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

EPA is seeking comments on the following ICR:

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

ICR numbers: EPA ICR No. 0276.09; OMB No. 2070–0040.

ICR status: This is a renewal of an existing ICR that is currently approved by OMB and is due to expire November 30, 1999. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to approval under the PRA, 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: This information collection program provides the EPA with the data necessary to determine whether to issue an EUP under section 5 of FIFRA, as amended. FIFRA requires that before a pesticide product may be distributed or sold in the U.S. it must be registered by EPA. However, section 5 authorizes EPA to issue EUP's which allow pesticide companies to temporarily ship pesticide products for experimental use for the purpose of gathering data necessary to support the application for registration of a pesticide product. In general, EUP's are either issued for a pesticide not registered with the Agency or for a registered pesticide for a use not registered with the Agency.

The information collected and reported under an EUP is a summary of that which 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, is filed by the prospective registrant 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. If the food/feed commodities treated under the terms of an experimental use permit are to be shipped in commerce, the applicant must also submit a petition for temporary tolerance pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

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 the Application for an Experimental Use Permit (EUP) to Ship and Use a Pesticide for Experimental Purposes Only program is estimated to average 10.10 hours per application. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: EUP applicants.

Estimated total number of potential respondents: 75.

Frequency of response: Only when an application is made.

Estimated total/average number of responses for each respondent: 1.

Estimated total annual burden hours: 757.5.

Estimated total annual burden costs: $61,297.50.

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

Yes. The change in respondent burden hours, from 1,262.50 to 757.50 hours per year is a result of the estimated reduction in the number of annual respondents, from 125 to 75. The change in annual respondent cost is a result of the estimated increase in hourly rates.

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: September 2, 1999.

Susan H. Wayland,

Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–23710 Filed 9–14–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6439–4]

Request for Applications for Essential Use Exemptions to the Production and Import Phaseout of Ozone Depleting Substances Under the Montreal Protocol

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Through this notice, the Environmental Protection Agency (EPA) is requesting applications for consideration at the Twelfth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (the Protocol) to be held in 2000, for exemptions to the production and import phaseout in 2001 and subsequent years for ozone-depleting substances (including halons 1211 and 1301, CFC–11, CFC–12, CFC–113, CFC–114, CFC–115, CFC–13, CFC–111, CFC–112, CFC–211, CFC–212, CFC–213, CFC–214, CFC–215, CFC–216, CFC–217, carbon tetrachloride, and methyl chloroform).

DATES: Applications for essential use exemptions must be submitted to EPA no later than November 1, 1999 in order for the United States (U.S.) government to complete its review and to submit nominations to the United Nations Environment Programme (UNEP) and the Protocol Parties in a timely manner.

ADDRESSES: Send three copies of application materials to: Erin Birgfeld, Stratospheric Protection Division (6205J), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. If submitting applications by courier, the office address is 501 3rd Street, NW, Washington, DC 20001. Send one copy of application materials to: Air Docket A-93–39, 401 M Street, S.W. (6102), Room M1500, Washington, D.C. 20460.

Confidentiality: Applications should not contain confidential or proprietary information. Such information should be submitted under separate cover and should be identified by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as ''trade secret,'' ''proprietary,'' or ''company confidential.'' Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth at 40 CFR Part 2, Subpart B (41 FR 36902). If no claim of confidentiality accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to the company (40 CFR 2.203).

FOR FURTHER INFORMATION CONTACT: Erin Birgfeld at the above address or at (202) 564–9079 telephone, (202) 565–2095 fax, or birgfeld.erin@epa.gov. General information may be obtained from the Stratospheric Ozone Hotline at 1–800–296–1996.

SUPPLEMENTARY INFORMATION:

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I. Background—The Essential Use Nomination Process

As described in previous **Federal Register** (FR) notices (58 *FR* 29410, May 20, 1993; 59 *FR* 52544, October 18, 1994; 60 *FR* 54349, October 23, 1995; 61 *FR* 51110, 0 30, 1996, 62 *FR* 51655, October 2, 1997; and 63 *FR* 42629, August 10, 1998), the Parties to the Protocol agreed during the Fourth Meeting in Copenhagen on November 23–25, 1992, to accelerate the phaseout schedules for Class I ozone-depleting substances. Specifically, the Parties agreed that non-Article 5 Parties (developed countries) would phase out the production and consumption of halons by January 1, 1994, and the production and consumption of other Class I substances, except methyl bromide, by January 1, 1996. The Parties also reached decisions and adopted resolutions on a variety of other matters, including the criteria to be used for allowing ''essential use'' exemptions from the phaseout of production and importation of controlled substances. Language regarding essential uses was added to the Protocol provisions in Article 2 governing the control measures. Decision IV/25 of the Fourth Meeting of the Parties details the specific criteria and review process for granting essential use exemptions.

Decision IV/25 states that ''* * * a use of a controlled substance should qualify as ''essential'' only if: (i) it is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health''. In addition, the Parties agreed ''that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: (i) all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and (ii) the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances. * * *''

At the Eighth Meeting of the Parties in 1996, the Parties established a new timetable for nomination of essential uses. Pursuant to Decision VIII/9, Parties may nominate a controlled substance for an exemption from the production and consumption phaseout by January 31 of each year to the Ozone Secretariat. Further detail on the essential use process is provided later in this section.

Each year, the Parties to the Protocol have approved an unlimited, global essential use exemption for the production and consumption of high purity ozone depleting substances for use in laboratory and analytical techniques. EPA has implemented this exemption domestically through regulation. However, beginning January 1, 2000 EPA will no longer be able to allow laboratory essential use exemptions for CFCs and carbon tetrachloride for the following reasons. The Clean Air Act (the Act) provides for specific exemptions to the phaseout of ozone-depleting substances, while the Protocol does not specify exemptions but establishes a process for the parties to determine what are essential uses beyond the phaseout dates. Thus, a use that is permitted under the Protocol may or may not be permitted under the Act. The phaseout schedule for class I substances in section 604 of the Act is less stringent than the Protocol phaseout schedule. For the past several years, EPA has been able to modify its regulations to authorize production of ozone-depleting substances for essential uses allowed under the Protocol, without regard to whether the Act contains exceptions for those uses, as long as the total authorized production did not exceed the amount permitted under section 604 of the Act. However, January 1, 2000 is the phaseout date under section 604 of the Act for all class I substances with the exception of methyl chloroform and methyl bromide. The phaseout dates for methyl chloroform and methyl bromide are January 1, 2002 and January 1, 2005, respectively. After the phaseout date for a particular substance has passed, EPA will no longer be able to authorize production of that substance unless the Act specifically authorizes it do so.

The Act's specific exemption provisions include the following. Section 604 (d)(2) of the Act states that notwithstanding the phaseout, EPA shall, to the extent consistent with the Montreal Protocol, authorize production of limited quantities of class I substances for use in medical devices, if FDA, in consultation with EPA, determines that such production is necessary. Section 604(d) (3) states that EPA may, to the extent consistent with the Montreal Protocol, authorize production of limited quantities of halon-1211, halon-1301, and halon-2402 solely for the purpose of aviation safety, if the Federal Aviation Administration, in consultation with EPA, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation safety purposes. Section 604(d)(1) provides that during the period from January 1, 2002 to January 1, 2005, EPA may, to the extent consistent with the Montreal Protocol, authorize the production of limited quantities of methyl chloroform solely for use in essential applications for which no safe and effective substitute is available. EPA cannot use any of these three exemptions to authorize any person to

produce a class I substance in annual quantities greater than 10 percent of that person's baseline. Section 604(g)(3) of the Act provides that EPA may, to the extent consistent with the Montreal Protocol, authorize the production of limited quantities of halon-1211, halon-1301, and halon-2402 after December 31, 1999 and before December 31, 2004 for use in fire suppression and explosion prevention in association with domestic production of crude oil and natural gas energy supplies on the North Slope of Alaska, if EPA, in consultation with the U.S. Fire Administration, determines that no safe and effective substitute has been developed and that such authorization is necessary for fire suppression or explosion prevention purposes. EPA cannot use this exemption to authorize any person to produce any of these halons in an amount greater than 3 percent of that person's baseline. Finally, section 604(f) states that the President may, to the extent consistent with the Montreal Protocol, provide an exemption for production of CFC–114, halon-1211, halon-1301, and halon-2402 as necessary to protect U.S. national security interests, if the President finds that adequate substitutes are not available and that the production and use of the substance are necessary to protect national security interests.

Since the Act does not specifically list laboratory uses as an exemption to the ban on production and consumption of class I substances, EPA cannot exempt CFCs and carbon tetrachloride for laboratory use after January 1, 2000. The exemptions for laboratory use of methyl chloroform and methyl bromide will cease on January 1, 2002, and January 1, 2005 respectively.

Applicants should be aware that essential use exemptions granted to the U.S. for the year 2000 under the Protocol were limited to chlorofluorocarbons (CFCs) for metered dose inhalers (MDIs) to treat asthma and chronic obstructive pulmonary disease, and methyl chloroform for use in manufacturing solid rocket motors.

The first step in the process to qualify a use as essential under the Protocol is for the user to consider whether the use of the controlled substance meets the Decision IV/25 criteria. The user should then notify EPA of the candidate use and provide information for U.S. government agencies and the Protocol Parties to evaluate that use according to the criteria under Decision IV/25. A full description of the application process is given in section II.

Upon receipt of the essential use exemption application, EPA reviews the information provided and works with other interested Federal agencies to determine whether it meets the essential use criteria and warrants being nominated by the United States for an exemption. In the case of multiple exemption requests for a single use, EPA aggregates exemption requests received from individual entities into a single U.S. request. An important part of the EPA review of requests for CFCs is to determine that the aggregate request for a particular out-year adequately reflects the market penetration potential and expected availability of CFC substitutes by that point in time. If the sum of individual requests does not incorporate such assumptions, the U.S. government may adjust the aggregate request to better reflect true market needs.

Nominations submitted to the Ozone Secretariat by the U.S. and other Parties are then forwarded to the UNEP Technical and Economic Assessment Panel (TEAP) and its Technical Options Committees (TOCs), which review the submissions and make recommendations to the Parties for essential use exemptions. Those recommendations are then considered by the Parties at their annual meeting for final decision. If the Parties declare a specified use of a controlled substance as essential and issue the necessary exemption from the production phaseout, EPA may propose regulatory changes to reflect the decisions by the Parties, but only to the extent such action is consistent with the Act.

The timing of the reviews is such that in any given year the Parties review nominations for exemption from the production phaseout intended for the following year and any subsequent years. This means that, if nominated, applications submitted in response to today's notice for production in 2001 and beyond will be considered by the Parties in 2000 for final action.

II. Information Required for Essential Use Applications for Production or Importation of Class I Substances in 2001 and Subsequent Years

Through this notice, EPA requests applications for essential use exemptions for all Class I substances, except methyl bromide, for 2001 and subsequent years. This is the last opportunity to submit applications for 2001; applicants will have an opportunity to submit applications for 2002 and beyond next year. All requests for exemptions submitted to EPA must present the information relevant to the application as prescribed in the TEAP ''Handbook on Essential Use Nominations'' (Handbook) as last published in 1997. The Handbook is available electronically on the web at *www.teap.org.* As noted earlier, the TEAP handbook was revised to incorporate Decision VIII/10 adopted by the Parties at their Eighth Meeting, in November 1996. Decision VIII/10 requires applicants to expand on information provided in previous nominations as well as provide new information. Since the U.S. government does not forward incomplete or inadequate nominations to the Ozone Secretariat, it is important for applicants to provide all information requested in the Handbook, including the information specified in the supplemental research and development form (page 43) and the accounting framework matrix (page 41). Applicants should also note that reformulation information is required from all drug sponsors, irrespective of whether they manufacture their own product or contract with a filler to produce their product.

The accounting framework matrix in the Handbook is titled, ''IV. Reporting Accounting Framework for Essential Uses Other Than Laboratory and Analytical Applications.'' The data requested in column H, On Hand Start of Year, is the total quantity of each controlled substance that an applicant has on hand as of January 1st of the year in question, whether the material is held for the applicant under contract or is on-site at the facility, and whether the material was produced prior to the phaseout or obtained after the phaseout. The data requested in column J, Used for Essential Use, is the gross total quantity of the controlled substance that was used in the essential-use process, including amounts emitted, used in cleaning equipment, recycled or destroyed. Parties have been asked to request this information from companies, and these forms will assist the EPA in preparing a complete and comprehensive nomination. In brief, the TEAP Handbook states that applicants must present information on:

- Role of use in society
- Alternatives to use, including education programs on alternatives
- Steps to minimize use, including development of CFC-free alternatives
- Steps to minimize emissions
- Amount of substance available through recycling and stockpiling
- Quantity of controlled substances requested by year.

EPA anticipates that the 2000 review by the Parties of MDI essential use requests will focus extensively on research efforts underway to develop alternatives to CFC MDIs, on education programs to inform patients and providers of the phaseout and the transition to alternatives, and on steps

taken to minimize CFC use and emissions including efforts to recapture or reprocess the controlled substance. Accordingly, applicants are strongly advised to present detailed information on these points, including the scope and cost of such efforts and the medical and patient organizations involved in the work. Applicants can strengthen their exemption requests by submitting a complete set of education materials and including copies of printed, electronic or audio-visual tools. Applicants are given notice that exemption requests without adequate information on research and education will not be considered complete.

Applicants should submit their exemption requests to EPA as noted in the Addresses section at the beginning of today's notice.

Dated: September 9, 1999.

Robert D. Brenner,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 99–24046 Filed 9–14–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6438–9]

Draft Guidance for Improving Air Quality Through Economic Incentive Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Today EPA announces the availability of draft guidance for States that wish to use an economic incentive program (EIP) to achieve air quality improvements. The draft guidance—''Draft Economic Incentive Program Guidance (EPA–452/D–99–001, July 1999)''—is a comprehensive update of EPA's 1994 EIP rule and guidance. (59 FR 16690), with regard to discretionary EIPs. It also incorporates some components of EPA's 1995 proposed model rule for open market trading (60 FR 39668), as well as the comments received on that proposed rule. With this guidance, EPA seeks to encourage cost effective and innovative approaches for achieving air quality requirements, and at the same time, maintain the enforceability and accountability of more traditional air quality management approaches.

DATES: The EPA is establishing a 60-day comment period, ending on November 15, 1999.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6101), Attention: Docket No. A–99–27, U.S. Environmental Protection Agency, 401 M Street SW, Room M–1500, Washington, DC 20460, telephone (202) 260–7548, between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. No confidential business information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: For specific questions and comments on this guidance, contact Ms. Nancy Mayer, U.S. EPA, MD–15, Research Triangle Park, NC 27711, telephone (919) 541–5390, e-mail ''mayer.nancy@epa.gov''; or Mr. Eric Crump, U.S. EPA, MD–15, Research Triangle Park NC 27711, telephone (919) 541–4719, e-mail ''crump.eric@epa.gov''.

SUPPLEMENTARY INFORMATION: The EIP guidance will have no direct regulatory consequences when finalized. The proposed draft outlines a variety of economic incentive programs, and provides advice to States on choosing the best type of program to meet their objectives. States can then develop or revise their implementation plans to incorporate an EIP that will meet national air quality objectives, and achieve an overall benefit to the environment.

Electronic Availability—A World Wide Web (WWW) site has been developed so that you can obtain a copy of the draft EIP guidance for review and comment. The Uniform Resource Location (URL) for the home page of the web site is http://www.epa.gov/ttn/oarpg. You can find the draft EIP guidance on this web site under the heading titled ''What's New.'' If you need additional assistance with these web sites, call the TTN Helpline at (919) 541–5384. If you lack access to the World Wide Web, you may request a copy of the draft EIP guidance from the individuals listed above under **FOR FURTHER INFORMATION CONTACT.**

The EPA has established an official record for this draft guidance (which will include the draft guidance, plus any public comments and data submitted) under docket number A–99–27. A public version of this record, including printed, paper versions of electronic comments—but excluding any information claimed as CBI—is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: A-and-R-Docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A–99–27. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

Dated: September 3, 1999.

John S. Seitz,

Director, Office of Air Quality, Planning and Standards.

[FR Doc. 99–24045 Filed 9–14–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6438–9]

Proposed Agreement Pursuant to Sections 122(g) and (h) of the Comprehensive Environmental Response, Compensation, and Liability Act for the Zionsville Third Site Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment on proposed *de minimis* settlement.

SUMMARY: In accordance with section 122(I)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1984, as amended (''CERCLA''), notification is hereby given of a proposed administrative agreement concerning the Zionsville Third Site hazardous waste site located approximately 150 feet east of U.S. Route 421 in Zionsville, Indiana (the ''Site''). EPA proposes to enter into this agreement under the authority of sections 122 (g) and (h) and 107 of CERCLA. In addition to the review by the public pursuant to this document, the agreement has been approved by the United States Department of Justice. The proposed agreement has been executed by the following de minimis parties: A.E. Staley Manufacturing Company; Advance Circuits, Inc.; Nilfisk-Advance, Inc. (Formerly Advance Machine Company); AlliedSignal, Inc. and Sinclair & Valentine Company; Allina Health System (United Hospital, Mount Sinai Hospital, Metropolitan Medical Center); American Industrial Corp.; American Packaging Corporation;