

notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, July 14, 2005, 6:30 p.m.–9 p.m.

**ADDRESSES:** Ross Township Firehouse, 2565 Cincinnati-Brookville Road, Ross Township, Ohio 45061.

**FOR FURTHER INFORMATION CONTACT:**

Doug Sarno, The Perspectives Group, Inc., 1055 North Fairfax Street, Suite 204, Alexandria, VA 22314, at (703) 837-1197, or e-mail; [djsarno@theperspectivesgroup.com](mailto:djsarno@theperspectivesgroup.com).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:*

Goals:

- Determine next steps on Fernald Citizens' Advisory Board History Project.
- Discuss Impressions of the Fernald History Roundtable.
- Discuss Plans for Fernald Citizens' Advisory Board Retreat in September.
- 6:30 p.m.—Call to Order.
- 6:35 p.m.—Updates and Announcements.

- Projects Updates.
- Ex-Officio Updates.
- Silos Projects Status.
- Site Transition Update.

7:30 p.m.—Fernald Citizens' Advisory Board Retreat and Upcoming Meetings Schedule.

- 7:50 p.m.—Break.
- 8 p.m.—History Project Next Steps.
- 8:20 p.m.—Impressions of History Roundtable.
- 8:50 p.m.—Public Comment.
- 9 p.m.—Adjourn.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to the Fernald Citizens' Advisory Board, Phoenix Environmental Corporation, MS-76, Post Office Box 538704, Cincinnati, OH 43253-8704, or by calling the Advisory Board at (513) 648-6478.

Issued in Washington, DC on June 29, 2005.

**Rachel Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 05-13229 Filed 7-5-05; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Paducah

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, July 21, 2005, 5:30 p.m.–9:30 p.m.

**ADDRESSES:** 111 Memorial Drive, Barkley Centre, Paducah, Kentucky 42001.

**FOR FURTHER INFORMATION CONTACT:**

William E. Murphie, Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, 1017 Majestic Drive, Suite 200, Lexington, Kentucky 40513, (859) 219-4001.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management and related activities.

*Tentative Agenda:*

- 5:30 p.m.—Informal Discussion.
- 6 p.m.—Call to Order.
- Introductions.
- Review of Agenda.
- Approval of May Minutes.
- Approval of June Minutes.
- 6:05 p.m.—Deputy Designated Federal Officer's Comments.
- 6:25 p.m.—Federal Coordinator's Comments.

6:30 p.m.—Ex-officios' Comments.

6:40 p.m.—Public Comments and Questions.

6:50 p.m.—Task Forces/Presentations.

- Waste Disposition Task Force.

—3 D Model Presentation.

—Burial Grounds Remedial Investigation/Feasibility Study (RI/FS) Review.

- Water Quality Task Force.
- Long Range Strategy/Stewardship Task Force.

—Depleted Uranium Hexafluoride (DUF6) Project Overview.

- Community Outreach Task Force.

7:50 p.m.—Public Comments and Questions.

8 p.m.—Break.

8:10 p.m.—Administrative Issues.

- Review of Workplan.

- Review of Next Agenda.

8:20 p.m.—Review of Action Items.

8:25 p.m.—Subcommittee Reports.

- Executive Committee.

—Chairs Meeting Recap.

8:40 p.m.—Final Comments.

9:30 p.m.—Adjourn.

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact David Dollins at the address listed below or by telephone at (270) 441-6819. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 115 Memorial Drive, Barkley Centre, Paducah, Kentucky between 8 a.m. and 5 p.m., on Monday thru Friday or by writing to David Dollins, Department of Energy, Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001 or by calling him at (270) 441-6819.

Issued in Washington, DC on June 29, 2005.

**R. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 05-13230 Filed 7-5-05; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals; Proposed Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals; Department of Energy.

**ACTION:** Notice of Proposed Implementation of Special Refund Procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for the disbursement of \$1,585,576.76, plus accrued interest, in crude oil overcharges obtained by the DOE concerning BPM Ltd., Case No. TEF-0001, Honeymon Drilling Co., Case No. TEF-0002, Intercontinental Oil, Case No. TEF-0003, Knox Oil, Case No. TEF-0004, Pescar Trading, Case No. TEF-0005, Shepherd Oil, Inc., Case No. TEF-0006, Sierra Petroleum Co., Case No. TEF-0007, Thriftway Co., Case No. TEF-0008, and Western Refining Co. (Robert J. Martin), Case No. TEF-0011.

**DATES:** Comments must be filed in duplicate within 30 days of publication of this notice in the **Federal Register**

**ADDRESSES:** Comments should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585-1615. All comments should display a reference to Case No. TEF-0001.

#### FOR FURTHER INFORMATION CONTACT:

Richard A. Cronin, Jr., Assistant Director, Office of Hearings and Appeals, 1000 Independence Ave., SW., Washington, DC 20585-1615 (202) 287-1589, [richard.cronin@hq.doe.gov](mailto:richard.cronin@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth the procedures that the DOE has tentatively formulated to distribute to eligible claimants \$1,585,576.76, plus accrued interest, obtained by the DOE from BPM Ltd., Honeymon Drilling Co., Intercontinental Oil, Knox Oil, Pescar Trading, Shepherd Oil, Inc., Sierra Petroleum Co., Thriftway Co., and Western Refining Co. (Robert J. Martin).

The OHA has proposed to distribute these funds in the currently-existing

crude oil refund proceeding described in the Proposed Decision and Order. Because the deadline for filing crude oil refund applications has passed, no new applications for refund for the alleged (or established) crude oil pricing violations of the listed firms will be accepted for these funds.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to forward two copies of their submission, within 30 days of the publication of this notice in the **Federal Register**, to the address set forth at the beginning of this notice. Comments so received will be made available for public inspection between the hours of 1:30 p.m. and 4 p.m., Monday through Friday, except Federal Holidays, in Room 7132 (the public reference room), 950 L'Enfant Plaza, Washington, DC.

Dated: June 29, 2005.

**Fred L. Brown,**

*Acting Deputy Director, Office of Hearings and Appeals.*

### Proposed Decision and Order

*Names of Firms:* BPM Ltd., Honeymon Drilling Co., Intercontinental Oil, Knox Oil, Pescar Trading, Shepherd Oil, Inc., Sierra Petroleum Co., Thriftway Co., and Western Refining Co. (Robert J. Martin).

*Date of Filing:* June 21, 2005.

*Case Numbers:* TEF-0001, TEF-0002, TEF-0003, TEF-0004, TEF-0005, TEF-0006, TEF-0007, TEF-0008, and TEF-0009.

### I. Background

The Office of General Counsel (OGC) of the Department of Energy (DOE) filed a Petition requesting that the Office of Hearings and Appeals (OHA) formulate and implement subpart V special refund proceedings. Under the procedural regulations of the DOE, special refund proceedings may be implemented to refund monies to persons injured by violations of the DOE petroleum price regulations, provided DOE is unable to readily identify such persons or to ascertain the amount of any refund. 10 CFR 205.280. We have considered OGC's request to formulate refund procedures for the disbursement of monies remitted by the following firms pursuant to administrative or judicial decisions or in settlement of the DOE allegations that the firms had violated the DOE petroleum price control and allocation regulations:

BPM Ltd., Honeymon Drilling Co., Intercontinental Oil, Knox Oil, Pescar Trading, Shepherd Oil, Inc., Sierra Petroleum Co., Thriftway Co., and Western Refining Co. (Robert J. Martin).

We have determined that the refund procedures requested by OGC are appropriate.

A total of \$1,585,576.76 has been remitted to DOE by these firms to remedy violations that occurred during the relevant audit periods. These funds are being held in an escrow account established with the United States Treasury pending a determination of their proper distribution. This Decision sets forth OHA's proposed plan to distribute those funds.

### II. Jurisdiction and Authority

The general guidelines that govern OHA's ability to formulate and implement a plan to distribute refunds are set forth at 10 CFR Part 205, subpart V. These procedures apply in situations where the DOE cannot readily identify the persons who were injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, *see* Office of Enforcement, 9 DOE ¶ 82,508 (1981) and Office of Enforcement, 8 DOE ¶ 82,597 (1981).

### III. Refund Procedures

#### A. Allocation of Remitted Funds

The alleged violations by the above-named firms all concerned the sale of crude oil. Under these circumstances, we propose that all of the funds remitted be allocated for restitution for parties injured by the firms' alleged violations of the crude oil regulations.

#### B. Refund Procedures for Crude Oil Violations

We propose that the funds should be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, (MSRP), *see* 51 FR 27899 (August 4, 1986). Pursuant to the MSRP, OHA may reserve up to 20 percent of those funds for direct refunds to applicants who claim that they were injured by the crude oil violations. The remaining funds would be distributed to the states and federal government for indirect restitution. We propose to distribute the funds obtained from the two firms in accordance with the MSRP, which was issued as a result of the Settlement Agreement approved by the court in The Department of Energy Stripper Well Exemption Litigation, 653 F. Supp. 108 (D. Kan. 1986). Shortly after the issuance of the MSRP, the OHA issued an Order that announced that this policy would be applied in all subpart V proceedings involving alleged crude