

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 counterpart Federal regulations.

#### 6. *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 29, 1998.

**Russell F. Price,**

*Acting Regional Director, Western Regional Coordinating Center.*

[FR Doc. 98-12248 Filed 5-7-98; 8:45 am]

BILLING CODE 4310-05-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 141 and 142

[WH-FRL-6011-9]

#### National Primary Drinking Water Regulations: Disinfectants and Disinfection Byproducts; Notice of Data Availability: Notice of Re-Opening of Comment Period and Public Meeting

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Notice of re-opening of comment period and public meeting.

**SUMMARY:** This action provides notice of re-opening of the comment period for the National Primary Drinking Water Regulations: Disinfectants and Disinfection Byproducts Notice of Data Availability published in the **Federal Register** on March 31, 1998 (63 FR 15674). USEPA solicits comment on all aspects of this Notice and the supporting record. EPA also solicits additional data and information that may be relevant to the issues discussed in the Notice. The comment period is being re-opened for an additional 30 days due to the unanticipated interest regarding the public health implications of the information presented in the Notice of Data Availability.

The Agency will hold a public meeting on May 26, 1998, to discuss the contents of the Notice. Additional details regarding the meeting are provided below.

**DATES:** The original comment period ended April 30, 1998. The re-opened

comment period will end on June 8, 1998. Comments should be postmarked or delivered by hand on or before June 8, 1998. Comments must be received or post-marked by midnight June 8, 1998.

**ADDRESSES:** Send written comments to DBP NODA Docket Clerk, Water Docket (MC-4101); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460. Comments may be hand-delivered to the Water Docket, U.S. Environmental Protection Agency; 401 M Street, SW; East Tower Basement, Washington, DC 20460. Comments may be submitted electronically to ow-docket@epamail.epa.gov.

As noted above, EPA is holding a public meeting on May 26, 1998, from 9:00 a.m. to 4:00 p.m. to discuss the contents of the Notice of Data Availability. The public meeting will be held at the office of Resolve at 1255 23rd Street, NW; Suite 275; Washington DC 20037. In keeping with its open door policy for meetings with the public EPA is inviting all interested members of the public to attend this meeting, with seating on a first-come, first-served basis. Interested persons who wish to submit comments should do so in writing during the 30-day public comment period in the manner described in the previous sections of this Notice.

**FOR FURTHER INFORMATION CONTACT:** For general information contact the Safe Drinking Water Hotline, telephone (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding Federal holidays, from 9:00 a.m. to 5:30 p.m. Eastern Time. For technical inquiries, contact Dr. Vicki Dellarco, Office of Science and Technology (MC 4304), or Mike Cox, Office of Ground Water and Drinking Water (MC 4607), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460; telephone (202) 260-7336 (Dellarco) or (202) 260-1445 (Cox).

Dated: May 5, 1998.

**Robert Perciasepe,**

*Assistant Administrator for Water.*

[FR Doc. 98-12300 Filed 5-7-98; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 258, 260, 261, 264, 265, 266, 270, and 279

[FRL-6011-1]

#### Notice of Intent To Reform Implementation of RCRA-Related Methods and Monitoring and Notice of Availability for Draft Update IVA of SW-846

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent and request for comment.

**SUMMARY:** The U.S. Environmental Protection Agency is providing notice of, and invites comment on, its intent to reform implementation of RCRA-related monitoring by formally adopting a performance-based measurement system (PBMS), by improving public outreach and communication, and by improving availability and distribution of the EPA-approved test methods manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846. Implementation of PBMS will include a proposal to change certain RCRA regulations so that the exclusive use of SW-846 methods will no longer be required. EPA is also announcing the availability of, and requests comment on, "Draft Update IVA" to the Third Edition of SW-846, which contains new and revised methods. EPA also requests comment on deleting several individual methods and integrating them into two comprehensive methods, and removing Chapter Eleven from SW-846.

**DATES:** The Agency is opening the comment period for the limited purpose of obtaining information and views on the Agency's notice to reform implementation of RCRA-related monitoring, as described in this document, and on the methods and chapters of Draft Update IVA. Written comments must be submitted by June 22, 1998.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-98-4TMA-FFFFF to: RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, S.W., Washington, DC 20460. Courier deliveries of comments should be submitted to the RIC at the address listed below. Comments may also be submitted electronically through the Internet to: RCRA-docket@epamail.epa.gov.

Comments in electronic format should also be identified by the docket number F-98-4TMA-FFFFF. Submit electronic comments as an ASCII file and avoid the use of special characters and any form of encryption. If possible, EPA's Office of Solid Waste (OSW) would also like to receive an additional copy of the comments on disk in Wordperfect 6.1 file format.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of the CBI must be submitted under separate cover to: Regina Magbie, RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, S.W., Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RIC, located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. To review docket materials, the public must make an appointment by calling 703-603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15 per page. The docket index and notice are available electronically. See the "Supplementary Information" section for information on accessing it.

Copies of Draft Update IVA and of the Third Edition of SW-846, as amended by Updates I, II, IIA, IIB, and III, are available from the Superintendent of Documents, Government Printing Office (GPO), Washington, DC 20402, (202) 512-1800. The GPO document number for Draft Update IVA is 055-000-00593-1. Copies of the Third Edition integrated manual and its updates (including Draft Update IVA) are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (800) 553-NTIS (553-6847). The NTIS order number for Draft Update IVA is PB-98-111750.

In addition, a CD-ROM version of SW-846, Third Edition, as amended by Updates I through III, is available from NTIS. A CD-ROM of Draft Update IV is expected to be published in 1998.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at 800-424-9346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703-412-9810 or TDD 703-412-3323.

For information on specific aspects of this document or the Update IVA methods, contact the Methods Information Communication Exchange (MICE) Service at 703-821-4690, e-mail

address: mice@lan828.ehsg.saic.com; or contact Kim Kirkland, Office of Solid Waste (5307W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 703-308-8855, e-mail address:

kirkland.kim@epamail.epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

The docket index and the notice are available on the Internet.

Follow these instructions to access the information electronically:

From the World Wide Web (WWW), type WWW: <http://www.epa.gov/epaoswer/hazwaste/test/index.htm>

#### **Table of Contents**

- I. Background
- II. Notice of Agency Intent to Reform Implementation of RCRA-related Monitoring
  - A. Adoption of PBMS in the RCRA Program
  - B. Removing the Required Uses of SW-846 Methods from the RCRA Regulations
  - C. Changing the Approach for Releasing SW-846 Updates and Changing the Approach for Method Evaluation
  - D. Improving SW-846 Availability to the Public
  - E. Improving Public Outreach and Communication Regarding SW-846 and RCRA-related Monitoring
- III. Availability of Draft Update IVA and Invitation for Public Comment
- IV. Basis for Making Draft Update IVA Available and Agency Plans for Finalizing the Update
- V. Request for Comment on the Removal of Chapter Eleven from SW-846

#### **I. Background**

The 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 monitoring conducted in support of subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended. Use of some of these methods is required by some of the hazardous waste regulations under subtitle C of RCRA. 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, to satisfy RCRA-related sampling and analysis requirements. All of these methods are intended to promote accuracy, sensitivity, specificity, precision, and comparability of analyses and test results.

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's Office of Solid Waste (OSW) and periodically incorporated into SW-846

as updates to support changes in the regulatory program and to improve method performance and cost effectiveness. To date, EPA has finalized Updates I, II, IIA, IIB, and III to the SW-846 manual, and the updated and fully integrated manual contains approximately 3500 pages.

#### **II. Notice of Agency Intent to Reform Implementation of RCRA-Related Monitoring**

EPA is actively working to implement the President's program for reinventing government and reforming regulatory policy. In order to meet goals related to this important effort, EPA is considering reform of the implementation of monitoring under the RCRA Program. The goals include the timely and efficient promotion and approval of monitoring technologies, increased flexibility regarding regulatory compliance (i.e., flexibility in analytical method selection), and improvements in public communication (e.g., to educate the public regarding new efforts and to dispel any misconceptions regarding the use of SW-846).

The following subsections provide notice of and describe actions to be undertaken by EPA in an effort to meet the aforementioned goals.

##### *A. Adoption of PBMS in the RCRA Program*

On October 6, 1997, EPA published a Notice of Intent, notifying the public of the Agency's plans to implement performance-based measurement systems (PBMS) for environmental monitoring in all of its media programs to the extent feasible (see 62 FR 52098). Some members of the regulated community and Congress have suggested that EPA needs to change the way it specifies monitoring requirements in regulations and permits, in a manner which allows more flexibility and promotes the use of new technologies. EPA supports this position and is committed to incorporating the PBMS approach in media monitoring, to the extent feasible, including monitoring conducted in support of RCRA.

Basically, PBMS conveys "what" needs to be accomplished, but not prescriptively "how" to do it. EPA defines PBMS as a set of processes wherein the data quality needs, mandates or limitations of a program or project are specified, and serve as criteria for selecting appropriate methods to meet those needs in a cost-effective manner. Under a performance-based approach, the regulating entity will specify questions to be answered by the monitoring process, the decisions to

be supported by the data, the level of uncertainty acceptable for making the decisions, and the documentation to be generated to support the PBMS approach in the RCRA Program. The criteria may be published in regulations, technical guidance documents, permits, work plans, or enforcement orders. Data producers will demonstrate that a proposed sampling and analytical approach meets the monitoring criteria specified in the Quality Assurance Project Plans or Sampling and Analysis Plans for the individual projects or applications.

EPA believes that the PBMS approach will provide many benefits to both regulators and the regulated community when conducting monitoring for compliance with the RCRA regulations or for general information gathering. The benefits include flexibility in method selection, expedited approval of new and emerging technologies to meet monitoring requirements, and the development and use of cost-effective methods. Where PBMS is implemented, the regulated community will be able to select an appropriate analytical method for use in complying with EPA's RCRA regulations, including any method not found in EPA-published method manuals that is both cost-effective and meets the data quality objectives of the particular project for which it is being used.

It is EPA's intent that implementation of PBMS have the overall effect of both improving data quality and encouraging the advancement of analytical technologies. Therefore, EPA has been working at breaking down barriers to using new and innovative monitoring techniques, including requirements to use specific measurement methods or technologies when complying with some of the RCRA regulations. As part of EPA's efforts to implement PBMS, and thus reform monitoring under the RCRA Program, the following actions are planned:

- Incorporating the PBMS philosophy into new regulations.
- Establishing data quality and performance requirements for RCRA-required monitoring and including the requirements in the RCRA regulations, as necessary, to assist the regulated community in method selection and help assure successful PBMS implementation.
- Developing new sampling and testing methodologies which are compatible with the PBMS approach and encouraging use of those methods.
- Working with other regulating entities to help assure that the regulated community benefits from the flexibility of the PBMS approach at all regulating

levels of the RCRA Program, when practical and feasible.

—Fostering training and guidance to educate regulators and the regulated community regarding the flexibility of PBMS, the inherent flexibility of SW-846, and application of PBMS during RCRA-related monitoring.

—Removing some of the required uses for SW-846 methods from the RCRA regulations, where the Agency believes these requirements are not necessary (in order to facilitate PBMS implementation), and thus removing regulatory barriers to the use of new and innovative technologies for RCRA-related monitoring.

The Agency is interested in comments regarding PBMS implementation within the RCRA Program. In particular, EPA is interested in receiving public comment in response to the following questions:

1. Will EPA's implementation of PBMS provide adequate flexibility in method selection and facilitate the use of new technologies?
2. What Agency actions during the process of changing to PBMS within the RCRA Program would particularly assure a smooth transition (including actions related to public notice and the training of affected parties)?
3. What are the perceived technical and programmatic barriers to effective PBMS implementation in the RCRA Program and what Agency actions might be effective in removing these barriers?
4. What might be the economic impact (additional costs and cost savings) on the regulated community and other entities (e.g., small businesses) as a result of PBMS implementation in the RCRA Program?
5. What concerns exist regarding establishment of the data quality and performance requirements for RCRA-required monitoring that are necessary to adequately assist the regulated community in method selection and assure successful PBMS implementation?
6. How might the Agency best work with other regulating entities (e.g., states) to maximize the regulated community's benefits from the flexibility provided by the PBMS approach?

7. What concerns exist regarding the impact of PBMS implementation on state programs?

8. What concerns exist regarding the potential effect of PBMS on compliance monitoring and enforcement of RCRA-related regulatory and statutory requirements? What might be the positive or negative impacts of PBMS on compliance monitoring and enforcement, including regarding facility inspections?

9. What might be the environmental benefits that may be achieved through implementation of PBMS within the RCRA program?

#### *B. Removing the Required Uses of SW-846 Methods From the RCRA Regulations*

As noted in the previous section, EPA intends to implement PBMS to the extent feasible for RCRA-related monitoring. One barrier to successful PBMS implementation is the current requirement to use specific measurement methods or technologies in complying with regulations. Some RCRA regulations require the use of specific SW-846 methods or SW-846 in general. As explained below, EPA believes that some of these regulatory restrictions on methods may no longer be necessary and run counter to EPA's intent to adopt PBMS for RCRA-related monitoring.

Several of the regulations require the use of specific SW-846 methods for defining the particular regulatory parameters. Such requirements are referred to as "method-defined parameters." For example, 40 CFR 261.24(a) requires the use of SW-846 Method 1311, the Toxicity Characteristic Leaching Procedure, to determine if a waste exhibits the toxicity characteristic. In those cases, the method itself is the regulation and a method change or substitution cannot be accomplished without undermining the substantive requirement demonstrated by the method. These required uses of SW-846 methods are necessary.

Several other RCRA regulations require the use of SW-846 methods where those methods do not define the particular regulatory parameter. Most required uses of SW-846 methods fall under this category. An example is 40 CFR 260.22(d)(1)(I), which currently requires the use of only SW-846 methods in support of a petition to amend part 261 to exclude ("delist") a waste listed with code "T" in subpart D of 40 CFR part 261. EPA believes that these types of required uses of SW-846 methods may not be necessary.

As a result of the requirements to use SW-846 methods, all final SW-846 updates must be issued by rulemaking. This often delays the availability of needed new or revised methods. In addition, requiring the use of SW-846 methods discourages or impedes the use of new and innovative methods which are both cost-effective and capable of meeting data quality objectives.

Therefore, EPA is considering publishing in the near future a proposal in the **Federal Register** to remove

required uses of SW-846 methods from the RCRA subtitle C regulations for all purposes other than the determination of method-defined parameters. The Agency would take this action as part of its efforts to implement PBMS for RCRA-related monitoring. This action would also remove the need to engage in rulemaking for every SW-846 update and would allow the updates to be issued as revisions to a guidance document, which was what SW-846 was originally intended to be. This action should promote the timely incorporation of new and innovative technologies into the RCRA Program.

The Agency is interested in receiving comments at this time regarding its plan to remove certain required uses of SW-846 methods from the RCRA regulations, as described above. In particular, EPA is interested in public comment in response to the following questions:

1. Are any of the required uses of SW-846 methods in the RCRA regulations for other than method-defined parameters necessary?
2. What might be the economic impact on the regulated community and other entities (e.g., small businesses) as a direct result of the removal of certain required uses of SW-846 methods?
3. What concerns exist regarding implementation and enforcement of the allowed use of "other appropriate methods" in lieu of a specific SW-846 method for RCRA-related monitoring?
4. What concerns exist regarding the impact on state RCRA programs of the removal of certain required uses of SW-846 methods from the Federal RCRA regulations?

#### *C. Changing the Approach for Releasing SW-846 Updates and Changing the Method Evaluation Process*

Assuming that the rule to remove the required use of most SW-846 methods is finalized, as described in the previous section, EPA is considering the use of rulemaking only for those updates to SW-846 which include methods used for method-defined parameters. Rulemakings for those method updates will remain necessary because the required uses of those methods will remain in the RCRA regulations. All other SW-846 updates will be finalized more efficiently as guidance, such as by releasing a draft SW-846 update in conjunction with publication of a **Federal Register** document with an invitation for public comment before finalizing the update. The Agency may also use other means of update release and public notification to assure that reliable, innovative methods are

provided to the regulated community in a timely and cost-effective manner.

At a minimum, future procedures for releasing new SW-846 methods will include a critical method evaluation process, in order to continue to assure the publication of reliable methods for the RCRA Program. Peer input and review, internal and external, are already in place within the RCRA monitoring program to ensure that its products (e.g., new SW-846 methods) are based upon the best current knowledge from science and judged credible by those who deal with the products. Currently, the Agency receives peer input regarding any method considered for inclusion in SW-846 from an internal technical work group composed of national expert-level chemists and sometimes external experts, as required based on the necessary expertise. To augment this process, the Agency is considering an approach whereby additional relevant experts from outside the program are invited to evaluate new methods, through peer review or another advisory process. Such reviewers or advisors might include both internal (from within EPA) or external (outside EPA) peers of the program staff. The new process is expected to include a critical evaluation of a final new method, before its release, whereby formal comments are submitted and a review record created and maintained.

The Agency is interested in comments regarding possible alternative approaches to SW-846 update releases, if, as mentioned above, the rule to remove certain required uses of SW-846 methods is finalized. Specifically:

1. Should EPA continue to solicit public comments on SW-846 methods? Should the Agency use more timely means of releasing updates other than **Federal Register** documents and under what circumstances would such procedures be preferred or necessary?
2. What future mechanism should be used to assure adequate and quality review of methods? How could EPA best make use of peer review or another advisory process in the development of guidance and methods for RCRA-related monitoring?

#### *D. Improving SW-846 Availability to the Public*

In order to further promote the availability of RCRA-related monitoring technologies, EPA is considering an SW-846 distribution approach which offers more choices to the public for obtaining SW-846 methods. For most of the history of SW-846, the public received paper copies of SW-846 through a subscription service with the

Government Printing Office (GPO), or the public purchased paper copies of any portion of the manual at any time through the National Technical Information Service (NTIS).

In response to requests for electronic versions of the SW-846 methods, EPA published in 1996 a CD-ROM version of the manual for sale from NTIS. EPA and NTIS recently completed Version 2 of the SW-846 CD-ROM, which includes the manual as revised through Update III. The SW-846 CD uses Adobe Acrobat Reader with Search, supplied with the CD, to view the SW-846 methods and chapters. As explained below, EPA is also planning to offer all of the SW-846 methods and chapters on the Internet, without the Adobe Acrobat search feature.

The Internet is another means used today by EPA to distribute documents electronically to the general public. EPA has established a policy of placing official rulemakings and related background documents in support of the rulemakings on the Internet. The public has expressed an interest in receiving SW-846 documents for free on the Internet, and in response EPA has decided to make SW-846 available on the Internet in the near future. SW-846 is very large, both in number of documents and electronic file size (several methods contain many imported diagrams and flow charts). EPA is interested in determining whether the downloading of the entire manual from the Internet will be too timely or otherwise impractical or difficult for most Internet users. If the Agency determines that having the current SW-846 on the Internet provides a valuable service to the public, then EPA will make subsequent SW-846 updates, and other relevant testing protocols and documents, available on the Internet.

EPA is requesting comment on the effectiveness of the above means to distribute SW-846. The Agency is also interested in other ideas for making SW-846 methods more available. The Agency understands that making SW-846 available on the Internet without cost may alleviate the need to purchase paper versions of the manual.

#### *E. Improving Public Outreach and Communication Regarding SW-846 and RCRA-Related Monitoring*

The Agency currently uses many different means (e.g., **Federal Register** documents, training, and symposia) to inform the public of important activities within its programs. EPA is considering an approach which both maintains and supplements these means of public communication in a manner that

improves public outreach and communication regarding SW-846 and RCRA-related monitoring. EPA believes that improving public outreach will promote public preparedness and understanding regarding the reforms discussed in sections II.A through II.C. The Agency also believes that improved outreach efforts will help dispel any misconceptions regarding SW-846 and RCRA-related monitoring. The paragraphs to follow describe some of the communication and outreach efforts which the Agency is considering maintaining or expanding. EPA is interested in public comment regarding these efforts and suggestions for other means to improve public outreach and education.

The Agency remains open to the needs and interests of environmental laboratories and the regulated community and is interested in receiving comment on those needs and interests. Specifically, EPA wants to facilitate communication and work directly with the laboratories and the regulated community regarding the application of SW-846 methods. The Agency hopes that this increase in communication will both assure the correct interpretation of SW-846 methods and facilitate the resolution of any problems with method application. For example, EPA is currently working with the International Association of Environmental Testing Laboratories (IAETL) Section of the American Council of Independent Laboratories (ACIL) regarding the application of certain SW-846, Update III methods.

EPA also intends to continue to work with outside organizations or individuals in developing new methods for inclusion in SW-846. EPA developed and currently maintains a variety of partnerships with many sectors of the environmental analytical community (such as other Federal Agencies, private industry, State agencies, Consensus Standard Organizations, and academic institutions) to develop various analytical techniques for SW-846 such as microwave digestion, immunoassay, and field portable XRF methods, to name a few. For example, EPA is currently working with the private sector in the development of additional SW-846 screening methods for organic analytes.

As part of its efforts to increase the role of the scientific community in the implementation of monitoring under the RCRA and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Programs, EPA joined in a partnership with the American

Chemical Society to annually sponsor the Waste Testing and Quality Assurance (WTQA) Symposium. The symposium was initiated in 1985 as part of EPA's efforts to foster a partnership among EPA, the regulated community, the public, State regulatory agencies, and other members of the RCRA and CERCLA monitoring community. Attendees have an opportunity at the symposium to share new monitoring approaches and technologies and to contribute to discussions regarding regulatory issues and initiatives. The WTQA currently has three goals: (1) to serve as a forum for all interested parties to work together to solve RCRA and CERCLA environmental monitoring and waste characterization problems in a cost-effective manner, (2) to give State regulatory agencies and the public timely information about EPA activities that might affect their programs, and (3) to permit the members of the monitoring community an opportunity to exchange information and experiences in using both existing and new monitoring methods and approaches. Thus, the WTQA Symposium has always served as an effective means to educate the public and regulators regarding the inherent flexibility of SW-846 methods and to foster new technology development. It has also always served as an effective forum for feedback regarding successes and failures during monitoring and to disseminate knowledge regarding new and modified approaches and their performance in the real-world.

The Agency will continue to annually sponsor the WTQA Symposium. The WTQA Symposium will be held this year (1998) on July 13 through 15 at the Marriott Crystal Gateway in Arlington, Virginia. This year's symposium will focus on PBMS implementation and its potential impact on the regulated community and testing laboratories. EPA plans to hold issue workshops on PBMS and perhaps regarding other reforms to RCRA-related monitoring. Attendees will also learn about the newest laboratory methods associated with environmental monitoring and quality assurance/quality control (QA/QC), and about how changes regarding monitoring conducted in support of EPA's programs will affect their operations.

The Methods Information Communication Exchange (MICE) Service, or "Hotline," is another existing means that the Agency uses to communicate with the public regarding RCRA-related monitoring. The MICE Service provides timely answers to method-related questions and takes comments via the telephone, fax, or e-

mail. Chemists, ground-water specialists, and sampling experts who are knowledgeable in SW-846 procedures are directly available through the MICE Service to the public and regulators involved in RCRA-related monitoring. People interested in using the MICE Service call a voice mail answering service that is available 24 hours per day, 7 days a week. The caller can listen to several recorded messages on common SW-846 topics and subsequently leave a message containing a question regarding an SW-846 method or related topic. The messages are retrieved each working day and, after a review of the questions and any necessary research, the MICE Service provides a response.

The MICE Service also acts as an effective means to educate members of the public directly regarding inherent method flexibility and to clarify whether a method is required by a RCRA regulation. The service therefore can be used in the future to help assure the proper application of SW-846 methods from a PBMS standpoint. The MICE Service also documents existing misconceptions or issues regarding SW-846 methods, and thus serves as a first step in identification and resolution of some issues. Because of its unique and immediate means of public outreach and education, EPA will continue to sponsor the MICE Service. Instructions regarding contacting the MICE Service can be found under the section of this document entitled **FOR FURTHER INFORMATION CONTACT**.

The Agency also authors articles for publication in professional periodicals as a means to educate the public and regulators regarding news-worthy topics. The staff of EPA's Office of Solid Waste (OSW) frequently contribute articles to environmental magazines and journals regarding SW-846 and other topics related to monitoring in support of RCRA regulations. The articles educate and inform the public regarding new analytical or sampling methodologies, SW-846 and the regulatory process, the inherent flexibility of SW-846 methods, and the status of various updates to SW-846.

EPA will continue to use magazine and journal articles as a means to help dispel misconceptions by regulators and the regulated community regarding SW-846 flexibility and to clarify EPA's policy on method flexibility and PBMS. OSW has submitted articles which educate the public regarding the implementation of PBMS. Specifically, an article in "Environmental Lab" by two staff members of the Methods Team of OSW included two PBMS-related sections entitled "Method Flexibility

and the Performance-Based Measurement System (PBMS)" and "Method Flexibility and PBMS Initiatives." Other publications to which OSW submits articles include the bi-monthly "Environmental Testing and Analysis," which includes a new EPA-OSW Methods Update feature, and the bi-weekly "Environmental Laboratory Washington Report."

As another means to provide timely communications to interested parties, EPA presently lectures and conducts presentations in both this country and abroad regarding innovative analytical technologies, new analytical strategies and issues regarding RCRA-related monitoring. EPA also provides training courses regarding monitoring under the RCRA Program. The training course entitled "Analytical Strategy for the RCRA Program: A Performance-Based Approach" is currently taught by OSW staff to Regional, State and symposium (e.g., WTQA) audiences with the intent to clarify the monitoring flexibility allowed by SW-846 methods and the RCRA regulations and to promote and explain PBMS. Basically, the training course explains: (1) the regulatory aspects of RCRA analyses; (2) the role of SW-846, its organization and method format, and its correct application for RCRA-related monitoring; and (3) the factors to be considered in the selection of appropriate analytical methods, especially within the context of a PBMS approach.

EPA is considering increasing the availability of Agency-sponsored training, lectures, and presentations to the public, Regions, and States regarding SW-846 and other topics, such as PBMS, related to monitoring conducted in support of RCRA regulations. EPA is also planning to provide training regarding the implementation of PBMS to the Regions and other affected entities. In the future, EPA hopes to provide RCRA-related training to the regulated community both in person and via video or satellite broadcast.

Finally, EPA intends to use press releases and/or memoranda to announce time-sensitive milestones related to SW-846 and monitoring under the RCRA Program. For example, EPA is issuing a press release to announce the availability of Draft Update IVA of SW-846, referring the readers to this document. In addition, assuming the rule to remove certain required uses of SW-846 methods from the RCRA regulations is finalized (see section II.B above), the Agency is considering the use of workshops, peer review panels, and/or public meetings as mechanisms for disseminating information regarding

new and revised SW-846 methods and chapters.

The Agency is interested in comments from the public on all of the above means (e.g., the WTQA Symposium, MICE Service, the use of journal articles, and training courses) for improving public outreach and communication regarding RCRA-related methods and monitoring. For example, the Agency is interested in whether the public believes the WTQA Symposium would benefit from merging with other EPA programs, and is also interested in suggestions for improving the WTQA Symposium. EPA would like comments regarding increasing the effectiveness and availability of RCRA-related information and training for the public, such as through video or satellite broadcast as mentioned above.

### III. Availability of Draft Update IVA and Invitation for Public Comment

This document also announces the availability of Draft Update IVA to SW-846 and invites public comment on its content. EPA is publishing this document for informational purposes only, and is not at this time formally proposing to revise SW-846 by adding Update IVA or to incorporate the update in the RCRA regulations for required uses. Therefore, this document will not be used as a basis for a final rule to update SW-846 or revise any regulation. EPA is attempting to make these Agency-reviewed methods available to the public early, for guidance purposes (i.e., the methods can be used in all applications for which the use of SW-846 methods is not mandatory and for which they are effective). In addition, as noted in section II above and explained further at the end of this section, if the rule to remove certain requirements to use SW-846 methods is finalized, the Agency will not have to finalize certain SW-846 updates (including Draft Update IVA) through the rulemaking process.

The Draft Update IVA methods have passed EPA's Technical Workgroup review, but have not been promulgated for inclusion in SW-846 and the RCRA regulations. As noted in section II of this document, several regulations under subtitle C of RCRA currently require that certain SW-846 methods be employed. Any reliable analytical method may be used to meet other requirements in 40 CFR parts 260 through 270. The methods listed in Draft Update IVA fall in the category of "any reliable method." They may currently be used in all applications for which the use of SW-846 methods is not mandatory. The methods of Draft Update IVA, however, cannot be used

for compliance with required uses of SW-846 methods. The Agency also cautions the regulated community to obtain permission from the appropriate regulating entity, if required under State or local regulations, before using these methods for non-mandatory applications.

Table 1 provides a listing of the fifteen revised SW-846 methods and five revised chapters or other SW-846 documents found in Draft Update IVA. Table 1 also identifies those parts of each method or chapters on which the Agency is interested in receiving public comment. EPA is interested in comments from the public on the identified parts because some or all of their text represents significant revisions from the promulgated version of the document currently in SW-846, as amended by Updates I through III.

(Note: Unless otherwise indicated as former sections, the section numbers in Table 1 refer to the section numbers in the Draft Update IVA version of the method.)

Significant revisions include text deletions, additions, or other revisions that change a method's procedure or the intent or meaning of the text. Significant revisions do not include typographical or grammatical corrections, table reformatting (where the information is not changed), logical outgrowths of other revisions (e.g., the renumbering of sections to account for the addition of a new section), or other edits that are not substantive changes to text intent or the analytical procedure (e.g., the replacement of "Teflon" with "PTFE"). Nonsignificant revisions also include the movement of otherwise unchanged information to another appropriate location in the method. For example, the order of some of the equipment listed in section 4.0 of Method 8321B is different from that found in section 4.0 of Method 8321A; however, much of the equipment itself has not changed. Therefore, Table 1 lists only those parts of section 4.0 of Method 8321B which have been significantly revised (e.g., new equipment specifications). The Agency will, however, consider comments on the reordering of otherwise unchanged information in the revised methods of Update IVA.

Table 2 provides a listing of the thirteen new SW-846 methods found in Draft Update IVA. Since these are new methods, EPA is interested in comments on the content of all sections or parts of the new methods.

Finally, Table 3 identifies the forty-four methods to be integrated or deleted from SW-846 as part of Draft Update IVA. All but one of these methods are individual flame or graphite furnace

atomic absorption methods. The exception is Method 3810, "Headspace", an obsolete headspace screening method which has been replaced by Method 5021, "Volatile Organic Compounds in Soils and Other Solid Matrices Using Equilibrium Headspace Analysis." The Agency expects to delete Method 3810 because it is no longer needed in SW-846 because Method 5021 was recently added to SW-846 as part of Final Update III. Method 5021 can be used for

both quantitative analysis and screening applications. The individual atomic absorption methods are being deleted as part of Draft Update IVA because their inclusion is redundant given that their procedures and target analytes have been fully integrated into revised Method 7000B (see Table 1) or new Method 7010 (see Table 2), the general methods for the techniques. The Agency is interested in comments on these method integrations and deletions. As

mentioned earlier in section II of this notice, several regulations under subtitle C of RCRA currently require that certain SW-846 methods be employed. Therefore, the methods contained in Draft Update IVA, cannot be used for compliance with required uses of SW-846 methods and remain in effect until the rule to remove the required use of SW-846 methods has been promulgated.

TABLE 1.—REVISED METHODS AND CHAPTERS

Method No.	Method or chapter title	Sections or parts open for comment
	Table of Contents .....	All parts.
	Chapter Two .....	All parts.
	Chapter Three .....	All parts.
	Chapter Four .....	All parts.
	Chapter Five .....	All parts.
3015A .....	Microwave Assisted Acid Digestion of Aqueous Samples and Extracts.	All parts.
3051A .....	Microwave Assisted Acid Digestion of Sediments, Sludges, Soils, and Oils.	All parts.
3535A .....	Solid-Phase Extraction (SPE) .....	All parts.
3545A .....	Pressurized Fluid Extraction (PE) .....	1.1-1.4; 2.1; 2.2; 3.3; 5.3.4; 5.4.2; 5.4.3; 5.5.4; 5.5.6; 7.1.1; 7.1.3; 7.1.5; 7.1.6; 7.3; 7.5; 7.8.2; 7.9; 8.4; 9.4; 10.
6020A .....	Inductively Coupled Plasma—Mass Spectrometry .....	All parts.
7000B .....	Flame Atomic Absorption Spectrophotometry .....	All parts.
7471B .....	Mercury in Solid or Semisolid Waste (Manual Cold-Vapor Technique).	7.1.
8081B .....	Organochlorine Pesticides by Gas Chromatography .....	1.10; 2.2; 7.1; 7.3.1.2; 7.7.2; 7.7.3; 7.9.2; 7.10.2; 9.1; 9.5-9.8; 10; Tables 12, 15, and 16; removal of former sec. 7.7.6.
8082A .....	Polychlorinated Biphenyls (PCBs) by Gas Chromatography .....	2.2; 2.3; 6.2; 7.1.1; 7.1.2; 7.4.1; 7.4.2; 7.4.3.1-7.4.3.3; 7.4.8; 7.4.9; 7.6.10; 7.9.2; 7.10.2; 8.3.1; 8.3.2; 9.5; 9.5.1-9.5.3; 9.6; 10; Tables 11-16; removal of former secs. 7.10.4, 7.10.5, 8.3.1.1 and 8.3.1.2.
8141B .....	Organophosphorus Compounds by Gas Chromatography .....	1.1; 1.4; 2.1-2.3; 3.5; 5.1; 7.1; 7.1.1; 7.1.2; 7.2.2; 7.2.3; 7.5.1; 7.8; 7.8.3; 7.8.4; 7.8.1-7.8.3; 8.1-8.3; 8.3.1-8.3.3; 8.4; 8.4.1-8.4.6; 8.5; 8.6; 9.3; 9.4; 10; Table 4; Tables 11-14; removal of former secs. 8.3.3.1, 8.3.3.1.1-8.3.3.1.5, 8.3.3.2, and 8.7, and 8.7.1-8.7.5.
8270D .....	Semivolatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS).	1.1; 1.2; 1.4.7; 7.3.6; 7.5.4; 7.5.4.1; 7.5.4.2; 9.8; 9.9; 10; Tables 16, 17, and 18.
8280B .....	Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans by High Resolution Gas Chromatography/Low Resolution Mass Spectrometry (HRGC/LRMS).	2.3.1; 2.3.2; 7.0; 7.3.6; 7.4.6; 7.5.4.4; 10; Table 1 (footnote).
8290A .....	Polychlorinated Dibenzo-dioxins (PCDDs) and Polychlorinated Dibenzofurans (PCDFs) by High-Resolution Gas Chromatography/High-Resolution Mass Spectrometry (HRGC/HRMS).	1.1; 2.3; 4.2; 4.2.1; 4.2.2; 4.3.2.1; 5.2.7; 5.4; 5.5; 5.6; 5.8; 6.4; 6.6; 6.7.1; 7.1; 7.1.1; 7.4.1.4; 7.4.2.2; 7.4.3.6; 7.4.5.3; 7.4.6.1; 7.4.6.5; 7.5.1; 7.5.1.4; 7.5.3.1-7.5.3.6; 7.7.1.4.3; 7.7.1.4.4; 7.7.4.4; 7.8.3; 7.8.4.3.1; 7.9.3; 7.9.5.2; 7.9.6; 8.3.1; 8.3.3; 9.1-9.6; 10; Table 7; Tables 12-17; Figures 1-6; removal of former secs. 5.6.1, 5.6.2, and 8.3.4.2.1.
8321B .....	Solvent-Extractable Nonvolatile Compounds by High Performance Liquid Chromatography/Thermo-spray/Mass Spectrometry (HPLC/TS/MS) or Ultraviolet (UV) Detection.	1.1; 1.2; 1.4; 1.5; 2.1.3; 2.1.4; 2.2.1; 2.2.3; 3.3; 3.4.2-3.4.5; 4.1.2; 4.1.3.2; 4.3; 4.3.1; 4.6.1-4.6.4; 4.7; 4.8; 4.10; 4.19; 5.8; 5.9; 5.11; 5.12; 5.16; 7.1; 7.1.3; 7.2.1.6; 7.3; 7.5.2.1; 7.5.2.2; 7.5.3.2; 7.6.1; 7.6.3; 7.7; 7.8.2.1; 7.8.2.2; 7.8.2.5; 7.8.3; 7.9; 7.9.1; 7.9.4; 7.10.2; 7.10.3; 7.11.1; 9.4; 10; Table 18; removal of former secs. 7.5.2.8, 8.2.4, 9.2, 9.2.1, and 9.2.2; removal of former Tables 3, 10, 13, 14, 17, 18, and 19.
8330A .....	Nitroaromatics and Nitramines by High Performance Liquid Chromatography (HPLC).	1.2; 2.3; 4.2.4; 7.1; 7.1.3; 7.3.2; 7.3.3; 7.4.2; 8.1; 8.2; 8.3; 8.4; 8.4.1-8.4.4; 8.5; 8.6; 9.7-9.9; 10; Table 2 (footnote), Tables 9-11; removal of former secs. 4.4 and 4.4.1.

TABLE 2.—NEW METHODS

Method No.	Method title
3562 .....	Supercritical Fluid Extraction of Polychlorinated Biphenyls (PCBs) and Organochlorine Pesticides.
4500 .....	Mercury in Soil by Immunoassay.
4670 .....	Triazine Herbicides as Atrazine in Water by Quantitative Immunoassay.
6200 .....	Field Portable X-Ray Fluorescence Spectrometry for the Determination of Elemental Concentrations in Soil and Sediment.
6500 .....	Dissolved Inorganic Anions in Aqueous Matrices by Capillary Ion Electrophoresis.
6800 .....	Elemental and Speciated Isotope Dilution Mass Spectrometry.
7010 .....	Graphite Furnace Atomic Absorption Spectrophotometry.
7473 .....	Mercury in Solids and Solutions by Thermal Decomposition, Amalgamation, and Atomic Absorption Spectrophotometry.
7474 .....	Mercury in Sediment and Tissue Samples by Atomic Fluorescence Spectrometry.
9000 .....	Determination of Water in Waste Materials by Karl Fischer Titration.
9001 .....	Determination of Water in Waste Materials by Quantitative Calcium Hydride Reaction.
9074 .....	Turbidimetric Screening Method for Total Recoverable Petroleum Hydrocarbons in Soil.
9216 .....	Potentiometric Determination of Nitrite in Aqueous Samples with Ion-selective Electrode.

TABLE 3.—DELETED METHODS

Method No.	Method title
3810 <sup>a</sup> ....	Headspace.
7020 <sup>b</sup> ....	Aluminum (Atomic Absorption, Direct Aspiration).
7040 <sup>b</sup> ....	Antimony (Atomic Absorption, Direct Aspiration).
7041 <sup>c</sup> ...	Antimony (Atomic Absorption, Furnace Technique).
7060A <sup>c</sup>	Arsenic (Atomic Absorption, Furnace Technique).
7080A <sup>b</sup>	Barium (Atomic Absorption, Direct Aspiration).
7081 <sup>c</sup> ...	Barium (Atomic Absorption, Furnace Technique).
7090 <sup>b</sup> ....	Beryllium (Atomic Absorption, Direct Aspiration).
7091 <sup>c</sup> ...	Beryllium (Atomic Absorption, Furnace Technique).
7130 <sup>b</sup> ....	Cadmium (Atomic Absorption, Direct Aspiration).
7131A <sup>c</sup>	Cadmium (Atomic Absorption, Furnace Technique).
7140 <sup>b</sup> ....	Calcium (Atomic Absorption, Direct Aspiration).
7190 <sup>b</sup> ....	Chromium (Atomic Absorption, Direct Aspiration).

TABLE 3.—DELETED METHODS—Continued

Method No.	Method title
7191 <sup>c</sup> ...	Chromium (Atomic Absorption, Furnace Technique).
7200 <sup>b</sup> ....	Cobalt (Atomic Absorption, Direct Aspiration).
7201 <sup>c</sup> ...	Cobalt (Atomic Absorption, Furnace Technique).
7210 <sup>b</sup> ....	Copper (Atomic Absorption, Direct Aspiration).
7211 <sup>c</sup> ...	Copper (Atomic Absorption, Furnace Technique).
7380 <sup>b</sup> ....	Iron (Atomic Absorption, Direct Aspiration).
7381 <sup>c</sup> ...	Iron (Atomic Absorption, Furnace Technique).
7420 <sup>b</sup> ....	Lead (Atomic Absorption, Direct Aspiration).
7421 <sup>c</sup> ...	Lead (Atomic Absorption, Furnace Technique).
7430 <sup>b</sup> ....	Lithium (Atomic Absorption, Direct Aspiration).
7450 <sup>b</sup> ....	Magnesium (Atomic Absorption, Direct Aspiration).
7460 <sup>b</sup> ....	Manganese (Atomic Absorption, Direct Aspiration).
7461 <sup>c</sup> ...	Manganese (Atomic Absorption, Furnace Technique).
7480 <sup>b</sup> ....	Molybdenum (Atomic Absorption, Direct Aspiration).
7481 <sup>c</sup> ...	Molybdenum (Atomic Absorption, Furnace Technique).
7520 <sup>b</sup> ....	Nickel (Atomic Absorption, Direct Aspiration).
7521 <sup>c</sup> ...	Nickel (Atomic Absorption, Furnace Method).
7550 <sup>b</sup> ....	Osmium (Atomic Absorption, Direct Aspiration).
7610 <sup>b</sup> ....	Potassium (Atomic Absorption, Direct Aspiration).
7740 <sup>c</sup> ...	Selenium (Atomic Absorption, Furnace Technique).
7760A <sup>b</sup>	Silver (Atomic Absorption, Direct Aspiration).
7761 <sup>c</sup> ...	Silver (Atomic Absorption, Furnace Technique).
7770 <sup>b</sup> ....	Sodium (Atomic Absorption, Direct Aspiration).
7780 <sup>b</sup> ....	Strontium (Atomic Absorption, Direct Aspiration).
7840 <sup>b</sup> ....	Thallium (Atomic Absorption, Direct Aspiration).
7841 <sup>c</sup> ...	Thallium (Atomic Absorption, Furnace Technique).
7870 <sup>b</sup> ....	Tin (Atomic Absorption, Direct Aspiration).
7910 <sup>b</sup> ....	Vanadium (Atomic Absorption, Direct Aspiration).
7911 <sup>c</sup> ...	Vanadium (Atomic Absorption, Furnace Technique).
7950 <sup>b</sup> ....	Zinc (Atomic Absorption, Direct Aspiration).
7951 <sup>c</sup> ...	Zinc (Atomic Absorption, Furnace Technique).

<sup>a</sup>—Replaced by Method 5021  
<sup>b</sup>—Integrated into Method 7000B  
<sup>c</sup>—Integrated into Method 7010

**IV. Basis for Making Draft Update IVA Available and Agency Plans for Finalizing the Update**

For previous updates to SW-846, EPA published a notice of proposed rulemaking in the **Federal Register**, requested public comment, and subsequently published a notice of final rulemaking. This process was necessary because, as noted above, the use of some of these methods is required by some of the hazardous waste regulations under subtitle C of RCRA. However, for Draft Update IVA, EPA is initially publishing a document of its availability and inviting public comment on the Agency-reviewed methods and chapters.

EPA believes that Draft Update IVA will be valuable to the public as guidance, and thus has taken today's action to expedite its availability, instead of delaying distribution of this update to coincide with publication of a notice of proposed rulemaking. EPA believes this approach will allow introduction of Draft Update IVA methods to the public in a more timely manner than the proposal process, without compromising the method review and approval process. EPA also believes this approach will allow greater flexibility in the use of guidance methods, for Regional, State, and local agencies as well as industry; and will allow the regulated community an opportunity to participate early in the method review process with the submittal of comments on the draft methods. The Agency will consider all comments received on Draft Update IVA.

As noted in section II of this document, the methods in SW-846 are currently required by some of the RCRA regulations. As also explained in section II, EPA is planning to formally propose in the **Federal Register** the removal from the RCRA regulations certain requirements to use SW-846 methods. The Agency notes that none of the methods in Draft Update IVA are required for use in defining the hazardous waste characteristics. EPA expects that the methods and chapters of Draft Update IVA will remain in their current Agency-reviewed form until the SW-846 deregulatory rule is finalized. EPA hopes to then revise Draft Update IVA, as appropriate, in response to public comment and plans to publish a document of availability in the **Federal Register** for the final update. The publication of a proposed and final rule in the **Federal Register** for Update IVA will not be necessary once the deregulatory rule has been finalized. Should the SW-846 deregulatory rule be proposed but not finalized in a timely

manner and should EPA determine that promulgated versions of the Update IVA methods are needed for compliance purposes, EPA will publish a notice of proposed rulemaking and a final rulemaking for the update.

#### V. Request for Comment on the Removal of Chapter Eleven From SW-846

The hazardous waste management regulations for permitted facilities (40 CFR 264) were promulgated in July 1982 under subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments of 1984 (HSWA). Subpart F under these regulations, *Releases From Solid Waste Management Units*, sets forth performance standards for ground-water monitoring systems at permitted hazardous waste land disposal facilities. A manual was prepared by the Office of Solid Waste to provide guidance for implementing the ground-water monitoring regulations for regulated units contained in 40 CFR 264, subpart F, and the permitting standards of 40 CFR 270. In 1986, EPA released two documents relating to RCRA ground-water monitoring, specifically the "RCRA Groundwater Monitoring Technical Enforcement Guidance" (TEG) and Chapter Eleven of SW-846, entitled "Groundwater Monitoring." In November 1992, the Agency's Groundwater Monitoring Program revised the technical procedures for TSDF compliance with ground-water monitoring requirements and documented the procedures in a 1992 document entitled "RCRA Groundwater Monitoring Draft Technical Guidance." However, the 1986 version of Chapter Eleven of SW-846 was not updated at that time in conjunction with the 1992 ground-water monitoring guidance, and thus the chapter remains out of date. At the present time, most of the regulated community is using the ground-water monitoring guidance issued in 1992 as the standard for RCRA ground-water monitoring compliance. Therefore, EPA would like to remove the outdated Chapter Eleven of SW-846, and replace it with a referral to the most current version of the ground-water monitoring guidance originally issued by the Office of Solid Waste in 1992. The Agency is requesting comment on this approach. EPA is currently updating the November 1992 ground-water monitoring guidance. However, Chapter 11 will remain in SW-846 until the rule to remove the required use of SW-846 has been finalized.

Dated: April 24, 1998.

**Matthew Hale,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 98-12309 Filed 5-7-98; 8:45 am]

BILLING CODE 6560-50-P

#### DEPARTMENT OF DEFENSE

**48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253**

[DFARS Case 97-D306]

#### Defense Federal Acquisition Regulation Supplement; Simplified Acquisition Procedures

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Director of Defense Procurement is proposing to amend Defense Federal Acquisition Regulation Supplement (DFARS) guidance on simplified acquisition procedures for consistency with the reorganization of simplified acquisition procedures in the Federal Acquisition Regulation (FAR), and for consistency with FAR amendments that implemented provisions of the Federal Acquisition Streamlining Act of 1994.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before July 7, 1998, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350 Please cite DFARS Case 97-D306 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Susan Schneider, (703) 602-0131.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

This proposed rule revised DFARS Part 213 to conform to the revision of FAR Part 13 that was published as Item IV of Federal Acquisition Circular 97-03 on December 9, 1997 (62 FR 64916). The rule also amends other parts of the DFARS for consistency with FAR amendments that implemented provisions of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) pertaining to simplified acquisition procedures (e.g., replacement of the term "small purchase" with the term "simplified acquisition"). The FAR amendments

were published as Item III of Federal Acquisition Circular 90-29 (60 FR 34741, July 3, 1995) and Item II of Federal Acquisition Circular 90-40 (61 FR 39189, July 26, 1996).

#### B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule primarily consists of conforming DFARS amendments and internal Government procedures to implement existing FAR guidance pertaining to purchases at or below the simplified acquisition threshold. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D306 in correspondence.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any information collection requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253**

Government procurement.

**Michele Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 204—ADMINISTRATIVE MATTERS

2. Section 204.670-2 is amended by revising paragraph (c) to read as follows:

**204.670-2 Reportable contracting actions.**

\* \* \* \* \*

(c) Summarize on the monthly DD Form 1057, in accordance with the instruction in 253.204-71(a)(3), contracting actions that support a