

mg/kg/day and, in the rabbit study, the NOEL for both maternal and developmental effects was 30 mg/kg/day. For both these reasons, and the fact that the RfD is based on the chronic rat study which has a NOEL considerably lower than the developmental NOELs, Zeneca believes that an additional uncertainty factor is not warranted for the safety of infants and children. Reliable data supports the use of a 100-fold uncertainty factor (MOE) to account for inter-species extrapolation and intra-species variability which will be appropriate to protect infants and children. Using the same conservative exposure assumptions used for the determination in the general population, Zeneca has concluded that the percentage of RfD that will be utilized by aggregate exposure to dichlormid is 0.2% for non-nursing infants (the group at highest risk). Therefore, based on the completeness and reliability of the toxicity data base and the conservative exposure assessment, Zeneca concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to dichlormid residues.

#### F. International Tolerances

A Maximum Residue Level has not been established for dichlormid by the Codex Alimentarius Commission. (Treva Alston)

[FR Doc. 98-24840 Filed 9-15-98; 8:45 am]  
BILLING CODE 6560-50-F

### ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-OK; FRL-6027-3]

#### Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Oklahoma's Authorization Application

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

**ACTION:** Notice; request for comments and opportunity for a public hearing.

**SUMMARY:** On August 10, 1998, the State of Oklahoma submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of Oklahoma's application, and provides a 45-day public comment period and an opportunity to request a public hearing on the application.

Oklahoma has provided a certification that this program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which time a notice will be issued in the **Federal Register** and the Federal program will be established. **DATES:** The State program became effective August 10, 1998. Submit comments on the authorization application on or before November 2, 1998. Public hearing requests must be submitted on or before September 30, 1998.

If a public hearing is requested and granted, the hearing will be held on October 7, 1998, at 1 p.m., at the Oklahoma Department of Environmental Quality, 707 North Robinson, Multi-Purpose Room, 1st Floor, Oklahoma City, Oklahoma. If a public hearing is not requested, this meeting time and place will be canceled. Therefore, individuals are advised to verify the status of the public hearing by contacting the Regional Lead Coordinator at the telephone number or address provided in the "FOR FURTHER INFORMATION CONTACT" unit of this notice after September 30, 1998 and before the October 7, 1998, scheduled public hearing date. **ADDRESSES:** Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-OK" (in duplicate) to: Environmental Protection Agency, Region 6, 6PD-T, 1445 Ross Avenue., Suite 1200, Dallas, TX 75202-2733.

Comments, data, and requests for public hearing may also be submitted electronically to [robinson.jeffrey@epamail.epa.gov](mailto:robinson.jeffrey@epamail.epa.gov). Follow the instructions under Unit IV. of this document. No Confidential Business Information (CBI) should be submitted through e-mail. **FOR FURTHER INFORMATION CONTACT:** Jeffrey Robinson, Regional Lead Coordinator, 1445 Ross Avenue, Suite 1200, 6PD-T, Dallas, TX 75202-2733. telephone: 214-665-7577; e-mail address: [robinson.jeffrey@epamail.epa.gov](mailto:robinson.jeffrey@epamail.epa.gov). **SUPPLEMENTARY INFORMATION:**

#### I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Pub. L. 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15

U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92), entitled Lead Exposure Reduction.

Section 402 of TSCA (15 U.S.C. 2682) authorizes EPA to promulgate final regulations governing lead-based paint activities. Lead-based paint activities is defined in Section 402(b) of TSCA and authorizes EPA to regulate lead-based paint activities in target housing, public buildings built prior to 1978, commercial buildings, bridges and other structures or superstructures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. On August 31, 1998, EPA will institute the Federal program in States or Indian Country without an authorized program, as provided by section 404(h) of TSCA.

States and Indian Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Indian Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized until such time as EPA disapproves the program application or withdraws the authorization.

Section 404(b) of TSCA provides that EPA may approve a program application only after providing notice and an opportunity for a public hearing on the application. Therefore, by this notice EPA is soliciting public comment on whether Oklahoma's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. Oklahoma has provided a self-certification letter from the Governor that its program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which time a notice will be issued in the **Federal Register** and the Federal program will be established in Oklahoma.

## II. State Program Description Summary

The lead-based paint program is administered by the Air Quality Division (AQD) within the Department of Environmental Quality (DEQ). The program is staffed by the Special Air Projects Unit. The lead-based paint program duties include enforcement, compliance assistance, inspections, certification, accreditation, and public education.

The Oklahoma Lead-Based Paint Management Rules (Rules) incorporate by reference the Federal accreditation requirements in 40 CFR 745.225, except those paragraphs that address application dates, accreditation deadlines, accredited training courses, programs that offer only refresher training courses, renewal timelines, and renewal deadlines. In addition to providing the various dates, timelines, and deadlines not incorporated by reference from the Federal rule, the Rules limit accreditation to educational institutions and government agencies that offer ongoing and continuous lead-based paint training programs. In addition to the incorporations by reference, Oklahoma rules provide for provisional accreditation. A stakeholder task force strongly recommended an on-site evaluation of the training program prior to issuing final accreditation in order to ensure that the training organization operates according to the information given in the accreditation application. Provisional accreditation allows the training facility to provide training under the conditions outlined in Oklahoma Administrative Code (OAC) 252:11 9-5. The DEQ further ensures quality training by requiring an

on-site evaluation before final accreditation is issued.

Refresher courses can be accredited only if the training program has received accreditation for the initial discipline-specific training course. Programs that have been accredited by another State or agency must apply for and receive accreditation from DEQ before conducting or advertising a training course in Oklahoma. An accredited training program must notify the DEQ of course offerings, significant changes in the program, course cancellations and personnel changes. Annual review is required and is based on documented implementation of compliance updates as well as satisfactory course and instructor evaluations.

The Rules also incorporate by reference the Federal certification requirements in 40 CFR 745.226, except for those paragraphs that address application dates, enforcement dates, interim certification, certification based on prior training, re-certification, and certification of firms. Certification is required for all individuals and firms who perform lead-based paint activities or services in target housing and child-occupied facilities pursuant to OAC 252:110-5-1(3), 110-7, and 110-11. In addition, to providing the various dates not incorporated by reference, the Rules require that applicants receive training from a DEQ-accredited lead-based paint training program and that the certifications be renewed annually. The appropriate certification exam must be taken every 3 years. Applicants who completed the required training prior to the availability of a DEQ-accredited course must take a DEQ-accredited refresher course and pass the appropriate certification exam. Persons holding a valid certification issued by another State or Agency must apply for certification, but may request a waiver of initial training requirements. However, a DEQ-accredited refresher course must be taken. Firms that perform lead-based paint services must be certified by the DEQ and must employ properly certified employees.

The Federal work practice standards at 40 CFR 745.227 have been incorporated by reference, with the exception of the performance dates. The Rules prohibit the clearance testing of a project by any person who has an economic relationship with the abatement project contractor. The DEQ must be notified in advance of the start of an abatement project, and quarterly reports of lead-based paint activities or service performed by certified persons must be submitted to DEQ. Only laboratories accredited by the National

Lead Laboratory Accreditation Program (NLLAP) recognized by EPA may conduct required analyses, but X-ray fluorescence may be used for on-site lead detection.

Oklahoma has submitted information in the application addressing the required program elements for State lead-based paint activities programs pursuant to 40 CFR 745.325. In addition, Oklahoma has submitted information detailing their lead-based paint compliance and enforcement programs as required by 40 CFR 745.327. At this time, Oklahoma is not seeking authorization of a pre-renovation notification program pursuant to 40 CFR 745.326.

## III. Federal Overfiling

TSCA section 404(b) makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

## IV. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number "PB-402404-OK." Copies of this notice, the State of Oklahoma's authorization application, and all comments received on the application are available for inspection in the Region 6 office, from 7:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region 6 Library, Environmental Protection Agency, 1445 Ross Ave., Suite 1200, Dallas, TX.

Commenters are encouraged to structure their comments so as not to contain information for which Confidential Business Information (CBI) claims would be made. However, any information claimed as CBI must be marked "confidential," "CBI," or with some other appropriate designation, and a commenter submitting such information must also prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

Electronic comments can be sent directly to EPA at: [robinson.jeffrey@epamail.epa.gov](mailto:robinson.jeffrey@epamail.epa.gov). Electronic comments must be submitted

as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "PB-402404-OK." Electronic comments on this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

## V. Regulatory Assessment Requirements

### A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 ("Regulatory Planning and Review," 58 FR 51735, October 4, 1993), and Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks," 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### B. Executive Order 12875

Under Executive Order 12875, entitled "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget (OMB) a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the

development of regulatory proposals containing significant unfunded mandates."

Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

### C. Executive Order 13084

Under Executive Order 13084, entitled "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

**Authority:** 15 U.S.C. 2682, 2684.

### List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: September 3, 1998.

**Robert E. Hanneschlager,**  
Acting Division Director, Multimedia  
Planning and Permitting, Region VI.

[FR Doc. 98-24841 Filed 9-15-98; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

September 10, 1998.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated information techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before October 16, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications, Room 234, 1919 M St., NW, Washington, DC 20554 or via internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at 202-418-0217 or via internet at lesmith@fcc.gov.

### SUPPLEMENTARY INFORMATION:

**OMB Approval Number:** 3060-0654.  
**Title:** Application for a Multipoint Distribution Service Authorization.  
**Form Number:** FCC 304.

**Type of Review:** Revision of a currently approved collection.

**Respondents:** Business and other for-profit entities.

**Number of Respondents:** 500.