

Environmental Response, Compensation and Liability Act of 1984, as amended (CERCLA), notification is hereby given of a proposed administrative settlement concerning the Muskego Sanitary Landfill hazardous waste site north of State Highway 24 and east of Crowbar Road in Muskego, Wisconsin. The agreement was proposed by EPA Region 5 on January 12, 1998. Subject to review by the public pursuant to this document, the agreement has been approved by the United States Department of Justice. Allied Waste Services, Inc. and Prestige Foods Corporation have executed binding certifications of their consent to participate in the settlement.

DATES: Comments must be provided on or before August 17, 1998.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to: In Re Muskego Sanitary Landfill, Muskego, Wisconsin, U.S. EPA Docket No. V-W-98C-484.

FOR FURTHER INFORMATION CONTACT: Thomas J. Krueger, U.S. Environmental Protection Agency, Office of Regional Counsel, C-14J, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 886-0562.

SUPPLEMENTARY INFORMATION: EPA is entering into this agreement under the authority of section 122(g) and 107 of CERCLA. Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under the proposed settlement, these parties would agree not to sue the United States for any claims arising out of the response actions taken at the Muskego Sanitary Landfill site. In exchange for that covenant, and in consideration of payments these parties have already made toward performance of response actions at the site, EPA would provide a covenant not to sue the settling parties and the contribution protection provided by sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. sections 9613(f)(2) and 9622(g)(5). EPA has determined that the amount of hazardous substances contributed to the site by the proposed settlers, and the toxic and hazardous effects of the hazardous substances contributed to the site by the proposed settlers, is minimal in comparison to other hazardous substances at the site.

The Environmental Protection Agency will receive written comments relating to this agreement for 30 days from the date of publication of this document.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Additional background information relating to the settlement is available for review at the EPA's Region V Office of Regional Counsel.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. sections 9601-9675.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 98-18990 Filed 7-15-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-OR; FRL-5799-5]

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

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: On March 31, 1998, the State of Oregon 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 Oregon'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 August 31, 1998. Public hearing requests must be received on or before July 30, 1998.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-OR" (in duplicate) to: Barbara Ross, Environmental Protection Agency, Region X, 1200 Sixth Avenue, WCM-128, Seattle, WA 98101.

Comments, data, and requests for a public hearing may also be submitted electronically to: ross.barbara@epamail.epa.gov. Follow the instructions under Unit V. of this document. No information claimed to be

Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT:

Barbara Ross, Regional Lead Coordinator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, WCM-128, Seattle, WA 98101, telephone: (206) 553-1985, e-mail address: ross.barbara@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). 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 Oregon'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 the State of Oregon's proposed program has been provided by the applicant:

On March 31, 1998, Oregon State Health Division applied to EPA for authorization to administer and enforce a State Lead-based Paint Program. The Lead-based Paint Program is administered by the Oregon Health Division who shares responsibilities for certification and for enforcement with the Construction Contractors Board (CCB).

The purpose of the Oregon State lead program is to protect the public from the hazards of improperly conducted lead-based paint activities. The program is designed to protect families from exposure to lead in paint, dust, and soil. The lead program ensures that contractors claiming to know how to inspect, assess, or remove lead-based paint, dust or soil are well-qualified, trained, and certified to conduct these activities. Training and certification is required to ensure the proficiency of contractors who offer to conduct lead-based paint inspection, risk assessment and abatement services in residences and day care centers. Accreditation is required to ensure that training programs provide quality instruction in current and effective work practices.

No person or firm may perform lead-based paint services in target housing or child-occupied facilities without first receiving certification. Lead-based paint services include lead paint inspections and risk assessments, and the design

and application of lead paint hazard reduction (abatement) operations. Work practice standards are required to ensure that lead-based paint activities are conducted safely, reliably, and effectively.

The Lead-based Paint Program is administered by the Oregon Health Division (the Division). This agency shares responsibilities for certification and for enforcement with the Construction Contractors Board (CCB) (ORS 701.500; 701.505; 701.510; 701.990, 701.992; 431.920).

Rules for the certification of individuals and firms engaged in lead-based paint activities (OAR 333-069) were promulgated on May 1, 1997. These rules describe the requirements for certification of individuals and firms offering or providing lead-based paint services in Oregon. No person or firm may perform lead-based paint services in target housing or child occupied facilities without first receiving certification. Lead-based paint services include lead paint inspections and risk assessments, and the design and application of lead paint hazard reduction (abatement) operations. Work practice standards for these activities are described in the rules. The Division requires a 24-hour written notice prior to the commencement of an abatement project.

The certification process includes licensure by both the Division and CCB. The Division certifies individuals and firms. The CCB licenses individuals and registers and provides firms with a lead endorsement. Certified individuals may conduct lead-paint activities only for certified and registered firms. Certified and registered firms may only hire certified and licensed individuals to conduct lead-paint activities. Candidates for certification must pass a third-party qualifying examination administered by the Division. A schedule of fees for certification and renewal in respective lead paint disciplines is described. The rules for certification grant the Division the authority to deny, suspend, or revoke certification.

Rules for the Accreditation of Training Programs (OAR 333-068) were promulgated on December 18, 1997. No person shall provide, offer, or claim to provide an accredited lead-based paint activities course unless the person has received accreditation or provisional accreditation from the Division. The Division will accept only training provided by a Division accredited training provider as a qualification for certification. These rules provide for the accreditation of providers of lead-based paint training courses. Accreditation

requirements set standards for staff qualifications, operations, curriculum design, course content, and instructional methods.

These rules for accreditation grant the Division the authority to deny, suspend, revoke or modify a provider's accreditation. A schedule of fees for accreditation and renewal of training course is described.

Enforcement and compliance activities will be carried out jointly by the Division and the CCB. The CCB, in its roles as a consumer protection agency, regularly responds to tips and complaints; conducts field investigations; assesses flexible remedies (beginning with oral and written warnings through revocation of registration); issues notices and subpoenas; holds hearings; and assesses civil penalties. The enabling legislation for Oregon's lead program also makes provision for criminal penalties: violation of the statutes is a misdemeanor. Criminal prosecution is initiated through the state office of the Attorney General.

The Division will support the CCB by: (1) Forwarding tips and complaints, (2) initiating case development for targeted inspections pursuant to a required abatement notice, and (3) providing investigative assistance, particularly in the gathering of lead paint samples.

The Division and the CCB will also work together on the development of a training program for investigative and field staff and on compliance assistance activities. With regard to the latter objective, the CCB will assist the division in accessing the communication channels that the former maintains for informing and educating the regulated community.

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. Applicability of Regulatory Assessment Requirements

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. In addition, 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) or Executive Order 12875 ("Enhancing the Intergovernmental Partnership," 58 FR 58093, October 28, 1993). Finally, 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.*).

V. 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-OR." Copies of this notice, the State of Oregon's authorization application, and all comments received on the application are available for inspection in the Region X office, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region X Library, Environmental Protection Agency, 1200 Sixth Avenue, OMP-104, Seattle, WA.

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: ross.barbara@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-OR." Electronic comments on this document may be filed online at many Federal Depository Libraries.

Information claimed as CBI should not be submitted electronically.

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

List of Subjects

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

Dated: June 30, 1998.

Chuck Clarke,

Regional Administrator, Region X.

[FR Doc. 98-18989 Filed 7-15-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2283]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

July 9, 1998.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800. Oppositions to these petitions must be filed July 31, 1998. See Section 1.4(b)(1) of the Commission's rule (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licenses (WT Docket No. 97-82).

Number of Petitions Filed: 11.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-18975 Filed 7-15-98; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office

of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

Proposed Projects 1. Analysis of Employer Group Long-Term Care Insurance—New—The Office of Assistant Secretary for Planning and Evaluation is planning to survey employers offering group long-term care insurance in order to identify current products and best practices in the employer long-term care insurance market.

Respondents: State or local governments, Businesses or other for-profit—Burden Information for Insurance Companies.

Number of Respondents: 11.

Burden per Response: 170 minutes.

Total Burden for Insurance

Companies: 31 hours—Burden Information for Employers.

Number of Respondents: 125.

Average Burden per Response: 85 minutes.

Total Burden for Employers: 177 hours.

Total Burden: 208 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690-6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue S.W., Washington, DC 20201. Written comments should be received within 30 days of this notice.

Dated: July 8, 1998.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 98-18875 Filed 7-5-98; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of a Cooperative Agreement With the National Latino Children's Institute

The Office of Minority Health (OMH), Office of Public Health and Science,