

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7530-1]

**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, Sand Creek Superfund Site****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; request for public comment.

Notification is hereby given that a Proposed Prospective Purchaser Agreement (PPA) associated with the Sand Creek Superfund Site located in Commerce City, Colorado was executed by the United States Department of Justice on June 3, 2003. This Agreement is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve certain potential EPA claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), against NDSC, LLC., the prospective purchaser (the purchaser). The settlement would require the purchaser to provide EPA and the State of Colorado an irrevocable right of access, cash payments to EPA (90%) and the State of Colorado (10%) in the total amount of \$290,000.00, and the grant of an environmental covenant, under Colorado law, that will place land use controls on the purchased properties consistent with the response actions conducted by EPA and the State of Colorado on these properties. The purchasers will use the Site property in conjunction with their landscaping business operations.

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 Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202.

**Availability:** The proposed agreement is available for public inspection at the U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado, 80202. A copy of the proposed Agreement may be obtained from Maureen O'Reilly, Enforcement Specialist, U.S. Environmental

Protection Agency, Region VIII, 999 18th Street, Suite 300, ENF-T, Denver, Colorado, 80202. Comments should be sent to Maureen O'Reilly at the address above and should reference the "Sand Creek Superfund Site Prospective Purchaser Agreement, EPA Docket No. CERCLA-08-2003-0008".

**FOR FURTHER INFORMATION CONTACT:**

Richard Sisk, Enforcement Attorney, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, ENF-L, Denver, Colorado, 80202, (303) 312-6638.

Dated: June 27, 2003.

It is so agreed:

**Robert E. Roberts,***Regional Administrator, U.S. Environmental Protection Agency Region 8.*

[FR Doc. 03-18159 Filed 7-17-03; 8:45 am]

**BILLING CODE 6560-50-M****ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7529-8]

**Proposed CERCLA Section 122(h)(1) Administrative Agreement for Recovery of Response Costs for the Radiation Technology, Inc. Superfund Site, Rockaway Township, Morris County, NJ****AGENCY:** Environmental Protection Agency.**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region II, of a proposed administrative agreement pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of response costs concerning the Radiation Technology, Inc. Superfund Site ("Site") located in Rockaway Township, Morris County, New Jersey. The settlement requires the settling parties, Sterigenics East Corporation and Ion Beam Applications, Inc., the current lessees of a 15-acre parcel of property located on the approximately 280-acre Site, to pay \$200,000 in reimbursement of EPA's response costs at the Site. The settlement includes a covenant not to sue the settling parties pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), in exchange for settling parties' payment of monies. For thirty (30) days following the date of publication of this notice, EPA will

receive written comments relating to the settlement.

EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before August 18, 2003.**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region II offices at 290 Broadway, New York, New York 10007-1866.

Comments should reference the Radiation Technology, Inc. Superfund Site located in Rockaway Township, Morris County, New Jersey, Index No. CERCLA 02-2003-2006. To request a copy of the proposed settlement agreement, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:**

Frances M. Zizila, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: (212) 637-3135.

Dated: July 9, 2003.

**William McCabe,***Acting Director, Emergency & Remedial Response Division.*

[FR Doc. 03-18158 Filed 7-17-03; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY**

[OPPT-2003-0035; FRL-7319-1]

**Approval of Test Marketing Exemption for a Certain New Chemical****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-03-0004. The test marketing conditions are described in the TME application and in this notice.

**DATES:** Approval of this TME is effective July 9, 2003.**FOR FURTHER INFORMATION CONTACT:** *For general information contact:* Barbara