

account at a bank or other financial institution for the deposit of all refunds received on behalf of applicants, and that its normal business practice is to deposit all Subpart V refund checks in that account within two business days of receipt and to disburse refunds to applicants within 30 calendar days thereafter. Unless such certification is received by the OHA, all refund checks approved will be made payable solely to the applicants. Representatives who have not previously submitted an escrow account certification form to the OHA may obtain a copy of the appropriate form by contacting: Marcia B. Carlson, HG-13, Chief, Docket and Publications Division, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585-0107.

E. Distribution of Funds Remaining After First Stage

Any funds that remain after all first-stage claims have been decided will 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 OHA. Any funds in the Apache escrow account the OHA determines will not be needed to effect direct restitution to injured Apache 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 the Houston-Pasadena Apache Oil Company pursuant to the Stipulation for Compromise Settlement that became effective on June 4, 1993, may now be filed.

(2) All Applications for Refund must be postmarked no later than 90 days after publication of this Decision and Order in the Federal Register.

Dated: November 19, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.

APPENDIX—Continued

Applicant	Allocable share
True Oil Co	1,119.96
Two Oil Co	5,489.67
Yims Texaco	16.64
Total	\$30,000.00

* Under \$15 threshold. See n.2 of Decision.

Note: The allocable share entries were generated by multiplying the principal amount in the Apache escrow account by the percentage of total overcharges incurred by each individual claimant as determined by the ERA audit of Apache's business records.

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A copy of the proposed settlement agreement is available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7606. Written comments should be sent to John Hannon, Esq. at the above address and must be submitted on or before December 30, 1996.

Dated: November 20, 1996.

Scott C. Fulton,

Acting General Counsel.

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[ER-FRL-5475-4]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5657-1]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), notice is hereby given of a proposed settlement agreement in the following case: *Sierra Club versus Carol M. Browner*, Civ. No. 93-0124 (consol. with 93-0125, 93-0197, and 93-0564) (D.D.C.). This action was filed under section 304(a)(2) of the Act, 42 U.S.C. 7604(a)(2), contesting among other matters EPS's failure to promulgate regulations containing standards applicable to emissions from new nonroad engines pursuant to section 213(a) of the Act. The Settlement Agreement concerns issuance by EPA of guidance to states on State Implementation Plan emissions credits for California Tier 2 Utility and Lawn and Garden Equipment Engine Emission Regulations.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared November 04, 1996 Through November 08, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1996 (61 FR 15251).

Draft EISs

ERP No. D-BLM-K67037-NV Rating EO2, Twin Creeks Mine Consolidation and Expansion, which encompasses the former Rabbit Creek Mine and the former Chimney Creek Mine, Plan of Operation and Permit Application Approval, Winnemucca District, Humboldt County, NV.

Summary: EPA expressed environmental objections due to potential impacts to water quality/quantity, biological resources, including impacts associated with groundwater drawdown from pit dewatering; as well as the project's potential risks related to geologic hazards. EPA also requested additional information regarding these issues, as well as mitigation measures, geochemical characterization, reclamation, and ecological risk assessment.

ERP No. D-NPS-K61212-CA Rating EC2, San Francisco Maritime National Historical Park, General Management Plan, Implementation, San Francisco County, CA.

Summary: EPA expressed environmental concerns regarding water quality and erosion control, hazardous

APPENDIX

Applicant	Allocable share
Car Wash	\$31.17
Clay Texaco	14.70
DuMac Oil	22.59
Gulf Coast Waste*	8.97
Jas Lee	126.06
Joe Lee	3,059.22
John Parker	28.60
Kirby Car Wash	19.83
Lloyd Parrish	288.03
Main Stop	48.90
Parrish Corp.*	11.43
Quail Valley Gulf	166.95
So Sweet Energy	2,098.14
Tesoro Energy (Tesoro Crude) ..	16,034.97
Trio Oil Co	1,414.17