PART 602—OMB CONTROL NUMBERS
UNDER THE PAPERWORK REDUCTION ACT

Par. 4. The authority citation for part 602 continues to read as follows:

Par. 5. In § 602.101, paragraph (c) is amended by adding an entry in
numerical order to the table to read as follows:
§ 602.101 OMB Control numbers.
* * * * *
(c) * * *
CFR part of section where
identified and described Current OMB
control No.

301.7701–7 ....................... 1545–1600


Robert E. Wenzel,
Deputy Commissioner of Internal Revenue.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 99–1892 Filed 2–1–99; 8:45 am]
BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136
[FRL–6227–4]

Whole Effluent Toxicity: Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule, Technical Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule, technical corrections.


The WET final rule and the aquatic toxicity test manuals contained various minor errors; today’s amendments correct typographical errors and minor omissions. These amendments also provide technical clarifications and changes for consistency among the three test manuals. The Administrative Procedure Act, 5 U.S.C. 553, states that when an Agency finds good cause, it may issue a rule without first providing for notice and comment. This rule corrects typographical errors and minor omissions, and provides consistency among the WET final rule and the aquatic toxicity test manuals incorporated by reference at 40 CFR 136.3. Today’s revisions eliminate confusion and provide clarification. The revisions are not substantive. Most of these minor, non-substantive corrections were brought to the Agency’s attention by the public. Therefore, prior notice and public opportunity for comment is unnecessary.

II. Corrections to the Regulation

This rule corrects typographical errors and minor omissions and provides consistency in the regulatory language and the three aquatic toxicity test manuals incorporated by reference in the WET final rule. Corrections include replacing or amending text with appropriate wording for clarification and consistency.

Specifically, this rule corrects a typographical error in the regulatory language for the WET final rule in Table II at § 136.3(e) by changing the “maximum holding time” for aquatic toxicity tests from 6 hours to 36 hours. Despite the inclusion of the correct 36 hour maximum holding time in the aquatic toxicity test manual, 6 hours was inadvertently listed in the regulatory language for the WET final rule. The Agency’s intention was to include the 36 hour holding time in the regulatory language for the WET final rule.

This rule also incorporates by reference an “errata” document that lists specific corrections to each aquatic toxicity test manual incorporated by reference in the WET final rule. The following three paragraphs (A, B, and C) describe the errata for each aquatic toxicity methods manual and address specific corrections included in each manual that the Agency believes require further explanation. The title of the errata document is: Errata for the Effluent and Receiving Water Toxicity Testing Manuals: Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms; Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, Second Edition, July 1994 (EPA–600/R–98–018). A listing of the reference for this errata document and where it can be viewed or obtained is provided in Sections IV and V of this notice.

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A. Corrections to Acute Manual

There are eight items in the errata: Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (hereinafter, acute manual). Four items (Items 1, 2, 3 and 7) establish consistent language among the three test manuals to prevent confusion. When the WET rule was promulgated in 1995, the language in the acute manual should have been the same as the language included in the other two manuals. Upon close consideration after rulemaking, it became apparent that the acute manual (published in 1993) did not include portions of the other manuals (published in 1994). Today’s amendments, by incorporation of the errata document, correct those omissions. Items 4 and 8 correct typographical errors.(items 5 and 6 correct typographical errors to avoid confusion regarding the supplemental test species list (Appendix B) and the recommended test conditions for Cyprinella leedsi and Holomesimysis costata. The name change of the species Notropis leedsi to Cyprinella leedsi occurred after publication of acute manual and the correct reference for this change is now cited.

B. Corrections to Freshwater Chronic Manual

There are 10 items in the errata: Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (hereinafter, freshwater chronic manual). For Item 1, the section regarding effluent sampling in the freshwater chronic manual are identical to those included in the acute manual. This language is inappropriate and not intended for chronic tests and would, therefore, cause excessive testing because flow-through tests are not included for the short-term chronic tests included in the marine and estuarine chronic manual. Items 2, 4, 5, 6, 7, 8 and 9 correct typographical errors. Item 3 corrects an inconsistency between the tabulated data and the probit analysis of that data.

C. Corrections to Marine and Estuarine Chronic Manual

There are nine items in the errata: Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms (hereinafter, marine and estuarine chronic manual). For Item 1, the section regarding effluent sampling in the marine and estuarine chronic manual are identical to those included in the acute manual. This language is inappropriate and not intended for chronic tests and would, therefore, cause excessive testing because flow-through tests are not included for the short-term chronic tests included in the marine and estuarine chronic manual. Items 2, 4, 5, 6, 7, 8 and 9 correct typographical errors. Item 3 corrects an inconsistency between the tabulated data and the probit analysis of that data.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 23, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This action contains no information collection requirements. Therefore, no information collection request has been submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of March 4, 1999. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

IV. Materials Incorporated by Reference Into 40 CFR Part 136


V. Public Availability of Materials To Be Incorporated by Reference

The full text of the errata document incorporated by reference in today’s rulemaking will be available to the general public from the following sources:

Water Docket: Paper version of the errata document, along with the public record for this rule and the WET final rule, are available from the U.S. Environmental Protection Agency, Water Docket, 401 M Street SW, Washington, DC 20460. For access to these materials, call 202–260–3027 on Monday through Friday, excluding Federal holidays, between 9:00 a.m. and 3:30 p.m. Eastern Time for an appointment.
Internet: Electronic version is available via the Internet at http://www.epa.gov/OST.

National Center for Environmental Publications and Information (NCEPI): Electronic or paper version is available from the U.S. Environmental Protection Agency, National Center for Environmental Publications and Information (NCEPI), P.O. Box 42419, Cincinnati, OH 45242 by phone at 1-800/490–9198, fax at (513) 489–8695, or via the Internet at http://www.epa.gov/ncepinfo.


EPA Regional Office Libraries: EPA has 10 Regional offices around the country, each with a publicly accessible library. Copies of the errata document can be viewed and copied at these EPA Regional libraries: EPA Region I, JFK Federal Building, Congress Street, Boston, MA 02203–0001, (617) 918–1111; EPA Region 2, 290 Broadway, New York, NY 10007, (212) 637–3185; EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2029, (215) 814–5000; EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsythe Street SW, Atlanta, GA 30303, (404) 562–8190; EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604–3507, (312) 353–2022; EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202–2733, (214) 665–6424; EPA Region 7, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551–7003; EPA Region 8, 999 18th Street, Suite 500, Denver, CO 80202–2466, (303) 312–6312; EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1570; EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–1200.

Public Libraries: A summary of this rule and the errata document have been placed in the combined catalogues of the Online Computer Library Center (OCLC) in Columbus, Ohio, available to all member libraries across the country (approximately 13,000). This summary will facilitate public access through interlibrary loans from the Regional EPA libraries. Through OCLC, EPA has placed the summary and access information in the Online Library System. Finally, EPA has provided the national association of public libraries with a summary of this rule and the errata document as a way of emphasizing their availability. The errata document will also be available for viewing and copying through the following state library associations: Alabama Library Association, 400 S. Union Street, Suite 140, Montgomery, AL 36104; Alaska Library Association, PO Box 81084, Fairbanks, AK 99708–1084; Arizona State Library Association, 14449 North 73rd Street, Scottsdale, AZ 85260–7388; Arkansas Library Association, 9 Shackleford Plaza, Suite 1, Little Rock, AR 72203; California Library Association, 717 K. Street, Suite 300, Sacramento, CA 95814–3477; Colorado Library Association, 4350 Wadsworth Boulevard, #340, Wheat Ridge, CO 80033; Connecticut Library Association, Franklin Commons, 106 Route 32, Franklin, CT 06254; Delaware Library Association, 1133 W. Morse Blvd., Winter Park, FL 32789–3788; Georgia Library Association, c/o SOLINET, 1438 West Peachtree Street NW, Atlanta, GA 30309–2955; Guam Library Association, PO Box 22515 GFM, Barrigada, GU 96921; Hawaii Library Association, PO Box 4441, Honolulu, HI 96813; Idaho Library Association, 3577 East Pecan, Boise, ID 83716–7115; Illinois Library Association, 33 W. Grand Avenue, #301, Chicago, IL 60610; Indiana Library Federation 6408 Carrollton Avenue, Indianapolis, IN 46220–1615; Iowa Library Association, 505 Fifth Avenue, Suite 823, Des Moines, IA 50309; Kansas Library Association, South Central Kansas Library System, 901 N. Main, Hutchinson, KS 67501–4401; Kentucky Library Association, 1501 Twilight Tr., Frankfort, KY 40601; Louisiana Library Association, PO Box 3058, Baton Rouge, LA 70821; Maine Library Association, Community Drive, Augusta, ME 04330; Maryland Library Association, 400 Cathedral Street, 3rd Floor, Baltimore, MD 21201; Massachusetts Library Association, Countryside Offices 707 Tumpink St., North Andover, MA 01845; Michigan Library Association, 6810 S. Cedar, Suite 6, Lansing, MI 48911; Minnesota Library Association, 1315 Lowrey Avenue, N. Minneapolis, MN 55411–1398; Mississippi Library Association, PO Box 20488, Jackson, MS 39289–1448; Missouri Library Association, 1306 Business 63 South, Suite B, Columbia, MO 65201; Montana Library Association, 507 Fifth Avenue, Helena, MT 59601–4359; Nebraska Library Association, 1422 Boswell Avenue, Box 98, Crete, NE 68333; Nevada Library Association, Central Terre Street, Carson City, NV 89710; New Hampshire Library Association, PO Box 2322, Concord, NH 03325; New Jersey Library Association, Box 1534, Trenton, NJ 08607; New Mexico Library Association, PO Box 26074, Albuquerque, NM 87125; New York Library Association, 252 Hudson Avenue, Albany, NY 12210; North Carolina Library Association, State Library of North Carolina, 109 East Jones Street, Raleigh, NC 27601; North Dakota Library Association, University of North Dakota-Lake Region, 1800 N. College Drive, Devils’ Lake, ND 58301; Ohio Library Council, 35 E. Gay Street, Suite 305, Columbus, OH 43215; Oklahoma Library Association, 300 Hardy Drive, Edmond, OK 73013; Oregon Library Association, PO Box 2042, Salem, OR 97308; Pennsylvania Library Association, 1919 N. Front Street, Harrisburg, PA 17110; Rhode Island Library Association, PO Box 7858, Warwick, RI 02887–7858; South Carolina Library Association, PO Box 219, Goose Creek, SC 29445; South Dakota Library Association, PO Box 673, Pierre, SD 57501; Tennessee Library Association, PO Box 158417, Nashville, TN 37215–8417; Texas Library Association, 3355 Bee Cave Road, #401, Austin, TX 78746; Utah Library Association, PO Box 711789, Salt Lake City, UT 84171–1789; Vermont Library Association, Box 803, Burlington, VT 05402–8003; St. Thomas/St. John Library Association, University of Virgin Islands, St. Thomas, VI 00802; St. Croix Library Association, PO Box 306164, Veterans Drive Station, Charlotte Amalie, VI 00803; Virginia Library Association, PO Box 8277, Norfolk, VA 23507–8277; Washington Library Association, 4016 First Avenue NE, Seattle, WA 98105–6502; West Virginia Library Association, PO Box 5221, Charleston, WV 25361; Wisconsin Library Association, 5250 East Terrace Drive, Suite A, Madison, WI 53718–8345; Wyoming Library Association, Sweetwater County Library, PO Box 550, Green River, WY 82935.

A limited number of copies of the errata document incorporated by reference will be available from the EPA Regional offices and the State NPDES permitting offices. Finally, after first printing, copies will be available from the National Technical Information Service (NTIS), Springfield, VA by phone at (703) 487–4650, by fax at (703) 321–8547, or via the Internet at http://www.ntis.gov. NTIS is an organization within the U.S. Department of Commerce.

EPA is also notifying the following groups of the availability of these documents: International Association of Environmental Testing Laboratories; American Society of Testing Materials; Society of Environmental Toxicology...
and Chemistry; American Chemical Society; Water Environment Federation; Association of Metropolitan Sewerage Agencies; AOAC International; and EPA's Discharge Monitoring Requirement Quality Assurance Program.

List of Subjects in 40 CFR Part 136

Environmental protection, Analytical methods, Incorporation by reference, Monitoring, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: January 22, 1999.

J. Charles Fox,
Assistant Administrator, Office of Water.

For the reasons set out in the preamble, Part 136, title 40, chapter I of the Code of Federal Regulations, is amended as follows:

§136.3 Identification of test procedures.

(b) * * *


* * * * *


* * * * *


* * * * *

(e) * * *

TABLE II.—REQUIRED CONTAINERS, PRESERVATION TECHNIQUES, AND HOLDING TIMES

<table>
<thead>
<tr>
<th>Parameter No./name</th>
<th>Container 1</th>
<th>Preservation 2, 3</th>
<th>Maximum holding time 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table IA—Aquatic Toxicity Tests: 6–10 Toxicity, acute and chronic</td>
<td>P.G.</td>
<td>Cool, 4 °C 16</td>
<td>36 hours.</td>
</tr>
</tbody>
</table>

1 Polyethylene (P) or glass (G). For microbiology, plastic sample containers must be made of sterilizable materials (polypropylene or other autoclavable plastic).

2 Sample preservation should be performed immediately upon sample collection. For composite chemical samples, each aliquot should be preserved at the time of collection. When use of an automatic sampler makes it impossible to preserve each aliquot, then chemical samples may be preserved by maintaining at 4°C until composting and sample splitting is completed.

3 When any sample is to be shipped by common carrier or sent through the United States Mails, it must comply with the Department of Transportation Hazardous Materials Regulations (49 CFR Part 172). The person offering such material for transportation is responsible for ensuring such compliance. For the preservation requirements of Table II, the Office of Hazardous Materials, Transportation Bureau, Department of Transportation, has determined that the Hazardous Materials Regulations do not apply to the following materials: Hydrochloric Acid (HCl) in water solutions at concentrations of 0.080% by weight or less (pH about 12.30 or less).

4 Samples should be analyzed as soon as possible after collection. The times listed in the table are the maximum times that samples may be held before analyses and still be considered valid. Samples used for toxicity tests are to be used for test initiation or for renewal of test solutions within 36 hours of collection as grab samples, or within 36 hours of the collection of the last sample of the composite. Samples for bacteria or chemical analysis may be held for longer periods than specified in this table only if the permittee or monitoring laboratory has data on file to show that samples of the specific types of samples under study, the analytes are stable for the longer time, and has received a variance from the Regional Administrator under Para. 136.3(e). Some samples may not be stable for the maximum time period given in the table. A permittee or monitoring laboratory is obligated to hold samples for a shorter time if knowledge exists to show that this is necessary to maintain sample stability. See Para. 136.3(e) for details. The term “analyze immediately” usually means within 15 minutes or less of sample collection.

16 Sufficient ice should be placed with the samples in the shipping container to ensure that ice is still present when the samples arrive at the laboratory. However, even if ice is present when the samples arrive, it is necessary to immediately measure the temperature of the samples and confirm that the 4°C temperature maximum has not been exceeded. In the isolated cases where it can be documented that this holding temperature can not be met, the permittee can be given the option of on-site testing or can request a variance. The request for a variance should include supportive data which show that the toxicity of the effluent samples is not reduced because of the increased holding temperature.

[FR Doc. 99–2197 Filed 2–1–99; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7706]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase