

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.¹

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.

¹ 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.² 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,

² 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

and Recovery Act (RCRA) rulemaking actions. RCRA, as amended by the Hazardous and Solid Waste Amendments, requires EPA to establish a national regulatory program to ensure that hazardous waste is managed in a manner protective of human health and the environment. EPA is authorized under section 2002 and 3007 of RCRA to collect information from industry and other parties when necessary to carry out its regulatory responsibilities. The information collected will be used to assess the costs and benefits of various potential regulatory and nonregulatory actions. 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 listed in 40 CFR Part 9 and 48 CFR Chapter 15. Executive Order 12866 specifies that all administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action. To this end, Executive Order No. 12866 requires the preparation and evaluation of an assessment of costs and benefits for all proposed regulatory actions determined to be significant. This generic clearance simplifies the authorization process to develop and administer surveys, interviews and focus group meetings and provides OSW with the flexibility needed to conduct information collection in a rapid and efficient manner. An important element in preparing an Economic Impact Analysis (EIA) may include the administration of surveys, interview and focus group meetings to obtain data from the regulated community and other interested parties. OSW often needs to collect such information and perform analysis over a short time frame. It is for this reason that the Agency is currently requesting renewal of this Information Collection Request (ICR).

The EPA would like to solicit comments to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The public reporting burden for this generic collection is estimated to average 13.5 hours per response. This estimate includes all aspects of the information collection including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Estimated Number of Respondents: 1000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 15,000 hours.

Frequency of Collection: On Occasion.

Dated: April 2, 1997.

Matthew Hale,

Acting Director, Office of Solid Waste.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5819-7]

Agency Information Collection Activities: Proposed Collection; Comment Request; Information Collection Request for Customer Satisfaction Surveys

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): Information Collection Request for Customer Satisfaction Surveys. 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 1, 1997. They may be sent via electronic mail to bonner.patricia@epamail.epa.gov.

ADDRESSES: USEPA, Office of Policy, Planning & Evaluation, OSPED/IO, 401 M Street SW, Washington, D.C. 20460. Copies of the ICR may be obtained by calling: 202-260-0599; requesting by fax to 202-260-0275, and may be accessed electronically via Internet [<http://www.epa.gov/oppe> on the World Wide Web].

FOR FURTHER INFORMATION CONTACT: Patricia Bonner, telephone: 202-260-0599; fax 202-260-0275.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which telephone, write to or electronically request information from the Agency; apply for permits, pesticide registration or grants; are or become partners with the Agency in pollution prevention; participate in an enforcement, compliance assistance or rulemaking activity; or receive other Agency services or training.

Title: Information Collection Request for Customer Satisfaction Surveys, OMB Control Number 2090-0019, EPA ICR Number 1711.01, expiring 10/31/97.

Abstract: Within the Environmental Protection Agency voluntary customer surveys will be used to determine the level of customer satisfaction with EPA services in terms of access, timeliness, courtesy, accuracy, value to the respondent, and other appropriate measures of quality within our various lines of service. Surveys will involve individuals who have experienced EPA services directly or could have obtained such services (e.g. people who are notified about an event or action, but choose not to participate/comment). Information obtained from these surveys will be used to assist in evaluating and improving service delivery processes. In the past three years, the Agency has performed nearly 35 surveys. Comment cards, focus groups and more complex surveys have provided managers with information enabling the Agency to streamline procedures, speed delivery of services, and improve the quality of service delivery for customers. The Agency may not conduct or sponsor,