

*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.  
[FR Doc. E9-10764 Filed 5-7-09; 8:45 am]

**BILLING CODE 6560-50-P**

## 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](mailto: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

02114–2023; *Telephone number:* (617) 918–1524; *e-mail address:* [bryson.jamesm@epa.gov](mailto:bryson.jamesm@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. What Action Is the Agency Taking?

EPA is granting a waiver of the asbestos-in-schools program to the State of New Hampshire. This waiver is issued under section 203(m) of the Toxic Substances Control Act (TSCA) and 40 CFR 763.98. Section 203 is within Title II of TSCA, also known as the Asbestos Hazard Emergency Response Act (AHERA). The Agency recognizes that a waiver granted to any State would not encompass schools operated under the defense dependents' education system (the third type of local education agency (LEA) defined at TSCA section 202(7) and 40 CFR 763.83), which serve dependents in overseas areas, and other elementary and secondary schools outside a State's jurisdiction, which generally includes schools in Indian country. Such schools would remain subject to EPA's asbestos-in-schools program.

On December 19, 2008, (FRL–8754–4) EPA published a notice of proposed approval and request for comments. A detailed description of this waiver request and EPA's rationale for approving it was provided in that notice and is not restated here.

##### II. What Is the Agency's Authority for Taking This Action?

In 1987, under TSCA section 203, the Agency promulgated regulations that require the identification and management of asbestos-containing material by LEAs in the nation's elementary and secondary school buildings: The "AHERA Schools Rule" (40 CFR part 763, subpart E). Under section 203(m) of TSCA and 40 CFR 763.98, upon request by a State Governor and after notice and comment and opportunity for a public hearing in the State, EPA may waive, in whole or in part, the requirements of the asbestos-in-schools program (TSCA section 203 and the AHERA Schools Rule) if EPA determines that the State has established and is implementing or intends to implement a program of asbestos inspection and management that contains requirements that are at least as stringent as those in the Agency's asbestos-in-schools program. A State seeking a waiver must submit its request to the EPA Region in which that State is located.

##### III. When Did New Hampshire Submit Its Request for a Waiver?

On July 15, 2008, Governor John H. Lynch submitted to the EPA Region 1

Regional Administrator, 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. The EPA Regional Administrator indicated to New Hampshire, by letter dated July 31, 2008, that the request was received. On September 30, 2008, the Manager of EPA's Toxics and Pesticides Unit submitted comments to the New Hampshire Department of Environmental Service's Air Resources Division regarding the AHERA waiver request. The State provided EPA with a response, dated October 10, 2008, in which each of EPA's comments was addressed.

##### IV. Materials in the Official Record

The official record, under Docket ID Number EPA–HQ–OPPT–2008–0790, contains the New Hampshire waiver request, and any other supporting or relevant documents pertaining to the approval, by EPA Region 1, of New Hampshire's AHERA waiver request.

##### List of Subjects

Environmental protection, Asbestos, Hazardous substances, Occupational health and safety, Reporting and recordkeeping requirements, Schools.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: March 30, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. E9–10770 Filed 5–7–09; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8593–2]

### Environmental Impacts Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564–1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements.

Filed 04/27/2009 Through 05/01/2009. Pursuant to 40 CFR 1506.9.

*EIS No. 20090136, Draft EIS, USA, AK, U.S. Army Alaska (USARAK) Project, Proposes the Stationing and Training of Increased Aviation Assets, Fort Wainwright, Fairbank, AK, Comment Period Ends: 06/22/2009, Contact: Jennifer Shore 703–602–4238.*

*EIS No. 20090137, Draft EIS, AFS, CA, Sierra National Forest Travel Management Plan, To Prohibit Motorized Vehicle Travel Off*

*Designated National Forest Transportation System (NFIS) Roads, Trails and Area, Fresno, Mariposa, Madera Counties, CA, Comment Period Ends: 06/22/2009, Contact: Gayne Sears 559–877–2218 Ext. 3182.*

*EIS No. 20090138, Second Final Supplement, COE, CA, Santa Ana River Interceptor (SARI) Protection/Relocation Project, Reduce the Risk of Damage to the SARI to allow for the Operation of Santa Ana River Project (SARP), and Releases from Prado Dam of up to 30,000 cubic feet per second (cfs), Right-of-Way Permit and US COE Section 404 Permit, Orange and Riverside Counties, CA, Wait Period Ends: 06/08/2009, Contact: Raina Fulton 213–452–3872.*

*EIS No. 20090139, Draft Supplement, AFS, 00, PROGRAMMATIC—Kootenai, Idaho Panhandle, and Lolo National Forest Plan Amendments for Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, Alternative E Updated has been Identified as the Forest Service's Preferred Alternative, ID, WA, MT, Comment Period Ends: 06/22/2009, Contact: Karl Dekome 208–765–7479.*

*EIS No. 20090140, Final EIS, NOA, 00, Amendment 29 Reef Fish Fishery Management Plan, Effort Management in the Commercial Grouper and Tilefish Fisheries, Reducing Overcapacity, Gulf of Mexico, Wait Period Ends: 06/08/2009, Contact: Roy E. Crabtree 727–824–5305.*

*EIS No. 20090141, Draft EIS, USA, NM, White Sands Missile Range (WSMR), Development and Implementation of Range-Wide Mission and Major Capabilities, NM, Comment Period Ends: 06/22/2009, Contact: Jennifer Shore 703–602–4238.*

*EIS No. 20090142, Draft EIS, NPS, CA, Yosemite National Park Project, Construction of Yosemite Institute Environment Education Campus, Implementation, Mariposa County, CA, Comment Period Ends: 07/15/2009, Contact: Ann Roberts 209–379–1383.*

*EIS No. 20090143, Final EIS, FRC, OR, Jordan Cove Energy and Pacific Connector Gas Pipeline Project, Construction and Operation, Liquefied Natural Gas (LNG) Import Terminal and Natural Gas Pipeline Facilities, Coos, Douglas, Jackson and Klamath Counties, OR, Wait Period Ends: 06/08/2009, Contact: Patricia Schaub 1–866–208–3372.*

*EIS No. 20090144, Draft EIS, GSA, CA, San Ysidro Land Port of Entry (LPOE) Improvement Project, Propose the Configuration and Expansion of the Existing (LPOE), San Ysidro, CA,*