

(EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was not suffering gross inequity or serious hardship. Therefore, the DOE denied Patriot's Application for Exception.

#### Refund Application

*Primerica Corporation, 8/8/97, RG272-1074*

The Department of Energy considered a portion of a refund application filed by Primerica Corporation in Case No. RF272-68493. The DOE considered

whether Primerica, as the successor to the American Can Company, was entitled to a refund for two businesses sold by American Can after the refund period. The DOE determined that the agreement pursuant to which American Can sold the can business contained language sufficiently broad in scope to transfer the right to the refund. The DOE also determined that American Can's incorporation of its interest in Chemplex, a joint venture engaged in chemical production, and American Can's subsequent sale of the stock to another firm, transferred the right to a refund. The DOE provided Primerica

with an opportunity to file comments on whether its refund for the chemical business in *Geety Oil Company/Primerica*, 17 DOE ¶85,354 (1988), should be rescinded.

#### Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Adeline Blumhorst Et Al .....	RK272-02270	8/7/97
Asamera Oil (U.S.) Inc .....	RC272-367	8/8/97
Steuart Transportation Co .....	RC272-368	
Asamera Oil (U.S.) Inc .....	RK272-4336	
Steuart Transportation Co .....	RK272-4337	
Branson R-V School District Et Al .....	RF272-96300	8/7/97
Fearnley & Eger AS Et Al .....	RA272-79	8/8/97
Morris Hertling & Co .....	RF272-79057	8/6/97
North Point Cab Co .....	RF272-97051	8/4/97
Plastics Universal Corp .....	RC272-366	8/7/97
Pet, Inc .....	RK272-4335	
Plastics Universal Corp .....	RK272-4069	
Pet, Inc .....	RC272-369	
Ray G. Andis Et Al .....	RF272-39798	8/4/97
Service America Corp .....	RK272-04232	8/4/97
Tri-County FS, Inc .....	RR272-00298	8/7/97

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5896-2]

### Agency Information Collection

**Activities: Proposed Collection; Emergency Clearance Request; Comment Request; State Use of EPA's Policy on Compliance Incentives for Small Businesses or Comparable State Policy on Reducing Penalties for Small Entities/State Use of Penalty Reduction Policies for Small Entities**

**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 has submitted an emergency clearance request for the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): State Use of EPA's Policy on Compliance Incentives for Small Businesses or Comparable State Policy on Reducing Penalties for Small Entities. The emergency clearance request has been submitted for emergency processing

within 14 days. During this time period, EPA is soliciting comments on specific aspects of the proposed information collection. The Agency is seeking this Information Collection Request to cover a six month period. The Agency is preparing another Information Collection Request that will go through full approval process to cover subsequent requests for information concerning State use of EPA's Policy on Compliance Incentives for Small Businesses or similar State penalty reduction policies/programs for small entities.

**DATES:** Please submit comments on or before October 6, 1997.

**ADDRESSES:** U.S. EPA, Office of Enforcement and Compliance Assurance (2201A) 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Karin Leff, 202-564-7068/202-564-0037 fax, Leff.Karin @ EPAmail.EPA.gov.

#### SUPPLEMENTARY INFORMATION:

*Affected entities:* Entities potentially affected by this action are the individuals in each state responsible for implementing EPA's Policy on Compliance Incentives for Small Businesses or comparable state policies reducing penalties for small entities.

*Title:* State Use of EPA's Policy on Compliance Incentives for Small Businesses or State Policy on Reducing Penalties for Small Entities.

*Abstract:* Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires EPA to report to Congress no later than March 29, 1998, on the impact of its program or policy to reduce/waive penalties for small entities including the scope of its program or policy, the number of enforcement actions against small entities that qualified/did not qualify for the program or policy and the total amount of penalty reductions/waivers. EPA's program consists of its Policy on Compliance Incentives for Small Businesses (Small Business Policy), Policy on Flexible State Enforcement Responses to Small Community Violations and Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations policy. These policies waive or reduce penalties for entities who discover first-time violations through on-site government-sponsored compliance assistance or audits, promptly disclose and correct the violations and meet certain other criteria. The Agency is tracking the use of these policies by the ten EPA Regions. However, the Policy on Compliance Incentives for Small Businesses (Small Business Policy) will

be implemented primarily in the states as states are delegated the majority of EPA programs and will be the predominant providers of on-site compliance assistance. States may be implementing EPA's small business policy or a comparable state policy. Accordingly, in order to report comprehensively to Congress on the impact of the Agency's program to reduce/waive penalties for small entities, it is important that EPA obtain information from the states on their implementation of a comparable policy or program.

EPA, working alone or with state-affiliated organizations, will send a brief questionnaire to each state environmental regulatory agency. Specifically, the Agency will request information on: the scope of a state's program or policy to reduce/waive penalties for small entities, the number of enforcement actions against small entities that qualified/did not qualify for the program or policy, the total amount of penalty reductions/waivers and the behavioral/environmental impact of a state's program or policy. Responses to the collection of information are voluntary. This information will enable the Agency to: fulfill its statutory obligation to Report to Congress; better understand the impact of its Small Business Policy or comparable state policies on small entities and the environment; tailor its policies and programs to assist small entities in complying with regulatory requirements and reduce or waive penalties levied on first-time violators. The information, in addition, will be used by Congress to evaluate the implementation of the Small Business Regulatory Enforcement Fairness Act of 1996.

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.

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 total burden of responding to the questionnaire is summarized by the following information: Review instructions (.25 person/hour); Collection/aggregation and validation of information (10 person/hours); Filling out the questionnaire (.5 person/hours). The average hourly burden to the states for this one-time report to Congress is estimated to be 10.75 person/hours. The respondent costs have been calculated on the basis of \$33 per hour for a total of \$354.75. The total cost burden for this one-time report to Congress for all states is estimated to be \$17,737.50. 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.

Dated: September 12, 1997.

**Elaine G. Stanley,**

*Director, Office of Compliance.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5896-5]

### National Environmental Justice Advisory Council; Notification of Charter Renewal

Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92-463, the U.S. Environmental Protection Agency hereby announces the recharting of the National Environmental Justice Advisory Council (NEJAC) for an additional 2 year period effective 9/29/97. The Advisory Council provides advice to the Administrator of EPA on

issues related to managing environmental justice. This council consists of 25 individuals selected to represent the seven major stakeholder categories; academia, community organizations, industry, state/local governments, tribal governments, non-government organizations, and environmental organizations. This council convenes to review resolutions prepared in the subcommittees and to hear public comments during the Public Comment Period held during each meeting, normally for two nights for at least two hours each night. The Advisory Council has six subcommittees to help develop strategic options for EPA. Each subcommittee is comprised of approximately ten individuals knowledgeable in the subject area, from the NEJAC Council as well as from other stakeholder organizations. These subcommittees are: Waste and Facility Siting, Enforcement, Health and Research, Public Participation and Accountability, Indigenous Peoples, and International. Copies of the new revised charter, information regarding the NEJAC membership and other pertinent Environmental Justice knowledge can be obtained by dialing the 24 Hour Office of Environment Justice Line on 1-800-962-6215;

#### FOR FURTHER INFORMATION CONTACT:

Marva E. King, NEJAC Program Manager at 202-564-2599.

Dated: September 11, 1997.

**Robert J. Knox,**

*Designated Federal Official, National Environmental Justice Advisory Council.*

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## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-140262; FRL-5744-5]

### Access to Confidential Business Information by General Sciences Corporation

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized its contractor, General Sciences Corporation (GSC), of Laurel, Maryland, 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).