

# Notices

Federal Register

Vol. 69, No. 202

Wednesday, October 20, 2004

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. ST04-06]

#### Request for an Extension and Revision to a Currently Approved Information Collection

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget, for an extension of and revision to the currently approved information collection for Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides (7 CFR Part 110).

**DATES:** Comments received by December 20, 2004, will be considered.

**FOR FURTHER INFORMATION CONTACT:** Contact Bonnie Poli, Pesticide Records Branch, Science and Technology, Agricultural Marketing Service, Suite 203, 8609 Sudley Road, Manassas, Virginia 20110-4582, Telephone (703) 330-7826, Fax (703) 330-6110.

#### SUPPLEMENTARY INFORMATION:

*Title:* Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides (7 CFR Part 110).

*OMB Number:* 0581-0164.

*Expiration Date of Approval:* June 30, 2005.

*Type of Request:* Extension and revision of a currently approved information collection.

*Abstract:* The regulations, "Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides" require

certified pesticide applicators to maintain records of federally restricted use pesticide applications for a period of two years. The regulations also provide for access to pesticide records or record information by Federal or State officials, or by licensed health care professionals who are needed to treat an individual who may have been exposed to restricted use pesticides, and penalties for enforcement of the recordkeeping and access provisions.

The Food, Agriculture, Conservation, and Trade Act of 1990, (Pub. L. 101-624; 7 U.S.C. 136i-1), referred to as the FACT Act, directs and authorizes the Department to develop regulations which establish requirements for recordkeeping by all certified applicators of federally restricted use pesticides. A certified applicator is an individual who is certified by the Environmental Protection Agency (EPA) or a State under cooperative agreement with EPA to use or supervise the use of restricted use pesticides.

Section 1491 of the FACT Act directs and authorizes the Department of Agriculture to ensure compliance with regulations as the Department may prescribe, including levying penalties, for failure to comply with such regulations.

Because this is a regulatory program with enforcement responsibility, USDA must ensure that certified applicators are maintaining restricted use pesticide application records for the two year period required by the FACT Act. To accomplish this, USDA must collect information through personal inspections of certified applicator's restricted use pesticide application records.

The information collected is used only by authorized representatives of the USDA (AMS, Science and Technology national staff, other designated Federal employees, and designated State supervisors and their staffs), who are delegated authority to access the records pursuant to section 1491, subsection (b) of the FACT Act. The information is used to administer the Federal Pesticide Recordkeeping Program. The Agency is the primary user of the information, and the secondary user is each designated State agency which has a cooperative agreement with AMS.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated as follows:

(a) Approximately 372,675 certified private applicators (recordkeepers) apply restricted use pesticides. It is estimated that certified private applicators average .415 hours per recordkeeper for a total of 154,660 burden hours. This is a 9,999 decrease in burden hours from the previous collection request due to fewer private applicators in 2003. Of the 372,675 certified private applicators, approximately 4,600 are selected annually for recordkeeping inspections. It is estimated that a private applicator that is subject to a pesticide record inspection has an annual burden of .85 hours, which contributes to a total annual burden of 3,910 hours.

(b) There are approximately 308,443 certified commercial applicators nationally who are required to provide copies of restricted use pesticide application records to their clients. It is estimated that certified commercial applicators have a total annual burden of 1,520,007 hours.

(c) It is estimated that State agency personnel who work through cooperative agreements with AMS to inspect certified private applicator's records have a total annual burden of 8,976 hours. This is a decrease of 2,044 burden hours from the previous collection request due to fewer states participating in cooperative agreements with AMS.

*Respondents:* Certified private and commercial applicators, State governments or employees, and Federal agencies or employees.

*Estimated Number of Respondents:* 685,786—The total number of respondents includes certified commercial applicators, certified private applicators (recordkeepers) and designated State agency personnel utilized to inspect certified private applicator's records.

*Estimated Number of Responses per Respondent:* The estimated number of responses per respondent is as follows:

(a) It is estimated that certified private applicators (recordkeepers), record on an average 5 restricted use pesticide application records annually.

(b) It is estimated that certified commercial applicators provide 616 copies of restricted use pesticide records to their clients annually.

(c) State agency personnel, who work under cooperative agreements with AMS to conduct restricted use pesticide records inspections, have approximately 4,420 responses annually.

*Estimated Total Annual Burden on Respondents:* 1,687,553. This revision in the Total Annual Burden on Respondents decreases the current burden by 12,043 hours due to the decrease in the number of private applicators required to keep records and fewer states participating in the cooperative program.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Bonnie Poli, Pesticide Records Branch, Science and Technology, Agricultural Marketing Service, Suite 203, 8609 Sudley Road, Manassas, Virginia 20110-4582, Telephone (703) 330-7826, Fax (703) 330-6110. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: October 14, 2004.

**A. J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-23418 Filed 10-19-04; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### **Agency Information Collection Activities: Proposed Collection; Comment Request—WIC Farmers' Market Nutrition Program (FMNP) Financial Report (Form FNS-683); WIC Farmers' Market Nutrition Program Recipient Report (Form FNS-203); and WIC Farmers' Market Nutrition Program Regulations**

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of FNS to request revisions to currently approved information collections in the WIC Farmers' Market Nutrition Program Financial Report (Form FNS-683); WIC Farmers' Market Nutrition Program Recipient Report (Form FNS-203); and WIC Farmers' Market Nutrition Program Regulations.

**DATES:** Written comments must be received by December 20, 2004.

**ADDRESSES:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Debra R. Whitford, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 522, Alexandria, Virginia 22302. Comments may also be submitted via fax to the attention of Debra R. Whitford at (703) 305-2196 or via e-mail to [wichq-web@fns.usda.gov](mailto:wichq-web@fns.usda.gov). In all cases, including when comments are sent via e-mail, please label your comments as "Proposed Collection of Information: WIC Farmers' Market Nutrition Program."

All written comments will be open for public inspection at the office of the

Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Room 522, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for OMB approval, and will become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection form and instructions should be directed to: Debra Whitford, (703) 305-2746.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* The WIC Farmers' Market Nutrition Program Financial Report (Form FNS-683); WIC Farmers' Market Nutrition Program Recipient Report (Form FNS-203); and WIC Farmers' Market Nutrition Program Regulations.

*OMB Number:* 0584-0447.

*Form Numbers:* Form FNS-683, Form FNS-203, and the WIC Farmers' Market Nutrition Program Regulations.

*Expiration Date:* February 28, 2005.

*Type of Request:* Revision to a Currently Approved Collection Form.

*Abstract:* Pursuant to Section 17(m)(8) of the Child Nutrition Act of 1966, 42 U.S.C. 1786(m)(8), 7 CFR 248.23 of the WIC Farmers' Market Nutrition Program (FMNP) regulations requires that certain Program-related information be compiled and submitted to FNS. Each State agency administering the FMNP is required to use FNS-683 and FNS-203 to report financial and participation data to the Secretary as required by 7 CFR part 3016. FNS will use this information for funding and program management decisions. Based on the previous submission of reporting and recordkeeping requirements for the FMNP, 41 State agencies administered the program, including the authorization of 1,622 farmers' markets to accept FMNP coupons. Due to program growth, currently 44 State agencies administer the program, including the authorization of 2,259 farmers' markets, 15,241 farmers, and 1,339 roadside stands authorized to accept FMNP coupons (for a total of 18,839 authorized entities). No new program requirements have been added to change or increase the number of hours per response. Therefore, based on an increase in respondents, and an increased information collection burden on respondents, a revision to the reporting and recordkeeping burden is necessary.

*Form FNS-683 Reporting Burden:* See chart below.

*Form FNS-203 Reporting Burden:* See chart below.