

refunds to injured parties. The amount of the reserve may be adjusted downward later if circumstances warrant such action.

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in Subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. See *MAPCO, Inc.*, 15 DOE ¶ 85,097 (1986); *Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986). As in non-crude oil cases, applicants will be required to document their purchase volumes and to prove that they were injured as a result of the alleged violations. Following subpart V precedent, reasonable estimates of purchase volumes may be submitted. *Greater Richmond Transit Co.*, 15 DOE ¶ 85,028, at 88,050 (1986). Generally, it is not necessary for applicants to identify their suppliers of petroleum products in order to receive a refund.

Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry, and who were not subject to the DOE price regulations are presumed to have been injured by any alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond volumes of product purchased during the period of crude oil price controls. See *A. Tarricone Inc.*, 15 DOE ¶ 85,495, at 88,893-96 (1987). The end-user presumption of injury is rebuttable, however. *Berry Holding Co.*, 16 DOE ¶ 85,405, at 88,797 (1987). If an interested party submits evidence which is of sufficient weight to cast serious doubt on whether the specific end-user in question was injured, the applicant will be required to produce further evidence of injury. See *New York Petroleum*, 18 DOE at 88,701-03.

Reseller and retailer claimants must submit detailed evidence of injury and may not rely on the presumptions of injury utilized in refund cases involving refined petroleum products. They can, however, use econometric evidence of the type employed in the *Report by the Office of Hearings and Appeals to the United States District Court of the District of Columbia, In re: The Department of Energy Stripper Well Exemption Litigation*, 6 Fed. Energy Guidelines ¶ 90,507 (1985). Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Stripper Well Agreement have waived their rights to apply for crude oil refunds under subpart V. *Boise Cascade Corp.*, 16 DOE

¶ 85,214, at 88,411, *reconsideration denied*, 16 DOE ¶ 85,494, *affd sub nom. In re: The Department of Energy Stripper Well Exemption Litigation*, 3 Fed. Energy Guidelines ¶ 26,613 (D. Kan. 1987).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the alleged crude oil violation amounts involved in this determination (\$177,613.96) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). *Mountain Fuel*, 14 DOE at 88,868 n.4. This yields a volumetric refund amount of \$0.0000008798 per gallon for the two proceedings involved in this determination. The use of this approach reflects the fact that crude oil overcharges were spread equally throughout the country by the Entitlements Program.*

As we have stated in previous Decisions, a crude oil refund applicant is required to submit only one application for crude oil overcharge funds. See *Allerkamp*, 17 DOE at 88,176. Any party that has previously submitted a refund application in the crude oil refund proceedings need not file another application; that application will be deemed to be filed in all crude oil proceedings finalized to date. A deadline of June 30, 1988, was established for all refund applications for the first pool oil refund proceedings, implemented pursuant to the MSRP, up to and including *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988). A deadline of October 31, 1989, was established for applications for refunds from the second pool of crude oil funds. The second pool was funded by those crude oil refund proceedings beginning with *World Oil Co.*, 17 DOE ¶ 85,588, *Corrected*, 17 DOE ¶ 85,669 (1988), and ending with *Texaco Inc.*, 19 DOE ¶ 85,200, *Corrected*, 19 DOE ¶ 85,236 (1989). A March 31, 1991 deadline for filing an application for refund from the third pool of funds was set in *Cibro Sales Corp., Inc.*, 20 DOE ¶ 85,036 (1990). A June 30, 1992 deadline for filing an application for refund from the fourth pool of funds was set in *Quintana Energy Corporation*, 21 DOE

* The DOE established the Entitlements Program to equalize access to the benefits of crude oil price controls among all domestic refiners and their downstream customers. To accomplish this goal, refiners were required to make transfer payments among themselves through the purchase and sale of "entitlements." This balancing mechanism had the effect of evenly disbursing overcharges resulting from crude oil miscalcifications throughout the domestic refining industry. See *Amber Refining Inc.*, 13 DOE ¶ 85,217 at 88,564 (1985).

¶ _____ (January 18, 1991). The volumetric refund amount from the fourth pool of crude oil funds will be increased as additional crude oil violation amounts are received in the future. Applicants may be required to submit additional information to document their refund claims for these future amounts. Notice of any additional amounts available in the future will be published in the *Federal Register*.

B. *Payments to the States and Federal Government.* Under the terms of the MSRP, the remaining eighty percent of the alleged crude oil violation amounts subject to this Decision or \$142,251.17 in principle, plus accrued interest, should be disbursed in equal shares to the states and federal government for indirect restitution. Accordingly, we will direct the DOE's Office of the Controller to transfer one-half of that amount, or \$71,125.59 into an interest-bearing subaccount for the states and one-half into an interest-bearing subaccount for the federal government. In accordance with previous practice, when the amount available for distribution to the states reaches \$10 million, we will direct the DOE's Office of the Controller to make the appropriate disbursements to the individual states. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Agreement. 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 Agreement.

It is therefore ordered that:

The refund amounts remitted to the Department of Energy by Corum Energy and Davis & Forbes, pursuant to the Consent Order executed on January 3, 1990 and the Agreed Judgment executed on June 22, 1988, respectively, will be distributed in accordance with the foregoing Decision.

[FR Doc. 91-5025 Filed 3-1-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3910-9]

Agency Information Collection Activities Under OMB Review

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

the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATE: Comments must be submitted on or before April 3, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, including Light-Duty Trucks (EPA ICR #1285.03; OMB #2060-0132). This ICR requests renewal of the existing clearance.

Abstract: Manufacturers may choose to pay a monetary penalty in order to sell heavy-duty engines, heavy-duty vehicles, including light-duty trucks, which fail to conform with certain emission standards. Before selling these engines, manufacturers must perform a Production Compliance Audit to establish the amount of the penalty. Each audit includes the following information: a report from manufacturer requesting an audit, a description of test equipment and facilities, information regarding each audit conducted, a report of the test results, a failed engine or vehicle report, and a quarterly nonconformance penalty report. EPA uses this information to ensure that the Production Compliance Audits are conducted in accordance with the applicable regulation and to ensure that nonconformance penalty payments submitted to EPA are correct.

Burden Statement: The public reporting burden for this collection of information is estimated to average 144 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Manufacturers of heavy-duty engines and heavy-duty vehicles (SIC #371).

Estimated Number of Respondents: 6.
Estimated Total Annual Burden on Respondents: 906 hours.

Frequency of Collection: Quarterly and on occasion.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy

Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460.

and

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, 1725 17th Street, NW., Washington, DC 20530.

OMB Responses to Agency PRA Clearance Requests

EPA ICR #1577.01; section 114 Request for HCFC-123 Production Data; was approved 01/30/91; OMB #2060-0215; expires 07/31/91.

EPA ICR #1128.03; Information Requirements for Secondary Lead Smelters (NSPS subpart L); was approved 01/18/91; OMB #2060-0080; expires 01/31/94.

EPA ICR #0818-04; Hazardous Waste Industry Studies; was approved 01/17/91; OMB #2050-0042; expires 01/31/94.

EPA ICR #0270-24; Public Drinking Water System Program Information; was approved 01/10/91; OMB #2040-0090; expires 12/31/93.

EPA ICR #1361.02; Final Rule to Regulate the Burning of Hazardous Waste in Boilers and Industrial Furnaces; was approved 01/14/91. However, there are additional burdens associated with the general permitting process that are not reflected in this ICR. This additional burden must be reflected in the OMB inventory for the ICRs associated with general permitting requirements. The approval of this ICR (2050-0073) is contingent, therefore, on the submission prior to July 1, 1991, of information correction work sheets which reflect the additional permitting requirements.

Dated: February 26, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-5015 Filed 3-1-91; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-280004; FRL 3877-1]

PCB State Enhancement Grant Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Review.

SUMMARY: The EPA's Office of Toxic Substances is announcing a financial assistance program for States entitled the "PCB State Enhancement Grant Program". The grants will be awarded under the authority of section 28 of the Toxic Substances Control Act (TSCA) for the establishment of a PCB program that includes the development of state legislation and regulations. This

program is intended for States that have begun to identify waste PCBs as a hazardous waste. The PCB State Enhancement Grant Program is not being assigned a Catalog of Federal Domestic Assistance number because it is not expected to be continued beyond fiscal year 1992. The program objective is to promote state participation in the PCB disposal program. EPA believes that state enhancement, through the encouragement of state regulations for PCB disposal, is a desirable tool for risk reduction. A state presence in PCB disposal will expedite the identification and remediation of potential risks. The Agency is also announcing its plans to administer this program through its Headquarters office. This Federal Register notice informs potential applicants about the grant program and invites them to request a copy of the application kit and the companion guidance document. Subject to the availability of funds, the awards are anticipated during Federal fiscal year 1991. Eligible applicants will include the 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. ("States" is used in this announcement to refer to all eligible applicants.) Recipients will be required to provide a match of 25 percent of the total project cost.

DATES: Applications must be received in the Grants Operations Branch by the close of business on May 15, 1991. Applications may not be considered if received after the deadline.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. E-543B, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551. State agencies wishing to apply under this program should send a letter of intent and request an application from this address. State agencies may contact this address in order to coordinate the development of their project proposal with EPA Headquarters.

ADDRESSES: Send completed applications to PCB State Enhancement Grant Program, Grants Operations Branch, Grants Administration Division (PM-216F), US Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The Office of Toxic Substances is interested in promoting State regulation of PCB

disposal activities, and to the extent that funds become available, is offering financial assistance for this purpose. This program is designed to encourage the development of State legislation and regulations. The minimum criteria for applicants includes: (1) States in which there are existing PCB disposal and storage facilities, and (2) States that have already begun to identify waste PCBs as a hazardous waste and anticipate completion of the process by September 30, 1992. To be eligible for these grants, States must currently be engaged in the process of listing PCBs under their State hazardous waste laws or they must currently be in the process of adopting TSCA look-alike laws for PCB disposal. It is anticipated that individual grants will be awarded for no more than \$50,000.

The State's Single Point of Contact (SPOC), must notify the following office in writing within 30 days after publication of this notice in the *Federal Register*. The SPOC notification concerns whether their States' official E.O. 12372 process will review applications under this program. The SPOC notification should be sent to the Grants Policies and Procedures Branch, Grants Administration Division (PM-216F), US Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. ATTN: Corinne Allison/PCB State Enhancement Grant Program.

Applicants must contact their State's SPOC for intergovernmental review as early as possible to determine if their applications are subject to the State's official E.O. 12372 process and what material must be submitted to the SPOC for review. In addition, applications for projects within a metropolitan area must be sent to the areawide/regional/local planning agency designated to perform metropolitan or regional planning for the area for their review. SPOC's should send official intergovernmental review comments on applications to the Grants Operations Branch, Grants Administration Division (PM-216F) US Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, no later than 60 days after receipt of the application or other material for review.

Dated: February 25, 1991.

Victor J. Kimm,
Acting Assistant Administrator for Pesticides
and Toxic Substances.

[FR Doc. 91-5011 Filed 3-1-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

February 22, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW, Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0106.

Title: Section 43.61, Reports of Overseas Telecommunications Traffic.

Action: Extension.

Respondents: Business or other for-profit.

Frequency of Response: Annually and Other: Corrections are reported 3 months after the annual filing.

Estimated Annual Burden: 48 responses; 15.8 hours average burden per response; 759 hours total annual burden.

Needs and Uses: The collection of § 43.61 overseas telecommunications traffic data is necessary for the Commission to fulfill its regulatory responsibilities under the Communications Act of 1934, as amended, and 47 U.S.C. 151-609 (1981). The collected data are essential to both the FCC and carriers for international facilities planning, facility authorization, monitoring emerging developments in communications services, analyzing market structures, tracking the balance of payments in international communications services, and market analysis purposes. Subject carriers are required to submit their reports no later than July 31 of each year for the preceding period of January through December. A revised report must be submitted for inaccuracies exceeding five percent of the reported figure by October 31 pursuant to § 43.61(d).

OMB Number: 3060-0403.

Title: Certification of Completion of Construction Under part 21.

Form Number: FCC Form 494-A.

Action: Revision.

Respondents: Business or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 5,000 responses; .33 hours average burden per response; 1,666 hours total annual burden.

Needs and Uses: FCC Form 494-A is used by telecommunications entities to notify the Commission that construction of the conditionally licensed facility has been completed and it is operational. The form is used to certify completion of construction in the following Part 21 services: Point-to-Point Microwave; Local Television Transmission Service; Multipoint Distribution Service; Digital Electronic Message Service; and Fixed Subsidiary Communications Authorizations. The data will be used by FCC staff to verify completion of construction and the obligations in the conditional license. Without such information, the FCC would not be able to determine whether the licensee has fulfilled the construction conditions contained in its authorization or if the licensee has automatically forfeited its authorization. If there is an automatic forfeiture, new initial applications may be filed.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-4953 Filed 3-1-91; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

February 25, 1991.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB number: 3060-0107.

Title: Application for Renewal of Radio Station License and/or