

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-00545; FRL-6025-4]

**Waiver of Fees Associated With Tolerance Objections**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

**SUMMARY:** EPA has issued an updated policy concerning waivers of fees associated with filing objections to tolerance actions under the Federal Food, Drug, and Cosmetic Act (FFDCA). The policy is available as a Pesticide Registration (PR) Notice entitled "Waiver of Fees Associated with Tolerance Objections." Interested parties may request a copy of the Agency's policy as set forth in the "ADDRESSES" unit of this document.

**ADDRESSES:** The PR Notice is available from Jim Tompkins; by mail: Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 239, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5697, e-mail: tompkins.jim@epa.gov.

**FOR FURTHER INFORMATION CONTACT:** By mail: Jim Tompkins, Environmental Protection Agency (7505C), 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 713B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5697, fax: 703-305-6920, e-mail: tompkins.jim@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. Electronic Availability***A. Internet*

Electronic copies of this document and the draft PR Notice also are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>).

*B. Fax-on-Demand*

For Fax-on-Demand, use a faxphone to call 202-401-0527 and select item 6117 for a copy of the PR Notice.

**II. Summary of the PR Notice**

This **Federal Register** document announces the availability of a Pesticide Registration (PR) Notice which updates EPA's policy concerning waivers of fees associated with filing objections to tolerance actions under the FFDCA. Specifically, EPA's tolerance fees regulations require that objections "shall be accompanied by a fee of

\$3,275." The regulations, however, also provide a procedure to request that EPA "waive or refund part or all of any fee imposed by this section" [§ 180.33(m)]. EPA does not construe these provisions as requiring objectors who believe they are entitled to a waiver of fees to file the specified fee with the objections and thereafter seek a refund. Rather, such a person may file a written request for a waiver of the objection fee with the objection. A fee of \$1,600 must accompany the waiver request unless the objector has no financial interest in the matter objected to. If EPA later determines that a fee waiver is inappropriate, that determination will not affect the timeliness of the filing of the objections; however, further action on the objections will not proceed until the fee has been paid. Failure to pay the fee following denial of a waiver would be grounds for denial of the objections.

**III. Public Docket**

This document is filed in the Office of Pesticide Programs's Docket Office under docket control number "OPP-00545." The public record is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. To contact the docket office by mail, telephone, or e-mail: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; (703) 305-5805; e-mail: opp-docket@epamail.epa.gov.

**List of Subjects**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 25, 1998.

**James Jones,**

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

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6158-1]

**Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act, Clear Creek/Central City Superfund Site, Chase Gulch #1 Priority Location**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

**SUMMARY:** Notification is hereby given of a Proposed Prospective Purchaser Agreement (PPA) associated with the Clear Creek/Central City Superfund Site, Chase Gulch #1 Priority Location located at Millsite 50, Bates Road 222, in the City of Black Hawk, Gilpin County, Colorado. This Agreement is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve certain potential EPA claims under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), against Roger D. Leclerc, the prospective purchaser (the purchaser).

The settlement would require the purchaser to cleanup the Property to the levels set forth in EPA's Record of Decision and to pay the U.S. Environmental Protection Agency \$2,500. The purchaser intends to use the purchased property for housing and housing for others. The purchaser agreed to provide EPA with an irrevocable right of access to the Site, to conduct all activities in compliance with all applicable local, State, and federal laws and regulations, and to exercise due care at the Site. The purchaser will record a copy of the PPA with the local Recorder's Office, and thereafter, each deed, title, or other instrument conveying an interest in the Property shall contain a notice stating that the Property is subject to the Agreement.

For thirty (30) days following the date of publication of this document, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the Superfund Records Center at the U.S. Environmental