

implement Subpart V procedures with respect to the monies received from the 17 firms named in the Appendix and have determined that such procedures are appropriate.

On July 28, 1986, the DOE issued a *Statement of Modified Restitutionary Policy in Crude Oil Cases*, 51 FR 27899 (August 4, 1986) (the SMRP). The SMRP, issued as a result of a court-approved Settlement Agreement In re: *The Department of Energy Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan. 1986), reprinted in 6 Fed. Energy Guidelines ¶ 90,501 (The Stripper Well Agreement), provides that crude oil overcharge funds will be divided among the states, the federal government, and injured purchasers of refined petroleum products. Eighty percent of the funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution. Twenty percent of the funds will be used for direct restitution to

claimants who were injured by actual or alleged crude oil violations.

The OHA has applied these procedures in numerous cases. *E.g.*, *New York Petroleum, Inc.*, 18 DOE ¶ 85,435 (1988); *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988); *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988). The procedures have been approved by the United States District Court for the District of Kansas, as well as the Temporary Emergency Court of Appeals. We will not reiterate those procedures here. They are by now well known and, further, the period for filing refund claims for crude oil overcharge funds closed on June 30, 1995. 60 FR 19914-15 (April 21, 1995).

Accordingly, we propose to reserve the full twenty percent of the available alleged crude oil violation amounts, \$2,532,199.72, for direct refunds to claimants, in order to ensure that sufficient funds will be available for refunds to injured parties. As stated above, no new applications for refund

for those monies will be accepted, since the claims period has closed. The funds will be added to the general crude oil overcharge pool available for direct restitution.

Under the terms of the SMRP, we propose that the remaining eighty percent of the alleged crude oil violation amounts subject to this Decision, or \$10,128,798.86, should be disbursed in equal shares to the states and federal government for indirect restitution. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well 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 Agreement.

It Is Therefore Ordered That: The refund amounts remitted to the Department of Energy by the firms listed in the Appendix to this Decision and Order will be distributed in accordance with the foregoing Decision.

APPENDIX—CONSENT ORDER

| Name of firm | Tracking | | Amount | |
|---|--------------|-------------------|--------------|-------------------------------|
| | OHA Case No. | System No. (COTS) | Principal | With interest through 9/30/99 |
| ARGO Petroleum Corp. | VEF-0031 | 940C0089W | \$60,835.18 | \$86,841.36 |
| Don E. Pratt Oil Co. | VEF-0036 | 740C01204W | 235,000.00 | 394,878.05 |
| Beta Energy Corp. | VEF-0034 | 6C0X00260W | 32,818.34 | 45,037.34 |
| AWECO, Inc. & Hargis, Billy K. | VEF-0032 | 6A0X00231W | 665,908.68 | 968,874.23 |
| B.M. Hester | VEF-0033 | 660C00647W | 25,000.00 | 36,649.53 |
| General Atlantic Petrl. & General Klotz | VEF-0038 | 650X00359W | 107,790.21 | 123,262.93 |
| Glen A. Martin | VEF-0039 | 610C000478W | 13,583.80 | 18,560.48 |
| Intercoastal Operating Co. & L.E. Lewis | VEF-0041 | 600C20082W | 95,000.00 | 159,348.46 |
| Kelly Trading Co. & Reed, M.L. | VEF-0043 | 650X00350W | 182,000.00 | 265,665.83 |
| Martin Exploration Co. | VEF-0044 | 640C00406W | 3,917.32 | 5,989.39 |
| Pel-Star Energy | VEF-0047 | 6A0X00277W | 30,263.70 | 51,178.22 |
| Petro-Thermo | VEF-0048 | 6A0X00301W | 42,772.32 | 75,698.67 |
| Petroleum Mgmt., Inc. | VEF-0049 | 422C00066W | 71,319.67 | 117,570.09 |
| Polaris Production Co. | VEF-0050 | 670C00229W | 71,726.16 | 109,151.96 |
| Road Oil Sales | VEF-0051 | N00S98090W | 6,950.58 | 15,485.49 |
| Tomlinson Petrl., Inc. | VEF-0054 | 650X00318W | 7,406,694.87 | 10,027,185.48 |
| United Independent Oil Co. & Peter Hirshburg | VEF-0055 | N00S90461W | 75,000.00 | 159,621.07 |
| Total | | | 9,126,580.83 | 12,660,998.58 |

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6480-3]

Request for Nominations to the National and Governmental Advisory Committees to the U.S. Representative to the North American Commission for Environmental Cooperation and to the Good Neighbor Environmental Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is inviting nominations of qualified candidates to consider for appointment to fill vacancies on the National and Governmental Advisory Committees to the U.S. Representative to the North American Commission for Environmental Cooperation and on the Good Neighbor Environmental Board.

DATES: Nominations will be accepted until 5 p.m. on Friday, December 24, 1999.

ADDRESSES: Submit nominations to: Mark Joyce, Designated Federal Officer,

Office of Cooperative Environmental Management, U.S. Environmental Protection Agency (1601A), 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mark Joyce, Designated Federal Officer, U.S. Environmental Protection Agency (1601A), Washington, DC 20460; telephone 202-564-9802; fax 202-501-0661; email joyce.mark@epa.gov.

SUPPLEMENTARY INFORMATION: The National and Governmental Advisory Committees to the U.S. Government Representative to the North American Commission for Environmental Cooperation advise the Administrator of the EPA in the Administrator's capacity as the U.S. Representative to the Council of the North American Commission on Environmental Cooperation. The Committees are authorized under Article 18 of the North American Agreement on Environmental Cooperation, North American Free Trade Agreement Implementation Act, Public Law 103-182 and as directed by Executive Order 12915, entitled "Federal Implementation of the North American Agreement on Environmental Cooperation." The Committees are responsible for providing advice to the United States Representative on a wide range of strategic, scientific, technological, regulatory and economic issues related to implementation and further elaboration of the Agreement. The National Advisory Committee consists of 12 representatives of environmental groups and non-profit entities, business and industry, and educational institutions. The Governmental Advisory Committee consists of 12 representatives from state, local and tribal governments. Members are appointed by the Administrator of EPA for a term of no less than two years with the possibility of reappointment. The Committees each meet 3 times annually.

The Good Neighbor Environmental Board advises the President and the Congress on environmental and infrastructure issues and needs within the States of the United States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border. The Board is specifically directed under Section 6 of the Enterprise for the Americas Initiative Act, 7 U.S.C. 5404. The Board consists of representatives from eight U.S. Government agencies; from the governments of the States of Arizona, California, New Mexico and Texas; from Tribal governments in the border region; and from private organizations and other non-governmental entities with

experience and expertise on environmental and infrastructure problems along the southwest border. Members are appointed by the Administrator of EPA for a term of two years with the possibility of reappointment. The Board also meets 3 times annually.

Nominations for membership must include a resume describing the professional and educational qualifications of the nominee and the nominee's current business address and daytime telephone number.

Dated: November 18, 1999.

Sonia Altieri,

Acting Designated Federal Officer.

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ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-140281; FRL-6393-6]

Access to Confidential Business Information by Versar Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its subcontractor Versar Incorporated (Versar), of Springfield, Virginia, access to information which has been submitted to EPA under sections 4, 5, 6, and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than December 6, 1999.

FOR FURTHER INFORMATION CONTACT: Christine Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to "those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA)." Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person

listed under "FOR FURTHER INFORMATION CONTACT."

II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

Electronically. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register--Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

III. What Action is the Agency Taking?

Under contract number 68-W9-9085, subcontractor Versar of 6850 Versar Center, Springfield, VA, will assist the Office of Pollution Prevention and Toxics (OPPTS) by providing technical support to the development of the Chemical Engineering Branch's computerized models, including models for developing screening level estimates of occupational exposures and environmental releases.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-W9-9085, Versar will require access to CBI submitted to EPA under sections 4, 5, 6, and 8 of TSCA to perform successfully the duties specified under the contract.

Versar personnel will be given access to information submitted to EPA under sections 4, 5, 6, and 8 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, and 8 of TSCA that EPA may provide Versar access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and Versar's Springfield, VA facility.

Versar will be authorized access to TSCA CBI at their facility under the EPA *TSCA Confidential Business Information Security Manual*. Before access to TSCA CBI is authorized at Versar's site, EPA will perform the required inspection of its facility and ensure that the facility is in compliance with the Manual.

Upon completing review of the CBI materials, Versar will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 2004.