

Dated: March 5, 1999.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 99-6274 Filed 3-12-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-NJ; FRL-6055-4]

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

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: On November 30, 1998, the State of New Jersey 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 New Jersey's application, provides a 45 day public comment period, and provides an opportunity to request a public hearing on the application. New Jersey has provided a certification that its program meets the requirements for approval of a State program under TSCA section 404. Therefore, pursuant to TSCA 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 New Jersey.

DATES: Comments on the authorization application must be received on or before April 29, 1999. Public hearing requests must be received on or before March 29, 1999.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket number "PB-402404-NJ" (in duplicate) to: Environmental Protection Agency, Region II, Pesticides and Toxic Substances Branch, 2890 Woodbridge Ave., MS-225, Edison, NJ 08837-3679.

Comments, data, and requests for a public hearing may also be submitted electronically to:

bevilacqua.louis@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:

Louis Bevilacqua, Regional Lead Coordinator, Pesticides and Toxic Substances Branch, Environmental Protection Agency, Region II, 2890 Woodbridge Ave., MS-225, Edison, NJ 08837-3679, telephone: (732) 321-6671, e-mail address: bevilacqua.louis@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.

TSCA section 402 (15 U.S.C. 2682) 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 TSCA section 404 (15 U.S.C. 2684), 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 TSCA section 404(h) (15 U.S.C. 2684(h)), 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 TSCA section 404(b). Upon submission of such certification letter, the program is deemed authorized (15 U.S.C. 2684(a)). This authorization becomes ineffective, however, if EPA disapproves the application.

Pursuant to TSCA section 404(b) (15 U.S.C. 2684(b)), 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 New Jersey'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 New Jersey's proposed program has been provided by the applicant:

The State of New Jersey, through the Department of Health and Senior Services, has implemented its lead-based paint program based on the following outlined structure.

The "Lead Abatement and Evaluation Act," Pub.L. 1993, c.288, was signed into law on December 12, 1993, and directed the Commissioner of the Department of Health and Senior Services (DHSS) to establish a certification program to assure the competency of individuals performing lead abatement or lead evaluation work in all buildings and structures in a safe and reliable manner. The Act also required the Commissioner of the Department of Community Affairs (DCA) to certify business firms prior to their performing lead evaluations or abatement work. The Act further directed the prescription of standards to ensure that these activities are conducted safely. The Act further required the DCA to delegate its administrative and enforcement duties to the Department of Labor (DOL) for

buildings and structures that do not contain dwelling units. Effective May 29, 1998, by Executive order, all of the duties and responsibilities carried out by DOL were transferred to DCA.

On February 21, 1995, DHSS adopted N.J.A.C. 8:62, "Standards for Lead Certification," establishing standards for the certification of training providers and the permitting of lead abatement workers, supervisors, inspectors/risk assessors, and planner/project designers. These rules specify the educational and experiential requirements for each discipline, the application process to obtain a permit, the required training course and examination, and renewal procedures. These rules also establish certification standards for training providers and training courses which specify the curriculum for each discipline. These rules further specify remedial measures available to the DHSS should an individual be in violation of these requirements.

On July 17, 1995, DCA adopted N.J.A.C. 5:17, "Lead Hazard Evaluation and Abatement Code," as well as, amendments to N.J.A.C. 5:23, "Uniform Construction Code," establishing the rules for the certification of business firms that perform lead evaluation and abatement and the prescription of work practice standards. These rules require contractors performing lead abatement to obtain a work permit under the "Uniform Construction Code." The rules specify remedial measures available to DCA in the occurrence of violations. The proposed new rules at N.J.A.C. 5:17 serve as a companion to the rules promulgated at N.J.A.C. 8:62 fulfilling the legislative mandate.

The "Uniform Construction Code" was amended by incorporating definitions of lead abatement and lead evaluation requiring a construction permit to be issued for abatement work and listing the information to be required in the permit application. The amendments established fees and the need for a lead abatement clearance certificate once an abatement is successfully completed.

III. Federal Overfiling

TSCA section 404(b) (15 U.S.C. 2684(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-NJ." Copies of this notice, the State of New Jersey's authorization application, and all comments received on the application are available for inspection in the Region II Office, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at Environmental Protection Agency, Region II, Pesticides and Toxic Substances Branch, Building 209, Bay B, Lead Team Office, 2890 Woodbridge Ave., Edison, NJ 08837-3679.

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:

bevilacqua.louis@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-NJ." 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 the Intergovernmental Partnership* (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: February 8, 1999.

William J. Muszynski,

Acting Regional Administrator, Region II.

[FR Doc. 99-6273 Filed 3-12-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

March 8, 1999.

AGENCY: Federal Communications Commission.

SUNSHINE ACT HEARING: Notice of the Second Hearing in a Series of Hearings about Telephone Service for Indians on Reservations, and a Request for Comment from the General Public about Issues relevant to that Subject.

TIME AND DATE: Scheduled for 8:00 a.m. to 12:30 on March 23, 1999.

PLACE: The Gila River Indian Community at the Sprung Facility, 5550 West Wild Horse Path, Chandler, Arizona.

STATUS: Chairman William Kennard and other FCC Commissioners, including Commissioner Susan Ness and Commissioner Harold Furchtgott-Roth, will preside over the hearing. Representatives of Indian tribes and of Indian-owned telephone companies operating on reservations,

representatives of non-Indian telephone companies, executives from telecommunications service providers, representatives of the State of Arizona, and technology experts will testify about the level of telephone service currently available on reservations. In addition, testimony will address measures that tribes, telecommunications service providers, the FCC, and states can take to improve access to affordable telephone service on reservations. Specific issues include the cost of telephone service to remote, low-population areas; the availability of 911 and enhanced 911 services on reservations; the availability of advanced services, including high-speed Internet access, on reservations; deployment of alternative technologies; rights-of-way issues; and governmental and sovereignty issues.

The hearing will be open to the general public. The Commission requests that all interested parties submit written comments on all testimony and evidence received during the hearing, and on all issues arising from the FCC's inquiry, on or before May 28, 1999. Such comments should be submitted in BO Docket No. 99-11.

MATTERS TO BE CONSIDERED: In comparison to other Americans, relatively few Indians on reservations have access to even basic service. This lack of telephone service limits the opportunities available to Indians on reservations. In particular, access to medical care in emergencies is limited; prospective employers cannot be reached quickly and easily; and commercial, educational, and other information available on the Internet is not available. The FCC seeks to examine the causes for low levels of service and to determine what actions might be taken to improve access to telephone service on Indian reservations.

FOR FURTHER INFORMATION CONTACT: Eric Jensen of the Office of Communications Business Opportunities at (202) 418-0990, e-mail ejensen@fcc.gov; William Kehoe of the Common Carrier Bureau at (202) 418-7122, e-mail bkehoe@fcc.gov; or Belford Lawson of the Office of Communications Business Opportunities at (202) 418-7264, e-mail blawson@fcc.gov.

Federal Communications Commission.

Eric Jensen,

Deputy Director, Office of Communications Business Opportunities.

[FR Doc. 99-6319 Filed 3-11-99; 3:20 pm]

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MISSISSIPPI RIVER COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Mississippi River Commission.

TIME AND DATE: 8:30 a.m., April 12, 1999.

PLACE: On board MISSISSIPPI V at Foot of Eighth Street, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; (2) District Commander's overview of current project issues within Memphis District; and (3) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project.

TIME AND DATE: 8:30 a.m., April 13, 1999.

PLACE: On board MISSISSIPPI V at City Front, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project.

TIME AND DATE: 3:00 p.m., April 14, 1999.

PLACE: On board MISSISSIPPI V at City Front, Vicksburg, MS.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; (2) District Commander's overview of current project issues within Vicksburg District; and (3) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental features of the Mississippi River and Tributaries project.

TIME AND DATE: 8:30 a.m., April 16, 1999.

PLACE: On board MISSISSIPPI V at Corps District Office, Foot of Prytania Street, New Orleans, LA.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries project and major accomplishments since the last meeting; (2) District Commander's overview of current project issues within New Orleans District; and (3) Views and suggestions from members of the public on matters pertaining to the flood control, navigation, and environmental