under the federal petroleum price and allocation regulations during the consent order period. Thus, the Consent Order settles not only issues related to the 91 reciprocal transactions but also any other potential liability of Occidental with respect to its compliance with the federal price and allocation regulations during the consent order period.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. 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 *et seq.*; see also *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

III. Proposed Refund Procedures

A. The DOE's Modified Statement of Restitutionary Policy

The distribution of crude oil overcharge funds is governed by the DOE's July 1986 Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP). See 51 Fed. Reg. 27899 (August 4, 1986). The MSRP was issued in conjunction with the Stripper Well Settlement Agreement. See In re: The Department of Energy Stripper Well Exemption Litigation. 653 F. Supp. 108 (D. Kan. 1986).

Under the MSRP, up to 20 percent of crude oil overcharge funds may be reserved for direct restitution to injured purchasers, with the remainder divided equally between the states and the federal government. The MSRP also specifies that any funds remaining after all valid claims by injured purchasers are paid be disbursed to the states and the federal government in equal amounts.

In August 1986, shortly after the issuance of the MSRP, the OHA issued an Order that announced that the MSRP would be applied in all Subpart V proceedings involving alleged crude oil violations. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986) (the August 1986 Order). In response, parties filed comments.

In April 1987, the OHA issued a Notice analyzing the numerous comments received in response to the August 1986 Order. See 52 FR 11737 (April 10, 1987). This Notice provided guidance to claimants that anticipated filing refund applications for crude oil funds under the Subpart V regulations. A crude oil refund applicant was only required to submit one application for its share of crude oil overcharge funds.

Consistent with the foregoing, the OHA accepted refund applications from 1987 until the June 30, 1995 deadline. See 60 FR 19914 (April 20, 1995). Applicants who filed before the deadline and whose applications are approved will share in the crude oil overcharge funds. Approved applicants are currently receiving $.0016 per gallon of purchased refined product.

B. Proposal To Distribute the OXY Consent Order Funds in Accordance With the MSRP

We have tentatively determined that all of the consent order funds are crude oil funds and, therefore, should be distributed in accordance with the MSRP. Although the Consent Order was global, i.e., it settled any potential claims against Occidental, the Consent Order was the result of a pending enforcement proceeding related to OXY's reciprocal purchases and sales of crude oil and the reporting of the purchased crude oil to the DOE Entitlements Program. The Consent Order does not identify any potential refined product claims, let alone indicate that any such potential violations were taken into account in arriving at the settlement amount. In fact, a provision in the Consent Order refers to an apportionment of the principal portion of consent order funds as payments of the principal and interest sought by the agency based on the ratio of principal and interest sought in the RPRO.[1] In addition to the Consent Order itself, the Notice of Proposed Consent Order and the Petition for Implementation of Special Refund Procedures both support the conclusion that the consent order funds are crude oil funds. The Notice of Proposed Consent Order indicates that the settlement amount was determined by reference to the litigation concerning the reciprocal crude oil transactions. See 60 FR at 35187 (Part II. Determination of Reasonable Settlement Amount). The Petition for Implementation of Special Refund Procedures states that the alleged violations underlying the Consent Order concern the improper reporting of crude oil certifications to the Entitlements Program, i.e., the claim in the RPRO. Petition at 2. Under the foregoing circumstances, we have tentatively determined that 100 percent of the consent order funds are crude oil funds.[2]

Because we have tentatively determined that 100 percent of the consent order funds are crude oil funds, we propose to distribute the funds according to the MSRP. We propose to reserve initially the full 20 percent ($55 million), plus accrued interest, for direct restitution to injured purchasers of crude oil and refined petroleum products. We propose to distribute the remaining 80 percent ($220 million) in equal shares to the states and the federal government.

As indicated above, the funds reserved for direct restitution to injured purchasers will be available for distribution through OHA's Subpart V crude oil overcharge refund proceeding. We have previously discussed the application requirements and standards that apply in that proceeding. Because the deadline for the filing of applications has now passed, we do not believe that it is necessary to reiterate those matters. In accordance with the MSRP, we propose that any funds remaining after the conclusion of the Subpart V crude oil overcharge refund proceeding be disbursed to the states and the federal government in equal shares.

With respect to the funds made available to the states for indirect restitution, we note that 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 Settlement Agreement. Based on the foregoing, we propose that the $100 million initial payment made by Occidental be disbursed as follows: $20 million, plus accrued interest, to the DOE interest-bearing escrow account for crude oil claimants, $40 million, plus accrued interest, to the DOE interest-bearing escrow account for the states, and $40 million, plus accrued interest, to the DOE interest-bearing escrow account for the federal government. We propose that, upon remittance to the DOE, Occidental's subsequent five annual payments of $35 million, plus accrued interest, be distributed to the same accounts in the same proportions.

It is therefore ordered That:

The consent order funds remitted by Occidental Petroleum Corporation will be distributed in accordance with the foregoing Decision.

[FR Doc. 95–30960 Filed 12–19–95; 8:45 am]

BILLING CODE 6450–01–P

[1] Section 406 provides in full:

Inasmuch as this Consent Order settles both the principal and interest portions of all claims made by the DOE against Occidental, the principal portion of the payments made pursuant to paragraphs 402 through 404 shall be deemed to be a payment of principal and interest in the same ratio that the principal portion of the DOE's claim in the proceeding styled In the Matter of OXY USA Inc., Case No. LRO–0003, bears to the interest portion of the DOE's claim in that case as of the Effective Date.

60 FR at 35189.

[2] See *generally Mt. Airy Refining Co.*, 24 DOE ¶ 85,094 at 88,305 n.1 (1994) (consent order funds considered crude oil funds where most of consent order funds related to crude oil violations); *DeMenno-Kerdoon*, 23 DOE ¶ 85,046 at 88,112 n.1 (1993) (global consent order funds considered crude oil funds where the funds were less than the crude oil violations alleged in PRO that was settled by the consent order).

Western Area Power Administration

Loveland Area Projects, Post-1999 Resource Study

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Completion.

SUMMARY: In accordance with the Post-1989 General Power Marketing and Allocation Criteria (Criteria), Pick-Slo Missouri Basin Program-Western Division, published in the **Federal Register** on January 31, 1986 (51 FR 4012), the Western Area Power Administration's (Western) Loveland Area Office (LAO) has completed a hydrological study to determine the available electric power resources for the period starting with the first day of the October 1999 billing period through the last day of the September 2004 billing period. The results of the study show that there is an energy deficit and

some surplus capacity available in the post-1999 period. The annual energy deficit is 3.3 percent of the total annual energy resource. The deficit occurs in the winter season when LAO has historically purchased energy. Western has reviewed the study results and concluded that the energy resource, even though deficit, will be sufficient to meet the current contractual commitments with minor energy purchases. The available capacity will be used to maintain operation flexibility. Therefore, there is no need to change the allocated amounts of energy with capacity under the Criteria between 1999 and 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen A. Fausett, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003, Telephone: (970) 490–7201.

Regulatory Procedural Requirements

The authority upon which Western allocates and contracts for electric service is based upon the provisions of the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388); the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); the Department of Energy Organization Act of 1977 (42 U.S.C. 7152, 7191); the Flood Control Act of 1944 (58 Stat. 891); the Fryingpan-Arkansas Project Acts of 1962 and 1974 (Pub. L. 87–590, 76 Stat. 389 and Pub. L. 93–493, 88 Stat. 1497); and acts amending or supplementing the foregoing legislation.

Background

Power produced by the Loveland Area projects is marketed pursuant to the Criteria. LAO's firm electric service contracts executed under the Criteria expire on the last day of the September billing period in 2004. The Criteria states "* * * at the end of the 1999 summer season billing period, the provisions of the contracts concerning the amounts of energy and capacity committed will be subject to revision based on the marketable resource. Any necessary revisions to these contract provisions will be determined by Western and presented to the contractors by the end of the 1996 summer season billing period." The available resources in the Criteria were determined by duplicating the river systems with a hydrological computer modeling program and calculating what the available energy and capacity would be using this data. The marketable capacity was calculated using a 90-percent probability of exceedance factor.

The energy portion of the Post-1999 Resource Study uses the average of the actual monthly generation rather than a calculated amount of energy using a hydrological computer simulation model. The capacity portion of the study uses essentially the same methodology as used in the Criteria. The results of the Post-1999 Resource Study show that there is an energy deficit and some surplus capacity available.

	Resources	
	Post 1999 marketable	Difference from contract
Winter Energy (GWh)	821.1	(89.2)
Summer Energy (GWh)	1,153.1	23.1
Total Energy (GWh)	1,974.2	(66.1)
Winter Capacity (MW)	538.5	42.0
Summer Capacity (MW)	606.7	16.7

Environmental Compliance

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C 4321 *et seq.*) and implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500–1508) require that the environmental effects of agency actions be studied and considered by decision makers. DOE issued Implementing Procedures and Guidelines for the National Environmental Policy Act at 10 CFR Part 1021. Performance of this resource study meets the definition of a categorical exclusion, which is a category of actions defined at 40 CFR 1508.4 and listed in Appendix A to Subpart D of the DOE Implementing Procedures for which neither an environmental assessment nor an environmental impact statement is usually required. The applicable categorical exclusion is found at A9 in Appendix A to Subpart D.

Issued at Washington, DC, December 11, 1995.

Joel K. Bladow,

Assistant Administrator.

[FR Doc. 95–30959 Filed 12–19–95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–5399–5]

Agency Information Collection Activities Under OMB Review

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 the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes actual data collection instrument.

DATES: Comments must be submitted on or before January 19, 1996.

FOR FURTHER INFORMATION OR A COPY CALL:

Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1426.04.

SUPPLEMENTARY INFORMATION:

Title: EPA Worker Protection Standard for Hazardous Waste Operations and Emergency Response, OMB Control # 2050–0105, EPA ICR # 1426.04, expiration 1–31–96. This is a request for extension, without change, of a currently approved collection.

Abstract: Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) require EPA to set worker protection standards for State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration approved State plans. The EPA coverage, required to be identical to the OSHA standards, extends to three categories of employees: those in clean-ups at uncontrolled hazardous waste sites, including corrective actions at Treatment, Storage and Disposal (TSD) facilities regulated under the Resource Conservation and Recovery Act (RCRA); employees working at routine hazardous waste operations at RCRA TSD facilities; and employees involved in emergency response operations without regard to location. This ICR renews the existing mandatory recordkeeping collection of ongoing activities including monitoring of any potential employee exposure at uncontrolled hazardous waste sites maintaining records of employee training, refresher training, medical exams, and reviewing emergency response plans. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this