

[FRL-5618-5]**Pesticide EUPs; Submission of EPA ICR No. 276 to OMB; Agency Information Collection Activities****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) entitled: Application for Experimental Use Permit (EUP) to Ship and Use a Pesticide for Experimental Purposes Only (OMB Control No. 2070-0040; EPA ICR No. 276.08) has been forwarded to the Office of Management and Budget (OMB) for review and approval pursuant to the OMB procedures in 5 CFR 1320.12. The ICR, which is abstracted below, describes the nature of the information collection, its estimated cost and burden, and includes a copy of the actual data collection instrument.

The Agency is requesting the renewal of the existing ICR, which is scheduled to expire on November 30, 1996. A Federal Register notice announcing the Agency's intent to seek the renewal of this ICR and the 60 day public comment opportunity, requesting comments on the request and the contents of the ICR, was issued on June 26, 1996 (61 FR 33114). In the final ICR submitted to OMB, EPA addressed the single comment received during the comment period.

DATES: Additional comments may be submitted on or before October 30, 1996.

FOR FURTHER INFORMATION OR A COPY CONTACT: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 0276.08.

ADDRESSES: Send comments, referencing EPA ICR No. 276.08 and OMB Control No. 2070-0040, to the following addresses:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Regulatory Information Division (2137), 401 M Street, S.W., Washington, DC 20460

And to:

Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

SUPPLEMENTARY INFORMATION:

Review Requested: This is a request to renew a currently approved information collection pursuant to 5 CFR 1320.12.

ICR Numbers: EPA ICR No. 276.08; OMB Control No. 2070-0040.

Current Expiration Date: Current OMB approval expires on November 30, 1996.

Title: Application for Experimental Use Permit (EUP) to Ship and Use a Pesticide for Experimental Purposes Only.

Abstract: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, authorizes pesticide companies temporarily to ship pesticide products for experimental use for the purpose of gathering data necessary to support the application for their registration. In general, EUPs are either issued for a pesticide not registered with EPA or for a registered pesticide for a use not registered with EPA.

The information collected and reported under an EUP is a summary of what is routinely submitted in connection with registration. The EUP allows for large scale field testing, if necessary, in order to collect sufficient data to support registration. An EUP is not required if the person conducting the tests does not expect to receive benefits in pest control.

EPA Form 8570-17, *Application for an Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only*, associated with this ICR is filed by the applicant for a permit to generate information or data necessary to register a pesticide under Section 3 of FIFRA. This information from the applicant is necessary in order to grant and effectively monitor the EUP. Beyond the information as supplied on EPA Form 8570-17, is a final report on the results of the experimental program which includes information such as: amount of the product applied; the crops or sites treated; any observed adverse effects; any adverse weather conditions which may have inhibited the program; the goals achieved; and the disposition of containers, unused pesticide material, and affected food/feed commodities.

This ICR also contains the amendment of this ICR from September 1994 regarding the notification for small scale testing of genetically modified microbial pesticides. Title 40 CFR Part 172 includes a requirement for the submission and review of notifications prior to any introduction into the environment of certain genetically modified microbial pesticides.

This information is collected on occasion when seeking an experimental use permit or notification for small scale testing of genetically modified microbial

pesticides for experimental purposes and submitting the necessary data.

There are no third party disclosures associated with this activity.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 10 hours per response for the EUP. The annual public reporting and recordkeeping burden for those who need Notifications for small-scale testing of genetically modified microbial pesticides the initial notifications are estimated to take about 33 hours and resubmission Notifications are estimated at about 20 burden hours per respondent. This estimate includes the time needed for: reading relevant legislation, regulations, and instructions; planning activities; creating and gathering information; processing, compiling, and reviewing information; completing paperwork; recording disclosing, and displaying information; and storing, maintaining, and filing information. No person is 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 displayed in 40 CFR Part 9.

Respondents/Affected Entities: Applicants for EUPs.

Estimated No. of Respondents: 110 per year.

Estimated Total Annual Burden on Respondents: 1303 hours.

Frequency of Collection: Once per event.

Changes in Burden Estimates: The burden hours of 10.10 hours per respondent for EUPs remains the same from the previous ICR. While the burden hours for Notifications has decreased from 818 hours per respondent to 53.4 hours per respondent. The decrease in hours comes from the one-time rule familiarization burden which is no longer needed and a recalculated burden estimate. There is an increase in number of respondents for Notifications because the program has increased and more companies are pursuing genetically modified pesticide products. In addition, the cost estimates for both EUPs and Notification has increased due to the use of updated labor rates supplied by the Bureau of Labor Statistics.

Dated: September 24, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

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