

This Information Collection Request (ICR) covers recordkeeping and reporting activities for both participation in the Energy Star Homes Program as well as participation in a three-year impact evaluation of the Energy Star Homes Program. The results of the impact evaluation will be used to evaluate and improve the Energy Star Homes Program overall.

There are two ways to participate in the Energy Star Homes Program: either as a partner or as an ally. Builders and developers may become partners in the program, whereas, associations, financing companies, utilities, material manufacturers and rating companies may become allies of the program. Partners and allies can terminate their participation in the program at any time. Participation in the program begins with the completion and submittal to EPA of a Memorandum of Understanding (MOU) that outlines responsibilities of the Energy Star Homes partners and allies as well as EPA. Builders and developers that become partners in the program are required to build homes that are at least 30 percent more efficient than the National Model Energy Code (MEC) before they can use the Energy Star logo. Organizations that become allies of the program agree to promote the Energy Star program and consider opportunities to market the program.

The Energy Star Homes Program Impact Evaluation is designed to evaluate the effectiveness of the program in meeting the program's stated objectives. The evaluation will cover Energy Star Homes built during 1997, 1998, and 1999. The evaluation consists of surveying Energy Star homebuyers, non-Energy Star homebuyers (hereafter referred to as "Control" homebuyers), Energy Star builder partners, energy suppliers, and HERS providers. By collecting information from these different constituents, EPA will be able to determine whether Energy Star homebuyers are satisfied with their purchase; builder partners are meeting their business objectives; and Energy Star homes are delivering the pollution prevention promised. EPA will ask respondents to receive and review the survey, complete the survey, and return the survey.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

EPA would like to solicit comments to:

- i. Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ii. Enhance the quality, utility, and clarity of the information to be collected; and
- iii. Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Burden Statement: EPA will conduct a census of all Energy Star homes using information collected from HERS providers and expects to receive 1,000 responses the first year, 5,500 the second year and 14,000 the third year. The large increase in the number of responses by the end of the third year of the evaluation is due to the fact that EPA believes that there will be 20,500 Energy Star homes in the U.S. by the end of 1999. The agency will also conduct a census of Energy Star home builders. The agency expects to receive 600 responses the first year and 200 more in each of the subsequent years.

EPA will survey 686 Energy Star and control homebuyers each year. It expects to receive 343 responses each year from each group. The agency will also survey the energy suppliers of the homebuyers surveyed and expects to receive 686 responses each year.

Public reporting burden for this collection of information is estimated to average 0.22 hours per respondent. There is no recordkeeping burden. It is expected that respondents will incur no capital costs. The aggregate bottom-line burden and cost for respondents is approximately 3198 hours per year with an annual cost of approximately \$171,072. The bottom line burden to the agency is approximately 7,700 hours per year, at a cost of approximately \$332,661 per year.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources;

complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: September 24, 1998.

Glenn Chinery,

Atmospheric Pollution Prevention Division.

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-OH-A; FRL-6030-7]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Authorization of the Ohio Department of Health's Lead-Based Paint Activities Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval of the Ohio Department of Health's lead-based paint activities program.

SUMMARY: On April 13, 1998, the State of Ohio 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 404 of the Toxic Substances Control Act (TSCA). Today's notice announces the approval of Ohio's application, and the authorization of the Ohio Department of Health's lead-based paint program to apply in the State of Ohio effective October 1, 1998, in lieu of the corresponding Federal program under section 402 of TSCA.

DATES: Lead-based paint activities program authorization was granted to the State of Ohio effective on October 1, 1998.

FOR FURTHER INFORMATION CONTACT: David Turpin, Regional Lead Coordinator, Environmental Protection Agency, Region V, DT-8J, 77 West Jackson Blvd., Chicago, IL 60604. Telephone: (312) 886-7836, e-mail address: turpin.david@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to Title IV of TSCA, Lead Exposure Reduction, 15 U.S.C. 2681-2692, and regulations promulgated thereunder, States and Tribes that choose to apply for lead-based paint activities program authorization must submit a complete application to the appropriate Regional EPA office for review. Complete, final applications will be subject to a public comment period, and reviewed by EPA within

180 days of receipt. 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). Notice of Ohio's application, a solicitation for public comment regarding the application, and background information supporting the application was published in the **Federal Register** of May 21, 1998 (63 FR 27960) (FRL-4790-2). As determined by EPA's review and assessment, Ohio's application successfully demonstrated that the State's lead-based paint activities program achieves the protectiveness and enforcement criteria, as required for Federal authorization. Furthermore, no public comments were received regarding any aspect of Ohio's application.

II. 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.

III. Withdrawal of Authorization

Pursuant to TSCA section 404(c), the Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

IV. 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.

List of Subjects

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

Dated: September 24, 1998.

Gail C. Ginsberg,

Acting Regional Administrator, Region V.
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ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53171; FRL-5771-6]

Proposed Category for Persistent, Bioaccumulative, and Toxic Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has grouped new chemical substances with similar structural and toxicological properties into working categories. These groupings enable the Toxic Substances Control Act (TSCA) section 5(a)(1), Premanufacture Notice (PMN) submitters, and EPA reviewers to benefit from accumulated data and decisional precedents. The establishment of over 45 of these chemical categories has streamlined the process for Agency review of and regulatory follow-up on new chemical substances. Consistent with TSCA section 26(c), which allows EPA action under TSCA with respect to categories of chemical substances or mixtures, EPA is developing a category of persistent, bioaccumulative, and toxic (PBT) chemical substances. This notice solicits comments on proposed criteria for identifying PBT chemical substances and their supporting scientific rationale.