

Office. Product-specific status inquiries may be made by telephone by calling toll-free 1-800-444-7255.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: July 9, 1997.

Linda A. Travers,

Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 97-19389 Filed 7-22-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50833; FRL-5731-8]

Receipt of a Notification to Conduct Small-Scale Field Testing of a Genetically Engineered Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of a notification (241-NMP-L) of intent to conduct small-scale field testing involving a microorganism, *Helicoverpa zea* single-embedded nuclear polyhedrosis virus (HzSNPV), which has been genetically engineered to (1) express an insect-specific pesticidal toxin, AaH IT1, from the scorpion *Androctonus australis* and (2) prevent expression of the ecdysteroid UDP-glucosyltransferase gene. American Cyanamid Company intends to test this microbial pesticide on cotton in seven states for control of the tobacco budworm and the cotton bollworm. The Agency has determined that these notifications may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on these notifications.

DATES: Written comments must be submitted to EPA by August 22, 1997.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP-50833] and the appropriate file symbol to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by following

the instructions under the SUPPLEMENTARY INFORMATION unit of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT:

William R. Schneider, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, CS #1, 2805 Jefferson Davis Hwy., Arlington, VA, (703) 308-8683; e-mail: schneider.william@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Notice of receipt of this notification does not imply a decision by the Agency on this notification.

1. A Notification (241-NMP-L) was received from American Cyanamid Company. The proposed small-scale field trial involves the introduction of a baculovirus, *Helicoverpa zea* single-embedded nuclear polyhedrosis virus (HzSNPV), which has been genetically engineered to express a gene which encodes for an insect-specific pesticidal toxin, AaH IT1, from the venom of the scorpion *Androctonus australis*. In addition, the gene for ecdysteroid UDP-glucosyltransferase (EGT) has been replaced with the same gene containing a deletion so that this enzyme will not be produced in the infected insect larvae. When insects are infected with the naturally-occurring (wild-type) virus, EGT prevents the insect from molting, and the insect will continue to eat and grow without molting. In contrast, an insect infected with the engineered virus, will not eat or molt resulting in death one to two days earlier than seen for the wild-type virus.

2. American Cyanamid has previously field tested a different baculovirus engineered to express the same toxin and having the same EGT deletion in 1995 and 1996. The purpose of the proposed testing will be to evaluate the efficacy of the baculovirus against the tobacco budworm (*Heliothis virescens*) and the cotton bollworm (*Helicoverpa zea*) on cotton. The total acreage for all sites will not exceed 3.9 acres. Individual tests will be conducted in: Alabama, Georgia, Louisiana, Mississippi, New Jersey, North Carolina, and Texas. The total amount of HzSNPV for all of the testing will not exceed 100 grams of active ingredient. On completion of the test, the crops will be destroyed. Ground spray equipment will be used and will be disinfected with 0.1% bleach solution following use.

Following review of these notifications and any comments

received in response to this notice, EPA may approve the tests, ask for additional data, require additional modifications to the test protocols, or require EUP applications to be submitted. In accordance with 40 CFR 172.50, under no circumstances shall the proposed tests proceed until the submitters have received notice from EPA of its approval of such tests.

The official record for this notice, as well as the public version, has been established for this notice under docket control number [OPP-50833] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP-50833] and the appropriate file symbol. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection and Genetically engineered microbial pesticides.

Dated: July 16, 1997.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 97-19387 Filed 7-22-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50831; FRL-5727-8]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit to the following applicant. The permit is in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Office of Pesticide Programs, Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by telephone: Rm. 3142, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: 703-308-8715, e-mail: mendelsohn.mike@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permit to Rogers Seed Company, 600 N. Armstrong Place, Boise ID 83740.

65268-EUP-1. Issuance. This experimental use permit allows the use of the plant pesticide *Bacillus thuringiensis* CryIA(b) delta-endotoxin and the genetic material (plasmid vector pZ01502) in 44,928 pounds of seeds shipped for 4,922 acres of corn to evaluate the control of the corn earworm, European corn borer, and fall armyworm. The program is authorized only in the States of California, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Maryland, Minnesota, Washington, and Wisconsin. The experimental use permit is effective through March 31, 1998. Exemptions from the requirement of a tolerance for the plant pesticide active and inert ingredients in or on all raw agricultural commodities have been established (40 CFR 180.1173 and 180.1175).

Persons wishing to review this experimental use permit are referred to the designated contact person. Inquires concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

List of Subjects

Environmental protection,
Experimental use permits.

Dated: June 25, 1997.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 97-19386 Filed 7-22-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5862-2]

Proposed Administrative Order On Consent; Clear Creek/Pinto Beans Site, Clear Creek County, CO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed 122(h)(1) settlement.

SUMMARY: In accordance with the requirements of section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), notice is hereby given of a proposed administrative settlement agreement under section 122(h)(1) concerning the Clear Creek/Pinto Beans Site in Clear Creek County, Colorado (the Site). The proposed Administrative Order on Consent (AOC) requires the potentially responsible party (PRP), Shupe & Yost, Inc., to pay a total of \$11,200.00 to resolve its liability to the U.S. EPA related to response actions taken or to be taken at the Site.

DATES: Comments must be submitted on or before August 22, 1997.

ADDRESSES: Comments should be addressed to Sharon Abendschan, (8ENF-T), Enforcement Specialist, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, and should refer to: In the Matter of: Clear Creek/Pinto Beans Site Administrative Settlement Agreement, EPA.

FOR FURTHER INFORMATION CONTACT:

Karen Kellen, (8ENF-L), Legal Enforcement Program, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466, (303) 312-6518.

SUPPLEMENTARY INFORMATION: Notice of section 122(h)(1) Administrative Settlement Agreement: In accordance with section 122(h)(1) of CERCLA, notice is hereby given that the terms of an Administrative Order on Consent (AOC) have been agreed to by the settling party Shupe & Yost, Inc.

By the terms of the proposed AOC, Shupe & Yost, Inc., will pay \$11,200.00 to the EPA Hazardous Substance Superfund. In exchange for payment, U.S. EPA will provide Shupe & Yost, Inc., with a covenant not to sue for liability under sections 106 and 107(a) of CERCLA.

The amount that Shupe & Yost, Inc., will pay was determined through negotiations between EPA and Shupe & Yost, Inc. The settlement amount was determined by a financial analysis of the

Shupe & Yost, Inc., financial documents submitted to EPA.

U.S. EPA will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed administrative settlement agreement.

A copy of the proposed AOC may be obtained in person or by mail from Sharon Abendschan, Enforcement Specialist (ENF-T), Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466, (303) 312-6957. Additional background information relating to the administrative settlement agreement is available for review at the Superfund Records Center at the above address.

Dated: July 15, 1997.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 97-19391 Filed 7-22-97; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5861-9]

Proposed Agreement and Covenant Not to Sue Mill Creek Township, Erie PA, Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that a Proposed Agreement and Covenant Not to Sue Millcreek Township, Erie PA ("Agreement") concerning property adjacent to the Millcreek Dump Superfund Site ("the Site") was executed by the Agency on May 6, 1997. The Agreement will enable Millcreek Township to accept a donation of approximately 64 acres of property adjacent to the Site and currently owned by Consolidated Rail Corporation ("Conrail"). Conrail's donation of the property to Millcreek Township will allow Millcreek Township to facilitate and implement the EPA approved remedial action at the Site by allowing all forms of access necessary to comply with an