

holidays. The PIRIB telephone number is (703) 305-5805.

### III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. Your request must be received by EPA on or before January 5, 2000. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00636 in the subject line on the first page of your request.

1. *By mail.* You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* 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 request electronically by e-mail to: "opp-docket@epa.gov." Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP-00636. You may also file a request online at many Federal Depository Libraries.

### IV. Background on PIC Agreement

The U.S. is a signatory to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, commonly known as PIC. Under this Agreement, countries nominate substances which have been banned or severely restricted, and once approved for inclusion in the Procedure, these substances will be subject to additional controls in international

trade. The PIC creates a system to ensure that countries importing particularly dangerous chemicals and pesticides fully understand the risks posed by the use of these substances, and can make informed decisions about their import. This is primarily achieved through the sharing of information about control actions and the risks which prompted them. PIC also establishes a mechanism which enables countries to refuse import of listed substances, and creates a responsibility for exporting countries to prohibit export to that country. It also establishes other information exchange provisions which include: export notifications, material data safety sheets, and labeling. An Interim Chemical Review Committee, commonly known as ICRC, has been established to provide technical, expert advice and recommendations for implementing parts of the Interim Procedure. The Environmental Protection Agency is providing a representative to the ICRC who will reflect the regulatory approaches of the U.S. in the ICRC. The ICRC will review technical and regulatory information and develop recommendations regarding the inclusion of chemicals in the Interim PIC Procedures. The Agreement will come into force when 50 countries or regional economic integration organizations have ratified it. Until that time, the Agreement is being operated as a voluntary Interim Procedure.

#### List of Subjects

Environmental protection.

Dated: December 6, 1999.

Anne E. Lindsay,

Director, Field and External Affairs Division,  
Office of Pesticide Programs.

[FR Doc. 99-32384 Filed 12-14-99; 8:45 am]

BILLING CODE 6560-50-F

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-181071; FRL-6394-2]

#### Helix; 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 North Dakota Department of Agriculture to use the pesticide product Helix, containing the registered active ingredients difenoconazole (CAS No. 119446-68-3), fludioxonil (CAS No. 131341-86-1), and (*R*)-(2,6-dimethylphenyl)-methoxyacetyl-amino]-propionic acid methyl ester (CAS No. 70630-17-0) and the unregistered active ingredient thiamethoxam to treat up to 2,400,000 pounds of canola seed to control flea beetles. The Applicant proposes the use of a new chemical which has not been registered by the EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments, identified by docket control number OPP-181071, must be received by December 30, 1999.

**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-181071 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, 401 M St., SW., Washington, DC 20460; telephone number: 703-308-9362; fax number: 703-308-5433; e-mail address: 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" 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-181071. 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-181071 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, 401 M St., SW., 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," 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-181071. 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**

*A. 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 North Dakota Department of Agriculture has requested the Administrator to issue a specific exemption for the seed treatment use of Helix, containing the active ingredients, difenoconazole, fludioxonil, metalaxyl, and thiamethoxam on canola to control flea beetles. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that the only product currently registered for seed treatment use on canola to control flea beetles, Gaucho (containing the active ingredient imidacloprid), failed to provide control of flea beetles in 1999 under the severe pest pressure experienced in North Dakota. The Applicant claims that trap counts collected this fall indicate that even more extreme infestations are likely to occur next year. It is claimed that without the seed treatment use of Helix, significant economic losses for canola growers in North Dakota are expected. It is expected the Agency will soon receive additional information

supporting the contention that an emergency condition exists for the remaining states the treated seed is to be shipped.

According to the Applicant, the crucifer flea beetle and the striped flea beetle are significant pests of seedling canola. Flea beetles injure the plants by feeding on leaf tissue, stems and pods. Yield losses of 10% are common in canola when flea beetles are abundant even when the crop is protected with insecticides. It is claimed that over the last 5 years flea beetle pressure has been increasing in the northern-tier states, resulting in significant losses to canola producers in situations where the pest was not adequately controlled. Flea beetles pose the greatest threat to canola seedlings when hot, dry weather conditions occur during emergence. Under these circumstances, flea beetles are very active and can migrate in large numbers to newly emerging canola fields.

The Applicant proposes to make a single application treating canola seed at a rate of 23 fluid ounces of product per 100 pounds of seed. Under the emergency exemption, 2,400,000 lbs. of seed would be treated with Helix; this represents an estimated planting of 400,000 acres of canola in the United States. A total of 552,000 ounces of product would be used, with the use season starting January 1, 1999 and extending through March 1, 2000. Under the requested exemption, seed would be treated in North Dakota (and possibly Idaho, should that state request an exemption) and shipped to Minnesota, Montana, Wisconsin, South Dakota, and Washington.

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 use of a new chemical (i.e., an active ingredient) which has not been registered by the EPA. 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 emergency exemption requested by the North Dakota Department of Agriculture.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: December 1, 1999.

**James Jones,**

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

[FR Doc. 99-32184 Filed 12-14-99; 8:45 am]

**BILLING CODE 6560-50-F**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-100152; FRL-6392-4]

### Disclosure of Information Obtained Regarding Unreasonable Adverse Effects of Pesticides on the Environment; Class Determination

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

**ACTION:** Notice of Availability.

**SUMMARY:** This document announces a class determination by EPA that safety and efficacy information submitted under section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is not entitled to confidential treatment. This determination will enable EPA offices to respond more quickly and efficiently to requests for information submitted under section 6(a)(2).

**DATES:** The class determination took effect upon its issuance, on September 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Kathryn S. Bouve, 6(a)(2) Officer, Office of Pesticide Programs (7502C), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Information Services Branch, CM #2, 2d floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 305-5032; e-mail: [bouve.kate@epa.gov](mailto:bouve.kate@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

You may be potentially affected by this action if you are a pesticide registrant, i.e., any person who holds, or ever held, a registration for a pesticide product issued under section 3 or section 24(c) of FIFRA. Potentially affected categories and entities may include but are not limited to:

Cat-egories	NAICS	Examples of Potentially Affected Entities
Industry ..	32532	Pesticide manufacturing

This listing is not exhaustive, but is a guide to entities likely to be regulated by this action. The North American Industrial Classification System (NAICS) codes will assist you in

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

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

1. *Electronically.* You may obtain copies of this document and certain other available support documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" 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/homepage/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-100152. The official record consists of the documents specifically referenced in this action 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 Highway, 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.

3. *Fax on demand.* Using a faxphone call (202) 401-0527 and select item 6045 for a copy of Class Determination 1-99.

## III. What Is the Determination Announced in this Document?

On September 28, 1999, EPA issued Class Determination 1-99. In the Class Determination the Agency determined that safety and efficacy information submitted pursuant to FIFRA section 6(a)(2) is not entitled to confidential treatment, and that if such information is submitted to EPA under a claim of business confidentiality it may nonetheless be disclosed to the public, subject to the provisions of FIFRA section 10(g). This determination covers information both currently in the