

F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

Executive Order 13175, titled "Consultation and Coordination With Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications." "Policies that have Tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes."

This proposed rule does not have Tribal implications. It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. This rule proposes to modify existing procedures in 40 CFR part 136, Appendix B for determination of detection and quantitation in analytical methods. This modification would clarify and improve existing procedures. The costs of this rule for Tribal governments are minimal. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and Tribal governments, EPA specifically solicits comments on this proposed rule from Tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This proposed rule is not subject to Executive Order 13045 because it is not "economically significant" as defined in

Executive Order 12866. Furthermore, it does not concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995, ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through the Office of Management and Budget (OMB), explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves technical standards. Therefore, the Agency identified and evaluated potential voluntary consensus standards. Specifically, EPA identified and evaluated potential detection and quantitation concepts and procedures published by the American Society for Testing and Materials (ASTM International), from the International Organization for Standardization (ISO), the International Union of Pure and Applied Chemistry (IUPAC), and the American Chemical Society (ACS). EPA determined that, although ISO, IUPAC, and ACS have published terms and definitions for detection and quantitation, these organizations have not published an applicable standard (i.e., a step-by-step protocol to make a detection or quantitation determination). EPA did identify applicable standards from ASTM International (the IDE and IQE). This proposed rulemaking would allow the use of these procedures for methods development purposes and would allow the use of any analytical methods with an IDE and IQE, provided these test

methods meet the analytical sensitivity requirements for a specific data use. There is currently no applicable voluntary consensus standard for detection and quantitation for laboratory quality control purposes. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

XI. References

- American Chemical Society, 1980: Analytical Chemistry 1980, 52, 2242-2249.
- American Chemical Society, 1983: Analytical Chemistry 1983, 55, 2210-2218.
- Budde, William L., Environmental Science and Technology 1981 15, 1426-1435.
- Currie, 1968: Currie, Lloyd A. Anal. Chem. 1968 40, 586-593.
- Currie, 1999: Currie, Lloyd A. Anal. Chim. Acta 1999 391, 127-134.
- Gibbons, 1997: Gibbons, Robert D.; Coleman, David E.; Maddaloni, Raymond F. Env. Sci. Technol. 1997, 31, 2071-2077).
- Glaser, 1981: Glaser, John A., Foerst, Denis L., McKee, Gerald D., Quave, Stephan A., and Budde, William L. (1981), Environ. Sci. Technol., 15:1426.
- Kahn, 1998: Kahn, Henry D.; Telliard, William A.; White, Charles E. Env. Sci. Technol. 1998 32, 2346-2348.
- Kahn, 1998: Kahn, Henry D.; Telliard, William A.; White, Charles E. Env. Sci. Technol. 1999 33, 1315.
- Maddaloni, 1993: Maddaloni, Raymond F.; Rice, James K.; Edmondson, Ben C.; Nott, Babu R.; Scott, Judith W. Water Environment and Technology 1993, 5, 1-4.
- Rocke and Lorenzato, 1995: Rocke, D. M. and Lorenzato, S. Technometrics 1995, 37, 176-184.

Appendix A: Definitions, Acronyms, and Abbreviations Used in This Document

- AAMA—American Automobile Manufacturers Association
- ACS—American Chemical Society
- AOAC—Association of Official Analytical Chemists (now AOAC-International)
- APHA—American Public Health Association
- ASTM—American Society for Testing and Materials (now ASTM International)
- ATP—Alternate Test Procedure
- AWWA—American Water Works Association
- CBI—confidential business information
- CFR—Code of Federal Regulations
- CRV—critical value
- CWA—Clean Water Act—Federal Water Pollution Control Act Amendments (33 U.S.C. 1251 *et seq.*)
- EPA—Environmental Protection Agency
- EPRI—Electric Power Research Institute
- FR—Federal Register