

Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to [www.epa.gov/edocket](http://www.epa.gov/edocket).

**ICR Title:** Plant-Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting

**ICR Status:** This is a request for extension of an existing approved collection that is currently scheduled to expire on July 31, 2004. EPA is asking OMB to approve this ICR for three years. Under 5 CFR 1320.12(b)(2), the Agency may continue to conduct or sponsor the collection of information while the submission is pending at OMB.

**Abstract:** On January 16, 2001, EPA promulgated a final rule that addresses the regulatory status of pesticidal substances that are produced by plants (plant-incorporated protectants). This Information Collection Request (ICR) covers the two information collection related provisions contained in the final rule: the provision that requires registrants that make Confidential Business Information (CBI) claims to substantiate such claims when they are made, and the provision that requires manufacturers of plant-incorporated protectants exempted from requirements of registration under the final rule to report adverse effects to the Agency.

**Burden Statement:** The annual "respondent" burden for this ICR is estimated to average about 22 hours per response. According to the Paperwork Reduction Act, "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 is the time reading the regulations, planning the necessary data collection activities, conducting tests, analyzing data, generating reports and completing other required paperwork, and storing, filing, and maintaining the data. The 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 number for this information collection appears at the beginning and the end of this document. In addition OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9.

The following is a summary of the burden estimates taken from the ICR:

**Respondents/affected entities:**

Persons or companies involved with agricultural biotechnology that may develop and market plant incorporated protectants.

**Estimated total number of potential respondents:** 14.

**Frequency of response:** On occasion.

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

**Estimated total annual burden hours:** 303.

**Estimated total annual burden costs:** \$27,572.

**Changes in the ICR Since the Last Approval:**

The total estimated annual respondent burden for this ICR has decreased 1,067 hours, from 1,370 hours to 303; and the cost has decreased \$92,420, from \$119,992 to \$27,572, because the previous ICR included an estimated 1,067 hours for respondents to familiarize themselves with the requirements of the rule, which was promulgated in 2001. This decrease is explained more fully in the ICR.

**List of Subjects:**

EPA, pesticides, pesticide registration, information collection.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 04-17663 Filed 8-2-04; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[OPPT-2003-0070; FRL -7796-5]

**Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Residential Lead-Based Paint Hazard Disclosure Requirements; EPA ICR No. 1710.04, OMB No. 2070-0151**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. This ICR is scheduled to expire on July 31, 2004. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated cost.

**DATES:** Additional comments may be submitted on or before September 2, 2004.

**ADDRESSES:** Submit your comments, referencing docket ID Number OPPT-2003-0070, to (1) EPA online using EDOCKET (our preferred method), by email to [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov) or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail code: 7407T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mail code: 7408, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On January 12, 2004, EPA sought comments on this renewal ICR (69 FR 1740) pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period.

EPA has established a public docket for this ICR under Docket ID No. OPPT-2003-0070, which is available for public viewing at the OPPT Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is 202-566-0280. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. Please note, EPA's policy is that public comments, whether submitted

electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to [www.epa.gov/edocket](http://www.epa.gov/edocket).

*ICR Title:* Residential Lead-Based Paint Hazard Disclosure Requirements (EPA ICR No. 1710.04, OMB No. 2070-0151).

*Abstract:* Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d) requires that sellers and lessors of most residential housing built before 1978 disclose known information on the presence of lead-based paint and lead-based paint hazards, and provide an EPA-approved pamphlet to purchasers and renters before selling or leasing the housing. Sellers of pre-1978 housing are also required to provide prospective purchasers with 10 days to conduct an inspection or risk assessment for lead-based paint hazards before obligating purchasers under contracts to purchase the property. The rule does not apply to rental housing that has been found to be free of lead-based paint, zero-bedroom dwellings, housing for the elderly, housing for the handicapped, or short-term leases. The affected parties and the information collection-related requirements related to each are described below:

1. Sellers of pre-1978 residential housing. Sellers of pre-1978 housing must attach certain notification and disclosure language to their sales/leasing contracts. The attachment lists the information disclosed and acknowledges compliance by the seller, purchaser and any agents involved in the transaction.

2. Lessors of pre-1978 residential housing. Lessors of pre-1978 housing must attach notification and disclosure language to their leasing contracts. The attachment, which lists the information

disclosed and acknowledges compliance with all elements of the rule, must be signed by the lessor, lessee and any agents acting on their behalf. Agents and lessees must retain the information for 3 years from the completion of the transaction.

3. Agents acting on behalf of sellers or lessors. Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 specifically directs EPA and HUD to require agents acting on behalf of sellers or lessors to ensure compliance with the disclosure regulations.

Responses to the collection of information are mandatory (see 40 CFR part 745, subpart F, and 24 CFR 35, subpart H). 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 regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.19 hour per response. 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. This 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.

*Respondents/Affected Entities:* Persons engaged in selling, purchasing or leasing certain residential dwellings built before 1978, or who are real estate agents representing such parties.

*Frequency of Collection:* On occasion; third-party notification only.

*Estimated No. of Respondents:* 47,516,400.

*Estimated Total Annual Burden on Respondents:* 8,855,610 hours.

*Estimated Total Annual Costs:* \$136,774,352.

*Changes in Burden Estimates:* The total estimated annual burden requested in this ICR (8,855,610 hours) reflects an

estimated net increase of 1,710,198 burden hours from the total estimated burden identified in the ICR that was last approved by OMB (7,145,412 hours). This increase is due to the recent increase in real estate sales, presumably associated with historically low interest rates. The previous ICR analysis projected sales of target housing units at a rate of 3,429,447 per year. The current analysis projects sales of 4,324,000 units per year, or an increase of about 895,000 units per year. The burden increase is an adjustment.

Dated: July 22, 2004.

**Oscar Morales,**

*Director, Collection Strategies Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7796-3]

### Proposed Settlement Agreement, Clean Air Act Petitions for Review

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed settlement agreement; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. section 7413(g), notice is hereby given of a proposed settlement agreement, to address lawsuits filed by Our Children's Earth Foundation, Plumbers and Steamfitters Union Local 342 and International Brotherhood of Electrical Workers Local 302, and Communities for a Better Environment ("plaintiffs"): *Our Children's Earth Foundation v. EPA* (No. 04-70643) (9th Cir.); *Plumbers and Steamfitters Union Local 342 v. EPA* (No. 04-70688) (9th Cir.); and *Communities for a Better Environment v. EPA* (No. 04-70776) (9th Cir.) (consolidated). On or about February 12, 2004, February 13, 2004, and February 17, 2004 plaintiffs filed petitions for judicial review of EPA's dismissal of several administrative "veto" petitions filed under title V of the Act, which requested that the EPA Administrator object to operating permits issued by the Bay Area Air Quality Management District ("District") for several oil refineries in the San Francisco Bay Area. Under the terms of the proposed settlement agreement, the parties would request a continuation of the stay of the petitions for review while the District finalizes new versions of the title V permits at issue, the Plaintiffs file new veto petitions on those new permits,