

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is an individual, corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for additional information, and the name and address of the person who should receive any refund check.<sup>7</sup> If the applicant operated under more than one name or under a different name during the price control period, the applicant should specify those names;

(2) A monthly purchase schedule covering the relevant Remedial Order period.<sup>8</sup> The applicant should specify the source of this gallonage information. In calculating its purchase volumes, an applicant should use actual records from the refund period, if available. If these records are not available, the applicant may submit estimates of its gasoline purchases, but the estimation method must be reasonable and must be explained.

(3) A statement whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in that refund proceeding. If so, an explanation of the circumstances of the other filing or authorization should be submitted;

(4) If the applicant is or was in any way affiliated with the remedial order firm, it should explain this affiliation, including the time period in which it was affiliated.<sup>9</sup>

(5) The statement listed below signed by the individual applicant or a responsible

official of the firm filing the refund application:

I swear (or affirm) that the information contained in this application and its attachments is true to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled "Ed's Exxon (Case No. LEF-0078) OR Ron's Shell (Case No. LEF-0084) Special Refund Proceeding." Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for that information to be publicly disclosed, it must submit an original application, clearly designated "confidential," containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be postmarked on or before August 31, 1995 and sent to: Ed's Exxon OR Ron's Shell Special Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

#### *C. Refund Applications Filed by Representatives*

We will adopt the standard OHA procedures relating to refund applications filed on behalf of applicants by "representatives," including refund filing services, consulting firms, accountants, and attorneys. See, e.g., Starks Shell Service, 23 DOE ¶ 85,017 (1993); Texaco Inc., 20 DOE ¶ 85,147 (1990); Shell Oil Co., 18 DOE ¶ 85,492 (1989). We will also require strict compliance with the filing requirements as specified in 10 C.F.R. § 205.283, particularly the requirement that applications and the accompanying certification statement be signed by the applicant.

The OHA reiterates its policy to scrutinize applications filed by filing services closely. Applications submitted by a filing service should contain all of the information indicated above.

Finally, the OHA reserves the authority to require additional information before granting any refund in these proceedings. Applications lacking the required information may be dismissed or denied.

#### *D. Distribution of Funds Remaining After First Stage*

Any funds that remain after all first stage claims have been decided shall be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. § 4501-07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for

use in four energy conservation programs. The Secretary has delegated these responsibilities to the OHA, and any funds in the Remedial Order funds that the OHA determines will not be needed to effect direct restitution to injured customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That: (1) Applications for Refund from the funds remitted to the Department of Energy by Ed's Exxon and Ron's Shell pursuant to the Remedial Orders dated September 30, 1981 and April 27, 1982 may now be filed.

(2) Applications for Refund must be postmarked no later than August 31, 1995.

Dated: January 27, 1995.

George B. Breznay,

*Director, Office of Hearings and Appeals.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5150-8]

### Notice of Open Meeting of the Alternative Financing Workgroup of the Environmental Financial Advisor Board on April 25, 1995

The Alternative Financing Workgroup of the Environmental Financial Advisory Board (EFAB) will hold an open workgroup meeting on fee system options for raising revenue to finance water and wastewater infrastructure. The meeting is scheduled for April 25, 1995 in Ballroom "A" of the Sheraton Crystal City Hotel located at 1800 Jefferson Davis Highway, Arlington, Virginia. The meeting will begin at 8:30 a.m. and adjourn at 5:00 p.m.

EFAB is chartered with providing authoritative analysis and advice to the Environmental Protection Agency (EPA) on environmental finance issues. The purpose of the workgroup meeting is to take comments on a draft options paper on fee systems for raising revenue to finance water and wastewater infrastructure. The scope of the study includes national and state fees, collection and delivery mechanisms, and state fees, collection and delivery mechanisms, and eligibilities. This paper is being prepared in response to a congressional request for an evaluation of alternative financing options in EPA's FY 95 appropriations bill. A critical part of the development process is to solicit and consider public comment. This is the first of several meetings serving that purpose.

The draft options paper is being developed by the Environmental Finance Center (EFC) of the Maxwell School of Citizenship and Public Affairs at Syracuse University. The draft will be

<sup>7</sup> Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution Act of 1986 and the regulations codified at 10 C.F.R. Part 205, Subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

<sup>8</sup> The Remedial Orders cover the following periods: August 1, 1979 through October 31, 1979 in the Ed's Exxon proceeding and August 1, 1979 through November 13, 1981 in the Ron's Shell proceeding.

<sup>9</sup> As in other refund proceedings involving alleged refined product violations, the DOE will presume that affiliates of the remedial order firm were not injured by the firm's overcharges. See, e.g., Marathon Petroleum Co./EMRO Propane Co., 15 DOE ¶ 85,288 (1987). This is because the remedial order firm presumably would not have sold petroleum products to an affiliate if such a sale would have placed the purchaser at a competitive disadvantage. See Marathon Petroleum Co./Pilot Oil Corp., 16 DOE ¶ 85,611 (1987), amended claim denied, 17 DOE ¶ 85,291 (1988), reconsideration denied, 20 DOE ¶ 85,236 (1990). Furthermore, if an affiliate of the remedial order firm were granted a refund, the remedial order firm would be indirectly compensated from a Remedial Order fund remitted to settle its own alleged violations.