

warm water fisheries and 3 trout stocking fisheries crossed by the proposed facilities.

- Columbia plans to open cut the New River (a high quality warm water fishery) for a crossing width of 1,660 feet.
- A portion of Texas Eastern's Big-Inch and Little Big-Inch pipelines, which are eligible for inclusion in the National Register of Historic Places, will be affected by the project.
- 145 historic and prehistoric archaeological sites, 79 historic structures, 1 historic district and 3 cemeteries may be affected by the project.
- Two new compressor stations will be constructed, one in Shenandoah County, Virginia and one in Lincoln County, West Virginia.

Public Participation

We have mailed this notice to individuals whose property is affected by construction proposed in the project, to Federal, state, and local governments, soil conservation districts, environmental agencies such as the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, various local environmental groups, and libraries and newspapers in the project area.³

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.W., Washington, DC 20426;
- Reference Docket Nos. CP96-213-000, CP96-213-001, and CP96-559-000;
- Send a copy of your letter to: Mr. Howard Wheeler, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., N.E., PR-11.2, Washington, DC, 20426; and

- Mail your comments so that they will be received in Washington, DC on or before December 9, 1996.

If you do not want to sent comments at this time but still want to receive a copy of the EA, please return the Information Request (appendix 2). If you do not return the Information Request you will be taken off the mailing list.

Become an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an "intervenor". Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3).

You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project, including more detailed maps of specific areas, is available from Mr. Howard Wheeler, EA Project Manager, at (202) 208-2299.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96-29275 Filed 11-14-96; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Determination of Excess Petroleum Violation Escrow Funds for Fiscal Year 1997

AGENCY: Office of Hearings and Appeals, U.S. Department of Energy.

ACTION: Notice of determination of excess monies pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986.

SUMMARY: The Petroleum Overcharge Distribution and Restitution Act of 1986 requires the Secretary of Energy to determine annually the amount of oil overcharge funds held in escrow that is in excess of the amount needed to make restitution to injured parties. Notice is hereby given that \$29,996,617 of the amounts currently in escrow is determined to be excess funds for fiscal year 1997. Pursuant to the statutory directive, these funds will be made available to state governments for use in specified energy conservation programs.

FOR FURTHER INFORMATION CONTACT:

Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0107, (202) 426-1492 [Mann]; (202) 426-1449 [Klurfeld].

SUPPLEMENTARY INFORMATION: The Petroleum Overcharge Distribution and Restitution Act of 1986 (hereinafter PODRA), contained in Title III of the Omnibus Budget Reconciliation Act of 1986, Public Law 99-509, establishes certain procedures for the disbursement of funds collected by the Department of Energy (hereinafter DOE) pursuant to the Emergency Petroleum Allocation Act of 1973 (hereinafter EPAA) or the Economic Stabilization Act of 1970 (hereinafter ESA). These funds, commonly referred to as oil overcharge funds, are monies obtained through enforcement actions instituted to remedy actual or alleged violations of those Acts.

PODRA requires the DOE, through the Office of Hearings and Appeals (hereinafter OHA), to conduct proceedings under 10 CFR Part 205, Subpart V, to accept claims for restitution from the public and to refund oil overcharge monies to persons injured by violations of the EPAA or the ESA. In addition, PODRA requires the Secretary of Energy to determine annually the amount of oil overcharge funds that will not be required for restitution to injured parties in these refund proceedings and to make this excess available to state governments for use in four energy conservation programs. This determination must be published in the Federal Register within 45 days after the beginning of each fiscal year. The Secretary has delegated this responsibility to the OHA Director.

Notice is hereby given that based on the best currently available information, \$29,996,617 is in excess of the amount that is needed to make restitution to injured parties.

To arrive at that figure, the OHA has reviewed all accounts in which monies covered by PODRA are deposited. PODRA generally covers all funds now in DOE escrow which are derived from alleged violations of the EPAA or the ESA, with certain exclusions. Excluded are funds which (1) have been identified for indirect restitution in orders issued prior to enactment of PODRA; (2) have been identified for direct restitution in a judicial or administrative order; or (3) are attributable to alleged violations of regulations governing the pricing of crude oil and subject to the settlement agreement in *In re The Department of*

³ Certain individuals whose property would be affected by the well enhancement work at some of the 277 existing wells have not been notified. Only those wells where well enhancement work is planned for 1997 are known by Columbia at this time. The individual wells where well enhancement work will be planned for 1998 and 1999 are not known at this time and therefore, those individuals have not been notified.

Energy Stripper Well Exemption

Litigation, M.D.L. No. 378 (D. Kan., July 7, 1986). As of September 30, 1996, the total in escrow subject to the PODRA procedures was \$127,538,107

The OHA has employed the following methodology to determine the amount of excess funds. We took special account of the provision of PODRA which directs that "primary consideration [be given] to assuring that at all times sufficient funds (including a reasonable reserve) are set aside for making [direct] restitution." Thus, in proceedings in which refund claims are pending, we have on a claim-by-claim basis examined pending claims and established reserves sufficient to pay the amount of these claims. The reserves also include all refunds ordered by the

OHA since the end of the last fiscal year on September 30, 1996, but not yet paid. For proceedings in which all claims have been considered or in which no claims have been filed, and the deadline for filing claims has passed, all funds remaining are excess. Small amounts of interest accrued, until transfer, on funds in accounts that were closed (with a zero balance) in the fiscal year 1996 PODRA determination (60 FR 57413 (1995)) are included as part of the "excess" for fiscal year 1997. No "other commitments" are reflected in the reserves.

As indicated above, the total escrow account equity subject to PODRA is \$127,538,107. The total amount needed as reserves for direct restitution in those cases is \$97,541,490. When the figure is

subtracted from the former, the remainder—\$29,996,617—is the amount in fiscal year 1997 that is "in excess" of the amount that will be needed to make restitution to injured persons. Appendix A sets forth for each refund case within the OHA's jurisdiction the total amount eligible for distribution under PODRA and the "excess" amount.

Accordingly, \$29,996,617 will be transferred to a separate account within the United States Treasury and made available to the States for use in the designated energy conservation programs in the manner prescribed by PODRA.

Dated: November 8, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX A—AMOUNT AVAILABLE IN FY 1997

Name of firm	Consent Order No.	OHA Case No.	Equity as of September 30, 1996	Amount available under PODRA
A-1 Exxon	999K90080T	HEF-0509	\$116.15	\$116.15
Agway, Inc	RTYA00001Z	KEF-0102	74.37	74.37
Alameda Chevron	900Z06251T	LEF-0093	30.28	30.28
Alameda Chevron	999K90081T	LEF-0093	56.08	56.08
Anchor Gasoline Corporation	740S01247Z	KEF-0120	5,241,334.38	600,000.00
AOC Acquisition Corporation	RCKH016A1Z	LEF-0003	9,656,790.32	0.00
APTOS Shell	999K90083T	LEF-0092	178.68	178.68
Atlantic Richfield Co (ARCO)	RARH00001Z	HEF-0591	18,928,646.41	8,000,000.00
Automatic Comfort Corp	110H00519A	LEF-0005	2.39	2.39
BEACON Bay Enterprises, Inc	999K90120T	LEF-0074	87,662.01	87,662.01
Beacon Oil Co	910S00008Z	HEF-0203	0.01	0.01
Bell Fuels Inc	570H00195T	LEF-0061	39,345.23	0.00
Ben's Exxon Service	999K90085T	HEF-0512	118.42	118.42
Berryesse Chevron	999K90086T	LEF-0095	113.57	113.57
Bill Wren's Shell	999K90087T	LEF-0096	170.02	170.02
Bob Hutchinson, Inc	900Z02252T	LEF-0080	7.29	7.29
Bob's Broadway	900Z40056T	LEF-0075	60.25	60.25
Buchanan Shell Inc	900Z10250T	LEF-0081	15.28	15.28
C J King Chevron	999K90089T	LEF-0109	186.37	186.37
Capitol 66 Oil Company	422H00238T	LEF-0067	18,257.71	0.00
Clearview Gulf	640Z00670T	LEF-0076	16.81	16.81
Crescent Oil Company	930H00094Z	LEF-0044	7.90	7.90
Crude Oil Purchasing Inc	6A0X00269T	LEF-0058	108,582.50	0.00
Cumberland Farms Dairy Inc	120K00497T	LEF-0068	7,185.50	0.00
Cutting Shell Service	999K90091T	LEF-0097	187.35	187.35
Dalco Petroleum	660T00642Z	HEF-0060	3,555.12	3,555.12
Diamond Industries, Inc	320H00097Z	KEF-0130	0.02	0.02
E-Z Service Inc	400H00220T	LEF-0077	320,847.15	320,847.15
Eason Oil Company	740S01314Z	LEF-0040	5,404,444.77	0.00
Ed Gularde Chevron	999K90095T	LEF-0098	243.40	243.40
Ed's Exxon	939K90097T	LEF-0078	72.57	72.57
Elwood Chevron Service	999K90098T	LEF-0085	3,497.05	3,497.05
Empire Gas Corporation	720T00521Z	KEF-0048	521,290.30	520,000.00
Enron Corporation	730V00221Z	KEF-0116	22,497,355.02	0.00
Este Oil Company	533H00163T	LEF-0062	73,005.26	0.00
Exxon Corporation	REXL00201Z	KEF-0087	0.01	0.01
G & G Oil Company	550H00332T	LEF-0063	56,863.02	0.00
General Equities, Inc	110H00527Z	HEF-0078	1,399.00	1,399.00
General Petroleum	550H00075T	LEF-0064	26,706.13	0.00
Getty Oil Company	RGEA00001Z	HEF-0209	6,185,470.84	0.00
Good Hope Refineries Inc	150S00154Z	HEF-0211	3,772,819.36	0.00
Gratex/Compton Corp	6A0X00340W	VEF-0012	2,524,327.91	0.00
Gulf Oil Corporation	RGFA00001Z	HEF-0590	3,999,743.57	0.00
Gulf States Oil & Refining	6EOS00057T	LEF-0073	579,124.84	0.00
Half Moon Bay Exxon	999K90099T	LEF-0087	72.57	72.57
Houma Oil Co	640H10422W	VEF-0023	410,829.04	0.00
Houston/Pasadena Apache Oil Co	BJBBBBBBBB	VEF-0022	18,531.10	0.00
Hudson Oil Co Inc	740S01258W	VEF-0011	8,748,498.97	0.00

APPENDIX A—AMOUNT AVAILABLE IN FY 1997—Continued

Name of firm	Consent Order No.	OHA Case No.	Equity as of September 30, 1996	Amount available under PODRA
Hughes Burlingame Shell	999K90100T	LEF-0110	284.24	284.24
Indian Wells Oil Company	710V02002Z	KEF-0103	0.51	0.51
Intercoastal Oil Co	940X00076T	LEF-0057	33,517.90	0.00
Jaguar Petroleum Inc	640X00444T	LEF-0059	74,703.35	0.00
Jedco Inc	421K00107W	VEF-0024	4,108.66	0.00
Jim Campbell Shell	900Z03255T	LEF-0082	4.98	4.98
Joe Berube Services	999K90101T	LEF-0099	323.97	323.97
Kenny Larson Oil Co	000H00439W	HEF-0104	17,595.02	10,000.00
Kickapoo Oil	570H00214T	LEF-0069	47,267.34	0.00
Lampton-Love Inc	422T00013T	LEF-0070	15,034.20	0.00
MacMillan Oil Company, Inc	730T00031Z	LEF-0046	818,160.58	250,000.00
Marathon Petroleum Co	RMNA00001Z	KEF-0021	2,106.17	2,106.17
Maxwell Oil Co	000H00425Z	HEF-0125	17,901.95	0.00
MdDowell Exxon	999K90104T	LEF-0100	273.08	273.08
Metropolitan Petroleum Co, Inc	412H00171Z	LEF-0032	33,499.21	15,189.21
Milbrae Shell	900Z06293T	LEF-0079	50.14	50.14
Miles Union Service	900Z03258T	LEF-0083	34.58	34.58
Mockabee Gas & Fuel Co	311H00342W	VEF-0001	64,975.84	64,975.84
Murphy Oil Corporation	RMUH01983Z	KEF-0095	353.76	353.76
N C Ginther Company	710V03022T	LEF-0060	5,681.72	0.00
Oasis Petroleum Corp	940X00217Z	LEF-0007	2,064,262.61	0.00
Permian Corporation	650X00246T	LEF-0035	1,526,565.99	0.00
Petaluma Standard Service	999K90106T	LEF-0101	155.21	155.21
Pete Aljjan Chevron	999K90062T	LEF-0089	0.75	0.75
Product Tracking—PODRA	999DOE005V	N/A	97,680.57	97,680.57
Quantum Chemical Corporation	720V01245Z	LEF-0011	18.15	18.15
Quintana Energy Corp et al	650X00356Z	KEF-0131	129.23	129.23
Reco Petroleum Inc	320H00304T	LEF-0065	30,657.64	0.00
Redhill Mobil and Towing	999K90109T	LEF-0088	133.92	133.92
Regalia's Chevron Service	999K90110T	LEF-0102	347.04	347.04
Reinauer Petroleum Company Inc	240H00492Z	KEF-0110	82.96	82.96
Ron's Shell	900Z10251T	LEF-0084	32.87	32.87
Sandusky's Union Service	999K90068T	LEF-0111	110.68	110.68
Shaw & 99 Chevron	999K90061T	LEF-0090	0.57	0.57
Shell Oil Company	RSHA00001Z	KEF-0093	5,383,827.31	0.00
Skinney's Inc	400H00227T	LEF-0071	18,527.76	0.00
Skycrest Shell	999K90112T	LEF-0112	87.22	87.22
SOS Monarch Oil Corp	240H00498T	LEF-0066	6,830.58	0.00
Starr Union Service	999K90067T	LEF-0103	264.33	264.33
Strasburger Enterprises, Inc	400H00219Z	LEF-0014	134.10	134.10
Sunset Blvd Car Wash	999K90113T	LEF-0091	2,046.45	2,046.45
Tenth Street Chevron	999K90115T	LEF-0104	276.77	276.77
Tesoro Petroleum Corp	BUBBBBBBBBB	KEF-0128	3,511,758.67	1,500,000.00
Texaco Inc	RTXE006A1Z	KEF-0119	21,312,124.70	18,512,124.70
Tom's Coffee Tree Chevron	999K90116T	LEF-0105	175.17	175.17
Vermont Morgan Corp	110H00514T	LEF-0072	23,479.66	0.00
Vessels Gas Processing, Ltd	740V01387W	VEF-0007	2,317,987.42	0.00
Wallace ARCO Service	999K90117T	LEF-0106	80.08	80.08
Walt's Shell	999K90118T	LEF-0107	138.09	138.09
Weber's Chevron Service	999K90119T	LEF-0108	312.49	312.49
Witco Chemical Corp	240S00054Z	HEF-0227	866,168.40	0.00
Totals			127,538,106.89	29,996,617.95

[FR Doc. 96-29358 Filed 11-14-96; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5652-3]

Proposed Settlement; Gasoline Distribution NESHA Litigation

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 ("Act"), notice is hereby given of a proposed settlement of *American Petroleum Institute v. U.S. Environmental Protection Agency*, No. 95-1098 (D.C. Cir.).

This case involves a challenge to the final rule, entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1)," that established

limits for emissions of various hazardous air pollutants from gasoline bulk terminals and gasoline pipeline breakout stations under section 112(d) of the Act. 59 F.R. 64,303 (Dec. 14, 1994). The major action the Environmental Protection Agency (the Agency) would take under this proposed settlement would be to modify the emissions estimation formulas in the rule to reflect additional hazardous air pollutant emissions at gasoline bulk terminals and pipeline breakout