

26, 1995 issue of the **Federal Register** (60 FR 20490). Although the patent was issued in the name of the inventors, it has been assigned by them to their employers. The Government of the United States, as represented by the Administrator of the U.S.

Environmental Protection Agency, is joint owner of the patent by assignment from its employee inventor (Reel/Frame 7232/0151, recorded December 9, 1994). Acurex Environmental Corp. (now ARCADIS Geraghty & Miller, Inc.) is joint owner of the patent by assignment from its employee inventor (Reel/Frame 7489/0127, recorded May 25, 1995). The proposed exclusive license will contain appropriate terms, limitations and conditions to be negotiated in accordance with 35 U.S.C. 209 and the U.S. Government patent licensing regulations at 37 CFR part 404.

EPA will negotiate the final terms and conditions and grant the exclusive license, unless within 60 days from the date of this Notice EPA receives, at the address below, written objections to the grant, together with supporting documentation. The documentation from objecting parties having an interest in practicing the above patent should include an application for exclusive or nonexclusive license with the information set forth in 37 CFR 404.8. The EPA Acting Patent Counsel and other EPA officials will review all written responses and then make recommendations on a final decision to the Assistant Administrator for Research and Development or to a laboratory director who has been delegated the authority to issue patent licenses under 35 U.S.C. 207.

DATES: Comments to this notice must be received by EPA at the address listed below by April 30, 1999.

FOR FURTHER INFORMATION CONTACT: Alan Ehrlich, Acting Patent Counsel, Office of General Counsel (Mail Code 2377), U.S. Environmental Protection Agency, Washington, DC 20460, telephone (202) 260-7510.

Dated: February 17, 1999.

Marla E. Diamond,
Associate General Counsel.

[FR Doc. 99-4968 Filed 2-26-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6305-3]

Intent To Grant an Exclusive Patent License

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to grant an exclusive patent license.

SUMMARY: Pursuant to 35 U.S.C. 207 and 37 CFR part 404, EPA hereby gives notice of its intent to grant an exclusive, royalty-bearing, revocable license to practice the invention described and claimed in the patent listed below, all corresponding patents issued throughout the world, and all reexamined patents and reissued patents granted in connection with such patent, to International Fuel Cells, South Windsor, Connecticut. The patent is:

U.S. Patent No. 5,451,249, entitled "Landfill Gas Treatment System," issued September 19, 1995.

The invention was announced as being available for licensing in the April 26, 1995 issue of the **Federal Register** (60 FR 20490, 20491) as U.S. Patent Application No. 08/241,113, filed May 10, 1994. International Fuel Cells is joint owner of the patent by assignment from its employee inventors (Reel/Frame 7118/0295, recorded September 2, 1994). Although it was not printed on the face of the patent, the Government of the United States, as represented by the Administrator of the U.S. Environmental Protection Agency, is also joint owner of the patent by assignment from its employee inventor (Reel/Frame 7496/0496, recorded May 19, 1995). The proposed exclusive license will contain appropriate terms, limitations and conditions to be negotiated in accordance with 35 U.S.C. 209 and the U.S. Government patent licensing regulations at 37 CFR part 404.

EPA will negotiate the final terms and conditions and grant the exclusive license, unless within 60 days from the date of this Notice EPA receives, at the address below, written objections to the grant, together with supporting documentation. The documentation from objecting parties having an interest in practicing the above patent should include an application for exclusive or nonexclusive license with the information set forth in 37 CFR 404.8. The EPA Acting Patent Counsel and other EPA officials will review all written responses and then make recommendations on a final decision to the Assistant Administrator for Research and Development or to a laboratory director who has been delegated the authority to issue patent licenses under 35 U.S.C. 207.

DATES: Comments to this notice must be received by EPA at the address listed below by April 30, 1999.

FOR FURTHER INFORMATION CONTACT: Alan Ehrlich, Acting Patent Counsel, Office of General Counsel (Mail Code

2377), U.S. Environmental Protection Agency, Washington, DC 20460, telephone (202) 260-7510.

Dated: February 17, 1999.

Marla E. Diamond,
Associate General Counsel.

[FR Doc. 99-4967 Filed 2-26-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-UT; FRL-6060-5]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On August 31, 1998, the State of Utah 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). Today's notice announces the approval of Utah's application, and the authorization of the Utah Department of Environmental Quality, Division of Air Quality's Lead-Based Paint Activities Program to apply in the State of Utah effective August 31, 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 Utah effective on August 31, 1998.

FOR FURTHER INFORMATION CONTACT: Dave Combs, Regional Toxics Team Leader, Environmental Protection Agency, Region VIII, 8P-P3-T, 999 18th St., Suite 500, 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, 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, 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 Utah's application, a solicitation for public comment regarding the application, and background information supporting the application was published in the **Federal Register** of October 28, 1998 (63 FR 57682) (FRL-6037-5). As determined by EPA's review and assessment, Utah'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 Utah'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: February 12, 1999.

Jack W. McGraw,
Acting Regional Administrator, Region VIII.

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