

**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]

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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

Administrative Order issued by EPA on March 31, 1992. In exchange therefor, Millcreek Township will receive from the United States a Covenant Not to Sue pursuant to CERCLA for any contamination currently existing on the property.

For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the proposed Agreement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

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

**AVAILABILITY:** The proposed Agreement and additional background information relating to the Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed Agreement may be obtained from Benjamin Cohan, U.S. Environmental Protection Agency, Assistant Regional Counsel (3RC23), 841 Chestnut Building, Philadelphia, PA 19107. Comments should reference the "Millcreek Dump Superfund Site" and "EPA Docket No. III-97-91-DC," and should be forwarded to Benjamin Cohan at the above address.

**FOR FURTHER INFORMATION CONTACT:** Benjamin M. Cohan (3RC23), Assistant Regional Counsel, U.S. Environmental Protection Agency 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 566-2618.

Dated: July 7, 1997.

**Thomas Voltaggio,**

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.*  
[FR Doc. 97-19393 Filed 7-22-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[OPPTS-44641; FRL-5730-9]

**TSCA Chemical Testing; Receipt of Test Data**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's receipt of test data on alkyl glycidyl ether (CAS No. 120547-52-6) and cyclohexane (CAS No. 110-82-7). These data were submitted pursuant to enforceable testing consent agreements/orders issued by EPA under section 4 of

the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554-1404; TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Under 40 CFR 790.60, all TSCA section 4 enforceable consent agreements/orders must contain a statement that results of testing conducted pursuant to testing enforceable consent agreements/orders will be announced to the public in accordance with section 4(d).

**I. Test Data Submissions**

Test data for alkyl glycidyl ether were submitted by the Society of the Plastics Industry, Inc. (SPI) Epoxy Resin Systems AGE Task Force. The following companies comprise the Task Force: Air Products and Chemicals Inc.; Callaway Chemical Company; Ciba-Geigy Corporation; CVC Specialty Chemicals; and Shell Chemical Company. The submission includes a final report entitled "Micronucleus Cytogenetic Assay in Mice." This report was submitted in accordance with a TSCA section 4 enforceable testing consent agreement/order at 40 CFR 799.5000 and was received by EPA on May 15, 1997. This chemical is used as an epoxy resin additive and as a modifier for other epoxides in flooring and adhesives.

Test data for cyclohexane were submitted by the Cyclohexane Panel of the Chemical Manufacturers Association (CMA). The following test sponsors comprise the CMA Cyclohexane Panel: Chevron Chemical Company; CITGO Refining Chemicals Co., LP; E.I. du Pont de Nemours Company; Huntsman Corporation; Koch Industries Inc.; Phillips Petroleum Company; and Sun Company, Inc. The submission includes a final report entitled "Inhalation Developmental Toxicity Study of Cyclohexane in Rabbits." This report was submitted in accordance with a TSCA section 4 enforceable testing consent agreement/order at 40 CFR 799.5000 and was received by EPA on June 16, 1997. Cyclohexane is found in a number of consumer products including spray paint and spray adhesive. It is also available as a laboratory solvent. EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any

determination as to the completeness of the submissions.

**II. Public Record**

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS-44641). This record includes copies of all studies reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Nonconfidential Information Center (also known as the TSCA Public Docket Office), Rm. B-607 Northeast Mall, 401 M St., SW., Washington, DC 20460. Requests for documents should be sent in writing to: Environmental Protection Agency, TSCA Nonconfidential Information Center (7407), 401 M St., SW., Washington, DC 20460 or fax: (202)260-5069 or e-mail: oppt.ncic@epamail.gov.

**Authority:** 15 U.S.C. 2603.

**List of Subjects**

Environmental protection, Test data.  
Dated: July 14, 1997.

**Charles M. Auer,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 97-19388 Filed 7-22-97; 8:45 am]

BILLING CODE 6560-50-F

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5862-1]

**Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity to Comment regarding Halls Ferry Center, Inc., and Halak, Inc.**

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

**ACTION:** Complaint, notice of proposed civil penalty and opportunity to request hearing.

**SUMMARY:** The EPA is providing notice of a proposed civil penalty for alleged violations of the Clean Water Act ("Act"). The EPA is also providing notice of opportunity to request a hearing on the proposed penalty.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA provides the public notice of the proposed penalty pursuant to 33 U.S.C. 1319(g)(4)(A).

Class II proceedings are conducted under EPA's Consolidated Rules of