

nearest their geographic location. The contact person at the Commission for this purpose is James Apperson, (202) 208-0004. The Commission will issue another notice prior to the consultation sessions with further details about the participants and format of the sessions.

As we stated in our November 24 notice, after these initial consultation sessions, there will be additional opportunities for consultation during which the Commission will solicit and consider the views of the States, and others, in a rulemaking or other generic proceeding on RTOs.

By direction of the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-1215 Filed 1-19-99; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00567; FRL-6047-5]

Renewal of Pesticide Information Collection Activities; Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides; Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), EPA is seeking public comment and information on the following Information Collection Request (ICR): "Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides" [EPA ICR No. 0161.08, OMB No. 2070-0027]. This ICR involves a collection activity that is currently approved and scheduled to expire on March 31, 1999. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments must be received on or before March 22, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of this document.

FOR FURTHER INFORMATION CONTACT: Cameo Smoot, Office of Pesticide Programs, Mail Code (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460,

Telephone: 703-305-5454, fax: 703-305-5884, e-mail: smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does This Notice Apply To Me?

You may be potentially affected by this notice if you manufacture, reformulate, or repackage pesticide products for export that are not registered (see section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or sold (see section 6(a)(1) of FIFRA) in the United States. You must submit and obtain a signed statement from the foreign purchaser acknowledging that the purchaser is aware that the pesticide is not registered for use in the United States and cannot be sold in the United States. A copy of this statement must be transmitted to an appropriate official of the government in the importing country and a copy must be submitted to EPA within 7 days of the export shipment.

Potentially affected categories and entities may include, but are not limited to the following:

Category	NAICS Code	SIC Codes	Examples of Potentially Affected Entities
Pesticide and other agricultural chemical manufacturing	325320	286—Industrial organic chemicals 287—Agricultural chemicals	Exporters of pesticide products Reformulators for export of unregistered pesticides Repackagers for export of unregistered pesticides

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in the table above or refer to section 17 of FIFRA. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information or Copies of This Document or Other Support Documents?

A. Electronic Availability

Electronic copies of this document and the ICR are available from the EPA

Home Page at the **Federal Register** - Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>). You can easily follow the menu to find this **Federal Register** notice using the publication date or the **Federal Register** citation for this notice. Although a copy of the ICR is posted with the **Federal Register** notice, you can also access a copy of the ICR by going directly to <http://www.epa.gov/icr/>. You can then easily follow the menu to locate this ICR by the EPA ICR number, the OMB control number, or the title of the ICR.

B. Fax-on-Demand

Using a faxphone call 202-401-0527 and select item 6058 for a copy of the ICR.

C. In Person or By Phone

If you have any questions or need additional information about this notice or the ICR referenced, please contact the person identified in the "FOR FURTHER INFORMATION CONTACT" section.

In addition, the official record for this notice, including the public version, has been established for this notice under docket control number OPP-00567 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in the Office of Pesticide Programs (OPP) Public Docket, Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through

Friday, excluding legal holidays. The OPP Public Docket telephone number is 703-305-5805.

III. How Can I Respond To This Notice?

A. How and To Whom Do I Submit the Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number, OPP-00567, in your correspondence.

1. *By mail.* Submit written comments to: OPP Public Docket, Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments to: OPP Public Docket, Public Information and Records Integrity Branch, Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. Telephone: 703-305-5805.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: opp-docket@epa.gov. Please note that you should not submit any information electronically that you consider to be CBI. 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 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPP-00567. Electronic comments on this notice may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information That I Want To Submit To the Agency?

You may claim information that you submit in response to this notice as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must also be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

C. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of PRA, EPA specifically solicits

comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

D. What Should I Consider When I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we haven't considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide solid technical information and/or data to support your views.
- If you estimate potential burden or costs, explain how you arrived at the estimate.
- Tell us what you support, as well as what you disagree with.
- Provide specific examples to illustrate your concerns.
- Offer alternative ways to improve the rule or collection activity.
- Make sure to submit your comments by the deadline in this notice.
- At the beginning of your comments (e.g., as part of the "Subject" heading), be sure to properly identify the document you are commenting on. You can do this by providing the docket control number assigned to the notice, along with the name, date, and **Federal Register** citation, or by using the appropriate EPA or OMB ICR number.

IV. What Information Collection Activity or ICR Does This Notice Apply To?

EPA is seeking comments on the following ICR:

Title: Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides.

ICR numbers: EPA ICR No. 0161.08, OMB No. 2070-0027.

ICR status: This ICR is currently scheduled to expire on March 31, 1999. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices, and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

Abstract: EPA is responsible for the regulation of pesticides as mandated by FIFRA. However, FIFRA section 17 requires an exporter of any pesticide not registered under FIFRA section 3 or sold under FIFRA section 6(a)(1) to obtain a signed statement from the foreign purchaser acknowledging that the purchaser is aware that the pesticide is not registered for use in the United States and cannot be sold in the United States. A copy of this statement must be transmitted to an appropriate official of the government in the importing country. The purpose of the purchaser acknowledgment statement requirement is to notify the government of the importing country that a pesticide judged hazardous to human health or the environment, or for which no such hazard assessment has been made, will be imported into that country.

The typical exporter must ascertain the registration status of the product that is being produced for export. After determining that an exported product is not registered in the United States, the exporter must obtain a statement from the foreign purchaser of the pesticide acknowledging the name and address of the exporter and the purchaser, the name of the product and the active ingredient, a statement that the foreign purchaser is aware that the product is not registered in the United States and cannot be sold for use in the United States, and if known, the final destination of the shipment and the signature of the foreign purchaser. This will normally require that the exporter provide the purchaser with a prepared statement for signature or with instructions that are adequate to ensure that the purchaser can prepare the statement.

There are no required forms for the Foreign Purchaser Acknowledgment Statement (FPAS). In preparing the statement, the exporter is free to format

the document in any manner as long as it includes all the required information. The exporter must obtain the signed statement from the foreign purchaser before the pesticide can be shipped.

If the exporter anticipates making more than one shipment of the product to the purchaser in a given year, the exporter may elect to notify EPA only at the time of the first shipment, and to choose to comply with the annual reporting option, which requires the submission of a annual summary of shipments of pesticides shipped to each purchaser.

The exporter is required to send a copy of the purchaser acknowledgment statement to EPA within 7 days of having shipped the pesticide, along with a signed statement that the shipment did not occur prior to receipt of the purchaser acknowledgment statement. In addition, if the exporter chooses to comply with the annual reporting option, he or she must include a statement that the FPAS is for the first shipment of a pesticide to a particular purchaser in a specific country and that the exporter will comply with the annual summary reporting option. Where an exporter chooses to comply with the annual summary reporting option, a summary must be sent after the end of the calendar year which lists all shipments of a particular pesticide shipped to a particular foreign purchaser.

It is not required for the statement to be shipped in time for EPA to notify the importing country prior to arrival of the pesticide.

Submission of a purchaser acknowledgment statement does not require the maintenance of any records unique to this section. All records needed to ensure and verify compliance with this requirement are required under section 8 of FIFRA.

A. Exemption of Research and Development Pesticides

Persons claiming an exemption from the FPAS requirement for the export of research and development products must maintain records which support the R D claim for each shipment so claimed. In its policy, EPA has limited research claims only to shipments where it is unlikely that the quantity shipped could have a significant commercial use. Thus, the records must be sufficient to support the claim that the quantity shipped is only sufficient for use within the overall application constraints (e.g., less than 10 acres of terrestrial use) described in the policy.

When a person exports a pesticide for research purposes, that person may support the claim of research intent/

purpose by first securing confirmatory documentation that the recipient/purchaser understands that the exportation is for testing purposes only within the limits of the policy. This can be either in the form of communications received from the purchaser before or on the date of export or in the form of instructions sent to the purchaser before or on the date of export.

Alternatively, the exporter may retain records which indicate that the quantity shipped is compatible with the claim that the amount sent is not enough to be used in applications exceeding those provided as exempt under the policy. Such information could include results of tests, citations of literature, or other information which supports the claim.

At the time of shipment, the exporter must produce a record of the identity, amount, and date that the pesticide was shipped, the destination and purchaser, and the intended research use. Most of this information is provided in copies of or original invoice/shipping records normally maintained for such products. Note that records of shipment of pesticides are already required to be maintained under FIFRA section 8. Other documentation supporting research use is generally available as typical business practice and should not impose additional burden to maintain with shipping records.

The records of shipment and confirmation of research intent must be maintained and made available for inspection and copying by EPA for 2 years following the exportation of the pesticide.

B. Export Labeling

Every exported pesticide, device and active ingredient used in producing a pesticide must bear a label or labeling which meets the requirements of FIFRA section 17(a)(1). This requirement applies to all such pesticides, devices, or active ingredients, regardless of whether the export is for commercial or research and development use.

Compliance with the label requirements can be met by labeling either individual containers, or using supplemental labeling, or through a combination of the two. To ease the compliance burden of this requirement, EPA allows you to use a supplemental label as an option. This option allows the exporter to attach a paper with the labeling information to the shipping container, rather than prepare individual product labels.

Exporters are also required to keep records of the product labeling used, including the EPA registered labeling, any foreign labeling on or attached to the product when shipped, and as

applicable, any supplemental labeling used. The records shall be maintained in a manner that shows exactly which labels and labeling accompanied each shipment of a pesticide product to a foreign country.

V. What are EPA's Burden and Cost Estimates for This ICR?

Under the PRA, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to average 6 hours per response, and the following is a summary of the estimates taken from the ICR:

Respondents/affected entities:

Exporters of unregistered pesticides.

Estimated total number of potential respondents: 2,500.

Frequency of response: As determined by exporter.

Estimated total annual burden hours: 24,753.

Estimated total annual burden costs: \$1,952,960.

VI. Are There Changes in the Estimates From the Last Approval?

There was a slight increase in the respondent total since the last 1995 ICR, from 2000 to 2500. Labor costs have been adjusted to reflect the current labor rates. EPA is particularly interested in receiving comments on these changes.

VII. What is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the

opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

List of Subjects

Environmental protection,
Information collection requests.

Dated: January 6, 1999.

Susan H. Wayland,

*Acting Assistant Administrator for
Prevention, Pesticides and Toxic Substances.*

[FR Doc. 99-1026 Filed 1-19-99; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00566; FRL-6046-5]

Renewal of Pesticide Information Collection Activities; Notice of Pesticide Registration By States To Meet A Special Local Need; Request for Comments

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this notice announces that the Environmental Protection Agency (EPA) is seeking public comment on the following Information Collection Request (ICR): "Notice of Pesticide Registration by States to Meet a Special Local Need, Section 24(c)" (EPA ICR No. 0595.07; OMB No. 2070-0055). This ICR involves a collection activity that is currently approved and scheduled to expire on March 31, 1999. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments must be received on or before March 22, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of this document.

FOR FURTHER INFORMATION CONTACT:

Cameo Smoot, Office of Pesticide Programs, Mail Code (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 703-305-5454, fax: 703-305-5884, e-mail: smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does This Notice Apply To Me?

This notice applies to any state exercising authority to register additional uses of federally registered pesticides for distribution and use within the state to meet a special local need pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 24(c). The term "state" includes a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands and American Samoa.

Potentially affected categories include:

Category	NAICS Code	SIC Code	Example of Potentially Affected Entity
State agencies/governments	923120	9431	State Agencies issuing state registration for additional uses of federally registered pesticides to be used within the state.

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information or Copies of This Document or Other Support Documents?

A. Electronic Availability

Electronic copies of this document and the ICR are available from the EPA Home Page at the **Federal Register** - Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>). You can easily follow the menu to find this **Federal Register** notice using the publication date or the **Federal Register** citation for this notice. Although a copy of the ICR is posted with the **Federal Register** notice, you can also access a copy of the ICR by going directly to <http://www.epa.gov/icr/>. You can then easily follow the menu to locate this ICR by the EPA ICR number, the OMB control number, or the title of the ICR.

B. Fax-on-Demand

Using a faxphone call 202-401-0527 and select item 6057 for a copy of the ICR.

C. In Person or By Phone

If you have any questions or need additional information about this notice or the ICR referenced, please contact the person identified in the "FOR FURTHER INFORMATION CONTACT" section.

In addition, the official record for this notice, including the public version, has been established for this notice under docket control number OPP-00566 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in the Office of Pesticide Programs (OPP) Public Docket, Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The

OPP Public Docket telephone number is 703-305-5805.

III. How Can I Respond To This Notice?

A. How and To Whom Do I Submit the Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number, OPP-00566, in your correspondence.

1. *By mail.* Submit written comments to: OPP Public Docket, Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments to: OPP Public Docket, Public Information and Records Integrity Branch, Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: 703-305-5805.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: opp-docket@epa.gov. Please note that you should not submit any