

Summary: EPA continues to have environmental concerns about potential ecological impacts from the cessation of mine dewatering and tailings closure. EPA recommends the ROD include a specific plan to successfully transition wetlands and irrigated croplands to upland salt-tolerant species at the end of infiltration activities, and describe tailings closure, associated ecological risks, and mitigation measures.

Dated: May 5, 2009.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E9-10772 Filed 5-7-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8902-5]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; Anaconda Copper Site

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for public comments.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. 9622(i), notice is hereby given of a proposed Administrative Order on Consent and Settlement Agreement for Removal Action and Past Response Costs ("Agreement," Region 9 Docket No. 9-2009-10) pursuant to Section 122(h) of CERCLA concerning the Anaconda Copper Mine Site (the "Site"), located in Yerington, Nevada. The settling party is Atlantic Richfield Company ("ARC"). Through the proposed Agreement, ARC will pay to the United States \$2.2 million for response costs at the Site, and will conduct approximately \$8 million in interim removal actions to mitigate threats from hazardous substances. The response actions that ARC will perform include: Installing caps over former evaporation ponds to help prevent accumulation of acidic ponds and to prevent the migration of hazardous dusts; mitigating threats from soils that contain concentrated amounts of otherwise naturally occurring radiation; removing abandoned asbestos containing pipes; decommissioning abandoned electrical lines; and continuing operation and maintenance

of the fluid management system for abandoned heap leach facilities. The Agreement provides ARC with a covenant not to sue and contribution protection for the work performed at the Site, and for the response costs paid.

For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed Agreement. The administrative record and the Agency's response to any comments received will be available for public inspection at EPA's Region IX Superfund Records Center, located at 95 Hawthorne Street, San Francisco, California 94105.

DATES: Comments must be submitted on or before June 8, 2009.

ADDRESSES: The proposed Agreement may be obtained from the EPA Region IX Superfund Records Center, at 95 Hawthorne Street, San Francisco, California 94105 ((415) 536-2000). Comments regarding the proposed Agreement should be addressed to Andrew Helmlinger at the U.S. Environmental Protection Agency (ORC-3), 75 Hawthorne Street, San Francisco, California 94105, and should reference the Anaconda Copper Agreement, and Region IX Docket No. 9-2009-10.

FOR FURTHER INFORMATION CONTACT:

Andrew Helmlinger, Office of Regional Counsel, (415) 972-3904, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: April 22, 2009.

Keith A. Takata,

Director, Superfund Division.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2008-0790; FRL-8790-6]

Asbestos-Containing Materials in Schools; State Request for Waiver From Requirements; New Hampshire Department of Environmental Services Final Approval To Implement State Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final approval.

SUMMARY: EPA is approving a waiver of the requirements of the Federal asbestos-in-schools program for the State of New Hampshire. A waiver request can be granted if EPA determines that the State of New Hampshire is implementing or intends to implement a state program of asbestos

inspection and management that is at least as stringent as the federal program. This action approves the waiver request submitted by Governor John H. Lynch to the EPA Region 1 Regional Administrator, on July 15, 2008, via a letter with supporting documentation requesting a full waiver of the requirements of EPA's asbestos-in-schools program pursuant to the AHERA statute and 40 CFR 763.98. EPA published a notice of proposed approval and request for comments on December 19, 2008, with a detailed description of this waiver request. EPA's rationale for approving the waiver was provided in that notice of proposed approval and request for comments and will not be restated here. No comments were received on EPA's proposal.

DATES: *Effective Date:* This final approval is effective on May 8, 2009.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-HQ-OPPT-2008-0790. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy through the Asbestos Coordinator, Region 1—New England, Environmental Protection Agency, One Congress Street, Suite 1100 Mailcode SEP, Boston, MA 02114-2023. For anyone wishing to physically inspect the material, EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 5, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; *telephone number:* (202) 564-8182; *e-mail address:* TSCA-Hotline@epa.gov.

For technical information contact: James M. Bryson, Asbestos Coordinator, Region 1—New England, Environmental Protection Agency, One Congress Street, Suite 1100 Mailcode SEP, Boston, MA