

according to information set forth in the **Federal Register** Notice announcing the proposed Gulf consent order, approximately 71 percent of the aggregate amount of the alleged violations settled by the consent order concern Gulf's alleged production and sales of crude oil. 50 Fed. Reg. 9493, 9496 (March 6, 1985). We therefore proposed that this same percentage of the principal in the Gulf escrow account, or \$104,050,661, be set aside as a pool to be used for crude oil refunds.¹

The DOE's Modified Statement of Restitutionary Policy (MSRP) is applicable to the disbursal of the Gulf crude oil funds. Under the terms of the MSRP, 20 percent of crude oil violation funds are reserved to satisfy claims by injured end users of petroleum products. The remaining 80 percent of the funds are divided equally between the States and the Federal Government. We will next consider how the funds in the Gulf account should be disbursed.²

Pursuant to the MSRP, we will reserve 20 percent of the \$104,050,661 Gulf crude oil fund, or \$20,810,132, for direct restitution to end users. 51 Fed. Reg. 27899 (August 4, 1986). We will also transfer \$16,499,629 in interest on that sum for this purpose.³ Thus, the total amount to be disbursed to the end user account is \$37,309,761.

We next consider the refund amount due to the States. Under the terms of the MSRP, the States were entitled to 40 percent of the

¹ Our Proposed Decision covered tentative refund procedures for both crude oil and refined petroleum products. We stated that the remaining 29 percent of the Gulf funds, or \$42,499,566, would be made available for distribution to claimants who were injured by Gulf's alleged violations in its sales of refined petroleum products. For simplicity, our final refund procedures relating to alleged overcharges in Gulf's sales of crude oil and refined products have been split into two Decisions and Orders. The Decision and Order establishing refund procedures concerning Gulf's alleged refined product overcharges was issued on September 8, 1987. Gulf Oil Corp., 16 DOE ¶ 85,381 (1987) (Gulf). We did not receive any comments regarding our proposed allocation of 29 percent of the Gulf funds to the refined product proceeding. Accordingly, in *Gulf*, we adopted the proposed 71/29 percent allocation between crude oil and refined product monies. We have actively been disbursing refunds to Gulf refined product purchasers for a number of years based on that division of the funds.

² The DOE used \$73,585,129 of the \$104,050,661 in Gulf crude oil funds to pay entitlements receive order firms. This includes funds paid to Consumers Power Company. As of March 31, 1995, there was \$45,815,755 in the Gulf account. We will return to the Gulf account the excess \$13,026,674 that is currently in the DOE's Consumers Power Company escrow account. The funds in the Consumers Power escrow account are those remaining after the Agency's litigation with that firm was concluded. See *Consumers Power Co. versus DOE*, 3 Fed. Energy Guidelines ¶ 26,532 (1990). After the Consumers Power transaction, there will be a total of \$58,842,429 in the Gulf account.

³ The DOE Controller has indicated that the interest factor for the Gulf crude oil funds is \$.79286517, as of March 31, 1995. This amount represents interest earned on each dollar of Gulf funds since the day of deposit into the Department of Treasury escrow account. To derive the amount of interest to be deposited into the escrow account for end users, we multiplied that interest factor by \$20,810,132, the end users' 20 percent share.

Gulf crude oil fund, or \$41,620,264. The States have already been reimbursed \$36,792,564.⁴ Therefore, the States are entitled to an additional \$4,827,700 plus interest. Applying the current interest factor discussed above, we find that the interest on this amount is \$3,827,715. Thus, the total is \$8,655,415. We further find that the Federal Government should receive the same share.

However, one small modification must be made to this State/Federal Government division. We will provide an adjustment to account for a payment of \$57,019, for which the Federal Government is solely responsible. This payment was made from the Gulf crude oil funds to Sage Creek Refining Company, an entitlements receive order firm. Sage Creek Refining Co., 14 DOE ¶ 85,288 (1986). We will disburse to the States one half of the amount of the Sage Creek payment plus interest, or one half of \$102,227, which is \$51,114.⁵ Thus, the States' total refund equals \$8,655,415 plus \$51,114, or \$8,706,529. We will also deduct \$51,114 from the Federal Government's share. Thus, the Federal Government's share will be \$8,604,301.

In view of the above considerations, Applications for Refund from the funds remitted by Gulf to settle alleged crude oil violations may now be filed.⁶

It Is Therefore Ordered That:

(1) Applications for Refund from the portion of the Gulf Oil Corporation consent order funds allocated to the crude oil overcharge refund pool may now be filed. Applicants that have previously filed a crude oil overcharge refund application with the Department of Energy need not file an additional application in order to receive a refund from the Gulf crude oil monies.

(2) All applications submitted pursuant to Paragraph (1) above must be filed no later than June 30, 1995.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy shall take all necessary steps to transfer all funds in the Consumers Power Company escrow account (Number AAAAAAAAAA) to the Gulf Oil Corporation escrow account, Number RGFA00001Z, hereinafter the Gulf account.

(4) The Director of Special Accounts and Payroll shall take all necessary steps to make the disbursements set forth in Paragraphs (5), (6) and (7) below from the Gulf account.

(5) The Director of Special Accounts and Payroll shall transfer the sum of \$37,309,761 to the subaccount denominated "Crude Tracking-Claimants 4," Number 999DOE010Z.

⁴ This amount includes a payment to State governments of \$18,396,282 of principal from the Bank IV Escrow, pursuant to a June 26, 1987 Order of the United States District Court for the District of Kansas. See *Stripper Well Exemption Litigation*, 16 DOE ¶ 85,200 (1987). The States also received \$17,492,250 of credit in the "Federal Tilt" formula, and a related \$904,032. *Id.* at 88,387.

⁵ Interest on the \$57,019 Sage Creek payment is \$45,208 ($57,019 \times .79286517 = 45,208$).

⁶ Procedures for filing crude oil overcharge refund claims are by now well-known. We will not reiterate them here.

(6) The Director of Special Accounts and Payroll shall transfer \$8,604,301 into the subaccount denominated "Crude Tracking-Federal," Number 999DOE002W.

(7) The Director of Special Accounts and Payroll shall transfer \$8,706,529 into the subaccount denominated "Crude Tracking-States," Number 999DOE003W.

Dated: May 19, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95-13366 Filed 5-31-95; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5213-9]

Request for Nominations to the National Advisory Council for Environmental Policy and Technology

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 its National Advisory Council for Environmental Policy and Technology (NACEPT). Nominations will be accepted until 5:00 p.m. on July 10, 1995.

ADDRESSES: Submit nominations to: Mr. Gordon Schisler, Acting Director, Office of Cooperative Environmental Management, U.S. Environmental Protection Agency, 1601-F, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon Schisler, Designated Federal Official for NACEPT, U.S. Environmental Protection Agency, 1601-F, Washington, DC 20460; telephone 202-260-9741.

SUPPLEMENTARY INFORMATION: NACEPT is a federal advisory committee under the Federal Advisory Committee Act, PL 92463. NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The Administrator has asked NACEPT to concentrate on how long-term ecological, economic, and social needs can be integrated to achieve a community-based approach to environmental management. Maintaining balance and diversity of experience, knowledge, and judgment is an important consideration in the selection of members.

The following three NACEPT committees were formed in FY'95 and