

Type of Review: New Collection

Title: Children's Television

Programming Report

OMB Number: None

Form Number: FCC 398

Affected Public: Business or other for-profit

Number of Respondents: 1,200

Commercial TV Licensees

Estimated time per response: 3.5-4.5 hours

Total annual burden: 18,000

Needs and Uses: On 08/08/96, the Commission adopted a Report and Order in MM Docket No. 93-48 Policies and Rules Concerning Children's Television Programming. As a result of this Report and Order, the Commission has developed a new FCC Form 398, Children's Television Programming Report. The FCC 398 will request information to identify the children's educational and informational programs aired to meet their obligation under the Children's Television Act of 1990 ("CTA"). The form will also request information on children's educational and informational programs that stations plan to air in the next calendar quarter. This standardized form will facilitate consistency of reporting among all licensees, assist in efforts by the public and the Commission to monitor station compliance with the CTA, and lessen the burden on the public and Commission staff.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-24407 Filed 9-20-96; 8:45 am]

BILLING CODE 6712-01-P

[DA 96-1205]

Streamlining the International Section 214 Authorization Process and Tariff Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On July 29, 1996, the International Bureau of the Federal Communications Commission released an order adopting an exclusion list. The exclusion list identifies restrictions on providing service using particular facilities or to particular countries for those carriers receiving a global international Section 214 authorization. With this action, carriers will be able to