

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

**David P. Boergers,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2612-005, Maine]

#### Central Maine Power Company; Notice of Availability of Final Environmental Assessment

February 4, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Hydropower Licensing has reviewed the application for relicensing of the Flagstaff Project, located in Somerset and Franklin Counties, Maine, and has prepared a Final Environmental Assessment (FEA) for the project. On December 17, 1997, the Commission staff issued and distributed to all parties a Draft Environmental Assessment (DEA) on the project, and requested that comments be filed with the Commission within 30 days. Comments were filed and are addressed in the FEA. The FEA contains staff's analysis of the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Branch, Room 2-A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426. The EA may also be viewed on the web at [www.ferc.fed.us](http://www.ferc.fed.us). Please call (202) 208-2222 for assistance.

**Linwood A. Watson, Jr.,**

*Acting Secretary*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6300-7]

### Notice of Final Decision To Grant Waste Management of Ohio, Inc. a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Wastes

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final decision on a request to modify an exemption from the hazardous and solid waste amendments of the Resource Conservation and Recovery Act.

**SUMMARY:** Notice is hereby given by the United States Environmental Protection Agency (USEPA or Agency) that modification of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Waste Management of Ohio, Inc. (WMO) of Oakbrook, Illinois. This modification allows WMO to inject two (2) RCRA-regulated hazardous wastes which will be banned from land disposal on November 4, 1998, as a result of regulations promulgated in the **Federal Register** (FR) on May 4, 1998 (63 FR 24596) and subsequently corrected on June 29, 1998 (63 FR 35147), into four Class I injection wells at the Vickery, Ohio facility. As required by 40 CFR Part 148, WMO has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone utilized by WMO's waste disposal facility located near Vickery, Ohio, for as long as the newly exempted waste remains hazardous. This decision constitutes a final Agency action for which there is no administrative appeal.

**BACKGROUND:** Chemical Waste Management (CWM), the parent company of WMO, submitted a petition for an exemption from the restrictions on land disposal of hazardous wastes on January 19, 1988. Revised documents were received on December 4, 1989, and several supplemental submittals were subsequently made. The exemption was granted on August 7, 1990. On September 12, 1994, CWM submitted a petition to modify the exemption to include wastes bearing 23 additional RCRA wastes codes. Region 5 reviewed documents supporting the request and granted the modification of the exemption on May 16, 1995. A notice of the modification appeared on June 5,

1995, at 60 FR 29592 et seq. On April 9, 1996, CWM submitted a petition to again modify the exemption to allow 91 additional RCRA waste codes. Region 5 reviewed documents supporting the request and granted the modification on the exemption on June 24, 1996. A notice of the modification appeared on July 15, 1996, at 61 FR 36880 et seq. Again on May 13, 1997, CWM submitted a request to add 11 waste codes to the list. Region 5 reviewed the evidence submitted by CWM and granted the request. Notice of the approval appeared on August 12, 1997 (63 FR 43109).

On August 28, 1998, in response to the Land Disposal Restrictions Rule published in the **Federal Register** at 63 FR 24596 et seq. on May 4, 1998, which set a ban date of November 4, 1998, for a number of hazardous waste codes, WMO submitted a request to add two (2) additional RCRA waste codes, K140 and U408, to its exemption. The diffusion rate of the underlying chemical, 2,4,6-Tribromophenol (2,4,6-TBP), represented by the codes to be banned has not yet been considered by Region 5. Therefore, WMO has submitted information demonstrating that 2,4,6-TBP will not diffuse so rapidly as the chloride ion.

The newly-promulgated rule bans codes K140 and U408 from deep injection after November 4, 1998, unless WMO makes a no-migration demonstration. WMO made a no-migration demonstration in 1990. After careful review of the material submitted, the USEPA has determined, as required by 40 CFR 148.20(f), that there is a reasonable degree of certainty that waste streams containing 2,4,6-TBP will behave hydraulically and chemically like wastes for which WMO was granted its original exemption and will not migrate from the injection zone in hazardous concentrations within 10,000 years. The injection zone is the Mt. Simon Sandstone and the Rome, Conasauga, Kerbel, and Knox Formations. The confining zone is comprised of the Wells Creek and Black River Formations.

As a result of this action, WMO may continue to inject wastes bearing the codes K140 and U408 after wastes denoted by these codes are banned from land disposal on November 4, 1998. These waste codes are added to the waste codes which have been previously exempted. The current listing of all codes approved for injection follows.