

agency's comments must also be sent to the Applicant's representatives.

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

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, Comments, Recommendations, and Terms and Conditions

March 31, 2000.

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 11836-000.

c. *Date filed:* February 23, 2000.

d. *Applicant:* Mark R. Hutchings.

e. *Name of Project:* Pinesdale Project.

f. *Location:* At the Sheafman Creek Canyon, in Ravalli County, Montana. Project has no Federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 USC 791(a)-825(r).

h. *Applicant Contact:* Mark R. Hutchings, BMB Enterprises, 268 South Moss Hill Road, Bountiful, Utah 84010-1322, (801) 292-5014.

i. *FERC Contact:* Robert W. Bell (202) 219-2806.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D-4.

k. *Deadline for filing motions to intervene, protests and comments:* June 10, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed project consists of an existing powerhouse on the 12-inch-diameter steel Pinesdale pipeline with one new generating unit having an installed capacity of 150-kW. The applicant would sell all the power generated to Ravalli County Electric Cooperative.

The average annual generation would be 705, 782 kWh.

#### n. *Available Locations of Application:*

A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. This filing maybe viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address shown in item h above.

All documents (original and eight copies should be filed with: David P. Boergers, secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ-12, 888 First Street NE, Washington DC 20426.

Please include the Project Number 11836-000 on any comments, protests, or motions filed.

**Development Application—**Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

**Notice of intent—**A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

**Protests or Motions to Intervene—**Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

**Filing and Service of Responsive Documents—**The application is ready

for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in

accordance with 18 CFR 4.34(b) and 385.2010.

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

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Implementation of Special Refund Procedures

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

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

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the final procedures for disbursement of more than \$12,000,000, including accrued interest, in alleged crude oil overcharges

obtained by the DOE under the terms of Consent Orders and Remedial Orders entered into with ARGO Petroleum Corp. and 16 other firms, Case Nos. VEF-0031, *et al.* The OHA has tentatively determined that the funds obtained from these 17 firms plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges.

#### FOR FURTHER INFORMATION CONTACT:

Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW, Washington, DC 20585-0107, (202) 426-1527.

#### SUPPLEMENTARY INFORMATION:

In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Final Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute more than \$12,000,000, including interest,

obtained by the DOE under the terms of Consent Orders and Remedial Orders entered into with ARGO Petroleum Corp. and 16 other firms. The funds were paid towards the settlement of violations and alleged violations of the DOE price and allocation regulations involving the sale of crude oil during the period August 1973 through January 1981.

The OHA will distribute the Consent Order funds in the manner stated in an October 29, 1999 Proposed Decision and Order. The monies will be divided between the federal government, the states, and injured purchasers of refined petroleum products. Since the period for filing claims for crude oil overcharge refunds has closed, no new refund applications will be accepted for the funds involved in this decision and order.

Dated: March 28, 2000.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### APPENDIX A

Name of firm	OHA case No.	Consent order tracking system No. (COTS)	Amount	
			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 Altantic Petr'l & 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 Petr'l., 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
<b>Total .....</b>			<b>9,126,580.83</b>	<b>12,660,998.58</b>

### Decision and Order of the Department of Energy

#### Implementation of Special Refund Procedures

*Name of Firm:* ARGO Petroleum Corp., *et al.*

*Date of Filing:* October 19, 1999.

*Case Number:* VEF-0031, *et al.*

On October 29, 1999, the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Proposed Decision and Order (PDO) concerning a Petition for Implementation of Special Refund Procedures filed by the DOE's Office of General Counsel for Federal Litigation. The PDO is issued as Appendix B to the present determination.

In the PDO, we invited comments regarding a proposal to disburse

\$9,126,580.83 plus interest, received from 17 firms that sold crude oil during the period August 17, 1973 through January 1981. The names of the firms and the amounts received from each are set forth in Appendix A to this determination. The funds were remitted in order to settle actual or alleged violations of the DOE's mandatory petroleum price and allocation regulations. 10 CFR Parts 211 and 212. We allowed a 30-day period in which to provide comments regarding the manner in which these funds would be disbursed. The comment period is now closed. We received no comments regarding our proposal. We are therefore issuing final procedures for disbursing the funds.

The monies, including all additional interest that has accrued since the issuance of the October 29 PDO, will be disbursed as

set forth in the appended PDO. As the PDO states, the funds will be disbursed as provided for in the DOE's Statement of Modified Restitutionary Policy in Crude Oil Cases. 51 Fed. Reg. 27899 (August 4, 1986) (the SMRP). Therefore, the funds will be divided as follows: 20 percent will be reserved for direct restitution to injured parties; the remaining 80 percent will be disbursed in equal shares to the states and the federal government for indirect restitution. As stated above, in this case, the total amount available for disbursement, not including interest, is \$9,126,580.83. This fund shall be disbursed as follows: \$1,825,316.16 plus 20 percent of all accrued interest as of the date of the funds transfer shall be deposited into the DOE interest-bearing account for crude oil overcharge