

content limits specified by New York for those products.

In addition, the proposed revisions to part 228 establish that, beginning January 1, 2001, a person at a facility subject to the MERR provisions of Part 228 must use one or more of the following application techniques to apply MERR or color-matching coatings: flow/curtain coating; dip coating; cotton-tipped swab application; electro-deposition coating; high-volume, low-pressure spraying; electrostatic spray; airless spray; and other coating application methods approved by the NYSDEC which can achieve emission reductions equivalent to high-volume, low-pressure spray or electrostatic spray application methods.

The proposed revisions to part 228 also include clarifications to definitions; permit requirements; exemptions; VOC emission control requirements; test methods, including capture efficiency test protocols and test methods; equipment cleaning specifications; and recordkeeping requirements.

### III. What Is EPA's Conclusion?

EPA has evaluated New York's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA has determined that the proposed revisions made to part 228, entitled, "Surface Coating Processes" meet the SIP revision requirements of the Act.

In addition, the proposed revisions to part 228, "Surface Coating Processes" are being processed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrent with the state's procedures for amending its regulations. If the proposed revisions to part 228 are substantially different than those identified in this document, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made to part 228 as cited in this document, EPA will publish a final rulemaking on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by New York and submitted formally to EPA for incorporation into the SIP.

### IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May

22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, 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 by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This proposed rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not

impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: July 1, 2003.

**Jane M. Kenny,**

*Regional Administrator, Region 2.*

[FR Doc. 03-18003 Filed 7-15-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 136

[FRL-7527-8]

RIN 2040-AD53

### Guidelines Establishing Test Procedures for the Analysis of Pollutants; Procedures for Detection and Quantitation; Reopening of Comment Period

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

**ACTION:** Proposed rule and Notice of Document Availability; reopening of comment period.

**SUMMARY:** The U.S. Environmental Protection Agency is reopening the comment period for the proposed rule and the notice of document availability (NODA) regarding EPA's assessment of detection and quantitation procedures. The proposed rule and the NODA were published in the **Federal Register** on March 12, 2003 (68 FR 11770 and 68 FR 11791, respectively), and the comment periods for both were scheduled to end on July 10, 2003. The Agency is reopening the comment periods for 30 days, and they will now end on August 15, 2003.

**DATES:** Comments must be postmarked, delivered by hand, or electronically mailed on or before August 15, 2003. Comments provided electronically will be considered timely if they are submitted by 11:59 p.m. Eastern Time on August 15, 2003.

**ADDRESSES:** Comments may be submitted by mail to Water Docket, U.S. Environmental Protection Agency (4101T), 1200 Pennsylvania Avenue, NW., Washington, DC, 20460, or electronically through EPA Dockets at <http://www.epa.gov/edocket/>, Attention

Docket No. OW-2003-0002. See Unit C of the **SUPPLEMENTARY INFORMATION** section of the March 12, 2003, **Federal Register** notice for the proposed rule (68 FR 11771-11772) and Unit I.B of the **SUPPLEMENTARY INFORMATION** section of the March 12, 2003, **Federal Register** notice for the NODA (68 FR 11791-11792) for additional ways to submit comments and more detailed instructions.

**FOR FURTHER INFORMATION CONTACT:** William Telliard; Engineering and Analysis Division (4303T); Office of Science and Technology; Office of Water; U.S. Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue, NW.; Washington, DC 20460, or call (202) 566-1061 or E-mail at [telliard.william@epa.gov](mailto:telliard.william@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

EPA's method detection limit (MDL) and minimum level of quantitation (ML) are used to define analytical method (test) sensitivity under the Clean Water Act (CWA). In February 2003, EPA's Office of Water completed an assessment of detection and quantitation concepts and their application under CWA programs. On March 12, 2003, EPA published a document (68 FR 11791) making available for public comment an assessment document entitled "Technical Support Document for the Assessment of Detection and Quantitation Concepts" (EPA 821-R-03-005, February 2003). On the same date, EPA also published proposed revisions to the current EPA procedure for determining test sensitivity under EPA's CWA programs (available at 40 CFR part 136, appendix B) (68 FR 11770). The proposed revisions include clarifications and improvements based on the assessment of the MDL, ML, and other approaches for defining test sensitivity; peer review of the assessment; and stakeholder comments on the existing MDL procedure.

The 120-day public comment periods established for the proposed rule and NODA were scheduled to end July 10, 2003. EPA received a request to extend the public comment for the proposed rule period beyond that due date.

In order to give the public enough time to review and comment on the proposed rule, EPA is reopening the comment period for an additional 30 days to August 15, 2003, for each of those documents.

##### **B. Reopening of Comment Period**

This document reopens the public comment periods established in the **Federal Register** issued on March 12, 2003 (68 FR 11770 and 68 FR 11791). In those documents, EPA requested public comments on the Agency's proposed rule and on the assessment document entitled "Technical Support Document for the Assessment of Detection and Quantitation Concepts" (EPA 821-R-03-005, February, 2003). EPA is hereby reopening the comment periods to August 15, 2003.

To submit comments, or access the official public docket, please follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** sections of the March 12, 2003 **Federal Register** actions for the proposed rule (68 FR 11771-11772) and the NODA (68 FR 11791-11792). If you have questions, consult the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this action.

Dated: July 9, 2003.

**G. Tracy Mehan, III,**  
Assistant Administrator for Water.

[FR Doc. 03-17875 Filed 7-15-03; 8:45 am]

**BILLING CODE 6560-50-P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 180**

[OPP-2003-0092; FRL-7301-5]

##### **Aldicarb, Atrazine, Cacodylic acid, Carbofuran, et al.; Proposed Tolerance Actions**

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

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to revoke specific meat, milk, poultry, and egg tolerances for residues of the insecticides aldicarb, carbofuran, diazinon, and dimethoate; herbicides atrazine, metolachlor, and sodium acifluorfen; fungicides fenarimol, propiconazole, and thiophanate-methyl; and the defoliant cacodylic acid. EPA determined that there are no reasonable expectations of finite residues in or on meat, milk, poultry, or eggs for the aforementioned pesticide active ingredients and that these tolerances are no longer needed. Also, this document proposes to modify specific fenarimol tolerances. The regulatory actions proposed in this document contribute toward the Agency's tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(q), as amended by

the Food Quality Protection Act (FQPA) of 1996. By law, EPA is required by August 2006 to reassess the tolerances in existence on August 2, 1996. Because all the tolerances were previously reassessed, no reassessments are counted here toward the August 2006 review deadline.

**DATES:** Comments, identified by docket ID number OPP-2003-0092, must be received on or before September 15, 2003.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8037; e-mail address: [nevola.joseph@epa.gov](mailto:nevola.joseph@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS

32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit II.A. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### *B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action