

**ENVIRONMENTAL PROTECTION AGENCY**

[PB-402404-NC; FRL-6032-9]

**Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of North Carolina's Authorization Application****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; request for comments and opportunity for public hearing.

**SUMMARY:** On August 24, 1998, the State of North Carolina 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 North Carolina's application, provides a 45-day public comment period, and provides an opportunity to request a public hearing on the application. North Carolina has provided a certification 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 take effect in North Carolina.

**DATES:** Comments on the authorization application must be received on or before December 18, 1998. Public hearing requests must be received on or before November 17, 1998.

**ADDRESSES:** Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-NC" (in duplicate) to: Environmental Protection Agency, Region IV, Air, Pesticides and Toxics Management Division, Atlanta Federal Center, 61 Forsyth St., SW., Atlanta, GA 30303-3104. Comments, data, and requests for a public hearing may also be submitted electronically to: beldin-quinones.john@epamail.epa.gov. Follow the instructions under Unit IV. of this document. No information claimed to be Confidential Business Information (CBI) should be submitted through e-mail.

**FOR FURTHER INFORMATION CONTACT:** John A. Beldin-Quinones, Project Officer, Air, Pesticides and Toxics Management

Division, Environmental Protection Agency, Region IV, Atlanta Federal Center, 61 Forsyth St., SW., Atlanta, GA 30303-3104, Telephone: (404) 562-9171, e-mail address: beldin-quinones.john@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 authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. 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, 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. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and 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 Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for 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. This authorization becomes ineffective, however, if EPA disapproves the application.

Pursuant to section 404(b) of TSCA, EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before authorizing the program. Therefore, by this notice EPA is soliciting public comment on whether North Carolina's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

**II. State Program Description Summary**

The following summary of North Carolina's proposed program has been provided by the applicant:

The State of North Carolina, through the Health Hazards Control Branch, will implement the Lead-Based Paint Hazard Management Program, based on authority granted by the North Carolina Legislature during ratification of Senate Bill 516 on August 28, 1997.

The North Carolina regulations are applicable to persons engaged in lead-based paint activities in target housing and child-occupied facilities. The State certification program requirements include: accreditation of lead-based paint activities training providers and training courses; certification of firms and individuals conducting lead-based paint inspections, risk assessments, or abatement in target housing and child-occupied facilities; permitting abatement projects; and required work practice standards for lead-based paint activities. Training providers conducting training in North Carolina must be accredited by the program. All initial and refresher training courses conducted in North Carolina must be accredited by the program, or by a State that has a written reciprocating agreement with the program. Additional requirements include on-site audits for approval of a training program and written notification of intent to teach the course in North Carolina prior to the start date of the course.

Work practice standards required for lead-based paint activities are equivalent to standards in the Federal regulations, but also include that a

certified supervisor must be on site at all times during abatement activities, an occupant protection plan must be prepared by a certified project designer for all projects greater than five units, and all abatement activities require an abatement permit, with a permit application that must be received 10 working days prior to starting the project. North Carolina's Rules provide for the suspension and revocation of training provider accreditation, training course accreditation, firm certification, and individual certification. Additionally, the program has the capacity to investigate tips and complaints, conduct follow up inspections, assess administrative and civil penalties for violations, and pursue criminal actions.

### 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-NC." Copies of this notice, the State of North Carolina's authorization application, and all comments received on the application are available for inspection in the Region IV office, from 8 a.m. to 4:45 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region IV Library, Environmental Protection Agency, Atlanta Federal Center, 9th Floor, 61 Forsyth St., SW., Atlanta, GA.

Commenters are encouraged to structure their comments so as not to contain information for which 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:

beldin-quinones.john@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-NC." 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 the Office of Management and Budget (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 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: October 16, 1998.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region IV.*

[FR Doc. 98-29447 Filed 11-2-98; 8:45 am]

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**FEDERAL COMMUNICATIONS  
COMMISSION**

**Notice of Public Information  
Collection(s) Being Reviewed by the  
Federal Communications Commission**

October 28, 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, as required by the Paperwork Reduction Act of 1995, Public Law 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, and 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 collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments January 4, 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 Commission, Room 234, 1919 M St., N.W., 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 Control Number:* 3060-0028.

*Title:* Application for Authorization in the Auxiliary Broadcast Services.

*Form Number:* FCC 313.

*Type of Review:* Revision to an existing collection.

*Respondents:* Businesses or other for-profit entity; State, Local or Tribal Government.

*Number of Respondents:* 1,500.

*Estimated Time per Response:* 5.166 hours.

*Frequency of Response:* On occasion reporting requirements.

*Total Annual Burden:* 7,749 hours.

*Estimated Cost to Respondents:* None.

*Needs and Uses:* FCC 313 is used by licensees or permittees of AM, FM and TV broadcast stations and eligible networks when applying for a remote pickup, aural microwave, television microwave, and other various auxiliary broadcast stations.

Statutory authority for this collection of information is contained in Sections 154(i) and 308 of the Communications Act of 1934, as amended. This form is required by 47 CFR 73.3500 and 73.3533. The data are used by FCC staff to determine if the proposal will meet statutory requirements, determine eligibility for a license, to aid in frequency spectrum management and to ensure interference will not be caused to existing stations. The data are also used to issue an authorization and may be used for enforcement purposes when necessary.

This information collection is being incorporated into the Universal Licensing System (ULS) which combines 11 separate licensing databases and is currently under development with gradual implementation by radio service. New application forms have also been developed for ULS filing. Microwave Broadcast Auxiliary is scheduled for conversion to ULS in January 1999 and Land Mobile Broadcast Auxiliary in April 1999. However, we intend to permit these applicants to file the old application forms, including FCC 313, or the new ULS forms, approximately six months after conversion to ULS. After the published timeframe, applicants will be required to file only the ULS forms.

This collection is being revised to collect antenna structure registration number as a result of the FCC implementing new antenna procedures under Part 17; to amend the mailing location of feeable applications; to revise collection of measurements to metric only; and to delete the fee information as it is now required to be

submitted on an FCC Fee Remittance Advice, FCC Form 159. These revisions do not change the estimated burden per response.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-29386 Filed 11-2-98; 8:45 am]

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**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

[FEMA-1250-DR]

**Alabama; Amendment No. 3 to Notice  
of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Alabama, (FEMA-1250-DR), dated September 30, 1998 and related determinations.

**EFFECTIVE DATE:** October 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Alabama, is hereby amended to include Public Assistance in those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 30, 1998:

Choctaw and Lowndes Counties for Individual Assistance and Public Assistance. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 98-29421 Filed 11-2-98; 8:45 am]

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