

information submitted by the applicant in the application, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method. The information submitted by the applicant in the application will be kept on file, either at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 or in an approved archive storage facility, and will be available for inspection (with advance notice) to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the applicable designation method description (see the identifications of the method above).

Use of the method should also be in general accordance with the guidance and recommendations of applicable sections of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I," EPA/600/R-94/038a and "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Part 1," EPA-454/R-98-004 (available at <http://www.epa.gov/ttn/amtic/qabook.html>). Vendor modifications of a designated reference or equivalent method used for purposes of part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the application for designation. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded or converted (e.g., by minor modification or by substitution of the approved operation or instruction manual) so as to be identical to the designated method and thus achieve designated status. The manufacturer should be consulted to determine the feasibility of such upgrading or conversion.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are specified in 40 CFR 53.9 and are summarized below:

(a) A copy of the approved operation or instruction manual must accompany the sampler or analyzer when it is delivered to the ultimate purchaser.

(b) The sampler or analyzer must not generate any unreasonable hazard to operators or to the environment.

(c) The sampler or analyzer must function within the limits of the applicable performance specifications given in 40 CFR parts 50 and 53 for at least one year after delivery when maintained and operated in accordance with the operation or instruction manual.

(d) Any sampler or analyzer offered for sale as part of a reference or equivalent method must bear a label or sticker indicating that it has been designated as part of a reference or equivalent method in accordance with part 53 and showing its designated method identification number.

(e) If such an analyzer has two or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(f) An applicant who offers samplers or analyzers for sale as part of a reference or equivalent method is required to maintain a list of ultimate purchasers of such samplers or analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the method has been canceled or if adjustment of the sampler or analyzer is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(g) An applicant who modifies a sampler or analyzer previously designated as part of a reference or equivalent method is not permitted to sell the sampler or analyzer (as modified) as part of a reference or equivalent method (although it may be sold without such representation), nor to attach a designation label or sticker to the sampler or analyzer (as modified) under the provisions described above, until the applicant has received notice under 40 CFR part 53.14(c) that the original designation or a new designation applies to the method as modified, or until the applicant has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the sampler or analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Human Exposure and Atmospheric Sciences Division (MD-E205-01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this new equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

**Jewel F. Morris,**

*Acting Director, National Exposure Research Laboratory.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8306-3]

### Reissuance of General NPDES Permit (GP) for Alaskan Small Suction Dredging (Permit Number AKG-37-5000)

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

**ACTION:** Final notice of reissuance of a general permit.

**SUMMARY:** On June 4, 2007, a general permit regulating the activities of small suction dredge mining for gold placer mining operations in the State of Alaska expires. On January 16, 2007, EPA proposed to reissue this GP. There was a 45 day comment period.

On April 4, 2007, the Department of Natural Resources, Office of Project Management and Permitting agreed with EPA's consistency determination under the Alaska Coastal Management Act. The Department of Environmental Conservation certified the GP under section 401 of the Clean Water Act on April 16, 2007. EPA received several comments on the GP and has prepared a Response to Comments. EPA has determined that each facility submitting a new Notice of Intent (NOI) prior to the expiration date of the current permit will be automatically covered by the reissued GP.

**DATES:** The GP will be effective on June 5, 2007. Since coverage between the current GP and the reissued GP is continuous, there is no administrative extension of coverage under this GP.

**ADDRESSES:** Copies of the GP and the Response to Comments are available upon request. Written requests may be submitted to EPA Region 10, 1200 Sixth Avenue OWW-130, Seattle, WA 98101. Electronic requests may be mailed to: [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov) or [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** The GP, Fact Sheet, and Response to Comments may be found on the Region 10 Web site at <http://www.epa.gov/r10earth/waterpermits.htm> (click on general permits then on placer mining). Telephone requests for copies may be made to Audrey Washington at (206) 553-0523 or to Cindi Godsey at (907) 271-6561.

**SUPPLEMENTARY INFORMATION:**

*Executive Order 12866:* The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

*Regulatory Flexibility Act:* After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that the reissuance of this general permit will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: April 19, 2007.

**Michael F. Gearheard,**

*Director, Office of Water & Watersheds, Region 10.*

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## COUNCIL ON ENVIRONMENTAL QUALITY

### The National Environmental Policy Act and Environmental Management Systems

**AGENCY:** Council on Environmental Quality.

**ACTION:** Notice of availability, Guide for Aligning National Environmental Policy Act processes with Environmental Management Systems.

**SUMMARY:** The Council on Environmental Quality (CEQ) is publishing "Aligning National Environmental Policy Act Processes with Environmental Management Systems—A Guide for NEPA and EMS Practitioners" to assist Federal agencies in aligning their National Environmental Policy Act (NEPA) processes with their Environmental Management Systems (EMSs). CEQ used an interagency work group to develop

the guide and finalized it after considering public comments. The final guide is available from CEQ and at <http://www.NEPA.gov>.

**ADDRESSES:** Copies of the guide can be requested from CEQ. Electronic or facsimile requests for a copy of the guide are preferred because federal offices experience intermittent mail delays caused by security screening. Send electronic requests to NEPA Modernization (EMS-NEPA) at [horst\\_greczmiel@ceq.eop.gov](mailto:horst_greczmiel@ceq.eop.gov). Fax written requests to NEPA Modernization (EMS-NEPA) at (202) 456-0753. Written requests may also be submitted to NEPA Modernization (EMS-NEPA), Attn: Associate Director for NEPA Oversight, 722 Jackson Place, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Horst Greczmiel at (202) 395-5750.

**SUPPLEMENTARY INFORMATION:** The Council on Environmental Quality (CEQ) established a National Environmental Policy Act (NEPA) Task Force and is implementing recommendations to modernize the implementation of NEPA and make the NEPA process more effective and efficient. Additional information is available on the task force Web site at <http://ceq.eh.doe.gov/ntf>.

A proposed guide was developed to assist agencies with linking the NEPA process with Environmental Management Systems (EMS). CEQ requested public input and comments on the proposed guide, 71 FR 40520, Jul 17, 2006. All comments received are available at <http://ceq.eh.doe.gov/ntf/implementation.html>.

The final guide is being provided to Federal agencies to help them recognize the complementary relationship of EMS and NEPA and assist in aligning EMS elements with NEPA when establishing, implementing, and maintaining their EMS. The guide encourages the integration of EMS and NEPA as a means to bring substantial benefits to an agency's environmental performance and further our national environmental policy. For example:

Commitments and mitigation measures established in NEPA decision documents (e.g., Findings of No Significant Impact and Records of Decision) can be tracked and monitored through the EMS. The EMS provides a framework to improve environmental performance in ongoing day-to-day operations through EMS "operational controls." The tracking and monitoring of commitments and mitigation measures can contribute to training, internal auditing, and identification of appropriate corrective actions.

A major component of the NEPA process is communicating and involving the

interested public about a proposed action. An EMS can provide numerous opportunities for communicating with the public, and by providing information about the proposal under consideration, help focus public involvement.

The guide assumes that the reader has a basic understanding of both the NEPA analysis and document preparation processes and the basic elements of an EMS. A reference list was added to provide readers the opportunity to increase their understanding of NEPA and EMS. In addition to editorial revisions, the guide was also revised substantively.

CEQ specifically solicited public comment on the idea presented in the draft that a well constructed EMS can include the elements of the NEPA process and serve as the basis for complying with NEPA requirements. Numerous commenters interpreted this statement to mean that an EMS could replace the NEPA process, or took issue with such an approach. The final guide distinguishes between the typical NEPA process focus on proposed actions, and the typical EMS focus on ongoing activities and products and services. It states that NEPA and EMS are not functionally equivalent, but complementary. The guide highlights the complementary elements of NEPA and EMS and presents the conclusion that an EMS can provide a framework for an agency to better meet its NEPA responsibilities.

Several commenters raised the concern that the requirements of NEPA are more extensive than those found in a typical EMS. The final guide uses public involvement as an example to emphasize that an EMS has to include the more rigorous NEPA requirements if the EMS will provide the mechanism to support and meet the NEPA process requirements.

The guide describes specific ways EMS and NEPA processes can complement one another to improve how Federal agencies manage their impacts on the environment:

- Identification of environmental aspects in the development of an EMS can build on the environmental aspects identified in a previous NEPA analysis of a facility, activity, program, or policy. Conversely, a new NEPA analysis can consider the identified environmental aspects in an EMS when assessing potential environmental impacts of a proposed action. The EMS can provide a platform to use the information collected and analyses performed in the NEPA process on a going forward basis during implementation of proposed actions.