

Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP97-336-000]

#### Trailblazer Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 24, 1997.

Take notice that on April 21, 1997, Trailblazer Pipeline Company (Trailblazer) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain tariff sheets to be effective June 1, 1997.

Trailblazer states that the purpose of this filing is to implement a negotiated rate provision in its tariff consistent with the Federal Energy Regulatory Commission's (Commission) "Statement of Policy and Request for Comments" issued January 31, 1996 in Docket Nos. RM95-6 and RM96-7.

Trailblazer requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective June 1, 1997.

Trailblazer states that copies of the filing are being mailed to its jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 97-11100 Filed 4-29-97; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Proposed Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of proposed implementation of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy announces proposed procedures for disbursement of \$2,380,290 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Crude Oil Purchasing, Incorporated (Case No. LEF-0058), Jaguar Petroleum, Incorporated (Case No. LEF-0059), Westport Energy Corporation/Westport Petroleum Corporation (Case No. LEF-0113), and Gratex Corporation/Compton Corporation (Case No. VEF-0012). The OHA has tentatively determined that the funds obtained from these firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

**DATES AND ADDRESSES:** Comments must be filed in duplicate within 30 days of the date of publication in the **Federal Register** and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0107. All comments shall refer to the case number or numbers referred to above.

#### FOR FURTHER INFORMATION CONTACT:

Bryan F. MacPherson, Assistant Director, Office of Hearings and Appeals, Washington, DC 20585-0107, (202) 426-1571.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision and Order sets forth procedures that the DOE has proposed to use to distribute a total of \$2,380,290, plus accrued interest, remitted to the DOE by (1) Crude Oil Purchasing, Incorporated, (2) Jaguar Petroleum, Incorporated, (3) Westport Energy Corporation & Westport Petroleum Corporation, and (4) Gratex Corporation/Compton Corporation. The DOE is currently holding these funds in interest bearing escrow accounts pending distribution.

The OHA proposes to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary

Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge moneys are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury. Because the June 30, 1995, deadline for the crude oil refund applications has passed, no new applications from purchasers of refined petroleum products will be accepted.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of the publication of this notice in the **Federal Register** and should be sent to the address provided at the beginning of the notice. All comments received will be available for public inspection between the hours of 1 pm and 5 pm, Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585-0107.

Dated: April 22, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### Proposed Decision and Order of the Department of Energy

April 22, 1997.

#### Implementation of Special Refund Procedures

**Names of Firms:** Crude Oil Purchasing, Incorporated; Jaguar Petroleum, Incorporated; Westport Energy Corporation & Westport Petroleum Corporation; Gratex Corporation/Compton Corporation.

**Dates of Filings:** July 20, 1993; July 20, 1993; September 9, 1993; March 23, 1995.

**Case Numbers:** LEF-0058; LEF-0059; LEF-0113; VEF-0012.

The Economic Regulatory Administration (ERA) of the Department of Energy filed four Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) to distribute funds remitted to the DOE pursuant to settlements between Crude Oil Purchasing, Incorporated (COP), Jaguar Petroleum, Incorporated (Jaguar), Westport Energy Corporation & Westport Petroleum Corporation (Westport), Gratex Corporation and its parent, Compton Corporation (Gratex/Compton). A total of \$2,380,290, plus interest, is available for restitution. All of these funds are now being held in interest-bearing escrow accounts pending a

determination regarding their proper disposition.

In accordance with the procedural regulations codified at 10 CFR Part 205, Subpart V, the ERA requests in its Petitions that the OHA establish special refund procedures to remedy the effects of any regulatory violations which were resolved by these settlements. This Proposed Decision and Order sets forth the OHA's proposed plan to distribute these funds.<sup>1</sup>

#### I. Background

On September 21, 1982, DOE and COP entered into a Consent Order which resolved all pending or potential claims that DOE had or may have against COP relating to COP's compliance with the federal petroleum price and allocation regulations during the period from January 1, 1973 to January 27, 1981. There is a total of \$93,750, plus interest, available from COP for restitution.

On May 31, 1983, DOE and Jaguar entered into a Consent Order which resolved all pending or potential claims that DOE had or may have against Jaguar relating to Jaguar's compliance with the federal petroleum price and allocation regulations during the period from November 14, 1979 to January 27, 1981. There is a total of \$64,500, plus interest, available from Jaguar for restitution.

On May 11, 1983, the ERA issued a Proposed Remedial Order (PRO) to Westport alleging overcharges in the resale of crude oil during the period from June 1980 to November 1980. OHA dismissed this PRO after Westport was discharged in bankruptcy and DOE was entitled to receive payments under the bankruptcy reorganization plan. Under Westport's Second Amended Liquidating Plan of Reorganization, approved by the US Bankruptcy Court for the District of Colorado on July 30, 1986, Westport was required to make payments to DOE, and OHA was directed to distribute to the Westport escrow account 35% of any refunds that it granted to Westport in other refund proceedings. Thus far, DOE has collected a total of \$126,172 from Westport. That amount, plus interest, is available for restitution.

ERA filed claims in the bankruptcy cases of Gratex and Compton alleging overcharges in the resale of crude oil during the period from December 1978 to December 1980. On April 27, 1984, ERA issued a PRO to Gratex and Compton based on these same facts. On October 18, 1988, the United States Bankruptcy Court for the Northern District of Texas approved a Compromise Agreement in the Gratex proceeding which obligated Gratex to pay DOE a lump sum plus a percentage of future distributions made to unsecured creditors. In 1992, the United States Bankruptcy Court for the Northern District of Texas approved a compromise agreement in the Compton proceeding. Thus far, Gratex and Compton have paid to the DOE the sum of \$2,095,868. This amount, plus interest, is available for restitution.

<sup>1</sup> For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. §§ 4501-07, *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

#### II. The Proposed Refund Procedure

As each of these petitions concern only violations of the regulations governing the sale of crude oil, we propose to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). The MSRP has been used as the basis for the distribution of all crude oil funds in Subpart V proceedings. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986); Notice regarding the Order Implementing the MSRP, 52 FR 11737 (April 10, 1987).

The MSRP was issued as a result of a court-approved Settlement Agreement. *In re: The Department of Energy Stripper Well Exemption Litigation*, 653 F. Supp. 108 (D. Kan. 1986) (the Stripper Well Settlement Agreement). The MSRP establishes that 40 percent of the crude oil funds will be remitted to the federal government, another 40 percent to the states, and up to 20 percent may be initially reserved for payment of claims to injured parties. The MSRP also specifies that any monies remaining after all valid claims by injured purchasers are paid be disbursed to the federal government and the states in equal amounts.

We propose to distribute the funds remitted by COP, Jaguar, Westport, and Gratex/Compton in accordance with the MSRP. Accordingly, we propose to initially reserve 20 percent of these funds for direct refunds to claimants.<sup>2</sup> We propose that the remaining 80 percent of the funds collected from these firms shall be disbursed in equal shares to the states and the 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, 6 Fed. Energy Guidelines ¶ 90,509 at 90,687. 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 Settlement Agreement. If additional funds are subsequently collected from these firms after the issuance of this Decision and Order, such funds shall be distributed in the same manner.

*It is therefore ordered that:* The refund amounts remitted to the Department of Energy by (1) Crude Oil Purchasing, Incorporated, pursuant to the Consent Order which became effective on September 21, 1982, (2) Jaguar Petroleum, Incorporated,

<sup>2</sup> It is no longer possible to file an Application for Refund from the crude oil funds as the final deadline for such Applications was June 30, 1995. See 60 FR 19914 (April 21, 1995). A party that submitted a timely claim in the crude oil refund proceeding need not file another claim in order to share in the funds at issue in this Decision. OHA is currently paying crude oil refund claims at the rate of \$0.0016 per gallon. We will decide whether sufficient crude oil overcharge funds are available for additional refunds when we are better able to determine how much additional money will be collected from firms that have either outstanding obligations to the DOE or enforcement cases currently in litigation.

pursuant to the Consent Order which became effective on May 31, 1983, (3) Westport Petroleum Corporation & Westport Energy Corporation, pursuant to the Second Amended Plan of Reorganization confirmed on July 30, 1986, by the U.S. Bankruptcy Court for the District of Colorado, and (4) Gratex Corporation and its parent, Compton Corporation, pursuant to the compromise agreements in the Gratex and Compton bankruptcy

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5819-2]

### Agency Information Collection Activities up for Renewal; Collection of Economic and Regulatory Impact Support Data Under RCRA ICR No. 1641.01

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Collection of Economic and Regulatory Impact Support Data Under RCRA: Request for Generic Clearance 1641.01, OMB Control Number 2050-0136, expiration date 10/31/97. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before June 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Patricia Washington at EPA, (703) 308-0497, and refer to EPA ICR No. 1641.01.

#### SUPPLEMENTARY INFORMATION:

**Affected entities:** Entities potentially affected by this action are those which are classified as hazardous waste generators, scientist, industry experts, and treatment storage and disposal facilities.

**Title:** Collection of Economic and Regulatory Support Data Under RCRA (OMB Control No. 2050-0136; EPA ICR No. 1641.01) expiring 10/31/97.

**Abstract:** EPA's Office of Solid Waste (OSW) is requesting approval for a generic clearance to collect economic and regulatory impact data through surveys, interviews, or focus group meetings with industry or other parties in support of the Resource Conservation