

C. EPA Recommendations to Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time SCAQMD modifies Rules 218 and 218.1. These recommendations are to: increase the records retention requirement to five years in Rule 218, remove the de minimus concentration option for the relative accuracy performance specifications for NO_x and CO, and evaluate the appropriateness of the de minimus concentration option for the relative accuracy performance specifications for SO₂ and reduced sulfur compounds the next time Rule 218.1 is amended.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by July 8, 2010, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on August 9, 2010. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Carbon Monoxide, Reporting and recordkeeping requirements.

Dated: April 1, 2010.

Jared Blumenfeld,
Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(268) (i)(A)(2) and (3) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(268) * * *
(i) * * *
(A) * * *

(2) Rule 218, "Continuous Emission Monitoring," amended on May 14, 1999.

(3) Rule 218.1, "Continuous Emission Monitoring Performance Specification," adopted on May 14, 1999.

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[FR Doc. 2010-13681 Filed 6-7-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA-HQ-OW-2010-0288; FRL-9160-1]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action announces the Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act (SDWA) authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 12 additional methods available for analyzing drinking water samples required by regulation. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

DATES: This action is effective June 8, 2010.

FOR FURTHER INFORMATION CONTACT: Safe Drinking Water Hotline (800) 426-4791 or Glynda Smith, Technical Support Center, Office of Ground Water and Drinking Water (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; *telephone number:* (513) 569-7652; *e-mail address:* smith.glynda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Public water systems are the regulated entities required to measure contaminants in drinking water samples. In addition, EPA Regions as well as States and Tribal governments with authority to administer the regulatory program for public water systems under SDWA may also measure contaminants in water samples. When EPA sets a monitoring requirement in its national primary drinking water regulations for a given contaminant, the Agency also establishes in the

regulations standardized test procedures for analysis of the contaminant. This action makes alternative testing methods available for particular drinking water contaminants beyond the testing methods currently established in the regulations. EPA is providing public water systems required to test water samples with a choice of using either a test procedure already established in the existing regulations or an alternative test procedure that has been approved in this action. Categories and entities that may ultimately be affected by this action include:

Category	Examples of potentially regulated entities	NAICS ¹
State, Local, & Tribal Governments	States, local and tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; States, local and tribal governments that themselves operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

¹ North American Industry Classification System.

This table is not exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be impacted. To determine whether your facility is affected by this action, you should carefully examine the applicability language in the *Code of Federal Regulations* (CFR) at 40 CFR 141.2 (definition of public water system). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. How can I get copies of this document and other related information?

Docket. EPA established a docket for this action under Docket ID No. EPA-HQ-OW-2010-0288. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Water Docket in the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Copyrighted materials are available only in hard copy. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202)

566-1744, and the telephone number for the Water Docket is (202) 566-2426.

Abbreviations and Acronyms Used in This Action

APHA: American Public Health Association
CFR: Code of Federal Regulations
E. coli: *Escherichia coli*
EPA: Environmental Protection Agency
GWR: Ground Water Rule
IC-ESI-MS/MS: Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry
NAICS: North American Industry Classification System
NEMI: National Environmental Methods Index
QC: Quality Control
SDWA: Safe Drinking Water Act
TCR: Total Coliform Rule
VCSB: Voluntary Consensus Standard Bodies

II. Background

A. What is the purpose of this action?

In this action, EPA is approving 12 analytical methods for determining contaminant concentrations in samples collected under SDWA. Regulated parties required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action. The new methods are listed in appendix A to subpart C of part 141 and on EPA's drinking water methods Web site at http://www.epa.gov/safewater/methods/analyticalmethods_expedited.html.

This action also includes the full text of three tables in Appendix A to Subpart C of Part 141. The tables do not include

any new method approvals. EPA inadvertently deleted two table columns in the November 10, 2009, **Federal Register** notice (74 FR 57908) (USEPA 2009b). The corrected tables are titled:

- Alternative Testing Methods for Disinfectant Residuals Listed at 40 CFR 141.74(a)(2),
- Alternative Testing Methods for Contaminants Listed at 40 CFR 141.131(b)(1), and
- Alternative Testing Methods for Disinfectant Residuals Listed at 40 CFR 141.131(c)(1).

B. What is the basis for this action?

When EPA determines that an alternative analytical method is "equally effective" (*i.e.*, as effective as a method that has already been promulgated in the regulations), SDWA allows EPA to approve the use of the alternative method through publication in the **Federal Register**. (See Section 1401(1) of SDWA.) EPA is using this streamlined approval authority to make 12 additional methods available for determining contaminant concentrations in samples collected under SDWA. EPA has determined that, for each contaminant or group of contaminants listed in Section III, the additional testing methods being approved in this action are equally effective as one or more of the testing methods already established in the regulations for those contaminants. Section 1401(1) states that the newly approved methods "shall be treated as an alternative for public water systems

to the quality control and testing procedures listed in the regulation.” Accordingly, this action makes these additional (and optional) 12 analytical methods legally available for meeting EPA’s monitoring requirements.

This action does not add regulatory language, but does, for informational purposes, update an appendix to the regulations at 40 CFR part 141 that lists all methods approved under Section 1401(1) of SDWA. Accordingly, while this action is not a rule, it is updating CFR text and therefore is being published in the “Final Rules” section of this **Federal Register**.

EPA described this expedited methods approval process in an April 10, 2007, **Federal Register** notice (72 FR 17902) (USEPA 2007) and announced its intent to begin using the process. EPA published the first set of approvals in a June 3, 2008, **Federal Register** notice (73 FR 31616) (USEPA 2008) and added appendix A to 40 CFR part 141, subpart C. Additional methods were added to appendix A to subpart C in an August 3, 2009, **Federal Register** notice (74 FR 38348) (USEPA 2009a) and a November 10, 2009, **Federal Register** notice (74 FR 57908) (USEPA 2009b). Future approvals using this process are anticipated.

III. Summary of Approvals

EPA is approving 12 methods that are equally effective relative to methods previously promulgated in the regulations. By means of this notice, these 12 methods are added to appendix A to subpart C of part 141.

A. Methods Developed by EPA

EPA Method 557 is a direct-injection, ion chromatography, negative-ion electrospray ionization, tandem mass spectrometry (IC-ESI-MS/MS) method for the determination of nine haloacetic acids, dalapon, and bromate in finished drinking waters (USEPA 2009c). Each method analyte is qualitatively identified via a unique mass transition, and the concentration is calculated using the integrated peak area and the internal standard technique.

EPA Method 557 eliminates the labor intensive sample preparation steps (extraction and derivatization) that are required in other methods. It also reduces the use of solvents and potentially hazardous chemicals. The development work for this method is described in the method research summary (Zaffiro and Zimmerman 2009). EPA Method 557 has already been approved for determining haloacetic acids and bromate in drinking water (74 FR 57908) (USEPA 2009b); its approval is being expanded in this action to include dalapon.

The approved methods for dalapon are listed at 40 CFR 141.24(e)(1). The performance characteristics of EPA Method 557 for dalapon were compared to the characteristics of approved EPA Methods 552.2 (USEPA 1995), 552.3 (USEPA 2003), and 515.4 (USEPA 2000). EPA has determined that EPA Method 557 is equally effective for measuring dalapon as each one of these three previously approved methods. The basis for this determination is discussed in Smith (2010a). Therefore, EPA is approving EPA Method 557 for determining dalapon in drinking water and adding it to the list of approved methods in appendix A to subpart C of part 141 as an alternative method for contaminants listed at 40 CFR 141.24(e)(1). A copy of EPA Method 557 can be accessed and downloaded directly on-line at http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html.

B. Methods Developed by Voluntary Consensus Standard Bodies (VCSB)

1. *Standard Methods for the Examination of Water and Wastewater*. In Standard Method 6640 B, chlorinated acids in drinking water are derivatized and analyzed using gas chromatography with electron capture detection. The method uses the identical sample handling protocols, analytical conditions, and quality control (QC) criteria as EPA Method 515.4 (USEPA 2000), which is approved for analyzing compliance samples for dalapon (40 CFR 141.24(e)(1)). EPA has determined

that Standard Method 6640 B, published in the 21st edition of *Standard Methods for the Examination of Water and Wastewater* (APHA 2005), is equally effective relative to EPA Method 515.4 (Smith 2010b) for the analysis of compliance samples for dalapon. EPA has also determined that Standard Method 6640 B-01 (APHA 2001) is an identical on-line version of Standard Method 6640 B. Accordingly, EPA is approving Standard Method 6640 B and Standard Method 6640 B-01 for determining dalapon in drinking water and adding them to the list of approved methods in Appendix A to Subpart C of Part 141 as alternative methods for contaminants listed at 40 CFR 141.24(e)(1). The 21st edition can be obtained from the American Public Health Association (APHA), 800 I Street, NW., Washington, DC 20001-3710. Standard Method 6640 B-01 is available at <http://www.standardmethods.org>.

2. *ASTM International*. EPA compared the most recent versions of six ASTM International methods for radiochemicals in water to the versions of those methods that are already approved under 40 CFR 141.25(a). Changes between the approved version and the most recent version of each method are summarized in Umbaugh (2010). The revisions primarily involve editorial changes (i.e., updated references, definitions, terminology, and reorganization of text). The revised methods are the same as the approved versions with respect to drinking water sample collection and handling protocols, sample preparation, analytical methodology, and results. The QC requirements in the revised methods have been expanded and are more detailed than in the previous versions. EPA has determined that the new versions are equally effective relative to those cited in the regulation (ASTM Methods D3454-97, D2460-97, D5174-02, D3649-98a, D4785-00a, and D4107-98 (reapproved 2002)) (Umbaugh 2010). Therefore, EPA is approving the use of the six updated ASTM methods for radiochemicals listed in the following table:

ASTM Method	Contaminant
D3454-05 (ASTM International 2009a)	Radium-226.
D2460-07 (ASTM International 2009b)	Radium-226.
D5174-07 (ASTM International 2009c)	Uranium.
D3649-06 (ASTM International 2009d)	Radioactive Cesium.
	Radioactive Iodine.
	Gamma emitters.
D4785-08 (ASTM International 2009e)	Radioactive Iodine.
	Gamma emitters.
D4107-08 (ASTM International 2009f)	Tritium.

As of today's notice, measurements of radiochemicals in drinking water may be performed using either one of these six methods or one of the methods already approved at 40 CFR 141.25(a). The six ASTM methods are available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959 or <http://www.astm.org>.

C. Methods Developed by Vendors

EPA previously approved by regulation the following alternative methods, which are listed at 40 CFR 141.21(f)(6), for determining *Escherichia coli* (*E. coli*) under the Total Coliform Rule (TCR): Readycult® (EMD Chemicals 2007), Chromocult® (EM Science 2000), and Modified Colitag™ (CPI International 2009). These three methods were not approved under the Ground Water Rule (GWR) (71 FR 65574, November 8, 2006) (USEPA 2006), because they were not evaluated by EPA prior to proposal of the GWR. However, these methods were evaluated under the Alternate Test Procedure (ATP) program and EPA determined that the methods were equally effective for *E. coli* determination relative to Standard Method 9221F (Best 2010), published in the 20th edition of *Standard Methods for the Examination of Water and Wastewater* (APHA 1998). Standard Method 9221F is approved for *E. coli* determination under the GWR (40 CFR 141.402(c)(2)). EPA is using today's notice to approve the use of Readycult®, Chromocult®, and Modified Colitag™ to meet *E. coli* monitoring requirements under GWR and is adding them to the list of approved methods in appendix A to subpart C of part 141 as alternative methods for contaminants listed at 40 CFR 141.402(c)(2).

The 20th edition of *Standard Methods for the Examination of Water and Wastewater* (1998) is available from the American Public Health Association (APHA), 800 I Street, NW., Washington, DC 20001-3710.

The Readycult® test is described in the document "Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters, January 2007, Version 1.1," available from EMD Chemicals (an affiliate of Merck KGaA, Darmstadt Germany), 480 S. Democrat Road, Gibbstown, NJ 08027-1297. (Telephone (800) 222-0342). Internet address <http://www.readycult.com>.

The Chromocult® test is described in the document "Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,"

November 2000, Version 1.0, available from EMD Chemicals (formerly EM Science) (an affiliate of Merck KGaA, Darmstadt Germany), 480 S. Democrat Road, Gibbstown, NJ 08027-1297. (Telephone (800) 222-0342).

The Modified Colitag® test is described in the document "Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water," August 28, 2009, available from CPI International, Inc., 5580 Skylane Blvd., Santa Rosa, CA, 95403. (Telephone (800) 878-7654, Fax (707) 545-7901). Internet address <http://www.cpiinternational.com>.

IV. Statutory and Executive Order Reviews

As noted in Section II, under the terms of SDWA Section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule but simply makes alternative (optional) testing methods available for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approval action.

V. References

- American Public Health Association (APHA). 1998. *20th Edition of Standard Methods for the Examination of Water and Wastewater*. American Public Health Association, 800 I Street, NW., Washington, DC 20001-3710.
- American Public Health Association (APHA). 2001. Standard Method 6640 B-01. Acidic Herbicide Compounds. Micro Liquid-Liquid Extraction Gas Chromatographic Method. Approved by Standard Methods Committee 2001. Standard Methods Online. (Available at <http://www.standardmethods.org>.)
- American Public Health Association (APHA). 2005. *21st Edition of Standard Methods for the Examination of Water and Wastewater*. American Public Health Association, 800 I Street, NW., Washington, DC 20001-3710.
- ASTM International. 2009a. ASTM D 3454-05. Standard Test Method for Radium-226 in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (Available at <http://www.astm.org>.)
- ASTM International. 2009b. ASTM D 2460-07. Standard Test Method for Alpha-Particle-Emitting Isotopes of Radium in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (Available at <http://www.astm.org>.)
- ASTM International. 2009c. ASTM D 5174-07. Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (Available at <http://www.astm.org>.)
- ASTM International. 2009d. ASTM D 3649-06. Standard Practice for High-Resolution Gamma-Ray Spectrometry in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (Available at <http://www.astm.org>.)
- ASTM International. 2009e. ASTM D 4785-08. Standard Test Method for Low-Level Analysis of Iodine Radioisotopes in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (Available at <http://www.astm.org>.)
- ASTM International. 2009f. ASTM D 4107-08. Standard Test Method for Tritium in Drinking Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (Available at <http://www.astm.org>.)
- Best, J. 2010. Memo to the record describing basis for expedited approval of Modified Colitag™, Readycult®, and Chromocult® methods for determining *E. coli* as specified at 40 CFR 141.402(c)(2). January 27, 2010.
- CPI International. 2009. Modified Colitag™ Test Method. Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water (ATP D05-0035). August 28, 2009. 5580 Skylane Boulevard, Santa Rosa, CA 95403.
- EMD Chemicals (affiliate of Merck KGaA, Darmstadt, Germany). 2000. Chromocult® Method. Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters. November, 2000. Version 1.0. 480 S. Democrat Road, Gibbstown, NJ 08027-1297.
- EMD Chemicals (affiliate of Merck KGaA, Darmstadt, Germany). 2007. Readycult® Method. Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters. January, 2007. Version 1.1. 480 S. Democrat Road, Gibbstown, NJ 08027-1297.
- Smith, G. 2010a. Memo to the record describing basis for expedited approval of EPA Method 557 for the analysis of dalapon. January 19, 2010.
- Smith, G. 2010b. Memo to the record describing basis for expedited approval of Standard Method 6640 B and 6640 B-01 for the analysis of dalapon. January 27, 2010.
- Umbaugh, L. 2010. Memo to the record describing basis for expedited approval of ASTM methods for radiochemicals in water. January 21, 2010.

USEPA. 1995. EPA Method 552.2, Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-Liquid Extraction, Derivatization and Gas Chromatography with Electron Capture Detection in Methods for the Determination of Organic Compounds in Drinking Water, Supplement III, EPA/600/R-95-131, August 1995. (Available at <http://www.nemi.gov>.)

USEPA. 2000. EPA Method 515.4, Determination of Chlorinated Acids in Drinking Water by Liquid-Liquid Extraction, Derivatization, and Fast Gas Chromatography with Electron Capture Detection, EPA 815-B-00-001, April 2000. (Available at http://www.epa.gov/safewater/methods/analyticalmethods_ogwdw.html.)

USEPA. 2003. EPA Method 552.3, Determination of Haloacetic Acids and Dalapon in Drinking Water by Liquid-Liquid Microextraction, Derivatization, and Gas Chromatography with Electron Capture Detection, EPA 815-B-03-002, July 2003. (Available at http://www.epa.gov/safewater/methods/analyticalmethods_ogwdw.html.)

USEPA. 2006. National Primary Drinking Water Regulations: Ground Water Rule; Final Rule. 71 FR 65574. November 8, 2006.

USEPA. 2007. Expedited Approval of Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures. 72 FR 17902. April 10, 2007.

USEPA. 2008. Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures. 73 FR 31616. June 3, 2008.

USEPA. 2009a. Expedited Approval of Alternative Test Procedures for the

Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures. 74 FR 38348. August 3, 2009.

USEPA. 2009b. Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures. 74 FR 57908. November 10, 2009.

USEPA. 2009c. EPA Method 557. Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC-ESI-MS/MS), EPA 815-B-09-012, September 2009. (Available at http://www.epa.gov/safewater/methods/analyticalmethods_ogwdw.html.)

Zaffiro, A.D. and Zimmerman, M. 2009. EPA Method 557 Research Summary, Shaw Environmental Inc., Cincinnati OH. March 2009.

List of Subjects in 40 CFR Part 141

Chemicals, Environmental protection, Indians-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: June 2, 2010.

Cynthia C. Dougherty,

Director, Officer of Ground Water and Drinking Water.

■ For the reasons stated in the preamble, 40 CFR part 141 is amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g-1, 300j-4, and 300j-9.

■ 2. Appendix A to subpart C of part 141 is amended as follows:

■ a. By adding the entry for “Dalapon” after the entry for “Carbofuran” in the table entitled “Alternative testing methods for contaminants listed at 40 CFR 141.24 (e)(1).”

■ b. By revising the entries for “Radium 226,” “Uranium,” “Radioactive Cesium,” “Radioactive Iodine,” “Tritium,” and “Gamma Emitters” in the table entitled “Alternative testing methods for contaminants listed at 40 CFR 141.25(a).”

■ c. By revising all entries in the table entitled “Alternative Testing Methods for Disinfectant Residuals Listed at 40 CFR 141.74(a)(2).”

■ d. By revising all entries in the table entitled “Alternative Testing Methods for Contaminants Listed at 40 CFR 141.131(b)(1).”

■ e. By revising all entries in the table entitled “Alternative Testing Methods for Disinfectant Residuals Listed at 40 CFR 141.131(c)(1).”

■ f. By revising all entries in the table entitled “Alternative Testing Methods for Contaminants Listed at 40 CFR 141.402(c)(2)” and,

■ g. By adding footnotes 20 and 21 to the table.

Appendix A to Subpart C of Part 141—Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act.

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.24(e)(1)

Contaminant	Methodology	EPA method	SM 21st edition ¹	SM online ³
* * *	* * *		*	*
Dalapon	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC-ESI-MS/MS).	14 557	6640 B	6640 B-01.
* * *	* * *		*	*

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.25(A)

Contaminant	Methodology	SM 21st edition ¹	ASTM ⁴
Naturally Occurring:			
* * *	* * *		*
Radium 226	Radon emanation	7500-Ra C	D3454-05.
	Radiochemical	7500-Ra B	D2460-07.
* * *	* * *		*
Uranium	Radiochemical	7500-U B	
	ICP-MS		D5673-05.
	Alpha spectrometry	7500-U C	
	Laser Phosphorimetry		D5174-07.

Man-Made:

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.25(A)—Continued

Contaminant	Methodology	SM 21st edition ¹	ASTM ⁴
Radioactive Cesium	Radiochemical	7500—Cs B	
	Gamma Ray Spectrometry	7120	D3649–06.
Radioactive Iodine	Radiochemical	7500—I B	D3649–06.
	.....	7500—I C.	
	.....	7500—I D.	
	Gamma Ray Spectrometry	7120	D4785–08.
*	*	*	*
Tritium	Liquid Scintillation	7500— ³ H B	D4107–08.
Gamma Emitters	Gamma Ray Spectrometry	7120	D3649–06.
		7500—Cs B	D4785–08.
		7500—I B.	

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ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(a)(2)

Residual	Methodology	SM 21st Edition ¹	ASTM ⁴	Other
Free Chlorine	Amperometric Titration	4500—Cl D	D 1253–08.	
	DPD Ferrous Titrimetric	4500—Cl F.		
	DPD Colorimetric	4500—Cl G.		
	Syringaldazine (FACTS)	4500—Cl H.		
	On-line Chlorine Analyzer .....	.....		EPA 334.0. ¹⁶
	Amperometric Sensor .....	.....		ChloroSense. ¹⁷
Total Chlorine	Amperometric Titration	4500—Cl D	D 1253–08.	
	Amperometric Titration (Low level measurement) ...	4500—Cl E.		
	DPD Ferrous Titrimetric	4500—Cl F.		
	DPD Colorimetric	4500—Cl G.		
	Iodometric Electrode	4500—Cl I.		
	On-line Chlorine Analyzer .....	.....		EPA 334.0. ¹⁶
	Amperometric Sensor .....	.....		ChloroSense. ¹⁷
Chlorine Dioxide	Amperometric Titration	4500—ClO ₂ C.		
	Amperometric Titration	4500—ClO ₂ E.		
Ozone	Indigo Method	4500—O ₃ B.		

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.131(b)(1)

Contaminant	Methodology	EPA Method	ASTM ⁴	SM 21st Edition ¹
TTHM	P&T/GC/MS	⁹ 524.3		
HAA5	LLE (diazomethane)/GC/ECD .....	.....		6251 B.
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	¹⁴ 557		
Bromate	Two-Dimensional Ion Chromatography (IC)	¹⁸ 302.0		
	Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS).	¹⁴ 557		
	Chemically Suppressed Ion Chromatography .....	.....	D 6581–08 A.	
	Electrolytically Suppressed Ion Chromatography .....	.....	D 6581–08 B.	
Chlorite	Chemically Suppressed Ion Chromatography .....	.....	D 6581–08 A.	
	Electrolytically Suppressed Ion Chromatography .....	.....	D 6581–08 B.	
Chlorite—daily monitoring as prescribed in 40 CFR 141.132(b)(2)(i)(A).. ^{..}	Amperometric Titration .....	.....	.....	4500—ClO ₂ E.

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1)

Residual	Methodology	SM 21st Edition ¹	ASTM ⁴	Other
Free Chlorine	Amperometric Titration	4500—Cl D	D 1253–08	
	DPD Ferrous Titrimetric	4500—Cl F.		

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1)—Continued

Residual	Methodology	SM 21st Edition ¹	ASTM ⁴	Other
Combined Chlorine	DPD Colorimetric	4500—Cl G.		ChloroSense. ¹⁷ EPA 334.0. ¹⁶
	Syringaldazine (FACTS)	4500—Cl H.		
	Amperometric Sensor .....	.....	
	On-line Chlorine Analyzer .....	.....	
Total Chlorine	Amperometric Titration	4500—Cl D	D 1253—08.	D 1253—08.
	DPD Ferrous Titrimetric	4500—Cl F.		
	DPD Colorimetric	4500—Cl G.		
	Amperometric Titration	4500—Cl D		
	Low level Amperometric Titration	4500—Cl E.		
	DPD Ferrous Titrimetric	4500—Cl F.		
Chlorine Dioxide	DPD Colorimetric	4500—Cl G.		ChloroSense. ¹⁷ EPA 334.0. ¹⁶
	Iodometric Electrode	4500—Cl I.		
	Amperometric Sensor		
	On-line Chlorine Analyzer		
	Amperometric Method II	4500—ClO ₂ E.		

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ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.402(c)(2)

Organism	Methodology	SM 20th edition ⁶	SM 21st edition ¹	SM online ³	Other
E. coli	Colilert	9223 B	9223 B—97.	Readycult®. ²⁰ Modified Colitag™. ¹³ Chromocult®. ²¹
	Colisure .....	.....	9223 B	9223 B—97.
	Colilert-18	9223 B	9223 B	9223 B—97.	
	Readycult®	
	Colitag	
Enterococci	Chromocult®	
	Multiple-Tube Technique	9230 B—04.	

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¹ *Standard Methods for the Examination of Water and Wastewater*, 21st edition (2005). Available from American Public Health Association, 800 I Street, NW., Washington, DC 20001–3710.

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³ Standard Methods Online are available at <http://www.standardmethods.org>. The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.

⁴ Available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or <http://astm.org>. The methods listed are the only alternative versions that may be used.

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⁶ *Standard Methods for the Examination of Water and Wastewater*, 20th edition (1998). Available from American Public Health Association, 800 I Street, NW., Washington, DC 20001–3710.

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⁹ EPA Method 524.3, Version 1.0. “Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry,” June 2009. EPA 815–B–09–009. Available at http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html.

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¹³ Modified Colitag™; Method, “Modified Colitag™ Test Method for the Simultaneous Detection of *E. coli* and other Total Coliforms in Water (ATP D05–0035),” August 28, 2009. Available at <http://www.nemi.gov> or from CPI International, 5580 Skylane Boulevard, Santa Rosa, CA 95403.

¹⁴ EPA Method 557. “Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS),” September 2009. EPA 815–B–09–012. Available at http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html.

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¹⁶ EPA Method 334.0. “Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer,” September 2009. EPA 815–B–09–013. Available at http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html.

¹⁷ ChloroSense. “Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense,” August 2009. Available at <http://www.nemi.gov> or from Palintest Ltd, 21 Kenton Lands Road, PO Box 18395, Erlanger, KY 41018.

¹⁸ EPA Method 302.0. “Determination of Bromate in Drinking Water using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection,” September 2009. EPA 815–B–09–014. Available at http://epa.gov/safewater/methods/analyticalmethods_ogwdw.html.

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²⁰ Readycult® Method, “Readycult® Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,” January, 2007. Version 1.1. Available from EMD Chemicals (affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown, NJ 08027–1297.

²¹ Chromocult® Method, “Chromocult® Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and *Escherichia coli* in Finished Waters,” November, 2000. Version 1.0. EMD Chemicals (affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown, NJ 08027–1297.

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DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Part 64****[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8133]****Suspension of Community Eligibility****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42

U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension

date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows: