

or on cotton gin byproducts, in or on cottonseed (undelinted) and 0.2 ppm in/on caneberry at 0.1 ppm. (The TMRC is a "worse case" estimate of dietary exposure since it is assumed that 100% of all crops for which tolerances are established are treated and that pesticide residues are present at the tolerance levels). In conducting this exposure assessment, the following very conservative assumptions were made: 100% of soybeans, cotton and cereal grains will contain carfentrazone-ethyl residues and those residues would be at the level of the tolerance which result in an overestimate of human exposure.

i. *Food.* Dietary exposure from the proposed uses would account for 0.1% or less of the aRfD in subpopulations (including infants and children). Dietary exposure from the proposed uses would account for 3.2% or less of the cRfD in subpopulations (including infants and children).

ii. *Drinking water.* Studies have indicated that carfentrazone-ethyl will not move into groundwater, therefore water has not been included in the dietary risk assessment.

2. *Non-dietary exposure.* The potential for non-occupational exposure to the general population has not been fully assessed.

#### D. Cumulative Effects

EPA is also required to consider the potential for cumulative effects of carfentrazone-ethyl and other substances that have a common mechanism of toxicity. FMC does not have information to indicate that toxic effects produced by carfentrazone-ethyl would be cumulative with those of any other chemical compounds; thus only the potential risks of carfentrazone-ethyl are considered in this exposure assessment.

#### E. Safety Determination

1. *U.S. population.* Using the conservative exposure assumptions described and based on the completeness and reliability of the toxicity data, the aggregate exposure to carfentrazone-ethyl will utilize 0.06% of the aRfD and 1.4% of the cRfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD. Therefore, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, there is a reasonable certainty that no harm will result from aggregate exposure to residues of carfentrazone-ethyl, including all anticipated dietary exposure and all other non-occupational exposures.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of carfentrazone-ethyl, EPA considers data from developmental toxicity studies in the rat and rabbit and the 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development. Reproduction studies provide information relating to effects on the reproductive capacity of males and females exposed to the pesticide. Developmental toxicity was not observed in developmental toxicity studies using rats and rabbits. Subsequently, there was no reproductive toxicity observed in the 2-generation reproduction study in rats as well.

FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on the current toxicological data requirements, FMC concludes that the database relative to pre- and post-natal effects for children is complete and an additional uncertainty factor is not warranted. Therefore at this time, the RfD of 0.03 mg/kg/day is appropriate for assessing aggregate risk to infants and children.

Using the conservative exposure assumptions described above, the percent of the RfD that will be utilized by aggregate exposure to residues of carfentrazone-ethyl for non-nursing infants (<1 year old) would be 0.08% of the aRfD and 3.0% of the cRfD; for children 1–6 years of age would be 0.08% of the aRfD and 3.2% of the cRfD, (the most highly exposed group). Based on the completeness and reliability of the toxicity data and the conservative exposure assessment, there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the residues of carfentrazone-ethyl including all anticipated dietary exposure.

#### F. International Tolerances

There are no Codex Alimentarius Commission (Codex) Maximum Residue Levels (MRLs) for carfentrazone-ethyl on any crops at this time.

[FR Doc. 01–6731 Filed 3–16–01; 8:45 am]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

[OPP–181080; FRL–6772–3]

### Bifenazate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the Texas Department of Agriculture to use the pesticide bifenazate (CAS No. 149877–41–8) to treat up to 200 acres of greenhouse tomatoes to control spider mites. The Applicant proposes a first food use of this pesticide. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments, identified by docket control number OPP–181080, must be received on or before April 3, 2001.

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

**SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181080 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703 308–9362; fax number: 703 308–5433; e-mail address: [schaible.stephen@epa.gov](mailto:schaible.stephen@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for emergency exemption under section 18 of FIFRA. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of potentially affected entities
State government	9241	State agencies that petition EPA for section 18 pesticide exemption

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be

regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?*

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-181080. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

*C. How and to Whom Do I Submit Comments?*

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-181080 in the

subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov), or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-181080. Electronic comments may also be filed online at many Federal Depository Libraries.

*D. How Should I Handle CBI that I Want to Submit to the Agency?*

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document 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. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the proposed rule or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## II. Background

*What Action is the Agency Taking?*

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Texas Department of Agriculture has requested the Administrator to issue a specific exemption for the use of bifenazate on greenhouse tomatoes to control spider mites. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that currently registered alternatives do not provide adequate control of spider mites. Texas greenhouse production of tomatoes utilizes an intensive integrated pest management (IPM) program with dependence on beneficial insects for control of primary insects and mites. In addition, greenhouse tomato production uses an indeterminate variety of tomatoes that are harvested year round. For these reasons, pesticide products are needed which have a short preharvest interval (PHI ≤ 3 days), are efficacious against two-spotted spider mites while being safe to beneficial insects and bees, and are labeled for use on greenhouse tomatoes. The Applicant claims that the three chemicals currently registered for

use in greenhouses: Dicofol, Abamectin, and Cinnamaldehyde do not meet all of the above qualifications. It is further claimed that the predator normally used to control two-spotted spider mites does not perform well on tomato plants.

The Applicant feels that for those greenhouse growers using biological agents, bifenazate will provide a much needed alternative because of its specificity to spider mites and its relative safety to beneficial insects. It is felt that the effectiveness of the product against multiple tetranychid species makes it useful for single-species and concurrent, multi-species infestations as well as for sequential infestations with two or more species. The Applicant estimates that for the major greenhouse producer, 25% of the 2,000 crop was affected by spider mites. Plants affected with spider mites lose 60% of their value when the secondary effect on quality is included. The difference in gross revenue for the requested use acreage is predicted to be \$12,228,000 when using the requested pesticide over the next best alternative.

The Applicant proposes to make no more than two applications of Floramite miticide (EPA Reg. No. 400-481), containing 50% bifenazate, to 200 acres of greenhouse tomatoes in Texas. The product may be applied at a rate of 8 to 16 oz. of product (4-8 oz. of active ingredient (a.i.)) per acre; no more than 16 oz. of product may be applied per acre per year. Application will occur year round throughout the state. Under this exemption, a maximum of 200 lbs. of product (100 lbs. a.i.) may be applied over the course of the year.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing a first food use of a chemical. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Texas Department of Agriculture.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 20, 2001.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 01-6730 Filed 3-16-01; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6954-1]

### Preparation of Third U.S. Climate Action Report

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; Request for public comments.

**SUMMARY:** In June 1992, the United States signed the United Nations Framework Convention on Climate Change (UNFCCC). Pursuant to the national communication reporting requirements under Articles 4.2 and 12 of the Convention and to guidelines later adopted by the UNFCCC Conference of the Parties (COP), the United States submitted the first U.S. Climate Action Report (USCAR) to the UNFCCC Secretariat in 1994 and the second in 1997. The U.S. Government is currently preparing the third national communication, which is due to the UNFCCC secretariat no later than November 30, 2001. The purpose of this announcement is to notify interested members of the public of this process and to solicit contributions and input on the issues covered in the national communication before the draft text is released for public review (in summer of 2001).

**DATES:** Written comments should be received on or before noon, April 18, 2001. However, comments received after that date will still be welcomed and will be considered during preparation of the report.

**ADDRESSES:** Comments should be submitted to: Mr. Reid P. Harvey, U.S. Environmental Protection Agency, Office of Atmospheric Programs (Mail Stop 6204N), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Comments may also be e-mailed to [harvey.reid@epa.gov](mailto:harvey.reid@epa.gov) or faxed to 202-565-6673. Overnight or courier deliveries should be sent to the office location at 633 3rd Street, NW., Washington, DC, 20001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Reid P. Harvey, Office of Atmospheric Programs, U.S. Environmental Protection Agency at (202) 564-9429.

#### SUPPLEMENTARY INFORMATION:

#### Background

In accordance with the UNFCCC's reporting requirements as specified in Articles 4.2 and 12, and following reporting guidelines developed (and adopted by the UNFCCC COP at its first session), the United States prepared the U.S. Climate Action Report (CAR) and

submitted it to the UNFCCC Secretariat in October 1994.

The CAR provided a description of the U.S. program designed to reduce emissions to 1990 levels by the year 2000. The initial CAR incorporated much of the information contained in the first Climate Change Action Plan announced by President Clinton and Vice President Gore on October 19, 1993.

At the Second COP, the Parties requested developed country Parties to the Convention to submit to the UNFCCC Secretariat, in accordance with Articles 12.1 and 12.2 of the Convention, a second national communication by April 15, 1997. Parties that submitted first reports in 1996 were to provide an update by the 1997 deadline and Parties with economies in transition were to provide their second communication by April 15, 1998. Developing country Parties have different guidelines and due dates for their national communications. The United States submitted its second national communication to the UNFCCC Secretariat in July 1997.

At the Fifth COP, the Parties updated the guidelines for preparation of national communications (see FCCC/CP/1999/7). This document is available on the Internet at <http://www.unfccc.de/resource/cop5.html>. In addition, the Parties requested that third national communications be submitted no later than November 30, 2001.

### The Third United States Climate Action Report (CAR)

The third CAR will review key elements contained in the Climate Change Action Plan, including: an update on key baseline assumptions; a review and assessment of activities to date under the actions listed in the plan; and an update of the list of actions reflecting changes initiated by responsible agencies since the plan was first proposed in 1993.

In keeping with international guidelines, the third CAR will provide an inventory of U.S. greenhouse gas emissions and sinks, estimate effects of mitigation measures and policies on future emissions levels, and describe U.S. involvement in international programs, including associated contributions and funding efforts.

In addition, the text will include a discussion of U.S. national circumstances that affect U.S. vulnerability and responses to climate change. Information on the U.S. Global Change Research Program, Global Climate Observing Systems (GCOS), and adaptation programs will also be presented.