

or additional analyses are performed, the conclusions they contain may change.

As the preliminary risk assessments for the remaining organophosphate pesticides are completed and registrants are given a 30-day review period to identify possible computational or other clear errors in the risk assessment, these risk assessments and registrant responses will be placed in the individual pesticide dockets. A notice of availability for subsequent assessments will appear in the **Federal Register**.

To provide users with the most recent information on the four organophosphates, EPA has also included in each docket the Agency's July 7, 1998, "Hazard Assessment of the Organophosphates" and the Agency's July 9, 1998, "FQPA Safety Factor Recommendations for the Organophosphates." In general, these two documents were completed at a different time than the four individual pesticide preliminary risk assessments discussed in this notice. The Agency notes that where the preliminary risk assessments are inconsistent with the Hazard Assessment and FQPA Assessment, these Assessments will supersede the relevant portions of the preliminary risk assessments and will be incorporated into the revised individual pesticide risk assessments. The Agency also notes that these documents reflect only the work and analysis conducted as of the time they were produced, and as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

The Agency is providing an opportunity, through this notice, for interested parties to provide written comments and input to the Agency on the preliminary risk assessments for the chemicals specified in this notice. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, such as percent crop treated information or submission of residue data from food processing studies, or could address the Agency's risk assessment methodologies and assumptions as applied to these specific chemicals. Comments should be limited to issues raised within the preliminary risk assessments and associated documents. EPA will provide other opportunities for public comment on other science issues associated with the organophosphate tolerance reassessment program. Failure to comment on any such issues as part of this opportunity will in no way prejudice or limit a commenter's opportunity to participate fully in later notice and comment

processes. All comments should be submitted by February 16, 1999 of the Agency record for each individual pesticide to which they pertain.

## II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under the following docket control numbers. When submitting written or electronic comments regarding the four organophosphates, use the following docket control numbers:

| Chemical         | OPP Docket No. |
|------------------|----------------|
| Ethoprop         | OPP-34144A     |
| Methyl parathion | OPP-34161      |
| Temephos         | OPP-34147A     |
| Terbufos         | OPP-34139A     |

A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the Virginia address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the appropriate docket control number OPP-34158. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

## List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: December 14, 1998.

**Jack E. Housenger,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. 98-33631 Filed 12-17-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-OR; FRL-6049-7]

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

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

**ACTION:** Notice; final approval.

**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 approval of Oregon's application, and the authorization of the Oregon State Health Division's Lead-Based Paint Activities Program to apply in the State of Oregon effective September 3, 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 Oregon effective on September 3, 1998.

**FOR FURTHER INFORMATION CONTACT:** Barbara Ross, Regional Lead Coordinator, Environmental Protection Agency, Region X, 1200 Sixth Ave., WCM-128, Seattle, WA 98101, telephone: (206) 553-1985, e-mail address: ross.barbara@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. 2681-2692), entitled "Lead Exposure Reduction."

Section 402 of TSCA (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 section 404 of TSCA (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 section 404(h) of TSCA (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.

Notice of Oregon's application, a solicitation for public comment regarding the application, and background information supporting the application was published in the July 16, 1998, **Federal Register** (63 FR 38402) (FRL-5799-5). As determined by EPA's review and assessment, Oregon'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 Oregon's application.

## II. Federal Overfiling

Section 404(b) of TSCA, 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 section 404(c) of TSCA, 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 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: December 10, 1998.

**Chuck Clarke,**

*Regional Administrator, Region X.*

[FR Doc. 98-33632 Filed 12-17-98; 8:45 am]

BILLING CODE 6560-50-F