

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 October 31, 2001, and sent to:

Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585

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., Texaco; Starks Shell Service*, 23 DOE ¶ 85,017 (1993); *Shell Oil Co.*, 18 DOE ¶ 85,492 (1989). We will also require strict compliance with the filing requirements as specified in 10 CFR 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.

Additionally, the OHA reserves the authority to require additional information to be submitted before granting any particular refund in the Hudson proceeding.

C. Impact of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA) Amendments on Hudson Refund Claims

The Interior and Related Agencies Appropriations Act for FY 1999 amended certain provisions of the Petroleum Overcharge and Distribution and Restitution Act of 1986 (PODRA). These amendments extinguished rights that refund applicants had under PODRA to refunds for overcharges on the purchases of refined petroleum products. They also identified and appropriated a substantial portion of the funds being held by the DOE to pay refund claims (including the funds paid by Hudson). Congress specified that these funds were to be used to fund other DOE programs. As a result, the petroleum overcharge escrow accounts in the refined product area contain substantially less money than before. In fact they may not contain sufficient funds to pay in full all pending and future refund claims (including those in litigation) if they should all be found to be meritorious. *See Enron Corp./Shelia S. Brown*, 27 DOE ¶ 85,036 at 88,244 (2000) (*Brown*). Congress directed OHA to "assure the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among all claimants." Omnibus Consolidated and Emergency Supplemental Appropriation Act, 1999, Pub. L. No. 105-277 § 337, 112 Stat 2681, 2681-295 (1998) (language added to PODRA); *Brown*, 27 DOE at 88,244. In view of this Congressional directive and the limited amount of funds available, it may become necessary to prorate the funds available among the meritorious Hudson claims. However, it could be several

years before we know the full value of the meritorious claims and the precise total amount available for distribution. It will be some time before we are able to determine the amount that is available for distribution for each claimant.

We therefore propose the following mechanism. All successful small claimants (refunds under \$10,000) will be paid in full. To require small claimants to wait several more years for their refunds would constitute an inordinate burden and would be inequitable. *See Brown*, 27 DOE at 88,244. For all others granted refunds, including reseller claimants who have elected to take presumption refunds, we propose to immediately pay the larger of \$10,000 or 50 percent of the refund granted. Once the other pending refund claims have been resolved, the remainder of these Hudson claims will be paid to the extent that it is possible through an equitable distribution of the funds remaining in the petroleum overcharge escrow account.

It Is Therefore Ordered That:

The payments remitted to the Department of Energy by Hudson Oil Company, Inc., pursuant to the remedial order issued on March 15, 1985, will be distributed in accordance with the forgoing Decision.

[FR Doc. 01-17439 Filed 7-12-01; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-100173; FRL-6791--3]

Oak Ridge National Laboratory/DOE and Waterborne Environmental Inc., and Summitec Corporation; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Oak Ridge National Laboratory/Department of Energy (DOE) and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, have been awarded a contract to perform work for OPP, and access to this information will enable Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne

Environmental, Inc., and Summitec Corporation, to fulfill the obligations of the contract.

DATES: Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, will be given access to this information on or before July 18, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

II. Contractor Requirements

Under Contract No. DW-89-93921701, Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc and Summitec Corporation, will perform the following based on the statement of work:

The purpose of this collaborative effort is to assist OPP/EPA in systematically analyzing, evaluating, simulating, and identifying data/information gaps for pesticides with complex issues from the registrant's submissions to fully characterize the safe manufacture, application, reentry, and residue issues prior to a FIFRA registration or reregistration. Several major tasks have been identified to

support the OPP/EPA mission under the FIFRA mandate.

1. *Risk assessments.* Assess risks of specific pesticides using the best scientific rationale and state-of-the-art information to evaluate adverse effects to exposed human and ecological populations in support of the Food Quality Protection Act (FQPA) and ecological risk assessments conducted under FIFRA. In addition, provide state-of-the-art risk assessment methodologies (i.e., probabilistic risk assessment) as requested.

2. *Fate and transport.* Develop and evaluate environmental fate and transport data and models in support of the Ecological Committee on FIFRA Risk Assessment Methods (ECOFRAM) Guidance. In addition, provide research in areas of uncertainty and sensitivity analyses to advance the use and usefulness of probabilistic techniques in fate and transport modeling.

3. *Geo-spatial analysis.* Provide data analysis, modeling, Geographic Information System (GIS) and software programming support to enhance assessments of potential pesticide transport from crop areas to surface waters and drinking water intake sources. Assess potential impacts of pesticide use at differing spatial scales and resolution.

4. *Computerization of toxicology data.* Systematically compile toxicity data submitted by the registrants into an electronic format. This would enable easy access and effective retrieval of data that would assist in the evaluation of chemicals under current review, and make recommendations to OPP/EPA in identifying data/information gaps for future studies.

5. *Evaluations of complex toxicology studies and issues.* Perform evaluations of difficult and complex toxicology studies, and provide assessments of the overall significance of the findings as they relate to the expected effects and environmental persistence of a chemical. Such studies may include population based dynamics in addition to those specified under Task 1. Evaluations of difficult and complex issues in toxicology will be performed. The Oak Ridge National Laboratory will be exploring the state-of-the-art bio-statistical and dose/response methodologies for hazard assessments, identifying data gaps for research studies, and making recommendations to OPP/EPA for handling data gap issues.

The OPP has determined that access by Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc. and Summitec Corporation, to information on all

pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, until the requirements in this document have been fully satisfied. Records of information provided to Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, will be maintained by EPA Project Officers for this contract. All information supplied to Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, by EPA for use in connection with this contract will be returned to EPA when Oak Ridge National Laboratory/DOE and its subcontractors, Waterborne Environmental, Inc., and Summitec Corporation, have completed their work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: June 27, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01-17632 Filed 7-12-01; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6619-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 564-7167
www.epa.gov/oeca/ofa

Weekly receipt of Environmental Impact Statements

Filed July 02, 2001 Through July 06, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010241, Draft EIS, FHW, RI, Sakonnet River Bridge Rehabilitation or Replacement Project, Portsmouth & Tiverton, Newport County, RI, Due: September 07, 2001, Contact: Daniel J. Berman (401) 528-4541.

EIS No. 010242, Draft EIS, FHW, CA, CA-78/111 Brawley Bypass, Construction of an Expressway from CA-86 to CA-11, City of Brawley, Funding, Imperial County, CA, Due: August 27, 2001, Contact: Jeffrey W. Kolb (916) 498-5037.

EIS No. 010243, Final EIS, FHW, IL, Illinois Route 3 (FAP-14) Relocation, Improved Transportation from Sauget to Venice, Funding, NPDES Permit and COE Section 404 Permit, Madison and St. Clair Counties, IL, Due: August 13, 2001, Contact: Daniel M. Mathis (217) 492-4640.

EIS No. 010244, Final EIS, FHW, NY, NY-120/22, Reconstruction Corridor, from Exits 2 and 3 on I-684 and Old Post Road (PIN-8130.75), Funding, COE Section 10 and 404 Permits, Town of North Castle, Westchester County, NY, Due: August 13, 2000, Contact: H.J. Brown (518) 472-3616.

EIS No. 010245, Final EIS, NRS, WV, Upper Tygart Valley River Watershed Plan, Water Supply Project, Approval and Funding, Randolph and Pocahontas Counties, WV, Due: August 13, 2001, Contact: William J. Hartman (304) 284-7545.

EIS No. 010246, Draft Supplement, BLM, ID, Smoky Canyon Mine Panels B and C, Propose to Mine Phosphate Ore Reserves in the Final Two Mine Panels, National Forest System Lands and Federal Mineral Leases, Caribou National Forest, Permit, Caribou County, ID, Due: September 11, 2001, Contact: Jeffery Cundick (208) 478-6354. The U.S. Department of Interior's Bureau of Land Management and U.S. Department of Agriculture, Forest Service are Joint Lead Agencies for this project.

EIS No. 010247, Final EIS, MMS, LA, AL, MS, FL, Eastern Planning Area