

**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

Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Virginia Lee, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-0883; e-mail address: [Lee.Virginia@epa.gov](mailto:Lee.Virginia@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT-2003-0035. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgrstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

##### II. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA and 40 CFR 720.38 authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes, if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

##### III. What Action is the Agency Taking?

EPA approves the above-referenced TME. EPA has determined that test marketing the new chemical substance, under the conditions set out in the TME application and in this notice, will not present any unreasonable risk of injury to health or the environment.

##### IV. What Restrictions Apply to this TME?

The test market time period, production volume, number of customers, and use must not exceed specifications in the application and this notice. All other conditions and restrictions described in the application and in this notice must also be met.

*TME-03-0004.*

*Date of Receipt:* June 2, 2003.

*Notice of Receipt:* June 25, 2003

(Volume 68 FR 37820) (FRL-7315-1).

*Applicant:* PPG Industries, Inc.

*Chemical:* Urethane acrylate.

*Use:* Component of photoresist coating.

*Production Volume:* 40,104 kg/yr.

*Number of Customers:* One.

*Test Marketing Period:* 365 days, commencing on first day of commercial manufacture.

The following additional restrictions apply to this TME. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.

2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. Copies of the bill of lading that accompanies each shipment of the TME substance.

##### V. What was EPA's Risk Assessment for this TME?

EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

##### VI. Can EPA Change Its Decision on this TME in the Future?

Yes. The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

##### List of Subjects

Environmental protection, Test marketing exemptions.

Dated: July 9, 2003.

**Linda Gerber,**

*Chief, New Chemicals Prenotice Management Branch, Office of Pollution Prevention and Toxics.*

[FR Doc. 03-18305 Filed 7-17-03; 8:45 am]

**BILLING CODE 6560-50-S**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are