

made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a

substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 19, 1995.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 95-18222 Filed 7-24-95; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 264, and 265

[FRL-5263-3]

Hazardous Waste Management System; Testing and Monitoring Activities

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is proposing to revise certain testing methods used in complying with the requirements of subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. EPA also is proposing to add several new testing methods that may be used in complying with the requirements of subtitle C of RCRA. These new and revised methods, designated as Update III, are proposed to be added to the Third Edition of the EPA-approved test methods manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. In addition, EPA proposes to delete several obsolete methods from SW-846 and the RCRA regulations. The intent of this action is to provide state-of-the-art analytical technologies for RCRA-related testing and thus promote cost effectiveness in choosing analytical test methods.

DATES: Comments on this proposed rule must be submitted on or before September 25, 1995.

ADDRESSES: The public should submit an original and two copies of their comments on this proposed rule to the Docket Clerk (OS-305), U.S. Environmental Protection Agency, 401

M Street, SW., Washington, DC 20460. The official record for this rulemaking (Docket No. F-95-WT3P-FFFFF) is located at the above address in Room M-2616, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. The public may copy a maximum of 100 pages of material from any one regulatory docket at no cost; additional copies cost \$0.15 per page.

Copies of the Third Edition of SW-846, as amended by Updates I, II, IIA, and IIB, and the proposed Update III are part of the official docket for this rulemaking, and also are available from the Superintendent of Documents, Government Printing Office (GPO), Washington, DC 20402, (202) 512-1800. The GPO document number is 955-001-00000-1. Copies of the Third Edition and its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650. **FOR FURTHER INFORMATION CONTACT:** For general information contact the RCRA Hotline at (800) 424-9346 (toll free) or call (703) 412-9810; or, for hearing impaired, call TDD (800) 553-7672 or TDD (703) 412-3323. For technical information, contact Kim Kirkland or Barry Lesnik, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-4761.

SUPPLEMENTARY INFORMATION:

Preamble Outline

- I. Authority
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I. Authority

These regulations are being promulgated under the authority of sections 1006, 2002(a), 3001-3007, 3010, 3013-3018, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (commonly known as RCRA), as amended (42 U.S.C. 6905,

6912(a), 6921–6927, 6930, 6934–6939, and 6974).

II. Background Summary and Regulatory Framework

EPA Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," contains the analytical and test methods that EPA has evaluated and found to be among those acceptable for testing under subtitle C of the Resource Conservation and Recovery Act (RCRA) and that are required for specific regulations as discussed below. These methods are intended to promote accuracy, sensitivity, specificity, precision, and comparability of analyses and test results. In situations where the regulations require the use of appropriate SW-846 methods, the regulations specify use of the Third Edition of EPA's SW-846 manual as amended by Updates I, II, IIA, and IIB. SW-846 will be amended further to include the new and revised methods contained in this proposed Update III, and to delete those methods deemed obsolete in this proposal, if this proposal is adopted in final form.

Several of the hazardous waste regulations under subtitle C of RCRA require that specific testing methods described in SW-846 be employed for certain applications. Any reliable analytical method may be used to meet other requirements in 40 CFR parts 260 through 270. Listed below are a number of provisions found in 40 CFR parts 260 through 270 that require use of a specific method for a particular application, or the use of appropriate SW-846 methods in general:

(1) Section 260.22(d)(1)(i)—Submission of data in support of petitions to exclude a waste produced at a particular facility (i.e., delisting petitions);

(2) Section 261.22(a)(1) and (2)—Evaluation of a waste against the corrosivity characteristic;

(3) Section 261.24(a)—Leaching procedure for evaluation of a waste against the toxicity characteristic;

(4) Section 261.35(b)(2)(iii)(A)—Testing rinsates from wood preserving cleaning processes;

(5) Sections 264.190(a), 264.314(c), 265.190(a), and 265.314(d)—Evaluation of a waste to determine if free liquid is a component of the waste;

(6) 264.1034(d)(1)(iii) and 265.1034(d)(1)(iii)—Testing total organic concentration for monitoring compliance with air emission standards for process vents;

(7) 264.1063(d)(2) and 265.1063(d)(2)—Testing total organic concentration for monitoring

compliance with air emission standards for equipment leaks;

(8) Section 266.106(a)—Analysis in support of compliance with standards to control metals emissions from burning hazardous waste in boilers and industrial furnaces;

(9) Section 266.112(b)(1) and (2)(i)—Certain analyses in support of exclusion from the definition of a hazardous waste of a residue which was derived from burning hazardous waste in boilers and industrial furnaces;

(10) Section 268.32(i)—Evaluation of a waste to determine if it is a liquid for purposes of certain land disposal prohibitions;

(11) Sections 268.40(a), (b) and (f), 268.41(a), and 268.43(a)—Leaching procedure for evaluation of waste extract to determine compliance with land disposal treatment standards;

(12) Section 268.7(a)—Leaching procedure for evaluation of a waste to determine if the waste is restricted from land disposal;

(13) Sections 270.19(c)(1)(iii) and (iv), and 270.62(b)(2)(i)(C) and (D)—Analysis and approximate quantification of the hazardous constituents identified in the waste prior to conducting a trial burn in support of an application for a hazardous waste incineration permit; and

(14) Sections 270.22(a)(2)(ii)(B) and 270.66(c)(2)(i) and (ii)—Analysis conducted in support of a destruction and removal efficiency (DRE) trial burn waiver for boilers and industrial furnaces burning low-risk wastes, and analysis and approximate quantification conducted for a trial burn in support of an application for a permit to burn hazardous waste in a boiler and industrial furnace.

In other situations, SW-846 functions as a guidance document setting forth acceptable, although not required, methods to be implemented by the user, as appropriate, in responding to RCRA-related sampling and analysis requirements.

SW-846 is a document that changes over time as new information and data are developed. Advances in analytical instrumentation and techniques are continually reviewed by the Agency and periodically incorporated into SW-846 to support changes in the regulatory program and to improve method performance. Update III represents such an incorporation. Therefore, EPA solicits any available data and information that may affect the usefulness of SW-846.

III. Proposal

A. Revised Methods and Chapters

The Agency is today proposing to revise several methods contained in the Third Edition¹ of SW-846 and its Updates I, II, IIA, and IIB, as incorporated by reference into 40 CFR 260.11(a). These proposed revisions would improve the methods and provide additional performance information for each method. The Agency is also proposing to revise SW-846 Chapters Two, Three, Four, Five, Six, and Ten to incorporate new methods and method revisions into SW-846.

Table 1 lists the 37 methods and the six chapters that are proposed for revision. The revised methods and chapters are available from the Government Printing Office (GPO) and the National Technical Information Service (NTIS), and are part of the official docket for this rulemaking. For comparison purposes, original versions of the methods and chapters before these revisions can be found in Docket Nos. F-93-WTMF-FFFFF (Third Edition and Update I) and F-94-WT2F-FFFFF (Update II). The revised methods of proposed Update III can be found in Docket No. F-95-WT3P-FFFFF. Those with SW-846 subscriptions can refer to their copies of the Third Edition of SW-846 as amended by Updates I, II, IIA, and IIB; and to their copy of proposed Update III. The Agency is soliciting comments on all parts of each revised method, with the exception of Method 9095A for the reasons explained in section III.D of this proposed rule.

In its ongoing program to promote pollution prevention, the Agency notes that eighteen (see method numbers identified by an asterisk in Table 1) of the organic sample preparatory and cleanup methods which are proposed to be revised in Update III of SW-846 utilize a modified Kuderna-Danish (K-D) apparatus to concentrate sample extracts and minimize the evaporation of extraction solvents into the air. Specifically, the modified K-D apparatus in these methods includes a solvent recovery system. The recovered solvent can be properly disposed instead of released to the air as previously done. (Note: The K-D apparatus found in new Methods 3535 and 3542 of proposed Update III also include this pollution prevention improvement.)

¹ For an exception, see footnote number 1 of Table 1.

B. New Methods

The Agency is today proposing to add 61 new methods to the Third Edition of SW-846 (Table 2). If finalized, these new methods will provide additional flexibility in method selection and also may be used during the analyses of some analytes for which other SW-846 methods may be less than adequate performers. These new methods are available from GPO and NTIS, and are part of the official docket for this rulemaking. The Agency is soliciting comments on all sections of these methods.

EPA's Office of Solid Waste is also considering adopting the Environmental Monitoring Management Council (EMMC) format for use with new SW-846 methods in a future proposed revision (other than Update III) to SW-846. As part of its efforts to promote consolidation and integration between EPA Program Offices, the EMMC developed the consensus format for analytical methods. The Agency plans to consider adopting this format to be consistent with an intra-agency effort to achieve uniformity in analytical method format among all Agency programs. The use of this new format for new methods of SW-846 will be proposed per comment in a future rulemaking. The Agency is not soliciting comment at this time on its plans to adopt the EMMC format.

C. Deletion of Obsolete Methods

The Agency is also proposing today to delete sixteen obsolete methods (Table 3) from the Third Edition of SW-846, for the reasons delineated in the following paragraphs. The Agency is soliciting comments on the removal of the methods from SW-846.

Fourteen packed column gas chromatographic (GC) methods are proposed for deletion from SW-846 because they have been superseded by capillary column methods or other method techniques that provide better resolution, selectivity and sensitivity. Capillary columns have an inherently greater ability to separate analytes than packed columns. A survey performed in 1991 found that few analysts actually use packed columns in their laboratories anymore (Environmental Science and Technology, 26, 1285-1287, 1992). These packed column GC methods are also proposed for deletion to be consistent with other Agency program offices, e.g., the Office of Water, which has withdrawn packed column methods from its list of approved drinking water methods (see 59 FR 62456, December 5, 1994).

Method 9200, the brucine-sulfanilamide method for nitrate determination, is proposed for deletion because it generates unreliable results. It was recently demonstrated to be unreliable by both the Agency's Environmental Monitoring Systems Laboratory in Cincinnati (EMSL-Ci) and the American Water Works Association (AWWA). The unstable nature of the analytical reagents and excessively tight temperature control requirements were among the factors contributing to the method's unreliability. In fact, on December 15, 1993 (58 FR 65622), the Agency proposed to remove Method 353.1 (EPA 600/4-79-020, "Methods for the Chemical Analysis of Water and Wastes") which contains a brucine-sulfanilic acid procedure. Method 419 D, a brucine-sulfanilic acid method, was also removed by the American Water Works Association from the publication "Standard Methods for the Examination of Water and Wastewater", Fifteenth Edition. Therefore, to be consistent with these and any other related Agency actions, the Agency is proposing to remove Method 9200 from SW-846. In the rare cases where nitrate is a target analyte for RCRA-related analyses, the regulated community may use Method 9056—The Determination of Inorganic Anions by Ion Chromatography (currently in SW-846). Another appropriate method may be Method 9210—Nitrate in Aqueous Samples by Ion-Selective Electrode, which is a proposed Update III method and listed in Table 2 of this notice. Alternative methods are also available from other sources, including, but not limited to, the "Annual Book of ASTM Methods" (American Society for Testing and Materials, Philadelphia, PA); "Standard Methods for the Examination of Water and Wastewater" (Eighteenth Edition, 1992, American Public Health Association, the American Water Works Association, and the Water Environment Federation, Washington, DC); and the Office of Water methods manual "Methods for the Chemical Analysis of Water and Wastes" (EPA, March 1983, NTIS PB84-128677).

Method 9252A—Chloride (Titrimetric, Mercuric Nitrate) is proposed to be deleted from SW-846 as part of the Agency's ongoing efforts to promote pollution prevention measures. Although the method does give reliable results, it can generate a mercury-containing RCRA hazardous waste, which may cause disposal or contamination problems for the laboratory. Several alternative methods for the determination of chloride are available both in SW-846 (e.g., Methods

9250, 9251 and 9253) and from other sources including, but not limited to, the "Annual Book of ASTM Methods" (American Society for Testing and Materials, Philadelphia, PA), "Standard Methods for the Examination of Water and Wastewater" (Eighteenth Edition, 1992, American Public Health Association, the American Water Works Association, and the Water Environment Federation, Washington, DC), and the Office of Water methods manual, "Methods for the Chemical Analysis of Water and Wastes" (EPA, March 1983, NTIS PB84-128677).

D. Request for Comment Only on Certain Sections of Method 9095A

Revised Method 9095A ("Paint Filter Liquids Test") contains revisions to sections 6.2, 7.2, 7.3 and 7.4 that provide direction on how to prepare sorbent materials that do not conform to the shape of the paint filter. This direction is intended to facilitate use of the method for the testing of containerized liquids to which sorbents have been added before land disposal. The Agency adopted Method 9095A for this purpose on November 18, 1992 (see 57 FR 54452, the "Liquids in Landfills" rule). Method 9095A also contains a new section 3.2 which clarifies use of the method during freezing conditions. The Agency is requesting comment only on the sections of Method 9095A listed above, is not requesting comment on other sections of the method (which were not revised), and is also not requesting comment on method appropriateness for free liquid determinations.

E. Deleting References to Method 8240 in §§ 264.1034(d)(iii) and (f), 264.1063(d)(2), 265.1034(d)(1)(iii) and (f), and 265.1063(d)(2)

The Agency is proposing to delete all references to Method 8240 (Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry) of SW-846 found in 40 CFR 264.1034(d)(1)(iii) and (f), 264.1063(d)(2), 265.1034(d)(1)(iii) and (f), and 265.1063(d)(2) of the RCRA regulations. The Agency is proposing this action because a method involving the determination of volatile organic compounds (e.g., Method 8240 or 8260) is not an appropriate method alternative for the total organic carbon analysis addressed by 40 CFR 264.1034(d)(1)(iii) and (f), 264.1063(d)(2), 265.1034(d)(1)(iii) and (f), and 265.1063(d)(2), since it exhibits no direct correlation with analytical results obtained using Method 9060. In addition, Method 8240 is a packed column method and, for the reasons

explained in section III.C of this proposal, the Agency is removing Method 8240 (and all other packed column methods) from SW-846.

TABLE 1.—LIST OF PROPOSED REVISED METHODS AND CHAPTERS

Method No.	Title
	Chapter Two—Choosing the Correct Procedure
	Chapter Three—Metallic Analytes
	Chapter Four—Organic Analytes
	Chapter Five—Miscellaneous Test Methods
	Chapter Six—Properties
	Chapter Ten—Sampling Methods
3040A ...	Dissolution Procedure for Oils, Greases, or Waxes
3050B ...	Acid Digestion of Sediments, Sludges, and Soils
3060A ¹ ..	Alkaline Digestion for Hexavalent Chromium
3500B ...	Organic Extraction and Sample Preparation
3510C* ..	Separatory Funnel Liquid-Liquid Extraction
3520C* ..	Continuous Liquid-Liquid Extraction
3540C* ..	Soxhlet Extraction
3550B* ..	Ultrasonic Extraction
3600C ...	Cleanup
3610B* ..	Alumina Cleanup
3611B* ..	Alumina Column Cleanup and Separation of Petroleum Wastes
3620B* ..	Florisil Cleanup
3630C* ..	Silica Gel Cleanup
3650B* ..	Acid-Base Partition Cleanup
3660B* ..	Sulfur Cleanup
3665A* ..	Sulfuric Acid/Permanganate Cleanup
4010A ...	Screening for Pentachlorophenol by Immunoassay
5030B ...	Purge-and-Trap for Aqueous Samples
5041A ...	Analysis of Sorbent Cartridges from Volatile Organic Sampling Train (VOST): Capillary GC/MS Technique
6010B ...	Inductively Coupled Plasma—Atomic Emission Spectroscopy
8000B ...	Determinative Chromatographic Separations
8015B ...	Nonhalogenated Organics Using GC/FID
8021B ...	Halogenated Volatiles by Gas Chromatography Using Photoionization and Electrolytic Conductivity Detectors in Series: Capillary Column Technique
8032A* ..	Acrylamide by Gas Chromatography
8061A* ..	Phthalate Esters by Capillary Gas Chromatography with Electron Capture Detection (GC/ECD)
8070A* ..	Nitrosamines by Gas Chromatography
8081A ...	Organochlorine Pesticides by Capillary Column Gas Chromatography

TABLE 1.—LIST OF PROPOSED REVISED METHODS AND CHAPTERS—Continued

Method No.	Title
8151A* ..	Chlorinated Herbicides by GC Using Methylation or Pentafluorobenzoylation Derivatization: Capillary Column Technique
8260B ...	Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS): Capillary Column Technique
8270C ...	Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS): Capillary Column Technique
8275A ...	Semivolatile Organic Compounds (PAHs and PCBs) in Soils/Sludges and Solid Wastes Using Thermal Extraction/Gas Chromatography/Mass Spectrometry (TE/GC/MS)
8280A* ..	The Analysis of Polychlorinated Dibenzo-p-dioxins and Polychlorinated Dibenzofurans by High Resolution Gas Chromatography/Low Resolution Mass Spectrometry (HRGC/LRMS)
8315A* ..	Determination of Carbonyl Compounds by High Performance Liquid Chromatography (HPLC)
8321A* ..	Solvent Extractable Non-Volatile Compounds by High Performance Liquid Chromatography/Thermospray/Mass Spectrometry (HPLC/TS/MS) or Ultraviolet (UV) Detection
9012A ...	Total and Amenable Cyanide (Colorimetric, Automated UV)
9050A ...	Specific Conductance
9095A ...	Paint Filter Liquids Test (sections 3.2, 6.2, 7.2, 7.3, and 7.4)

NOTE: A suffix of "A" in the method number indicates revision one (the method has been revised once). A suffix of "B" in the method number indicates revision two (the method has been revised twice). A suffix of "C" in the method number indicates revision three (the method has been revised three times).

* Indicates method revisions which include a modification to a Kuderna-Danish (K-D) apparatus to promote pollution prevention.

¹Method 3060, "Alkaline Digestion for Hexavalent Chromium," was in the Second Edition of SW-846, but was not included in SW-846, Third Edition, due to perceived poor performance. The method has since been extensively studied, modified, and validated, and Method 3060A is now being proposed for inclusion as a revised method to SW-846.

TABLE 2.—LIST OF NEW METHODS PROPOSED FOR ADDITION TO SW-846

Method No.	Title
0011	Sampling for Formaldehyde Emissions from Stationary Sources

TABLE 2.—LIST OF NEW METHODS PROPOSED FOR ADDITION TO SW-846—Continued

Method No.	Title
0023A ¹ ..	Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources
0031	Sampling Method for Volatile Organic Compounds (SMVOC)
0040	Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar [®] Bags
0050	Isokinetic HCl/Cl ₂ Emission Sampling Train
0051	Midget Impinger HCl/Cl ₂ Emission Sampling Train
0060	Determination of Metals in Stack Emissions
0061	Determination of Hexavalent Chromium Emissions from Stationary Sources
0100	Sampling for Formaldehyde and Other Carbonyl Compounds in Indoor Air
1030	Ignitability of Solids
1120	Dermal Corrosion
3031	Acid Digestion of Oils for Metals Analysis by FLAA or ICP Spectroscopy
3052	Microwave Assisted Acid Digestion of Siliceous and Organically Based Matrices
3535*	Solid Phase Extraction (SPE)
3542*	Extraction of Semivolatile Analytes Collected Using Modified Method 5 (Method 0010) Sampling Train
3545	Accelerated Solvent Extraction (ASE)
3560	Supercritical Fluid Extraction of Total Recoverable Petroleum Hydrocarbons (TRPH)
3561	Supercritical Fluid Extraction of Polynuclear Aromatic Hydrocarbons
3585	Waste Dilution for Volatile Organics
4000	Immunoassay
4015	Screening for 2,4-Dichlorophenoxyacetic Acid by Immunoassay
4020	Screening for Polychlorinated Biphenyls by Immunoassay
4030	Soil Screening for Petroleum Hydrocarbons by Immunoassay
4035	Soil Screening for Polynuclear Aromatic Hydrocarbons (PAHs) by Immunoassay
4040	Soil Screening for Toxaphene by Immunoassay
4041	Soil Screening for Chlordane by Immunoassay
4042	Soil Screening for DDT by Immunoassay
4050	TNT Explosives in Water and Soils by Immunoassay
4051	Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) in Soil and Water by Immunoassay

TABLE 2.—LIST OF NEW METHODS PROPOSED FOR ADDITION TO SW-846—Continued

Method No.	Title
5000	Sample Preparation for Volatile Organic Compounds
5021	Volatile Organic Compounds in Soils and Other Solid Matrices Using Equilibrium Headspace Apparatus
5031	Volatile, Nonpurgeable, Water-Soluble Compounds by Azeotropic Distillation
5032	Volatile Organic Compounds by Vacuum Distillation
5035	Closed-System Purge-and-Trap and Extraction for Volatile Organics in Soil and Waste Samples
7063	Arsenic in Aqueous Samples and Extracts by Anodic Stripping Voltammetry (ASV)
7199	Determination of Hexavalent Chromium in Drinking Water, Groundwater and Industrial Wastewater Effluents by Ion Chromatography
7472	Mercury in Aqueous Samples and Extracts by Anodic Stripping Voltammetry (ASV)
7521	Nickel (Atomic Absorption, Furnace Method)
7580	White Phosphorus (P ₄) by Solvent Extraction and Gas Chromatography
8033	Acetonitrile by Gas Chromatography with Nitrogen-Phosphorus Detection
8041	Phenols by Gas Chromatography: Capillary Column Technique
8082	Polychlorinated Biphenyls (PCBs) by Capillary Column Gas Chromatography
8091	Nitroaromatics and Cyclic Ketones: Capillary Column Technique
8111	Haloethers: Capillary Column Technique
8131	Aniline and Selected Derivatives by GC: Capillary Column Technique
8325	Solvent Extractable Non-Volatile Compounds by High Performance Liquid Chromatography/Particle Beam/Mass Spectrometry (HPLC/PB/MS)
8332	Nitroglycerine by High Performance Liquid Chromatography
8430	Analysis of Bis(2-chloroethyl)ether Hydrolysis Products by Direct Aqueous Injection GC/FT-IR
8440	Total Recoverable Petroleum Hydrocarbons by Infrared Spectrophotometry
8515	Colorimetric Screening Method for Trinitrotoluene (TNT) in Soil
8520	Continuous Measurement of Formaldehyde in Ambient Air
9023	Extractable Organic Halides (EOX) in Solids

TABLE 2.—LIST OF NEW METHODS PROPOSED FOR ADDITION TO SW-846—Continued

Method No.	Title
9057	Determination of Chloride from HCl/HCl ₂ Emission Sampling Train (Methods 0050 and 0051) by Anion Chromatography
9078	Screening Test Method for Polychlorinated Biphenyls in Soil
9079	Screening Test Method for Polychlorinated Biphenyls in Transformer Oil
9210	Potentiometric Determination of Nitrate in Aqueous Samples with Ion-Selective Electrode
9211	Potentiometric Determination of Solubilized Bromide in Aqueous Samples with Ion-Selective Electrode
9212	Potentiometric Determination of Chloride in Aqueous Samples with Ion-Selective Electrode
9213	Potentiometric Determination of Solubilized Cyanide in Aqueous Samples and Distillates with Ion-Selective Electrode
9214	Potentiometric Determination of Fluoride in Aqueous Samples with Ion-Selective Electrode
9215	Potentiometric Determination of Sulfide in Aqueous Samples and Distillates with Ion-Selective Electrode

*Includes a Kuderna-Danish (K-D) apparatus with a solvent recovery system to promote pollution prevention.

¹This method is an updated version of the "Method 23" currently found in 40 CFR part 60, Appendix A. Therefore, the Agency has added the "A" suffix to indicate that Method 0023A of SW-846 is revised from Method 23 of 40 CFR part 60.

TABLE 3.—LIST OF METHODS PROPOSED FOR REMOVAL FROM SW-846

Method No.	Title
5040A ...	Analysis of Sorbent Cartridges from Volatile Organic Sampling Train (VOST): Gas Chromatography/Mass Spectrometry Technique
8010B ...	Halogenated Volatile Organics by Gas Chromatography
8020A ...	Aromatic Volatile Organics by Gas Chromatography
8030A ...	Acrolein and Acrylonitrile by Gas Chromatography
8040A ...	Phenols by Gas Chromatography
8060	Phthalate Esters
8080A ...	Organochlorine Pesticides and Polychlorinated Biphenyls by Gas Chromatography
8090	Nitroaromatics and Cyclic Ketones
8110	Haloethers by Gas Chromatography
8120A ...	Chlorinated Hydrocarbons by Gas Chromatography

TABLE 3.—LIST OF METHODS PROPOSED FOR REMOVAL FROM SW-846—Continued

Method No.	Title
8140	Organophosphorus Pesticides
8150B ...	Chlorinated Herbicides by Gas Chromatography
8240B ...	Volatile Organics by Gas Chromatography/Mass Spectrometry (GC/MS)
8250A ...	Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS)
9200	Nitrate
9252A ...	Chloride (Titrimetric, Mercuric Nitrate)

NOTE: A suffix of "A" in the method number indicates revision one (the method has been revised once). A suffix of "B" in the method number indicates revision two (the method has been revised twice).

IV. State Authority

Today's rule, if promulgated, will provide standards that are not immediately effective in authorized States since the requirements are being imposed pursuant to pre-HSWA authority. See RCRA section 3006. The requirements will be applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State law. Procedures and deadlines for State program revisions are set forth in 40 CFR 271.21. 40 CFR 271.3 sets forth the requirements a State must meet when submitting its final authorization application.

V. Regulatory Analyses

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), EPA must determine whether a regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Agency has determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review and the requirements of the Executive Order.

B. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (the Act), Pub. L. 104-4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the Act EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the Act a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not include a Federal mandate that may result in estimated costs of \$100 million or more to State, local, and tribal governments in the aggregate, or to the private sector, in any one year. This is due to the fact that this rule simply revises available test methods for complying with existing regulatory requirements, and in most cases, the SW-846 test methods are provided as guidance, not requirements. Even where the use of a specific test method is required, the Agency does not believe that the revised methods will result in significant cost increases and indeed, most of the revised methods are expected to result in reduced costs. For example, new immunoassay methods can be run in the field, replacing expensive gas chromatographic laboratory work; this will allow for more

and faster sampling, helping to reduce the cost of cleanups. Thus, today's notice is not subject to the written statement requirements in sections 202 and 205 of the Act.

As for section 203 of the Act, today's rule is not expected to have any "unique" effects on small governments; the only expected effects on a small government would be where that government is itself managing hazardous wastes, and is using one or more test methods for complying with RCRA regulations. Further, for the reasons set out in the prior paragraph, the revised test methods would not be expected to have a "significant" effect on small governments (or other users of test methods). Thus, today's notice is not subject to the requirements of section 203 of the Act.

C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. section 601-612, Pub. L. 96-354, September 19, 1980), whenever an agency publishes a General Notice of Rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis (RFA) that describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the Agency certifies that the rule will not have a significant impact on a substantial number of small entities.

This rule will not require the purchase of new instruments or equipment. The regulation requires no new reports beyond those now required. This rule will not have an adverse economic impact on small entities since its effect will be to provide greater flexibility and utility to all of the regulated community, including small entities, by providing an increased choice of appropriate analytical methods for RCRA applications. Therefore, in accordance with 5 U.S.C. section 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Thus, the regulation does not require an RFA.

D. Paperwork Reduction Act

There are no additional reporting, notification, or recordkeeping provisions associated with today's proposed rule. Such provisions, were they included, would be submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*

List of Subjects

40 CFR Part 260

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Incorporation by reference.

40 CFR Part 264

Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds.

40 CFR Part 265

Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water supply.

Dated: May 25, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out in the preamble, title 40, Chapter I, of the Code of Federal Regulations is amended as set forth below:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

Subpart B—Definitions

2. Section 260.11 (a) is amended by revising the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" reference to read as follows:

§ 260.11 References.

(a) * * *

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 [Third Edition (November 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III]. The Third Edition of SW-846 and Updates I, II, IIA, IIB, and III (document number 955-001-00000-1) are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. Copies of the Third Edition and its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

Subpart AA—Air Emission Standards for Process Vents

4. Section 264.1034 is amended by revising paragraphs (d)(1)(iii) and (f) to read as follows:

§ 264.1034 Test methods and procedures.

* * * * *

(d) * * *

(1) * * *

(iii) Each sample shall be analyzed and the total organic concentration of the sample shall be computed using Method 9060 of SW-846 (incorporated by reference under § 260.11 of this chapter).

* * * * *

(f) When an owner or operator and the Regional Administrator do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, an appropriate procedure referenced in § 260.11(a) of this chapter may be used to resolve the dispute.

* * * * *

Subpart BB—Air Emission Standards for Equipment Leaks

5. Section 264.1063 is amended by revising paragraph (d)(2) to read as follows:

§ 264.1063 Test methods and procedures.

* * * * *

(d) * * *

(2) Method 9060 of SW-846 (incorporated by reference under § 260.11 of this chapter); or

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

6. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, 6935, and 6936, unless otherwise noted.

Subpart AA—Air Emission Standards for Process Vents

7. Section 265.1034 is amended by revising paragraphs (d)(1)(iii) and (f) to read as follows:

§ 265.1034 Test methods and procedures.

* * * * *

(d) * * *

(1) * * *

(iii) Each sample shall be analyzed and the total organic concentration of the sample shall be computed using Method 9060 of SW-846 (incorporated by reference under § 260.11 of this chapter).

* * * * *

(f) When an owner or operator and the Regional Administrator do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, an appropriate procedure referenced in § 260.11(a) of this chapter may be used to resolve the dispute.

* * * * *

Subpart BB—Air Emission Standards for Equipment Leaks

8. Section 265.1063 is amended by revising paragraph (d)(2) to read as follows:

§ 265.1063 Test methods and procedures.

* * * * *

(d) * * *

(2) Method 9060 of SW-846 (incorporated by reference under § 260.11 of this chapter); or

* * * * *

[FR Doc. 95-18257 Filed 7-24-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 63

[IB Docket No. 95-118, FCC 95-286]

Streamlining the International Section 214 Authorization Process and Tariff Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: The Federal Communications Commission is proposing rules to streamline the international Section 214 authorization process and tariff requirements. The Commission proposes to streamline many Section

214 authorization requirements as well as tariff requirements. The Commission believes that the proposals will greatly lessen the regulatory burdens on applicants, authorized carriers, and the Commission and allow carriers to operate more efficiently and respond better to customers' needs in a timely manner. Additionally, the Commission's proposals will enable international carriers to enter, expand, and exit the market more quickly.

DATES: Comments must be submitted on or before August 23, 1995. Reply comments must be submitted on or before September 7, 1995.

ADDRESSES: All comments and reply comments concerning these proposals should be addressed to: Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Helene T. Schrier or Troy F. Tanner, Attorney-Advisors, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418-1470.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking adopted on July 13, 1995 and released July 17, 1995. The full text of this notice is available for inspection and copying during normal business hours in the FCC Reference Center (room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554. The complete text of this notice also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857-3800.

Initial Regulatory Flexibility Act

A. Reason for Action

This rulemaking proceeding was initiated to obtain comment regarding proposed changes to the Commission's international Section 214 authorization process and tariff requirements.

B. Objectives

The Commission seeks to streamline the international Section 214 authorization process and tariff requirements to greatly lessen the regulatory burdens on applicants, authorized carriers, and the Commission and enable them to operate more efficiently and respond better to customers' needs in a timely manner.