

No adverse effects were indicated by the test data submitted, and hence no additional toxicity and infectivity data will be necessary for the intended uses.

Any person adversely affected by this regulation may, on or before July 10, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on June 10, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: June 2, 1981.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1061 to read as follows:

§ 180.1061 *Hirsutiella thompsonii*; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for *Hirsutiella thompsonii* when applied to all raw agricultural commodities (postharvest) to control the citrus rust mite, the blueberry mite, and the Bermuda turf mite.

[FR Doc. 81-17165 Filed 6-9-81; 8:45 am]

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40 CFR Part 413

[WH-FRL-1827-6]

Electroplating Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Correction to final amendments.

SUMMARY: This document corrects the final amendments to the Electroplating pretreatment standards for existing sources that appeared in the Federal Register on Wednesday, January 28, 1981, (46 FR 9462).

DATE: This correction is effective June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Frank H. Hund, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460, (202) 426-2582.

SUPPLEMENTARY INFORMATION: Amendments to the Electroplating pretreatment standards for existing sources were proposed on July 3, 1980, (45 FR 45322) and promulgated in final form on January 28, 1981, (46 FR 9462).

The effective date of these amendments was deferred until March 30, 1981, consistent with the President's memorandum of January 29, 1981. (See 46 FR 11972, Feb. 12, 1981). Today's notice corrects § 413.14 by deleting one phrase and adding another and a subsequent paragraph. The opening paragraph in § 413.14 and paragraph (a) should be identical to the opening paragraph and paragraph (a) in §§ 413.24, 413.44, 413.54, 413.64, 413.74 and 413.84. The phrase to be substituted and the paragraph to be added were inadvertently omitted from the January 28, 1981 notice.

In addition, today's notice corrects portions of the preamble published January 28, 1981, by publishing a recent letter from the Acting Administrator to counsel for the National Association of Metal Finishers (NAMF) and the Institute for Interconnecting and Packaging Electronic Circuits (IIPC) concerning the Agency's plans for future regulation of the job shop and printed circuit board manufacturing segments of the electroplating industry. Although this letter was written in the context of litigation between NAMF, IIPC and EPA, the Agency believes that the contents of the letter are of general interest to the public and, accordingly, are appropriately published with this correction notice.

In brief, the letter states that the Agency does not intend to apply more stringent limitations to job shops and printed circuit board manufacturers

covered by the existing electroplating pretreatment standards. The letter also states that the Agency presently intends to propose a limitation on the dumping of toxic organic solvents by all electroplaters, including job shops and printed circuit board manufacturers. The entire text of the letter is published below.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This correction notice is not major because it has no effect on the economy, will not increase costs for consumers, individual industries, government agencies or geographic regions and has no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Letter from EPA to NAMF

Theodore L. Garrett, Esq. Covington & Burling, 888 Sixteenth Street, NW, Washington, D.C. 20006

Edward H. Hatton, Esq. Jenner & Block, One IBM Plaza, Suite 4400, Chicago, Illinois 60611

Re: National Association of Metal Finishers, et al. v. EPA, No. 79-2256; The Institute for Interconnecting and Packaging Electronic Circuits v. EPA, No. 79-2443.

Dear Messrs. Garrett and Hatton: The purpose of this letter is to resolve the uncertainty with respect to EPA's intention to impose more stringent pretreatment standards on the job sector of the electroplating industry and the printed circuit board manufacturers. This uncertainty arose from the preamble discussion contained in the January 28, 1981, final amendments to the electroplating pretreatment standards (40 CFR Part 413, 46 Fed. Reg. 9462). After considerable deliberation within the Agency, we have concluded that we will not impose more stringent limitations. A detailed discussion of the relevant issues follows.

As you know, the Settlement Agreement in the above-captioned cases provided that if EPA published, *inter alia*, a promise not to impose more stringent limitations on the job shop and printed circuit board segments of the industry, then the National Association of Metal Finishers (NAMF) and the Institute for Interconnecting and

Packaging Electronic Circuits (IIPEC) would dismiss their appeals of the electroplating regulations. The language required by the agreement was as follows:

Therefore, EPA does not plan to develop more stringent new pretreatment standards for the job shop metal finishing segment in the next several years. Nor does EPA plan to develop in the next several years more stringent standards for the independent printed circuit board segment where significant economic vulnerability also exists.

This preamble discussion was proposed on July 3, 1980 (45 FR 45322) consistent with the terms of the Settlement Agreement.

The final amendments, however, differed from the language in the Settlement Agreement. Instead of promising not to impose more stringent standards for these segments of the industry, EPA stated that "it is unlikely that EPA will impose standards on job shops or printed circuit board manufacturers based on more advanced technology than that forming the basis for today's pretreatment standards." (46 FR 9464.) In other words, the Agency was unwilling to predict that the numerical standards would remain the same but was willing to predict that no additional technologies would be required in future regulations.

The Agency's uncertainty arose from incoming data concerning the next round of rulemaking for electroplaters. These future regulations, called "Metal Finishing" standards and limitations, will include the processes currently regulated by the electroplating standards, as well as additional processes. The metal finishing regulations will apply to both direct and indirect discharges. However, as we stated in the January 28 preamble, as work continued on the metal finishing regulations, the Agency might have had to reconcile the electroplating standards with the metal finishing standards. This uncertainty prevented the agency from promising not to impose more stringent limitations on job shops or printed circuit board manufacturers in the next round of rulemaking.

In addition, as we stated in the January 28 preamble, the Agency was in the process of considering limitations on the discharge of toxic organics by the industry. Preliminary investigations indicated that toxic organics could be controlled through best management practices with little economic impact on the industry, and the Agency was unwilling to rule out such controls for job shops and printed circuit board manufacturers.

Since the publication of the final amendments, the Agency has reviewed

the data supporting the new metal finishing regulations. We have concluded that it would be unwise to apply more stringent limitations to the job shops and printed circuit board manufacturers covered by the existing pretreatment standards since we have completed the rulemaking to establish these standards and have reached a Settlement Agreement which provides certainty for your clients and avoids the need for further litigation. Accordingly, EPA does not plan to develop more stringent pretreatment standards in the next several years for the job shop and printed circuit board manufacturers covered by the existing regulation.

The Agency is still considering how to control the discharge of toxic organic solvents by the industry. We presently intend to propose a limitation on the dumping of toxic organic solvents by all electroplaters, including job shops and printed circuit board manufacturers. This additional control should result in very low cost to the industry, and, in fact, is predicted in many cases to result in cost savings due to the reclamation value of spent solvents. The limitation would take the form of a pretreatment standard for total toxic organics ("TTO"). As an alternative to monitoring for these organics, the plant operator or owner would be permitted to certify that toxic organic solvents are not being dumped into the plant's wastewater. Such certification would obviate the need for monitoring, including monitoring for other toxic organics that might come from sources other than the solvents.

We believe that this requirement is not only cost effective but in most cases will be of financial benefit to the industry. Since we do not anticipate an economic impact from this requirement, we believe it is consistent with the Settlement Agreement. The Agency welcomes your clients' views on such an approach. Moreover, the use of solvents is limited to those plants with solvent degreasing operations. These plants are estimated to be only 24 percent of the job shop sector. Of this 24 percent approximately 73 percent already reclaim their solvents, with the result that only 6.5 percent of job shops would have to alter their current practices. In addition, reclamation would prevent the discharge of 3.2 million pounds per year of toxic organics by this small segment of the job shop sector. We would be especially interested in any information they might have on the costs of solvent reclamation. If EPA formally proposes such a regulation, your clients will, of course, have every opportunity to participate in the rulemaking.

I hope this letter fully clarifies the Agency's current position and reassures your clients that EPA intends to comply with the terms of the Settlement Agreement.

Sincerely,

Walter C. Barber, Jr.,

Acting Administrator.

cc: Ellen Maldonado, Esq., Office of General Counsel

Nancy J. Marvel, Esq., Land & Natural Resources Division, Department of Justice, Washington, D.C. 20530.

Accordingly, EPA is correcting 40 CFR 413.14 as follows:

§ 413.14 - Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 40 CFR 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

(a) No user introducing wastewater pollutants into a publicly owned treatment works under the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this standard.

Dated: May 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17171 Filed 6-9-81; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6076]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.