

2. *By mail or in person.* Contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Availability of FY 2002 Funds

With this publication, EPA Region III is announcing the availability of approximately \$100,000 in grant/cooperative agreement funds for FY 2002. The Agency has delegated grant making authority to the EPA Regional Offices. EPA Region III is responsible for the solicitation of interest, the screening of proposals, and the selection of projects. Grant guidance will be provided to all applicants along with any supplementary information Region III may wish to provide. All applicants must address the criteria listed under Unit IV.B. Interested applicants should contact the Regional Urban Initiative coordinator listed un Unit V. for more information.

III. Eligible Applicants

In accordance with the Act “. . . Federal agencies, universities, or others as may be necessary to carry out the purposes of the act, . . .” are eligible to receive a grant. Eligible applicants for purposes of funding under this grant program include those operating within the six EPA Region III States (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia), and any agency or instrumentality of a Region III State including State universities and non-profit organizations operating within a Region III State. For convenience, the term “State” in this notice refers to all eligible applicants.

IV. Activities and Criteria

A. General

The goal of the Urban Initiative Grant Program is to: (1) Detect any diversion of highly toxic pesticides from the agriculture sector into urban areas for illegal use indoors; (2) identify any ongoing misuse of agricultural pesticides in urban and residential communities; and (3) prevent future diversion and structural application of pesticide misuse through compliance assistance and education.

B. Criteria

Proposals will be evaluated based on the following criteria:

1. Qualifications and experience of the applicant relative to the proposed project.
 - Does the applicant demonstrate experience in the filed of the proposed activity?
 - Does the applicant have the properly trained staff, facilities, or

infrastructure in place to conduct the project?

2. Consistency of applicant's proposed project with the risk reduction goal of the Urban Initiative.

3. Provision for a quantitative or qualitative evaluation of the project's success at achieving the stated goals.

- Is the project designed in such a way that it is possible to measure and document the results quantitatively and qualitatively?

- Does the applicant identify the method that will be used to measure and document the project's results quantitatively and qualitatively?

- Will the project assess or suggest a means for measuring progress in reducing risk associated with the use of pesticides?

4. Likelihood the project can be replicated to benefit other communities or the product may have broad utility to a widespread audience. Can this project, taking into account typical staff and financial restraints, be replicated by similar organizations in different locations to address the same or similar problem?

C. Program Management

Awards of FY 2002 funds will be managed through EPA Region III. Quality Management Plans and Quality Assurance Project Plans may be required, depending on the nature of the project and the data collected. Contact your Regional Urban Initiative coordinator for more information about this requirement.

D. Contacts

Interested applicants must contact the appropriate EPA Regional Urban Initiative coordinator listed under Unit V. to obtain specific instructions, regional criteria, and guidance for submitting proposals.

V. Region III Urban Initiative Program Contact

Region III: (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia), Dr. Fatima El Abdaoui, (3WC32), 1650 Arch St., Philadelphia, PA 19103; telephone (215) 814-2129; e-mail address: El-Abdaoui.Fatima@epa.gov.

VI. Submission to Congress and the Comptroller General

Under the Agency's current interpretation of the definition of a “rule,” grant solicitations such as this which are competitively awarded on the basis of selection criteria, are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801 *et seq.*, as added by

the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that before a rule may take effect, the agency promulgating the rules must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Pesticides, Risk reduction.

Dated: May 21, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-2002-0024; FRL-7178-7]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval of the State of Colorado Lead-Based Paint Activities Program.

SUMMARY: On September 28, 2001, the State of Colorado submitted a self-certification letter stating that Colorado's Lead-Based Paint Abatement Program meets the requirements for approval of a State program under section 404 of TSCA and that Colorado has the legal authority and ability to implement the appropriate elements to enforce the program. The State program will 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). Today's notice announces the authorization of the State of Colorado Lead-Based Paint Activities Program to apply in the State of Colorado effective September 28, 2001.

DATES: The Lead-Based Paint Activities Program authorization was granted to

the State of Colorado effective on September 28, 2001.

FOR FURTHER INFORMATION CONTACT: Dave Combs, Regional Toxics Team Leader, Environmental Protection Agency, Region VIII, 999 18th St., Suite 300, 8P-P3T, Denver, CO 80202-2466; telephone: 303-312-6021; e-mail address: combs.dave@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 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), titled "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 (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.

On December 21, 1998, the State of Colorado submitted an application for EPA interim approval to administer and enforce the 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 TSCA. Colorado provided a self-certification letter stating that its program is at least as protective of human health and the environment as the Federal program and it possesses the legal authority and ability to implement the appropriate elements necessary to receive interim enforcement approval. Based upon the State's self-certification, Lead-Based Paint Activities Interim Program Authorization was granted to the State of Colorado effective on December 21, 1998.

On September 7, 1999 (64 FR 48618) (FRL-6099-1), EPA published a notice in the **Federal Register** granting interim approval of the Colorado TSCA section 402/404 Lead-Based Paint Accreditation and Certification Program. Full approval was not granted at the time due to the State of Colorado's Environmental Audit Privilege and Penalty Immunity Statute, sometimes known as S.B. 94-139 (codified at sections 13-25-126.5, 13-90-107(1)(j), and 25-1-114-5, C.R.S.). This statute impaired the State's ability to fully administer and enforce the lead-based paint program. Interim compliance and enforcement approval was granted to provide the State the opportunity to address problems and issues associated with its Environmental Audit Privilege and Penalty Immunity Statute. During the 2000 Legislative Session, the Colorado State Legislature amended the State's Environmental Audit Privilege and Immunity Statute. On May 30, 2000, EPA and the State of Colorado signed a Memorandum of Agreement resolving all of the issues with the State's Environmental Audit Privilege and Immunity Statute. Based upon the revised Statute and the Memorandum of Agreement between Colorado and EPA, the legal barriers for final EPA approval of Colorado's Lead Based Paint Abatement and Certification Program have been removed.

Notice of Colorado's application, a solicitation for public comment regarding the application, and background information supporting the application was published in the **Federal Register** of March 6, 2002 (67 FR 10205) (FRL-6823-2). As determined by EPA's review and assessment, Colorado'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 Colorado'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).

List of Subjects

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

Dated: May 14, 2002.

Robbie E. Roberts,

Regional Administrator, Region VIII.

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ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2002-0021; FRL-7182-4]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a