FOR FURTHER INFORMATION CONTACT: Douglas Aburano, Regulation Development Section 2, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 353–6960.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 20, 1997.

Gail C. Ginsberg,

Acting Regional Administrator.

[FR Doc. 97–14718 Filed 6–4–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–5835–9]

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Application for Approval of Alternate Test Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; change in address.

SUMMARY: By this action, the Environmental Protection Agency (EPA) announces an internal transfer of administrative responsibilities for the evaluation of alternate test procedures under Clean Water Act section 304(h). EPA has transferred responsibilities from the Environmental Monitoring Systems Laboratory in Cincinnati (EMSL–Ci), now called the National Exposure Research Laboratory (NERL), in the Office of Research and Development (ORD) to the Office of Science and Technology in the Office of Water (OW). This action officially announces the change in internal delegation of responsibility for administering the alternate test procedure (ATP) program (from the EMSL–Ci laboratory to the Headquarters office in Washington, D.C.) and revises the address in those sections of title 40 of the Code of Federal Regulations (CFR) which describe the process for submission of ATP applications to the Agency.

DATES: Effective on June 5, 1997.

ADDRESSES: Applications for alternate test procedures should be sent to the Director, Analytical Methods Staff, Office of Science and Technology (4303), Office of Water, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ben J. Honaker, Analytical Methods Staff, Office of Science and Technology (4303), USEPA, 401 M Street, SW., Washington, DC 20460; phone: (202) 260–2272.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those who seek EPA approval of analytical technologies for monitoring under the provisions of the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). Entities potentially regulated by this action are listed in the table below. These entities potentially include consensus methods organizations that publish compendia of analytical methods for water, and equipment manufacturers, instrument manufacturers and laboratories that modify compliance methods or seek approval of new methods for compliance monitoring.

Category	Examples of regulated entities
Public ...	Government laboratories that develop analytical methods for compliance with the CWA and the SDWA.
Private ..	Commercial laboratories, consensus methods organizations, instrument manufacturers, vendors, and other entities that develop or publish analytical methods for compliance with the CWA and the SDWA.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your organization is regulated by this action, you should carefully examine the applicability criteria in section 136.1 of title 40 of the Code of Federal Regulations. 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.

I. Authority

The Clean Water Act requires the EPA Administrator to promulgate effluent limitations guidelines for specified categories and classes of point sources. Section 301 of the CWA prohibits the discharge of any pollutant into navigable waters unless the discharge complies with the National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the CWA. Section 307 requires the EPA Administrator to publish regulations establishing pretreatment standards for introduction of pollutants into publicly owned treatment works (POTWs). Section 401 requires certification for the construction or operation of facilities which may result in any discharge into navigable waters.

Section 304(h) of the Clean Water Act requires the EPA Administrator to promulgate guidelines establishing test procedures for the analysis of pollutants. EPA's approval of analytical methods is authorized under section 304(h) of the CWA, as well as the general rulemaking authority in section 501(a) of the Act. EPA uses these test procedures to support the development of effluent limitations guidelines, to establish compliance with NPDES permits, for implementation of pretreatment standards, and for section 401 certifications.

The section 304(h) test procedures (analytical methods) are specified in part 136 of title 40 of the Code of Federal Regulations (CFR). The test procedures prescribed in part 136 are used for the applications indicated above unless an alternate test procedure (ATP) has been specifically approved by the EPA Administrator or the Regional Administrator. The ATP application and approval process for new methods and method modifications is specified at 40 CFR 136.4 and 136.5.

II. Purpose

The purpose of today's notice is to announce the change in the internal EPA delegation of responsibility for the wastewater ATP program within EPA and to revise the address published in the CFR for submitting ATP applications to the Agency. Prior to today's action, the Administrator had delegated responsibility for processing ATP applications to the Environmental Monitoring Systems Laboratory in Cincinnati (EMSL–Ci), for both wastewater and drinking water ATP applications. Thus, the regulations at 40 CFR 136.4 and 136.5 directed those applications to be sent to the EMSL–Ci address. To ''streamline'' Agency processes for action on analytical methods, EPA shifted the internal delegation of responsibility from the office in Cincinnati to the Headquarters EPA office in Washington, DC. To expedite processing of all wastewater and drinking water ATP applications, applicants should send them to the

Headquarters EPA office in Washington, DC rather than to Cincinnati.

EPA proposed revisions to these regulations in the March 28, 1997 **Federal Register** (62 FR 14976). The proposed action would streamline the Office of Water's methods approval programs and would significantly change the current ATP process if finalized. At the present time, however, the ATP process for wastewater methods described at 40 CFR 136.4 and 136.5 remains in effect.

III. Administrative Procedure Act

EPA considers this notice of change in address to be exempt from the requirement for prior notice and opportunity to comment under section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A). This notice merely informs the public of a change of Agency organization, procedure, or practice. EPA also finds, for good cause, that the opportunity for public comment is unnecessary because the EPA personnel in Cincinnati no longer administer the CWA program for review of alternate test procedures; so the change is ministerial and there is no substantive issue for comment. For the same reasons, today's notice is not subject to the delayed effective date provisions of APA section 553(d). Any unnecessary delay caused by the need to forward applications from Cincinnati to Washington, DC also impedes the expeditious processing of alternative test method applications.

IV. Regulatory Analysis

A. Executive Order 12866

Under Executive Order 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare a final regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. This regulatory action does not have any adverse impact on either small or large entities. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. In addition, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. This rulemaking merely announces a change in address for applications for alternate test procedures under the Clean Water Act and Safe Drinking Water Act. Therefore, today's rule is not subject to the requirements of sections 202, 203 and 205 of the UMRA.

D. Paperwork Reduction Act

This rule contains no information collection requirements and consequently is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

E. Submission to Congress and the General Accounting Office Under the Small Business Regulatory Enforcement and Fairness Act (SBREFA)

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this final rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 136

Environmental protection, Laboratories, Reporting and recordkeeping requirements, Water pollution control.

Dated: May 29, 1997.

Robert Perciasepe

Assistant Administrator for Water.

For the reason set out in the preamble, part 136 of title 40 of the Code of Federal Regulations is amended as set forth below:

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

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

Authority: Secs. 301, 304(h), 307 and 501(a), Pub. L. 95–217, 91 Stat. 1566, *et seq.* (33 U.S.C. 1251, *et seq.*) (the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977).

* * * * *

2. Section 136.4 is amended by revising paragraph (d) introductory text to read as follows:

§ 136.4 Application for alternate test procedures.

* * * * *

(d) An application for approval of an alternate test procedure for nationwide use may be made by letter in triplicate to the Director, Analytical Methods Staff, Office of Science and Technology (4303), Office of Water, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Any application for an alternate test procedure under this paragraph (d) shall:

* * * * *

3. Section 136.5 is amended by revising paragraphs (b) through (d), (e)(1), and (e)(2) to read as follows:

§ 136.5 Approval of alternate test procedures.

(a) * * *

(b) Within thirty days of receipt of an application, the Director will forward such application proposed by the responsible person or firm making the discharge, together with his recommendations, to the Regional Administrator. Where the Director recommends rejection of the application for scientific and technical reasons which he provides, the Regional Administrator shall deny the application, and shall forward a copy of the rejected application and his decision to the Director of the State Permit Program and to the Director of the Analytical Methods Staff, Washington, DC.

(c) Before approving any application for an alternate test procedure proposed by the responsible person or firm making the discharge, the Regional Administrator shall forward a copy of the application to the Director of the Analytical Methods Staff, Washington, DC.

(d) Within ninety days of receipt by the Regional Administrator of an application for an alternate test procedure, proposed by the responsible person or firm making the discharge, the Regional Administrator shall notify the applicant and the appropriate State agency of approval or rejection, or shall specify the additional information which is required to determine whether to approve the proposed test procedure. Prior to the expiration of such ninety day period, a recommendation providing the scientific and other technical basis for acceptance or rejection will be forwarded to the Regional Administrator by the Director of the Analytical Methods Staff, Washington, DC. A copy of all approval and rejection notifications will be forwarded to the Director, Analytical Methods Staff, Washington, DC, for the purposes of national coordination.

(e) Approval for nationwide use. (1) Within sixty days of receipt by the Director of the Analytical Methods Staff, Washington, DC, of an application for an alternate test procedure for nationwide use, the Director of the Analytical Methods Staff shall notify the applicant in writing whether the application is complete. If the application is incomplete, the applicant shall be informed of the information necessary to make the application complete.

(2) Within ninety days of the receipt of a complete package, the Analytical Methods Staff shall perform any analysis necessary to determine whether the alternate method satisfies the applicable requirements of this part, and the Director of the Analytical Methods Staff shall recommend to the Administrator that he/she approve or reject the application and shall also notify the applicant of such recommendation.

* * * * *

[FR Doc. 97–14720 Filed 6–4–97; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1639

Welfare Reform

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule implements a provision in the Legal Services Corporation's (''Corporation'' or ''LSC'') FY 1996 appropriations act which restricts recipients from initiating legal representation or challenging or participating in litigation, lobbying or rulemaking involving an effort to reform a Federal or State welfare system. The rule also clarifies when recipients may engage in representation on behalf of an individual client seeking specific relief from a welfare agency and under what circumstances recipients may use funds from sources other than the Corporation to comment on public rulemaking or respond to requests from legislative or administrative officials involving a reform of a Federal or State welfare system.

EFFECTIVE DATE: This final rule is effective on July 7, 1997.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, (202) 336–8817.

SUPPLEMENTARY INFORMATION: On May 19, 1996, the Operations and Regulations Committee (''Committee'') of the LSC Board of Directors (''Board'') requested the LSC staff to prepare an interim rule to implement section 504(a)(16) of the Corporation's FY 1996 appropriations act, Pub. L. 104–134, 110 Stat. 1321 (1996), which restricts recipients of LSC funds from initiating legal representation or participating in any other way in efforts to reform a Federal or State welfare system. The Committee held hearings on July 10 and 19, 1996, and the Board adopted an interim rule on July 20 which was published in the **Federal Register** on August 29, 1996, with a request for comments.

Subsequent to the adoption of the interim rule by the Board, Congress enacted and the President signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 110 Stat. 2105 (1996) (''Personal Responsibility Act''). After receiving four timely comments on the interim rule, the Committee held public hearings on the rule on December 13, 1996, but, because of the enactment of the Personal Responsibility Act, did not adopt a final rule. The Committee met again on March 7, 1997, and adopted proposed revisions to the definitions in the interim rule to include most provisions of the Personal Responsibility Act and requested that the proposed revisions be published for public comment. See 62 FR 14382 (March 26, 1997). The Corporation received seventeen timely comments on the proposed rule, including a comment from the Center for Law and Social Policy (''CLASP''), submitted on behalf of the Project Advisory Group and the National Legal Aid and Defender Association; two from bar associations (American Bar Association and the Colorado Bar Association), four from State or County agencies, and 10 from legal services grantees. The Committee held public hearings on the rule on May 9 and the Board adopted this final rule on May 10, 1997.

The Corporation's FY 1997 appropriations act became effective on October 1, 1996, see Pub. L. 104–208, 110 Stat. 3009. It incorporated by reference the section 504 restriction on welfare reform included in the FY 1996 appropriations. Accordingly, the