

The DOE issued a Decision and Order granting the Motion for Reconsideration filed by International Paper Company (IP), an end-user of Texaco Inc. products. In an earlier Decision, the DOE had granted the Application for Refund filed in the Texaco Inc. refund proceeding by IP for purchases of 6,846,812 gallons of motor gasoline. In its Motion for Reconsideration, IP requested that it be granted an additional refund for purchases of 99,278,000 gallons of residual fuel oil by one of its paper mills. Based on the compelling reasons that the DOE had not originally investigated IP's statement on its application that it was applying for purchases of # 6 (residual) fuel oil and because IP quickly filed a sufficiently documented Motion for Reconsideration, the DOE exercised its discretion to consider IP's Motion. IP's gallonage claim was found to be well documented, and where necessary, conservatively estimated. Accordingly, IP's Motion for Reconsideration was granted for an additional \$159,703 refund.

*Texaco Inc., La Villa Service Station, Eladio Rivera, Gasolinera Melendez, Inc., Jesus Ramirez Ramirez, Villas de Navarra Service Station, 4/18/95, RF321-21016, RF321-21028, RF321-21029, RF321-21034, 4/18/95, RF321-21035*

The DOE issued a Decision and Order regarding five Applications for Refund filed in the Texaco Inc. refund proceeding by retailers located in Puerto Rico. Each of the applications was postmarked and received more than four months after the February 28, 1994 final deadline for filing applications in the Texaco proceeding. Four of the applicants requested that their applications be accepted because they did not have notice of the Texaco proceeding until after the February 28 deadline. Additionally, one of these applicants further asserted that retailers in Puerto Rico had not been effectively informed about the proceeding and that neither Texaco nor the DOE made an effort to notify Puerto Rican retailers about the proceeding. Consequently, this applicant argued that equity required the DOE to process its late

application. The DOE found that some notice had been given in Puerto Rico and noted that, in consideration of the lack of Texaco's notification to potential Puerto Rican applicants, the DOE previously had agreed to accept for possible consideration all Texaco applications submitted from Puerto Rico in the month of March 1994. The DOE found that the extreme length of time which the Texaco proceeding has lasted and the need for finality outweighed the claimed inequity. Consequently, the DOE found that none of the applicants had presented an equitable consideration or compelling reason to excuse its lateness in filing its application. Accordingly, the applications were dismissed.

**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.

Gulf Oil Corporation/American Hoechst Corp .....	RF300-19970	04/21/95
Hoechst Celanese Chemical Grp .....	RF300-21699	.....
Gulf Oil Corporation/Dick's Sacramento Gulf Rentals et al .....	RF300-21300	04/21/95
Gulf Oil Corporation/Livingston Gulf .....	RF300-21826	04/21/95
Gulf Oil Corporation/Simmons Pole & Piling .....	RR300-262	04/21/95
Texaco Inc./Vanguard Petroleum Corp .....	RF321-13015	04/18/95

**Dismissals**

The following submissions were dismissed:

Name	Case No.
Agway Petroleum Corp .....	RF345-30
American Freight System, Inc .....	RF321-20215
Apac-Tennessee, Inc .....	RF272-98242
Boston Gas Company .....	RF321-20357
Camellia Food Stores, Inc .....	RF272-98866
Carl's Texaco .....	RF321-20353
Coyier's Texaco .....	RF321-20356
East Store Material .....	RF321-20279
Ernie's Texaco .....	RF321-20354
Marvin V. Templeton & Sons, Inc .....	RF321-20262
Morgan Adhesives Company .....	RF321-20358
Par-Co Drilling, Inc .....	RF272-98983
Paraco Gas Corp .....	RF321-20588
Schwan's Sales Enterprises, Inc .....	RF321-20366
Tap Air Portugal .....	RF272-92485
Tungsten Products Corp .....	RF272-92490
Van Dusen Airport Service Company .....	RF272-92151

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the

hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: May 15, 1995.  
**George B. Breznay,**  
 Director, Office of Hearings and Appeals.  
 [FR Doc. 95-12495 Filed 5-19-95; 8:45 am]  
 BILLING CODE 6450-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[OPPT-59345; FRL-4957-2]

**Certain Chemicals; Approval of a Test Marketing Exemption**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-95-4. The test marketing conditions are described below.

**DATES:** This notice becomes effective May 10, 1995. Written comments will be received until June 6, 1995.

**ADDRESSES:** Written comments, identified by the docket number [OPPT-59345] and the specific TME number should be sent to: TSCA nonconfidential center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NEB-607 (7407), 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by [OPPT-59345]. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Shirley Howard, New Chemicals Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460, (202) 260-3780.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and

disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-95-4. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and within the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

Inadvertently, notice of receipt of the application was not published. Therefore, an opportunity to submit comments is being offered at this time. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TME-95-4. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and the date of manufacture.
2. The applicant must maintain records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

**T-95-4**

**Date of Receipt:** March 29, 1995. The extended comment period will close (insert date 15 days after date of publication in the **Federal Register**).

**Applicant:** Reichhold Chemicals, Inc.  
**Chemical:** (G) Polyurethane adhesives.

**Use:** (G) Industrial Adhesive.

**Production Volume:** Confidential.

**Number of Customers:** Confidential.

**Test Marketing Period:** One year, commencing on first day of commercial manufacture.

**Risk Assessment:** EPA identified no significant environmental concerns for the test market substance. EPA identified potential lung toxicity and oncogenicity from the TME substance, however exposures will be mitigated by the substances low vapor pressure and by adequate ventilation. Therefore, the test market activities will not present any unreasonable risk of injury to human health and the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

A record has been established for this notice under docket number [OPPT-59345] (including comments and data submitted electronically as described above). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NEB-607, 401 M St., SW., Washington, D.C. 20460.

Electronic comments can be sent directly to EPA at:  
[ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov)

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

**List of Subjects**

Environmental protection, Test marketing exemptions.

Dated: May 10, 1995.

**Paul J. Campanella,**  
Chief, New Chemicals Branch, Office of  
Pollution Prevention and Toxics.

[FR Doc. 95-12472 Filed 5-19-95; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL RESERVE SYSTEM

### Financial Trust Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 5, 1995.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Financial Trust Corp.*, Carlisle, Pennsylvania; to acquire Financial Trust

Services Company, Carlisle, Pennsylvania, and thereby engage in trust activities, pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 16, 1995.

**Jennifer J. Johnson,**  
Deputy Secretary of the Board.

[FR Doc. 95-12446 Filed 5-19-95; 8:45 am]

BILLING CODE 6210-01-F

### Fulton Financial Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than June 15, 1995.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fulton Financial Corporation*, Lancaster, Pennsylvania; to merge with Delaware National Bankshares Corp., Georgetown, Delaware, and thereby indirectly acquire Delaware National Bank, Georgetown, Pennsylvania.

Board of Governors of the Federal Reserve System, May 16, 1995.

**Jennifer J. Johnson,**  
Deputy Secretary of the Board.

[FR Doc. 95-12447 Filed 5-19-95; 8:45 am]

BILLING CODE 6210-01-F

### Shirley A. Reynolds, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 5, 1995.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Shirley A. Reynolds*, Huntington, West Virginia; *Marshall T. Reynolds*, Huntington, West Virginia; *Robert L. Shell, Jr.*, Barboursville, West Virginia; *Robert H. Beymer*, Huntington, West Virginia; *Barbara W. Beymer*, Huntington, West Virginia; *Deborah P. Wright*, Flatwoods, Kentucky; *Thomas W. Wright*, Flatwoods, Kentucky; and *Jeanne D. Hubbard*, Huntington, West Virginia; all to acquire a total of 71.3 percent of the voting shares of *Abigail Adams National Bancorp, Inc.*, Washington, D.C., and thereby indirectly acquire *The Adams National Bank*, Washington, D.C.

Board of Governors of the Federal Reserve System, May 16, 1995.

**Jennifer J. Johnson,**  
Deputy Secretary of the Board.

[FR Doc. 95-12488 Filed 5-19-95; 8:45 am]

BILLING CODE 6210-01-F

### Sierra Tahoe Bancorp; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of