

Feeder Dam serves as a re-regulating dam to even the flows released from peaking operations upstream at the Sherman Island Development (Hudson River Project, FERC No. 2482). Daily pond fluctuations range from three feet to six feet when the flashboards are in place. Water from the powerhouse is discharged directly into the upper reach of the Glens Falls (FERC No. 2385) and South Glens Falls (FERC No. 5461) reservoir.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the

application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Environmental Engineering Review, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 00-18336 Filed 7-19-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Regulations Governing Off-the-Record Communications; Public Notice

July 14, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests

only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of Secretary within the preceding 14 days. The documents may be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Exempt: None.

Prohibited: None.

Linwood A. Watson, Jr.,
Acting Secretary

[FR Doc. 00-18337 Filed 7-19-00; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SW-FRL-6838-8]

No-Migration Variance From Land Disposal Restrictions for Exxon Mobil Corporation, Billings, MT South Land Treatment Unit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision.

SUMMARY: EPA is reissuing a no-migration variance ("variance") for land disposal of hazardous waste to Exxon Mobil Refining & Supply Company Billings Refinery ("Exxon"), a division of Exxon Mobil Corporation, formerly known as Exxon Company U.S.A. Authority for the decision has been delegated to the EPA Regional Administrator. This variance approved under Resource Conservation and Recovery Act (RCRA) regulations allows Exxon to place certain untreated hazardous wastes subject to the RCRA land disposal restrictions (42 U.S.C. 36901 *et seq.*) at their Billings (Montana) refinery South Land Treatment Unit (SLTU). Exxon submitted a request to EPA on March 24, 1998 for renewal of the no-migration variance in conjunction with their State of Montana hazardous waste permit reissuance. Exxon also petitioned to amend the variance by adding the newly listed hazardous waste, Petroleum Refinery Primary Oil/Water/Solids Separation Sludge (EPA hazardous waste code F037) generated at the Exxon Refinery in Billings, Montana.

The variance granted today covers the following wastes generated at the Exxon Billings Refinery: Slop Oil Emulsion Solids (K049); API Separator Sludge (K051); Toxicity Characteristic Contaminated Soils (D018); and Petroleum Refinery Primary Oil/Water/Solids Separation Sludge (F037). Exxon may continue to dispose of non-hazardous solid wastes and non-restricted hazardous wastes at the SLTU in compliance with its Montana hazardous waste permit (No. MTHWP-99-02). The variance does not relieve Exxon of its responsibilities in the management of hazardous waste under 40 CFR part 260 through part 271. If Exxon wishes to dispose of additional restricted wastes at the SLTU it will have to apply for an amendment to its no-migration variance. EPA will evaluate the amendment petition and propose a decision for public comment in the **Federal Register**, with a notice in the local press, before a final decision is made.

In granting the original variance on July 27, 1993, we concluded that Exxon demonstrated to a reasonable degree of certainty that hazardous constituents would not migrate out of the land treatment facility at levels exceeding no-migration criteria for as long as the wastes remain hazardous. We reviewed the SLTU monitoring data submitted by Exxon for the period the original variance was in effect along with other relevant information, and it supported our original conclusion on Exxon's no-migration demonstration. We also concluded that Exxon adequately met the conditions of the original variance, which were included to ensure compliance with their no-migration demonstration. The variance reissuance again includes specific conditions (below) Exxon must meet to maintain the variance. In accordance with 40 CFR 268.6(k), the variance is valid for up to ten years from the date of EPA approval of the petition, but no longer than the term of Exxon's RCRA permit. The term of the variance expires upon the termination or denial of Exxon's Montana hazardous waste permit No. MTHWP-99-02), which will expire on June 28, 2009, or when the volume limit of waste to be land disposed during the term of the variance is reached.

RCRA regulations require that we provide for public comment on a proposed no-migration variance decision. EPA published notice of our proposed decision in the local press and in the **Federal Register** on April 21, 2000 (65 FR 21419). We also provided opportunity for public participation through a 45-day comment period, and held a public hearing in Billings,

Montana on April 23, 2000. The public comment period closed on June 5, 2000. We did not receive any comments on our proposed decision. Therefore, EPA decided to reissue the variance and add Primary Sludge (F037) as described in the preceding **Federal Register** document (65 FR 21419). RCRA regulations require that we publish notice of our final decision in the **Federal Register**.

DATES: This final decision becomes effective July 20, 2000.

ADDRESSES: The record supporting this decision is located in Helena, Montana, at the EPA Region VIII, Montana Operations Office, Federal Building, 301 South Park. The public may make arrangements to view the documents in Helena by calling Tina Diebold at (406) 441-1130. The record is available for inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays. Another copy of the record is available to the public at the Parnly Library at 510 North Broadway, Billings, Montana, and is available for public review during regular library hours for the next thirty days.

FOR FURTHER INFORMATION CONTACT: Tina Diebold, Mail Code 8MO, Montana Office, U.S. EPA Region VIII, 301 S. Park, Drawer 10096, Helena, Montana 59626-0096, at (406) 441-1130.

SUPPLEMENTARY INFORMATION: Wherever "we" is used throughout this notice, it refers to EPA.

A. Conditions and Reporting Requirements for the Exxon No-Migration Variance Reissuance

As part of this reissuance of the no-migration variance and addition of Primary Sludge (F037), Exxon must comply with the following conditions. These conditions are in addition to those required of Exxon under 40 CFR 268.6. EPA would directly enforce these conditions, and a violation of a condition would constitute a violation of the RCRA land disposal restrictions. Unless otherwise notified by EPA, Exxon shall provide the required notices and reports to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Drawer 10096, Helena, MT, 59626. Exxon shall provide a separate copy to the State of Montana of any report or notice required by the variance if the information is not combined with the reports required under its Montana hazardous waste permit. Exxon shall provide copies to the State at the address specified for its Montana hazardous waste permit reporting requirements.

We interpret the no-migration standard to mean that concentrations of hazardous constituents cannot exceed EPA-approved health-based levels in any environmental medium at the boundary of the land disposal unit. Hazardous constituent levels exceeding those presented in Table 1 of our proposed decision (65 FR 21421) constitute migration into ground water at the unit boundary, as measured by soil-pore liquid and below treatment zone (BTZ) soil-core monitoring, and as measured by ground water monitoring under the Exxon Montana hazardous waste permit and as defined below. In the event that Exxon should detect other RCRA hazardous constituents (defined in 40 CFR part 261, appendix VIII) above health-based levels, this event would also be subject to the notification requirements in 40 CFR 268.6(f). Definitions of the unit boundaries (i.e., points of compliance for no-migration purposes) remain the same as in the original variance (57 FR 10478). Metals levels in the SLTU zone of incorporation (ZOI) soils (the top 23 centimeters of the treatment zone) exceeding the limits listed in item 1.a. below are also evidence of a no-migration standard exceedance. EPA will determine within 60 days of receiving notice of migration whether Exxon can continue to receive prohibited waste in the unit and whether the variance is to be revoked.

Exxon must report to EPA within ten days any significant changes in operating conditions from those described or modeled in its original petition or reissuance petition, including the petition to amend the variance to include Primary Sludge (F037), or at least 30 days in advance of initiating any change at or to the unit (40 CFR 268.6(e)). EPA will determine the appropriate response, including termination of waste acceptance and revocation of the variance, or variance modification.

The term of the variance expires upon the termination or denial of Exxon's Montana hazardous waste permit No. MTHWP-99-02), which will expire on June 28, 2009, or when the volume limit of waste to be land disposed during the term of the variance is reached.

1. Montana Hazardous Waste Permit Conditions

Exxon must comply with conditions of the Montana hazardous waste permit effective June 28, 1999 (No. MTHWP-99-02) regarding characterization of wastes disposed of at the SLTU, and monitoring of ground water, soil and soil-pore liquids at that unit. Exxon must provide the results of this

characterization and monitoring to EPA on the same schedule as they are provided to the State of Montana under Exxon's Montana hazardous waste permit.

In addition, Exxon must follow the monitoring provisions below specific to this variance, which are intended to supplement the existing Montana hazardous waste permit conditions. Exxon may provide the information required as a condition of the variance to EPA in the annual reports required by its Montana hazardous waste permit. Exxon shall submit annual reports for the previous calendar year by April 30.

a. ZOI Metals Loading Limit: Exxon shall determine if any of the following risk limits have been exceeded when it evaluates the annual SLTU ZOI soil samples for the metals loading limits under its Montana hazardous waste permit: 31 mg/kg for antimony; 15 mg/kg for arsenic; 2 mg/kg for beryllium; 140 mg/kg for total chromium; 400 mg/kg for lead; and 7 mg/kg for mercury. In the event one or more of these criteria are exceeded, Exxon may only place wastes on the SLTU areas(s) for which the metals concentrations are less than or equal to the in-soil concentration limits. Exxon shall submit the analytical results and comparisons in an annual report to EPA. Exxon shall report exceedances of these limits to EPA within ten days of receiving the analytical results.

b. Soil-Pore Liquid Monitoring: Exxon shall evaluate the following metals as part of semi-annual SLTU soil-pore lysimeter monitoring requirements under the Montana hazardous waste permit: antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, vanadium, and zinc. Samples from each of the three SLTU lysimeters shall be .45-micron filtered prior to analysis for metals. SW-846¹ or equivalent analytical methods shall be used which can provide reporting limits of .001 mg/l, except .0002 mg/l for mercury. Exxon shall attempt to collect sufficient sample volumes to meet these performance criteria, following the general analytical priority scheme in its Montana hazardous waste permit. Should sample volumes be insufficient, Exxon shall investigate collecting additional sample volumes in a reasonable time frame for metals analysis once the Montana

hazardous waste permit conditions have been met. Additionally, analyses of soil-pore organic monitoring constituents shall meet the SW-846 estimated quantitation limits (EQL) specified for water samples in Exxon's Montana hazardous waste permit and as listed in Table 1 of our proposed decision (65 FR 21421), to the extent possible.

c. Soil-Pore Liquid Monitoring Evaluation And Reporting: Exxon shall compare the organic hazardous constituents and the metals results to the leachate soil-pore health-based standards identified in Table 1 of our proposed decision (65 FR 21421). Exxon shall submit the analytical results and comparisons including information on sample volumes collected, analytical methods used, and EQLs achieved for all sample constituents, in an annual report to EPA. Exxon shall report exceedances of these limits to EPA within ten days of receiving the analytical results, and immediately suspend receipt of prohibited waste at the unit 40 CFR 268.6(f) upon determination of migration. Exxon shall notify EPA and the State if sufficient sample volumes cannot be collected or EQLs cannot be achieved in any semi-annual sampling period.

d. BTZ Soil-Core Monitoring: When collecting the five (5) annual soil cores from the SLTU Below Treatment Zone (BTZ) as required by its Montana hazardous waste permit, Exxon shall also collect intermediate level treatment zone soil samples at three depth intervals of 2–2.5 feet below ground surface (bgs), 3–3.5 feet bgs, and 4–4.5 feet bgs and in the BTZ itself (5–5.5 feet bgs), sufficient for analyses of oil and grease and soil pH. Oil and grease and soil pH results shall be reported for the four depth intervals in each of the five soil core samples. Exxon shall use an oil and grease analytical method which can provide detection limits in the range of 10 to 100 mg/kg consistent with the Montana hazardous waste permit. Exxon also shall analyze any BTZ resamples required under the Montana hazardous waste permit for oil and grease and soil pH. Exxon shall submit the results of the annual BTZ sampling (including the pH and oil and grease results from the intermediate levels) in an annual report to EPA. Exxon shall submit the results of any resampling to EPA on the same schedule as provided to the State under Exxon's hazardous waste permit.

e. Evaluation of BTZ Soil-Core Monitoring: Analyses for organic monitoring constituents shall meet soil low-level required EQLs as specified in Exxon's Montana hazardous waste permit and as specified in Table 1 of our

proposed decision (65 FR 21421). Exxon shall compare the results of BTZ soil samples with soil-core health-based standards identified in Table 1 of our proposed decision (65 FR 21421). Exxon shall submit the analytical results and comparisons in an annual report to EPA. Exxon shall report exceedances of these limits to EPA within ten days of receiving the analytical results, and immediately suspend receipt of prohibited waste at the unit upon determination of migration.

2. Annual Benzene Loading Limit

The total amount of benzene that may be disposed of at the SLTU may not exceed a cumulative mass loading of 49 Kg per calendar year. Exxon must determine the benzene content of each wastestream, including each load of Primary Sludge (F037) prior to placement at the land treatment unit. Representative samples of each wastestream must be analyzed for benzene as they are generated during the land application season in accordance with the promulgated edition of SW-846. The term "as generated" means each time the wastes are removed from the wastewater system, created through a spill, or a tank is cleaned out, and the wastes are taken or will be taken to the land treatment unit, which may be several times a year. A tracking system must be in place which continually estimates and updates the cumulative benzene waste loading during the operating season. Exxon must submit a summary of these waste analyses demonstrating its compliance with the loading limit to EPA in an annual report. When the 49 Kg benzene limit is reached, Exxon must not dispose of any additional waste containing detectable levels of benzene at the SLTU until the next calendar year. Exxon shall notify EPA when the 49 Kg limit is reached within ten days of receiving the analytical results.

3. Waste Characterization

Exxon must identify in the annual report to EPA the following additional information for each applied waste at the SLTU: the location of waste generation (e.g., Tank 17 sewer, Tank 108 contaminated soil); analytical results of waste determination for any wastes for which the hazardous status was not known when it was generated, mass of waste; application date(s); the hazardous waste code (if any); and the matrix (e.g., soil or sludge). In the report, Exxon must distinguish between the F037 waste generated from the sewer (e.g., "F037 sewer sludge") and the F037 waste generated from the

¹ These methods are found in the third edition of "Test Methods for Evaluating Solid Waste Physical/Chemical Methods," EPA, SW-846, which is available from the Government Printing Office (GPO). This compendium of EPA test methods is commonly referred to as "SW-846" and we will use this term to refer to the compendium throughout this notice.

Alkylolation Unit Neutralization Basins (e.g., "F037 lime sludge"). In the annual report, Exxon must also include the total quantity of waste applied at the SLTU during the last operating season and a break down of the total quantity of hazardous and of non-hazardous waste.

4. Application of F037 Sewer Sludge

Exxon's application of Primary Sludge generated from the sewer system (F037 sewer sludge) to the SLTU is restricted to times when Exxon also applies API Separator Sludge (K051). Exxon must combine the F037 sewer sludge with the API Separator Sludge prior to or during application at the SLTU. Exxon shall incorporate this condition in its waste tracking system to ensure that any time F037 sewer sludge is cleared for application to the SLTU, it is accompanied by K051 waste.

5. Application of F037 Lime Sludge

Exxon's application of Primary Sludge generated from the Alkylolation Unit Neutralization Basin (F037 lime sludge) to the SLTU is limited to when it has determined pH adjustment of the ZOI soils is needed according to the applicable criteria and methods identified in its Montana hazardous waste permit. For the years in which Exxon uses F037 lime sludge to adjust the pH of the ZOI soils at the SLTU, Exxon must submit to EPA the following information in the annual report: pH of the F037 lime sludge applied to the SLTU, and the other measurements and tests used to determine the need for pH adjustment as well as the quantity of F037 lime sludge applied and the quantity of any other substance (e.g., lime) used to adjust the pH of the ZOI soil at the SLTU.

6. Waste Tracking

As part of its waste tracking process, Exxon must confirm receipt of analytical results for any wastes for which the hazardous status is not currently known prior to application of the waste at the SLTU. Exxon must comply with its Montana hazardous waste permit conditions with regard to restrictions on the application of waste to the SLTU, such as any restrictions based on the pH of the waste.

7. Information Requests

Upon request by EPA, Exxon shall provide to the EPA within a reasonable time, any relevant information requested to determine compliance with the conditions of this variance.

8. Access

Exxon shall allow EPA, or authorized representatives, upon the presentation of credentials and other documents as may be required by law to: (a) Inspect at reasonable times any records, facilities, equipment (including monitoring and control equipment), practices, or operations related to the disposal of restricted hazardous wastes at the SLTU; and (b) sample or monitor at reasonable times, for the purposes of assuring compliance with the conditions of this variance or to determine migration or as otherwise authorized by RCRA, any wastes intended or proposed for disposal at the SLTU and the soil, air, soil-pore liquids or ground water in or surrounding the SLTU.

Dated: July 11, 2000.

Rebecca Hammer,

Acting Regional Administrator, Region VIII.

[FR Doc. 00-18437 Filed 7-19-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00670; FRL-6598-7]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: There will be a 2-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review a set of scientific issues being considered by the Agency pertaining to an assessment of the human carcinogenic potential of malathion. The meeting is open to the public. Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact Paul Lewis at the address listed under "FOR FURTHER INFORMATION CONTACT" at least 5 business days prior to the meeting so that appropriate arrangements can be made.

DATES: The meeting will be held on August 17 and 18 from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at Holiday Inn—Ballston, 4610 North Fairfax Drive, Arlington, VA. The telephone number for the Holiday Inn Hotel is: (703) 243-9800.

Requests to participate may be submitted by mail, electronically, or

in person. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, your request must identify docket control number OPP-00670 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, Designated Federal Official, Office of Science Coordination and Policy (7101C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5369; fax number: (703) 605-0656; e-mail address: lewis.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. GENERAL INFORMATION

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or FIFRA. Since other entities may also be interested, 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?

1. *Electronically.* A meeting agenda and copies of EPA primary background documents for the meeting will be available by mid-July. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the FIFRA SAP Internet Home Page at <http://www.epa.gov/scipoly/sap>. To access this document, on the Home Page select **Federal Register**— Notice announcing this meeting. You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an administrative record for this meeting under docket control number OPP-00670. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to an assessment of the carcinogenic potential of malathion, including any information claimed as Confidential Business Information (CBI). This administrative