

**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]

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#### 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]

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#### 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