

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this approval action does not include a federal mandate that may result in estimated annual costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal

governments, or to the private sector result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 3, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 58

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements.

Dated: February 24, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 58, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 58—[AMENDED]

1. The authority citation for Part 58 continues to read as follows:

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

2. Part 58, Appendix D, section 2.5: the table is amended by revising the entries for Alabama, Florida, Georgia, Mississippi and Tennessee to read as follows:

Appendix D to Part 58—Network Design for State and Local Air Monitoring Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS)

* * * * *
2.5 Ozone (O3) Design Criteria for SLAMS
* * *

OZONE MONITORING SEASON BY STATE

State	Begin month	End month
Alabama	March	October
Florida	March	October
Georgia	March	October
Kentucky	March	October
Mississippi	March	October
Tennessee	March	October

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 136 and 439

[FRL-6304-8]

RIN 2040-AA13

Pharmaceutical Manufacturing Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction

SUMMARY: EPA is correcting minor errors in the preamble and effluent limitations guidelines and standards for the pharmaceutical manufacturing point source category, which appeared in the **Federal Register** on September 21, 1998 (63 FR 50388).

EFFECTIVE DATE: These corrections shall become effective March 4, 1999. In accordance with 40 CFR 232, this rule will be considered promulgated for purposes of judicial review at 1:00 P.M. Eastern time on March 18, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Frank H. Hund, Office of Water Engineering and Analysis Division (4303), U. S. Environmental Protection Agency, 401 M St., SW, Washington, DC, 20460, (202) 260-7182, hund.frank@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In a final rule published on September 21, 1998 (63 FR 50388), EPA established final effluent limitations and standards for the pharmaceutical manufacturing point source category for the control of wastewater pollutants. The final rule contained minor typographical errors and errors in the rounding of several of the numerical limitations to a specific number of significant figures. This document corrects those errors.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to the notice-and-comment requirements under the Administrative Procedure Act, 5 U.S.C. 553, or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health and safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the **Federal Register** notice of September 21, 1998. This action contains no information collection requirements.

Therefore, no information collection request has been submitted to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1980, 44 U.S.C. 1501, *et seq.*

The revisions in this final rule are not substantive. These revisions correct minor typographical errors and errors in the rounding of several numerical limitations. For this reason, EPA has determined that public participation in this action is unnecessary and constitutes good cause for issuing this rule without notice and comment. For the same reason, the Agency has determined that good cause exists to waive the requirement for a 30 day period before the amendments become effective and therefore the amendments will be immediately effective.

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated above, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of March 4, 1999. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 439

Environmental protection, Incorporation by reference, Reporting and recordkeeping requirements, Water pollution control.

Dated: February 22, 1999.

J. Charles Fox,

Assistant Administrator for Water.

The following corrections are made in FRL-6135-7, Final Effluent Limitations Guidelines and Standards for the Pharmaceutical Manufacturing Point Source Category, which was published in the **Federal Register** on September 21, 1998 (63 FR 50388).

1. On page 50392 column 1 line 38 "BO₅" is corrected to read "BOD₅". 11 2., 3., and 4. On page 50392 column 2 lines 3, 6, and 7 "BO₅" in each instance is corrected to read "BOB₅".

5., 6., 7., and 8. On page 50394 in column 2 lines 15, 19, 55, and 60, "BOD₅" in each instance is corrected to read "BOD₅".

9. On page 50398 column 1 line 47, the word "plants" is removed.

10. On page 50402 column 1 line 48, "passthrough" is corrected to read "pass through".

11. On page 50409 column 2 line 38, "(July, 1998)" is corrected to read "July, 1998".

12. On page 50410 column 3 line 31, "are" is corrected to read "were".

13. On page 50412 column 1 line 34, "XLB.9.g" is corrected to read "VLB.9.G".

14. On page 50421 column 1 line 26, the word "that" is removed.

15. On page 50421 column 2 lines 60 and 61, the phrase "Mass loading at the relevant point of measurement)" is removed.

16. and 17. On page 50422 column 2 lines 44 and 49, remove the word "proposed."

18. On page 50422 column 3 line 21, remove the phrase "being proposed today."

19. On page 50423 column 3 line 62, remove the phrase "which the discharge occur" and replace with "which the discharge will occur".

20. On page 50426 column 1 line 5, the phrase "part a determination" is corrected to read "part, a determination".

§ 439.14 [Corrected]

21. On page 50427 in the table for § 439.14, the numerical value listed in the column entitled "Average monthly discharge must not exceed", corresponding to the entry "24 Chloroform" in the "Regulated parameter" column is changed from "0.01" to "0.013".

§ 439.15 [Corrected]

22. On page 50428 in the table continued from the previous page, the numerical value listed in the column entitled "Maximum daily discharge", corresponding to the entry "17 Methyl Cellosolve" in the "Regulated parameter" column is changed from "25.0" to "100.0".

23. On page 50428 in the table continued from the previous page, the numerical value listed in the column entitled "Average monthly discharge must not exceed", corresponding to the entry "17 Methyl Cellosolve" in the "Regulated parameter" column is changed from "10.2" to "40.6".

24. On page 50428 in the table continued from the previous page, the numerical value listed in the column entitled "Average monthly discharge must not exceed", corresponding to the entry "27 Chloroform" in the "Regulated pollutant" column is changed from "0.01" to "0.013".

§ 439.16 [Corrected]

25. On page 50429 in the table continued from the previous page, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "10 Methyl Cellosolve" in the "Regulated parameter" column is changed from "9.7" to "59.7".

26. On page 50429 in the table continued from the previous page, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "13 Benzene" in the "Regulated parameter" column is changed from "0.6" to "0.7".

27. On page 50429 in the table continued from the previous page, the numerical value listed in the column entitled "Average monthly discharge must not exceed", corresponding to the entry "14 Toluene" in the "Regulated parameter" column is changed from "0.1" to "0.2".

§ 439.17 [Corrected]

28. On page 50429 in the table in § 439.17, the numerical value listed in the column entitled "Average monthly discharge must not exceed", corresponding to the entry "14 Toluene" in the "Regulated parameter" column is changed from "0.1" to "0.2".

§ 439.26 [Corrected]

29. On page 50431 in the last line in column 1, the date "October 22, 2001" is replaced by "September 21, 2001".

30. On page 50431 in the table in § 439.26, change the entry "Ethyl acetate" in "Regulated parameter" column to "3 Ethyl acetate".

§ 439.34 [Corrected]

31. On page 50432 in the table in § 439.34, the numerical value listed in the column entitled "Maximum daily discharge", corresponding to the entry "14 Methyl Cellosolve" in the "Regulated parameter" column is changed from "25.0" to "100.0".

32. On page 50432 in the table in § 439.34, the numerical value listed in the column entitled "Average monthly discharge must not exceed", corresponding to the entry "14 Methyl Cellosolve" in the "Regulated parameter" column is changed from "10.2" to "40.6".

33. On page 50432 in the table in § 439.34, the numerical value listed in the column entitled "Maximum daily discharge", corresponding to the entry "16 Triethyl amine" in the "Regulated parameter" column is changed from "250.3" to "250.0".

34. On page 50432 in the table in § 439.34, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "16 Triethyl amine" in the "Regulated parameter" column is changed from "101.5" to "102.0".

35. On page 50432 in the table in § 439.34, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "24 Chloroform" in the "Regulated parameter" column is changed from "0.01" to "0.013".

§ 439.35 [Corrected]

36. On page 50433 in the table in § 439.35, the entry listed in the column entitled "Regulated parameter", "18 Methyl Sulfoxide" is changed to read "18 Dimethyl Sulfoxide".

37. On page 50433 in the table in § 439.35, the numerical value listed in the column entitled "Maximum daily discharge" corresponding to the entry "23 Xylenes" in the "Regulated

parameter" column is changed from "0.02 to "0.03".

38. On page 50433 in the table in § 439.35, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "27 Chloroform" in the "Regulated parameter" column is changed from "0.01" to "0.013".

39. On page 50433 in the table in § 439.35, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "29 Chlorobenzene" in the "Regulated parameter" column is changed from "0.05" to "0.06".

§ 439.36 [Corrected]

40. On page 50434 in the table in § 439.36, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "10 Methyl Cellosolve" in the "Regulated parameter" column is changed from "54.7" to "59.7".

41. On page 50434 in the table in § 439.36, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "14 Toluene" in the "Regulated parameter" column is changed from "0.1" to "0.2".

§ 439.37 [Corrected]

42. On page 50435 in the table continued from the previous page, the numerical value listed in the column entitled "Average monthly discharge must not exceed" corresponding to the entry "14 Toluene" in the "Regulated parameter" column is changed from "0.1" to "0.2".

Appendix A to Part 439—Tables

43. On page 50437 Table 1 should appear as follows with certain Regulated Parameters identified with footnote designations.

TABLE 1.—SURROGATE PARAMETERS FOR DIRECT DISCHARGERS
[Utilizing biological treatment technology]

Regulated parameters	Treatability class
Amyl alcohol	Alcohols.
Ethanol ¹	
Isopropanol ¹	
Methanol ¹	
Phenol	Aldehydes.
Isobutyraldehyde ¹	
n-Heptane ¹	Alkanes.
n-Hexane ¹	Amines.
Diethylamine ¹	
Triethylamine	
Benzene	Aromatics.
Toluene ¹	

TABLE 1.—SURROGATE PARAMETERS FOR DIRECT DISCHARGERS—Continued
[Utilizing biological treatment technology]

Regulated parameters	Treatability class
Xylenes ¹ Chlorobenzene o-Dichlorobenzene Chloroform ¹	Chlorinated Alkanes.
Methylene chloride ¹ 1,2-Dichloroethane ¹ Ethyl acetate ¹	Esters.
Isopropyl acetate n-Amyl acetate n-Butyl acetate Methyl formate Tetrahydrofuran ¹	Ethers.
Isopropyl ether Acetone ¹	Ketones.
4-Methyl-2-pentanone (MIBK) Ammonia (aqueous)	Miscellaneous. ²
Acetonitrile Methyl Cellosolve Dimethyl Sulfoxide	

¹ These parameters may be used as a surrogate to represent other parameters in the same treatability class.

² Surrogates have not been identified for the "Miscellaneous" treatability class.

44. On page 50437 Table 2 should appear as follows with certain Regulated Parameters with footnote designations:

TABLE 2.—SURROGATE PARAMETERS FOR INDIRECT DISCHARGERS
[Utilizing steam stripping treatment technology]

Regulated parameters	Treatability class
Benzene Toluene ¹ Xylenes n-Heptane	High strippability.
n-Hexane Chloroform ¹ Methylene chloride ¹ Chlorobenzene Methyl cellosolve	
Ammonia (aqueous) ¹ Diethyl amine Triethyl amine Acetone ¹ 4-Methyl-2-pentanone (MIBK) n-Amyl acetate n-Butyl acetate ¹	Medium strippability.
Ethyl acetate Isopropyl acetate Methyl formate Isopropyl ether Tetrahydrofuran ¹ 1,2-Dichloroethane o-Dichlorobenzene	

¹ These paramaters may be used as a surrogate to represent other parameters in the same treatability class.