

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. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

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 the 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		
1. Project No. 8282-015 .....	10-25-00	Rafael Montag, FERC.
2. Project No. 184 .....	10-24-00	Daniel Abeyta.
3. CP98-150-000 .....	10-24-00	Donald J. Stauber.
4. Project No. 3090 .....	10-24-00	Brian T. Fitzgerald.
5. CP00-232-000 .....	10-16-00	John T. Pierpont.
6. CP00-14-000 .....	10-23-00	Joel A. Ivey.
7. CP00-14-000 and CP00-6-00 .....	10-23-00	Marian Ryan.
8. Project No. 1927 .....	10-31-00	Carol Gleichman.
9. CP00-36-000 .....	10-18-00	Laura de la Flor.
10. CP00-36-000 .....	10-18-00	James R. Hartwig.

David P. Boergers,  
Secretary.

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BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[AD-FRL-6899-8]

**Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources for Other Solid Waste Incinerator Units**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of revised schedule for promulgation.

SUMMARY: Section 129 of the Clean Air Act (CAA) directs us to develop new source performance standards (NSPS) and emission guidelines (EG) for municipal waste combustors (MWC), hospital/medical/infectious solid waste incinerators (HMIWI), commercial or industrial solid waste incinerators (CISWI), and other solid waste incinerators (OSWI). On November 2, 1993, we published a notice in the *Federal Register* (58 FR 58498) adopting a schedule for the promulgation of standards for OSWI and listing the types of incinerators to be included in that category. In that notice, we adopted a date of November 15, 2000 for promulgation of NSPS and EG for

OSWI. This notice revises that schedule and adopts a date of November 15, 2005 for promulgation of NSPS and EG for OSWI.

ADDRESSES: Docket No. A-93-11 contains the supporting information for development of NSPS and EG for OSWI and is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone (202) 260-7548, fax (202) 260-4000. The docket is available at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter, Combustion Group, Emission Standards Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541-5251, electronic mail address: [porter.fred@epa.gov](mailto:porter.fred@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

Section 129 of the CAA requires us to develop NSPS and EG for several categories of solid waste incinerators: MWC, HMIWI, CISWI and OSWI. While the CAA specifies the schedule for promulgation of NSPS and EG for MWC, HMIWI, and CISWI, it does not specify a schedule for the promulgation of

NSPS and EG for OSWI. Instead, section 129 requires us to publish a schedule for promulgating NSPS and EG for OSWI.

On November 2, 1993, we published a notice in the *Federal Register* (58 FR 58498) stating that we believed the emissions reductions resulting from NSPS and EG for MWC, HMIWI, and CISWI were likely to outweigh those that could be achieved by NSPS and EG for OSWI. As a result, we announced that we would prioritize our resources and focus first on developing NSPS and EG for MWC, second on developing NSPS and EG for HMIWI, and third on developing NSPS and EG for CISWI. Based on that prioritization and the Administrator's judgement that OSWI are of substantially lesser significance than MWC, HMIWI, and CISWI, we adopted a date of November 15, 2000 for promulgation of NSPS and EG for OSWI.

**II. List of Sources in the OSWI Category**

In addition to adopting a date of November 15, 2000 for promulgation of NSPS and EG for the OSWI category, we also identified an initial list of incinerators within that category.

*Small Incinerators Combusting Municipal Solid Waste* are those with capacities of less than 35 tons per day burning municipal solid waste located at plants burning municipal solid waste. Small incinerators burning municipal solid waste are not covered under the NSPS and EG for MWC promulgated on

August 25, 1997 (62 FR 45116 and 62 FR 45124) which apply to MWC with capacities greater than 250 tons per day, nor are they covered under the NSPS and EG for MWC proposed on August 30, 1999 (64 FR 47275 and 64 FR 47233) which apply to MWC with capacities greater than 35 tons per day, but less than or equal to 250 tons per day.

*Residential Incinerators* are those burning municipal solid waste located at single and multi-family dwellings, hotels and motels.

*Agricultural Waste Incinerators* are those burning agricultural waste.

*Wood Waste Incinerators* are those burning wood waste which are not covered by the proposed NSPS and EG for CISWI or the promulgated or proposed NSPS and EG for MWC. There are likely to be very few of those incinerators since the NSPS and EG for CISWI, as well as those for MWC, cover most incinerators burning wood waste.

*Construction and Demolition Waste Incinerators* are those burning construction and demolition waste.

*Crematories and Pathological Incinerators* are those burning human or animal tissue or cremating human or animal remains.

*Petroleum-Contaminated Soil Treatment Facilities* are those burning petroleum-contaminated soil. Sections 104 and 127 of the Comprehensive Environmental Response, Compensation, and Liability Act exclude petroleum from the definition of hazardous wastes; therefore, those incineration units are not regulated as hazardous waste treatment facilities.

Due to the limited information available to date, we cannot state with certainty that the OSWI category covers only those incinerators. As additional information is collected and assessed, we may add or delete incinerators within the OSWI category.

### III. Schedule

As mentioned previously, we initially adopted a schedule of November 15, 2000 for promulgating NSPS and EG for OSWI. However, after collecting and assessing a limited amount of information on the various types of OSWI, we believe there may be substantial differences among those incinerators which may merit further subcategorization of OSWI for purposes of regulation. As a result, we have concluded that we need to collect additional information in order to determine the most logical and reasonable approach for developing NSPS and EG for OSWI. Consequently, we are adopting a revised schedule of November 15, 2005 for promulgation of NSPS and EG for the OSWI to allow

sufficient time for the collection and analysis of additional information.

Dated: November 3, 2000.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 00-28807 Filed 11-8-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6612-6]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

#### Draft EISs

ERP No. D-COE-H36110-NE Rating EO2, Western Sarpy/Clear Creek Flood Reduction Study Including Environmental Restoration Component, Lower Platte River and Tributaries, Saunders and Sarpy Counties, NE.

*Summary:* EPA raised objections, noting the potential for significant adverse impacts to natural resources, endangered species, and flood plain values. EPA encouraged the Corps to examine non-structural alternatives to lessen impacts.

ERP No. D-FHW-E40783-SC Rating EC2, Dave Lyle Boulevard Extension, New Location from the S.C. Route 161/ Dave Lyle Boulevard Intersection in York County to S.C. Route 75, in the vicinity of the U.S. Route 521/S.C., York County Metropolitan Road Corridor Project, Funding, York and Lancaster Counties, SC.

*Summary:* EPA expressed concerns regarding potential project impacts related to surface water, wetlands, and threatened and endangered species.

ERP No. D-FHW-H40170-MO Rating LO, U.S. Route 50 East-Central Corridor Study, Highway Improvements from Route 50 to Route 63 east of Jefferson City, Major Transportation Investment Analysis, Osage, Gasconade, and Franklin Counties, MO.

*Summary:* EPA has no objection to the project as proposed.

ERP No. D-TVA-E39053-TN Rating EO2, Future Water Supply Needs in the Upper Duck River Basin, NPDES Permit and COE Section 404 Permit, Bedford, Marshall, Maury and Williamson Counties, TN.

*Summary:* EPA expressed objections since EPA does not believe additional source water is needed immediately, especially if conservation measures are implemented during droughts. If selection of a water supply alternative is locally preferred, we recommend implementation of Alternative C over Alternative E if pipeline impacts are minimal or a modification of Alternative E, if feasible, by approximately 2025.

#### Final EISs

ERP No. F-FHW-F40383-WI WI-113 Wisconsin River Crossing at Merrimac, Improvements, US Coast Guard and COE Section 10 and 404 Permits, Columbia and Sauk Counties, WI.

*Summary:* EPA has no objections with the preferred alternative.

ERP No. F-FHW-F40387-OH Lancaster Bypass (FAI-US 22/US 33-9.59/9.95) Construction, Funding, Greenfield, Hocking, Berne and Pleasant Townships, Fairfield County, OH.

*Summary:* EPA's previous concerns have been addressed; EPA does not object to project implementation.

Dated: November 6, 2000.

**Ken Mittelholtz,**

*Environmental Protection Specialist, Office of Federal Activities.*

[FR Doc. 00-28839 Filed 11-8-00; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6612-5]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or [www.epa.gov/oeqa/ofa](http://www.epa.gov/oeqa/ofa).

Weekly receipt of Environmental Impact Statements filed October 30, 2000 through November 3, 2000 pursuant to 40 CFR 1506.9.

EIS No. 000374, FINAL EIS, FHW, CA, US-7 Expressway Project, Construction between CA-98 to Interstate 8, Improve Access to the new Calxico East Port of Entry, Funding and COE Section 404 Permit, Imperial County, CA, Due: December 4, 2000, Contact: Jeffery S. Lewis (916) 498-5035. This Notice of Availability should have appeared in the 11/3/2000 FR. The Official Wait Period