

385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 97-29939 Filed 11-13-97; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Determination of Excess Petroleum Violation Escrow Funds for Fiscal Year 1998

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

**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 \$20,610,767 of the amounts currently in escrow is determined to be excess funds for fiscal year 1998. Pursuant to the statutory directive, these funds will be made available to state governments for use in specified energy conservation programs. **FOR FURTHER INFORMATION:** 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, Pub. L. No. 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, \$20,610,767 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 Energy Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan., July

7, 1986). As of September 30, 1997, the total in escrow subject to the PODRA procedures was \$96,366,739.

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, 1997, 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 1997 PODRA determination (61 FR 58545 (1996)) are included as part of the "excess" for fiscal year 1998. No "other commitments" are reflected in the reserves.

As indicated above, the total escrow account equity subject to PODRA is \$96,366,739. The total amount needed as reserves for direct restitution in those cases is \$75,755,972. When this figure is subtracted from the former, the remainder—\$20,610,767—is the amount in fiscal year 1998 that is "in excess" of the amount that will be needed to make restitution to injured persons. The Appendix to this Notice sets forth for each refund case within the OHA's jurisdiction the total amount eligible for distribution under PODRA and the "excess" amount.

Accordingly, \$20,610,767 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 7, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### AMOUNT AVAILABLE FOR INDIRECT RESTITUTION IN FY 1998

Name of company	Consent order number	Equity as of Sept. 30, 1997	Amount available in FY 98
ATLANTIC RICHFIELD CO (ARCO) .....	RARH00001Z	\$11,566,398.41	\$7,000,000.00
ENRON CORPORATION .....	730V00221Z	21,225,255.49	3,200,000.00
TEXACO INC .....	RTXE006A1Z	3,166,580.85	3,166,580.85

## AMOUNT AVAILABLE FOR INDIRECT RESTITUTION IN FY 1998—Continued

Name of company	Consent order number	Equity as of Sept. 30, 1997	Amount available in FY 98
ANCHOR GASOLINE CORPORATION .....	740S01247Z	4,821,029.39	1,500,000.00
GETTY OIL COMPANY .....	RGEA00001Z	6,515,165.75	1,500,000.00
EASON OIL COMPANY .....	740S01314Z	4,771,886.91	1,000,000.00
PERMIAN CORPORATION .....	650X00246T	1,607,933.32	1,000,000.00
WITCO CHEMICAL CORP .....	240S00054Z	912,335.34	912,335.34
HOUMA OIL CO .....	640H10422W	432,725.63	432,725.63
GULF OIL CORPORATION .....	RGFA00001Z	3,914,723.65	400,000.00
ESTE OIL COMPANY .....	533H00163T	76,895.24	76,895.24
PRODUCT TRACKING—PODRA .....	999DOE005W	68,191.04	68,191.04
G & G OIL COMPANY .....	550H00332T	59,892.61	59,892.61
KICKAPOO OIL .....	570H00214T	49,785.49	49,785.49
BELL FUELS INC .....	570H00195T	41,441.15	41,441.15
RECO PETROLEUM INC .....	320H00304T	32,290.43	32,290.43
GENERAL PETROLEUM .....	550H00075T	28,128.31	28,128.31
VERMONT MORGAN CORP .....	110H00514T	24,729.79	24,729.79
SKINNEY'S INC .....	400H00227T	19,514.04	19,514.04
CAPITOL 66 OIL COMPANY .....	422H00238T	19,229.53	19,229.53
MAXWELL OIL CO. ....	000H00425Z	18,854.94	18,854.94
LAMPTON-LOVE INC .....	422T00013T	15,834.29	15,834.29
CUMBERLAND FARMS DAIRY INC .....	120K00497T	7,567.04	7,567.04
EMPIRE GAS CORPORATION .....	720T00521Z	7,392.49	7,392.49
SOS MONARCH OIL CORP .....	240H00498T	7,193.33	7,193.33
N C GINTHER COMPANY .....	710V03022T	5,983.41	5,983.41
METROPOLITAN PETROLEUM CO, INC .....	414H00171Z	5,736.27	5,736.27
JEDCO INC .....	421K00107W	4,326.42	4,326.42
E-Z SERVICE INC .....	400H00220T	3,722.26	3,722.26
BEACON BAY ENTERPRISES, INC .....	999K90120T	1,015.95	1,015.95
MOCKABEE GAS & FUEL CO .....	311H00342W	752.83	752.83
ELWOOD CHEVRON SERVICE .....	999K90098T	547.67	547.67
DALCO PETROLEUM .....	660T00642Z	39.86	39.86
MARATHON PETROLEUM CO .....	RMNA00001Z	23.33	23.33
SUNSET BLVD CAR WASH .....	999K90113T	22.54	22.54
GENERAL EQUITIES, INC. ....	110H00527Z	15.41	15.41
QUANTUM CHEMICAL CORPORATION .....	720V01245Z	0.02	0.02
AOC ACQUISITION CORPORATION .....	RCKH016A1Z	10,089,118.08	0.00
GOOD HOPE REFINERIES INC. ....	150S00154Z	3,973,915.80	0.00
GULF STATES OIL & REFINING .....	6E0S00057T	609,991.91	0.00
HUDSON OIL CO. INC .....	740S01258W	9,214,807.75	0.00
INTERCOASTAL OIL CO .....	940X00076T	35,303.15	0.00
KENNY LARSON OIL CO .....	000H00439W	5,152.10	0.00
MACMILLAN OIL COMPANY, INC .....	730T00031Z	601,344.51	0.00
OASIS PETROLEUM CORP .....	940X00217Z	2,174,279.49	0.00
SHELL OIL COMPANY .....	RSHA00001Z	5,670,793.37	0.00
TESORO PETROLEUM CORP .....	BUBBBBBBBB	2,117,333.61	0.00
VESSELS GAS PROCESSING, LTD. ....	740V01387W	2,441,538.79	0.00
Totals .....		96,366,738.99	20,610,767.51

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**ENVIRONMENTAL PROTECTION AGENCY**

(ER-FRL-5486-3)

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared October 27, 1997 Through October 31, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended.

Requests for copies of EPA comments can be directed to the Office of FEDERAL ACTIVITIES AT (202) 564-7176. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1997 (62 FR 16154).

**Draft EISs**

ERP No. D-AFS-K65199-AZ Rating EC2, Windmill Range Allotment Management Plan, Cattle Grazing Use, Implementation, Coconino National Forest, Mormon Lake, Peaks and Sedona Ranger Districts, Coconino and Yavapai County, AZ.

*Summary:* EPA expressed environmental concerns and recommended that the FEIS should

include specific information on water quality monitoring, enforcement measures to ensure full compliance with the proposed allotment management plan, and fall back options in case adequate funding and resources are not obtained or if monitoring indicates continuing decline of rangeland conditions. EPA suggested reconsideration of Alternative G or a modification of preferred Alternative F to address critical resource needs in the Munds Pocket and Foxboro herd range. ERP No. D-AFS-K65200-CA Rating EC2, San Juan Fuels and Wildlife Project, Implementation, Tahoe National Forest, Nevada City Ranger District, Nevada County, CA.