Western Area Power Administration

ıal Power Allocations of the Post-ɔ00 Resource Pool—Pick-Sloan Missouri Basin Program, Eastern Division

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final power allocations.

SUMMARY: Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy, hereby announces its Post-2000 Resource Pool Power Allocations to fulfill the requirements of Subpart C–Power Marketing Initiative of the Energy Planning and Management Program Final Rule, 10 CFR Part 905. The Post-2000 Resource Pool Allocations are Western's implementation of Subpart C–Power Marketing Initiative of the Energy Planning and Management Program Final Rule for the Pick-Sloan Missouri Basin Program, Eastern Division. Western's proposed allocations were initially published in the Federal Register August 30, 1996, and a clarification and response to comments was published in the Federal Register December 3, 1996. The formal comment period on the proposed allocations ended on January 6, 1997, and a discussion of comments received pertaining to the proposed allocations is included in this notice. After consideration of all of the comments, Western has decided to finalize the proposed allocations to new utility and nonutility customers as announced on August 30, 1996, and to finalize the proposed allocations to Native American tribes based on the levelized methodology adjusted to address the relatively small indirect benefits provided to the Rosebud Sioux Tribe by Rosebud Electric Cooperative.

DATES: The Post 2000 Resource Pool Final Power Allocations, as based on the Pick-Sloan Missouri Basin Program—Eastern Division marketable resource at this time, will become effective April 10, 1997, and will remain in effect until December 31, 2020. Electric service contracts for the sale of power allocated in this notice will be effective when signed by both the customer and Western. Allottees will have six months to execute a contract with Western after the initial offer of a draft contract, unless otherwise agreed in writing by Western. Contracts entered into under the Post-2000 Resource Pool Allocation Procedures shall provide for Western to furnish the benefits of firm electric service effective from January 1, 2001, through December 31, 2020.

ADDRESSES: Information regarding the Post-2000 Resource Pool Allocations, including comments, letters, and other supporting documents made or kept by Western for the purpose of developing the final allocations, are available for public inspection and copying at the Upper Great Plains Customer Service Regional Office, Western Area Power Administration, located at 2900 4th Avenue North, Billings, Montana 59101.

SUPPLEMENTARY INFORMATION: Western published a notice of proposed allocations in the Federal Register on August 30, 1996, at 61 FR 45957 to implement Subpart C--Power Marketing Initiative of the Energy Planning and Management Program Final Rule, 10 CFR part 905. The Energy Planning and Management Program (Program), which was developed in part to implement section 114 of the Energy Policy Act of 1992, became effective on November 20, 1995. Subpart C of the Program provides for the establishment of project-specific resource pools and the allocation of power from these pools to new preference customers. Western's final procedures were published in the Federal Register at 61 FR 41142 on August 7, 1996. Those procedures, in conjunction with the Pick-Sloan Missouri Basin Program--Eastern Division, Final Post-1985 Marketing Plan (Post-1985 Marketing Plan) (45 FR 71860, corrected at 45 FR 77509) established the framework for allocating power from the resource pool established for the Pick-Sloan Missouri Basin Program—Eastern Division (P–SMBP–ED).

Western held public information and comment forums on September 18, 19, and 20, 1996, to accept oral and written comments on the proposed allocations. On October 8, 1996, Western published in the Federal Register, at 61 FR 52788, a Notice of Time Extension for the Proposed Allocation which extended the formal comment period for written comments from October 7 to October 21, 1996. On December 3, 1996, Western published in the Federal Register, at 61 FR 64080, a Notice of Clarification, Response to Comments and Request for Additional Comments regarding the levelized method of calculating proposed allocations for new Native American customers and proposed an alternative method. Western held a public information and comment forum on December 17, 1996, to accept oral and written comments regarding the methodology used to calculate the proposed allocations for new Native American customers. The comment period for this Federal Register notice ended January 6, 1997.

The August 30, 1996, Federal Register notice proposed a levelized methodology for determining Native American allocations (Method One). Under Method One Western levelized total Federal hydropower benefits to be received by each tribe. The proposed allocations under Method One (the direct benefit to each tribe) were determined by taking the total Federal hydropower benefit (63.323 percent in the summer and 56.869 percent in the winter) to be received by each tribe less the amount of indirect benefit each tribe receives through its current power supplier(s). As a result of comments received during the comment period for 61 FR 45957, Western published an alternative second method (Method Two) in the Federal Register on December 3, 1996, to calculate the proposed tribal allocations (direct benefit). Under Method Two the tribal allocations were determined by prorating the total amount of the resource pool available to the tribes based on each tribe's estimated load. This Federal Register notice also republished Method One and requested comments in support of one of the two methods.

Western has decided to finalize the proposed allocations to new utility and nonutility customers as announced August 30, 1996, and to finalize the proposed allocations to Native American tribes based on Method One adjusted to address the relatively small indirect benefits provided to the Rosebud Sioux Tribe by Rosebud Electric Cooperative. Final allocations were determined in the same manner as Method One except the portion of indirect benefits received by the Rosebud Sioux Tribe from the Rosebud Electric Cooperative were taken out of the calculation of Rosebud Sioux Tribe's indirect benefits. This was done in response to several comments that the Rosebud Electric Cooperative supplies an insignificant portion of the Rosebud Sioux Tribe's electrical requirements. Under Method One, as adjusted, Western levelized total Federal hydropower benefits received by each tribe. The proposed allocations under adjusted Method One (the direct benefit to each tribe) were determined by taking the total Federal hydropower benefit (61.6065 percent in the summer and 55.3396 percent in the winter) to be

acknowledge that tribes were denied access to power in all previous allocations. Another questioned how individual tribal member land owners whose land is in trust, as is the tribes, would be able to benefit from the Western allocation program, if the initial motivation for including tribes in the Western allocation process was due to impacts to Indian lands as a result of hydroelectric development on the Missouri. Two commenters stated they would like to remind Western that allocations of power in no way abrogates any outstanding treaty obligations owed to their tribe nor does it impact the tribe's water rights but is merely the result of tribes achieving "Preference Power Customer" status. Another commented that the fair share of the total resource pool allocated to the tribes was determined by Western to reflect a portion of the reservation electrical needs by the year 2000 and to reflect the fact that the tribes had been denied access to Western power in previous allocations.

Response: Western has continued to take steps towards assisting Native Americans in meeting their needs for cost-based hydropower. Western has always considered tribes to be preference entities, but has not historically allocated power to Native Americans in the absence of utility status, eligible irrigation load, or special legislation enacted by Congress. In the past, the benefits of hydropower have been realized by Native Americans through allocations to cooperatives that serve tribal load. The Program changed Western's policy regarding Native Americans and utility status. Therefore, allocations will now be made directly to the tribes. Western agrees that these allocations do not impact tribal water rights or treaty obligations.

Comment: Western received several comments that Western did not follow the Final Power Allocation Procedures of the Post-2000 Resource Pool as published in the Federal Register on August 7, 1996. Specifically, the August 7, 1996, Final Procedures, Section III, Paragraph I states, "The minimum allocation shall be 100 kilowatts (kW)." The Flandreau Santee Sioux Tribe had a proposed winter season allocation of only 20 kW under Method One. This allocation is lower than the minimum allocation in the Final Power Allocation Procedures .

Response: The Final Procedures incorporate the Post-1985 Marketing Plan criterion of a minimum allocation in establishing these allocations. The Post-1985 Marketing Plan established the criterion that eligibility for power allocations was based on an annual basis and not a seasonal basis. It was never the intent of the Post-1985 Marketing Plan or the Post-2000 allocation process to infer that all seasonal allocations would be a minimum of 100 kW. An applicant meets this criterion as long as one season's proposed allocation meets the minimum allocation of 100 kW. Therefore, in this case, it is possible to receive a winter allocation under the 100 kW minimum as long as the summer season is 100 kW or larger. It should be noted that Western disqualified several utility and nonutility applicants on the basis that both their winter and summer season proposed allocations would be below the 100 kW minimum.

Comment: One commenter expressed concern that Western decided to allocate the remainder to the tribes and actually increase the tribes" share of the resource pool from 75 percent to about 80 percent. They asked that Western look at the rules that were established and see if a greater percentage of people could benefit from low cost hydropower by changing some of the rules. Also, they stated that a small part of the 25 percent of the resource pool originally designated for the new utility and nonutility customers was transferred to the Native American customers. Again they requested Western review this procedure with regard to allocating that small part to either new customers who have not yet formed a "public power agency" or to entities that are preference customers.

Response: Western was obligated to apply the Post-2000 Resource Pool Allocation Procedures to all applicants. This process is designed to allocate the 4 percent as set forth by the Program. Two future 1 percent resource pools were also identified as part of the Program and allocations from these future resource pools will be dealt with in future public processes.

Comment: If the "preference power" method of calculations is used, the tribes should be compensated $10,000 each and Mni Sose $100,000 to cover the entire cost for their 3-year effort.

Response: This comment is outside of this process. Western does not have authority to compensate an entity for efforts in this process.

Comment: The Federal government, Department of Energy, Bureau of Reclamation, Army Corps of Engineers, Department of Interior, the Bureau of Indian Affairs, and Western, should collaborate to assure that tribes be allowed to develop and operate their own power utilities. Language should be amended to give tribes the ability to form utilities as opposed to keeping the oppressive policies ongoing.

Response: The implementation of the Program does not prevent an entity from obtaining utility status.

Comment: One commenter protested the allocations process and demanded compensation for the use of water river rights for the Oglalas, other Sioux tribes, and Missouri River tribes.

Response: This comment is outside of this process. Western does not have authority to compensate an entity for the use of water rights.

Comment: Three commenters requested Western recalculate the proposed allocations for the Native American tribes using only the criteria in the final allocation procedures (the estimated loads).

Response: Western used the Post-2000 Resource Pool Allocation Procedures criteria including the estimated loads in the tribal applications in determining the final allocations for qualified Native American tribes.

Comment: Allocations were arranged in such a way as to discourage a tribe from starting its own utility because the amount allocated was so small.

Response: Allocations were based on the 4 percent resource pool which was derived from the Program. Western's final procedures were published in the Federal Register at 61 FR 41142. Those procedures, in conjunction with the Post-1985 Marketing Plan, established the framework for allocating power from the resource pool, are final, and cannot be changed in this process.

Comment: Western needs to increase the size of the resource pool. One option would be to revamp current facilities to increase generation and reserve surplus for tribes. Another commented that by offering up a resource pool which is woefully inadequate to address the needs of the tribes Western has forced the tribes to fight with each other. Another commented that the tribes now have to place the interest of their own tribes in the forefront and decide which of the two alternatives is best for their tribe. This may lead to possible dissension among the tribes which may be the goal Western is attempting to achieve. Additionally, two commenters stated that the fair share determined by Western does not reflect the argument made by the tribes that the size of the resource pool and the tribal allocation should have been substantially greater.

Response: The 4 percent resource pool was derived from the Program, and therefore the size of the pool is outside this process. This process is designed to allocate the 4 percent resource pool as set forth by the Program. It was the intent of Western to provide benefits

hydroelectric development activities, in respect to energy allocations, either rough low or no cost energy benefits ter the year 2001?

Response: Western intends to provide benefits directly to Native American tribes beginning in 2001 and will work with the tribes to assure receipt of those benefits.

Comment: There is not a clear enough definition as to who a qualified allocation beneficiary can be outside of a reservation boundary.

Response: Off-reservation use of Native American tribe allocations under certain circumstances as determined by Western was allowed for in 60 FR 54151. The circumstances under which off-reservation use of a Native American tribe allocation will be allowed will be determined by Western on a case-by-case basis during the contract negotiation process.

Comment: The allocation should be made to the tribe and to the utility.

Response: The intent of the Program was to provide the benefits of Federal hydropower allocations directly to individual tribes. This principal is consistent with how Western treats existing customers. Western does not feel that the goal of the Program would be served by jointly allocating Native merican allocations to utilities and ribes.

Comment: The very concept of the allocation/credit has caused concern among the cooperative membership and an increase to a nonjustifiable higher level will enhance divisiveness and ill feelings.

Response: This situation does exist among some of Western's long term firm power customers who have a different blend of low-cost hydropower and supplemental power. This comment is outside of this process.

Comment: As new preference customers, Native Americans should receive the benefit of the same principles Western has applied in previous marketing plans.

Response: Western's final procedures were published in the Federal Register at 61 FR 41142. Those procedures, in conjunction with the Post-1985 Marketing Plan, established the framework for allocating power from the resource pool. The current process has incorporated principles from prior marketing plans as well as establishing that the new customers will be bound by similar general contract principles as existing customers.

Comment: To revisit the Native American allocation methodology at this late date is counterproductive to expeditious implementation of this program.

Response: This comment was directed at the December 3, 1996, Federal Register notice, which proposed an alternate second method to calculate the proposed tribal allocations. Based upon input received during the public process, Western felt it appropriate to propose an alternate Native American allocation methodology and to extend the comment period to determine power allocations to assure the intent of the Program is satisfied.

Comment: It is important that Western directly involve the Sisseton-Wahpeton Sioux Tribe, and the other Missouri River basin tribes in all future resource planning and allocations. Mni Sose Intertribal Water Rights Coalition, Inc. will also continue to be an active representative of these tribes. Also, one commenter stated that comments submitted pursuant to this notice should not be considered the final comments of their Tribe/Nation. The Crow Tribe Public Utility Commission will continue to review and report on the various aspects of Energy, Electrical Power and ancillary services. Another commented that Western, along with the rest of the Federal Government, has an enduring and continuing trust responsibility for the tribes in the Missouri River Basin.

Response: Western supports the Department of Energy's American Indian policy which stresses the need for a government-to-government, trust-based relationship. Western intends to continue its practice of consultation with tribal governments so that tribal rights and concerns are considered prior to any actions being taken that effect the tribes.

Comment: The delivery of Federal hydropower to the tribes should be made in such a way that the benefit of the allocation is realized by the end user.

Response: Contracts for power of the Post-2000 Resource Pool will be between Western and the allottee.

Comment: One commenter expressed the desire for Western to come to the Standing Rock Reservation to present the contracts in negotiating with Standing Rock Sioux Tribe to honor the government-to-government relationship, because it is taken very seriously at Standing Rock Reservation.

Response: Entering into contractual arrangements with the various entities is the next step of this process. However, this will not begin until the final allocation process has been completed.

Comment: The allocation should be made in the form of energy and not a credit.

Response: Western agrees that allocations in the form of energy is one viable method of delivering the benefits of Federal hydropower to Native American tribes. However, flexibility must be retained in the delivery of such benefits in order to fit a diverse group of Native American tribes and power suppliers. The method for delivering the benefits of Federal hydropower to the tribes will be determined during the contract negotiation process.

B. Methodology Comments

- Western departed from the Mni Sose Intertribal Water Rights Coalition, Inc. method of allocation without consultation with the tribes and created inequities.
- Western ignored the allocation formula which the tribes agreed upon and poured considerable resources into preparing.
- Two commenters mentioned the plan put forth by Mni Sose Intertribal Water Rights Coalition, Inc. must be acknowledged and used.
- The proposed allocation to the Pine Ridge Tribe is 40 percent greater than what Mni Sose Intertribal Water Rights Coalition, Inc. estimated as their current requirements.
- Current use figures were often unavailable because the five companies that currently serve the Lake Traverse Reservation were not totally cooperative in providing data.
- The allocation process is sorely lacking in consideration of the tribe's needs and wants and the Yankton Sioux Tribe is not going to indicate a preference for either allocation method.
- The differences between the proposed methods of allocation may be perceived to instigate confrontations among or between various tribes, but the ultimate concern of the Native American tribes/Nations is to improve and expand electric goods and services available to improve living conditions and address conditions on many "Indian Reservations" within and throughout the native life sustaining regions of the Upper Missouri River region and beyond.
- Several commented that Section 3, Paragraph D of the General Allocation Criteria, states, "Allocations made to Native American Tribes will be based on estimated load developed by the Native American tribes. Inconsistent estimates will be adjusted by Western during the allocation process." Under Method One, "Proposed Allocations" were not only based on the estimated load developed by the Native Americans, they were adjusted by the estimated current service the Native Americans were already receiving from their power suppliers. The so called "levelizing" of benefits was not part of

requirement that they will lose 4 percent of their allocation as provided the Program regardless of what amount is allocated to the tribe.

We recognize the concern of the Crow Creek Sioux Tribe regarding the different rate designs of the cooperatives that serve the reservation and their effect on the ratepayers. Western has no control over these rate designs and this issue is outside of our allocation process. It should be noted that although Crow Creek Sioux Tribe's comment was directed at Method One, Method Two does not correct the rate design problem either.

Western received diverse comments regarding the proposed Method One and Method Two. The intent of the Program was to provide the benefits of Federal hydropower allocations directly to individual tribes in an equitable manner. After reviewing all comments, Western selected Method One, adjusted to address the relatively small indirect benefits provided to the Rosebud Sioux Tribe by Rosebud Electric Cooperative, to determine the size of the allocations based upon the need to meet an appropriate share of the load for qualified Native American tribes. Western used the Post-2000 Resource Pool Allocation Procedures criteria and exercised its discretion under Reclamation Law in shaping the Final Allocations in response to input during the public process in allocating this resource to eligible applicants. Method One, as adjusted, meets Western's Program requirements and the needs of Western's new customers, while being responsive to the comments received in this process. Western did not receive comments showing an overwhelming support for a change to Method Two. In particular, Mni Sose Intertribal Water Rights Coalition, Inc., did not indicate a preference for either Method One or Method Two.

III. Final Power Allocations

The following final power allocations are made in accordance with the Final Procedures published in the Federal Register at 61 FR 41142 on August 7, 1996. All of the allocations are subject to the execution of a contract in accordance with the procedures. Western announces that Native American tribes' share of the resource pool is 80.64 percent in the summer season and 78.33 percent in the winter season. The new utility and nonutility customers' share of the resource pool is 19.36 percent in the summer season and 21.67 percent in the winter season.

Allocations to Native American Tribes

The final allocations of power for new Native American customers and the data these allocations are based upon are as follows:

New native American customers	Estimated demand kilowatts	Average current western service		Post-2000 power allocation	
		Summer	Winter	Summer kilowatts	Winter kilowatts
Blackfeet Nation	18,600	32	27	5,507	5,271
Cheyenne River Sioux	13,500	33	29	3,862	3,556
Chippewa Cree-Rocky Boy	5,000	55	44	330	567
Crow Creek	4,100	50	47	476	342
Crow	12,500	55	44	826	1,417
Devils Lake Sioux	7,700	22	14	3,050	3,183
Flandreau Santee Sioux	2,355	55	56	156	0
Fort Belknap Indian Community	6,200	28	22	2,084	2,067
Fort Peck Tribes	15,300	34	31	4,224	3,724
Lower Brule Sioux	3,100	33	29	887	817
Lower Sioux	3,750	0	0	2,310	2,075
Northern Cheyenne	9,400	36	37	2,407	1,724
Oglala Sioux-Pine Ridge	29,600	28	24	9,948	9,277
Omaha Tribe of Nebraska	5,100	15	14	2,377	2,108
Ponca Tribe of Nebraska	2,100	8	6	1,126	1,036
Rosebud Sioux	21,300	33	29	6,093	5,610
Santee Sioux Tribe of Nebraska	1,100	10	8	568	521
Sisseton-Wahpeton Sioux	7,500	40	38	1,620	1,300
Standing Rock Sioux	12,900	30	29	4,077	3,398
Three Affiliated Tribes	8,000	30	25	2,529	2,427
Turtle Mountain Chippewa	18,000	35	18	4,789	6,721
Upper Sioux	1,250	42	39	245	204
White Earth Indian Reservation	3,500	6	7	1,946	1,692
Winnebago Tribe of Nebraska	3,100	10	8	1,600	1,468
Yankton Sioux	5,300	25	24	1,940	1,661

The final allocations for new Native American customers were calculated based upon the estimated demand figures set forth in the table above. Estimated demand figures were taken from the Native American tribal applications. Inconsistent demand estimates were adjusted by Western.

In order to appropriately distribute the benefits of Federal hydropower among the tribes, Western calculated the proposed power allocations in the table above in such a manner as to levelize total Federal hydropower benefits to each of the Native American tribes. This results in a total Federal hydropower benefit of 61.6065 percent in the summer season and 55.3396 percent in the winter season to each of the tribes. To levelize the total Federal hydropower benefits, the average current percentage of Western service that each of the tribes receives through their current power supplier(s) was utilized and is as shown in the table above. For the Blackfeet Nation, Western used the weighted average of the current percentage of Western service for the remaining tribes. The Blackfeet Nation is served by Glacier Electric Cooperative, which is a total requirements customer of Bonneville Power Administration, therefore the Blackfeet Nation does not receive Western service, but does receive the benefit of Federal hydropower. The

VIII. Congressional Notification

The final regulations published today : subject to the Congressional .otification requirements of the Small Business Regulatory Enforcement Fairness Act 1996. The Office of Management and Budget has determined that the final regulations do not constitute a "major rule" under the Act (5 USC 801, 804). DOE will report to Congress on the promulgation of the final regulations prior to the effective date set forth at the beginning of this notice.

Issued at Golden, Colorado, February 28, 1997.

J.M. Shafer,

Administrator.

[FR Doc. 97-5996 Filed 3-10-97; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-140256; FRL-5593-5]

Access to Confidential Business Information by Hampshire Research Associates, Inc.

AGENCY: Environmental Protection gency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Hampshire Research Associates, Inc. (HRA), of Alexander, Virginia, for access to information which has been submitted to EPA under section 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Susan Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under contract number 7W-0244-NASA, contractor HRA, of 1600 Cameron St., Alexandria, VA, will assist the Office of Pollution Prevention and Toxics (OPPT) 'n generating a report that contains data aggregates and comparisons among chemicals and chemical groups collected from the Inventory Update Reports for 1986, 1990, and 1994.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 7W-0244-NASA, HRA will require access to CBI submitted to EPA under section 8 of TSCA to perform successfully the duties specified under the contract. HRA personnel will be given access to information submitted to EPA under section 8 of TSCA. Some of the information may be claimed or determined to be CBI.

In a previous notice published in the Federal Register of January 19, 1993 (58 FR 4992; FRL-4182-8), under contract number 68-D2-0064, HRA was authorized for access to CBI submitted to EPA under all sections of TSCA.

EPA is issuing this notice to inform all submitters of information under section 8 of TSCA that EPA may provide HRA access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters. Before access to TSCA CBI is authorized at HRA, EPA will approve their security certification statement.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1997.

HRA personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.

Dated: March 3, 1997.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 97-6017 Filed 3-10-97; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-140255; FRL-5593-4]

Access to Confidential Business Information by PRC Environmental Management, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, PRC Environmental Management, Inc. (PRC), of Chicago, Illinois, access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Susan Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under contract number 68-W4-0004, contractor PRC, of 200 East Randolph Drive, Chicago, IL, will assist the Office of Waste and Chemicals Management and Regional Offices RCRA Enforcement, Permitting and Assistance Programs in the implementation of RCRA/TSCA related initiatives. Major areas of support include permitting activities, Subtitle D solid waste, corrective actions and RCRA program planning.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-W4-0004, PRC will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. PRC personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide PRC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at PRC's sites located at 200 East Randolph Drive, Suite 4700, Chicago, IL; One Union Square 600 University St., Suite 800, Seattle, WA; 1 Dallas Center, 350 North St. Paul St., Suite 2600, Dallas, TX; and 1099 18th St., Suite 1960, Denver, Co.

PRC will be authorized access to TSCA CBI at their facilities under the EPA *TSCA Confidential Business Information Security Manual.* Before access to TSCA CBI is authorized at PRC's sites, EPA will approve PRC's security certification statements, perform the required inspection of its facilities, and ensure that the facilities are in compliance with the manual. Upon completing review of the CBI materials, PRC will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until December 31, 1998.

PRC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security

Total KW available { 80,578 Sum
79,361 Wint

KW Tribes Share:

64,977 80.64% Summer
62,166 78.33% Winter

Utility + Non Utility Share:

15,601 19.36% - Summer
17,195 21.67% - Winter