

Department of the Environment and the Department of Justice and is now subject to public comment, after which the United States and the State of Maryland may modify or withdraw their consent if comments received disclose facts or considerations which indicate that the Lessee Agreement is inappropriate, improper, or inadequate. The Lessee Agreement will resolve certain potential EPA claims under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a); sections 3008(h) and 7003 of RCRA, 42 U.S.C. 6928(h) and 6973 and MDE claims under Title 7, Subtitle 2 of the Environment Article of the Annotated Code of Maryland against SBER Harbor Point, LLC and Harbor Point Development, LLC (the "Lessees").

During its operation and ownership of the Property, Allied-Signal used the Property for chromium processing activities which contributed to chromium contamination in the soil and the groundwater at the Property. In June 1989, Region III, the MDE and Allied-Signal entered into a Consent Decree under RCRA under which Allied-Signal agreed to conduct an on-site and off-site investigation. As a result of those investigations, EPA and MDE chose a remedy for the Site which required Allied-Signal to, among other things, construct a hydraulic barrier to contain the contaminated groundwater and conduct perpetual monitoring.

EPA and MDE have determined that Honeywell, the current owner of the Property, is successfully completing the requirements under the Consent Decree. Upon entering a lease with the Lessees, Honeywell will still be required to complete and maintain the remedy as provided for under the Consent Decree.

For fifteen (15) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed Lessee Agreement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103.

DATES: Comments must be submitted on or before April 24, 2003.

Availability: The proposed Lessee Agreement and additional background information relating to the proposed Lessee Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed Lessee Agreement may be obtained from Suzanne Canning, U.S. Environmental Protection Agency, Legal

Program Coordinator (3RC00), 1650 Arch Street, Philadelphia, PA 19103. Comments should reference the "Allied-Signal Prospective Lessee Agreement" and "RCRA-03-2003-0088TH," and should be forwarded to Suzanne Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Sheila Briggs-Steuteville (3RC43), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, Phone: (215) 814-2468.

Dated: April 2, 2003.

Donald S. Welsh,

Regional Administrator, Region III.

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ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2002-0080; FRL-7299-7]

Lead-Based Paint Activities; State of North Dakota Lead-Based Paint Program

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: On October 4, 2002, EPA received an application from the State of North Dakota requesting authorization to administer a Program in accordance with section 402 of the Toxic Substances Control Act (TSCA). Included in the application was a letter signed September 26, 2002, by the Governor of North Dakota, stating that the State's Lead-Based Paint Abatement Program is at least as protective of human health and the environment as the Federal program under TSCA section 402. Also, included was a letter from the Attorney General of North Dakota, certifying that the laws and regulations of the State provided adequate legal authority to administer and enforce TSCA section 402. North Dakota certifies that its program meets the requirements for approval of a State program under section 404 of TSCA and that North Dakota has the legal authority and ability to implement the appropriate elements necessary to enforce the program. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. Today's notice announces the authorization of the State of North Dakota Lead-Based Paint Activities Program to apply in the State of North Dakota effective September 26, 2002.

DATES: The Lead-Based Paint Activities Program authorization was granted to the State of North Dakota on September 26, 2002.

FOR FURTHER INFORMATION CONTACT: Amanda Hasty, Lead Coordinator, Environmental Protection Agency, Region VIII, 8P-P3T, 999 18th St., Suite 300, Denver, CO 80202-2466; telephone: (303) 312-6966; e-mail address: hasty.amanda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General

A. Does this Notice Apply to Me?

This notice is directed to the public in general. This notice may, however, be of interest to firms and individuals engaged in lead-based paint activities in North Dakota. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by the notice. If you have any questions regarding the applicability of this notice to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. Summary

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. The 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. 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). These 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 or Indian Tribe may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. EPA will review those applications within 180 days of receipt