

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.

## 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.*), 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 representative 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 mandates."

Today's action does not create and 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 13984

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 and 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 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 27, 1998.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 98-29810 Filed 11-5-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-MD; FRL-6037-4]

### Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; The State of Maryland Authorization Application

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

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

**SUMMARY:** On July 31, 1998, the State of Maryland 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 Maryland's application, provides a 45-day public comment period, and provides an opportunity to request a public hearing on the application.

**DATES:** Comments on the authorization application must be received on or before December 21, 1998. Public hearing requests must be received on or before December 7, 1998.

**ADDRESSES:** Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-MD" (in duplicate) to: Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA 19103-2029. Comments, data, and requests for a public hearing may also be submitted electronically to: johnson.artencia@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:** Artencia R. Johnson (3WC33), Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, PA 19103, Telephone: (215) 814-5754, e-mail address: johnson.artencia@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 Maryland'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 Maryland's proposed program has been provided by the applicant.

During the past decade, Maryland has developed lead-based paint activities programs which anticipated the standards of 40 Code of Federal Regulations (CFR) part 745. The Maryland program, as incorporated in State laws and regulations, also covers a substantially broader scope of activities than the current Federal standards. This application clearly demonstrates that the Maryland program meets the conditions for accreditation of TSCA 404(b) in that "(1) the state program is at least as protective of human health and the environment as the Federal program under section 402. . . , and (2) such state program provides adequate enforcement." A letter certifying that the State program meets these criteria is included in the application package.

The Maryland Department of the Environment (MDE), Environmental Lead Division includes the equivalent elements and functions provided for in the model lead-based paint activities program of TSCA sections 402 and 404 and 40 CFR part 745. The Environmental Lead Division and the Lead Coordination Division are included in the Regulatory and Technical Assistance Program of the MDE Waste Management Administration.

Lead paint abatement regulations, adopted as COMAR 26.02.07 in 1988, anticipated many of the provisions of later Federal guidelines and regulations, such as the use of surface dust clearance standards; prohibition of open flame burning and uncontained abrasive paint removal methods; containment and cleanup of dust and debris; occupant protection; and worker training.

From the inception of the Maryland program in 1995, there has been a continuing effort to link procedures and standards to current research. Maryland regulations were the first to incorporate surface dust clearance standards. The federally funded lead-in-soil study was the largest research project in which MDE was directly engaged. MDE has

also participated in smaller scale projects involving, for example, evaluation of encapsulant coatings and other alternative abatement methodologies.

MDE implemented new training and accreditation standards in 1996. In the absence of promulgated federal standards, Maryland adopted standards based on program experience as well as unique features of Maryland law. Specific training and accreditation criteria are published in COMAR 26.16.01 and are discussed in the text of this application. Experience gained in regulating lead paint abatement worker training, as presented by more than 20 different training providers under the earlier standards of COMAR 26.02.0711, provided a basis for the policies and procedures included in the final section of the application.

MDE experience during the past 10 years provides a pragmatic basis for regulatory compliance and enforcement. MDE staff functions include conducting environmental case management for lead-poisoned children; reviewing and monitoring abatement projects; developing enforcement cases for violations of lead paint inspection and abatement standards, and reviewing training course applications and auditing the delivery of training courses. Program policies and procedures are included in the final section of this application.

## 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

The official record for this action, as well as the public version, has been established under docket control number "PB-402404-MD." Copies of this notice, the State of Maryland's authorization application, and all comments received on the application are available for inspection in the Region III office, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at U.S. Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA.

Electronic comments can be sent directly to EPA at:  
johnson.artencia@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-MD." Electronic comments on this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

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.

## V. Regulatory Assessment Requirements

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Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose 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 27, 1998.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 98-29811 Filed 11-5-98; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1249-DR]

### Florida; Amendment No. 6 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 Florida, (FEMA-1249-DR), dated September 28, 1998, and related determinations.

**EFFECTIVE DATE:** October 26, 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 Florida, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1998:

Jackson County for 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.)

**Dennis H. Kwiatkowski,**

*Deputy Associate Director, Response and Recovery Directorate.*

[FR Doc. 98-29792 Filed 11-5-98; 8:45 am]

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