The quality control tests in the 3M method referenced by the commenter are performed using reagent water and will not demonstrate applicability to wastewater. The Agency actions in Part 141 were based on research on drinking water with commercial products from multiple suppliers. Since drinking waters do not contain the high organic loads and suspended solids that challenge the solid-phase extraction procedures, it is easier to establish general applicability to the matrix.

Comment: Commenter has tried these disks and has encountered some problems with plugging and finds no mention of what to do when this happens. Suggests method be limited to samples with less than 2–5% solids.

Response: In the comparison study performed by 3M, both the approved EPA Method 608 and the alternate 3M method produced lower results for wastewaters with very high suspended solids and the 3M method contains an appropriate caution in this regard. A sample with 2–5% solids is generally classified as a sludge and is beyond the scope of this rulemaking.

Comment: Commenter provided a series of questions for EPA to use in its evalation of the 3M method. The questions addressed technical specifications for the inert and active components of the disk, and possible limitations of the method caused by absorptive capacity, selective absorption or sample pH.

Response: The applicant voluntarily provided EPA with detailed responses to each of the questions, although much of this information would normally be treated by EPA as confidential business information. The applicant's response has been incorporated into the administrative record for this rulemaking. Alternate test procedures are evaluated primarily on the basis of method performance characteristics including accuracy, precision, and sensitivity data quality.

V. Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866, EPA must judge whether a regulation is ''major'' and, therefore, requires a regulatory impact analysis. EPA has determined that this regulation is not major as it will not result in an effect on the economy of $100 million or more, a significant increase in cost or prices, or any of the effects described in the Executive Order. This final rule would simply specify an alternative analytical procedure which may be used by laboratories in measuring concentrations of organochlorine pesticides and PCBs using EPA Method 608 and, therefore, would have no adverse economic impacts. This rule is not considered significant under the Executive Order.

B. Regulatory Flexibility Act

This amendment is consistent with the objectives of the Regulatory Flexibility Act (5 U.S.C. 602 et seq.) because it will not have a significant economic impact on a substantial number of small entities. The procedure included in this final rule would give all laboratories the flexibility to use this alternate procedure or not to use it.

C. Paperwork Reduction Act

This rule contains no requests for information activities and, therefore, no information collection request (ICR) was submitted to the Office of Management and Budget (OMB) for review in compliance with the Paperwork Reduction Act, (44 U.S.C. 3501 et seq.).

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a written statement to accompany rules where the estimated costs to State, local, or tribal governments, or to the private sector will be § 100 million or more in any one year. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective of such a rule and that is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly and uniquely affected by the rule.

EPA estimates that the costs to State, local or tribal governments, or the private sector, from this rule will be far less than § 100 million. This rule should have minimal impact, if any, on the existing regulatory burden imposed on NPDES permittees required to monitor for regulated pollutants because the rule would merely make additional options available to the laboratory analyst conducting an existing approved test method. EPA has determined that an unfunded mandates statement therefore is unnecessary. Similarly, the method approved today does not establish any regulatory requirements that might significantly or uniquely affect small governments.

List of Subjects in 40 CFR Part 136

Environmental protection, Incorporation by reference, Water pollution control.

Dated: July 25, 1995.

Carol M. Browner,

Administrator.

In consideration of the preceding, EPA amends part 136 of title 40 Chapter I of the Code of Federal Regulations as follows:

PART 136—AMENDED

1. The authority citation for 40 CFR part 136 continues to read as follows:

Authority: Secs. 301, 304(h), 307, and 501(a) Public Law 95–217, Stat. 1566, *et seq.* (33 U.S.C. 1251 *et seq.*)(the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977).

2. Section 136.3 is amended as follows:

a. In Table 1C of paragraph (a) by revising entries 76. PCB–1016, 77. PCB–1221, 78. PCB–1232, 79. PCB–1242, 80. PCB–1248, 81. PCB–1254, 82. PCB–1260; and by adding footnote 8.

b. In Table ID of paragraph (a) by revising entries 1. Aldrin, 8. α-BHC, 9. β-BHC, 10. δ-BHC, 11. γ-BHC (Lindane), 15. Chlordane, 18. 4,4′-DDD, 19. 4,4′-DDE, 20. 4,4′-DDT, 28. Dieldrin, 32. Endosulfan I, 33. Endosulfan II, 34. Endosulfan sulfate, 35. Endrin, 36. Endrin aldehyde, 40. Heptachlor, 41. Heptachlor epoxide, 46. Methoxychlor, and 69. Toxaphene; and by adding footnote 8.

§ 136.3 Identification of test procedures.

(a) * * *

TABLE IC.—LIST OF APPROVED TEST PROCEDURES FOR NON-PESTICIDE ORGANIC COMPOUNDS

Parameter[1]	EPA method number[2 7]			Standard methods 18th ed.	ASTM	Other
	GC	GC/MS	HPLC			
* *	*	*	*	*	*	*
76. PCB–1016	608	625	.....	6410 B	.....	Note 3, p. 43; note 8.
77. PCB–1221	608	625	.....	6410 B	.....	Note 3, p. 43; note 8.
78. PCB–1232	608	625	.....	6410 B	.....	Note 3, p. 43; note 8.