

XVII. Termination

34. If any Party believes that any or all of the obligations under Section V (Access/Notice to Successors in Interest) are no longer necessary to ensure compliance with the requirements of the Agreement, that Party may request in writing that the other Party agree to terminate the provision(s) establishing such obligations; provided, however, that the provision(s) in question shall continue in force unless and until the party requesting such termination receives written agreement from the other party to terminate such provision(s).

XVIII. Contribution Protection

35. With regard to claims for contribution against Settling Respondent, the Parties hereto agree that the Settling Respondent is entitled to protection from contribution actions or claims as provided by CERCLA Section 113(f)(2), 42 U.S.C. 9613(f)(2) for matters addressed in this Agreement. The matters addressed in this Agreement are [all response actions taken or to be taken and response costs incurred or to be incurred by the United States or any other person for the Site with respect to the Existing Contamination].

36. The Settling Respondent agrees that with respect to any suit or claim for contribution brought by it for matters related to this Agreement it will notify the United States [and the state] in writing no later than 60 days prior to the initiation of such suit or claim.

37. The Settling Respondent also agrees that with respect to any suit or claim for contribution brought against it for matters related to this Agreement it will notify in writing the United States [and the state] within 10 days of service of the complaint on them.

XIX. Exhibits

38. Exhibit 1 shall mean the description of the Property which is the subject of this Agreement.

39. Exhibit 2 shall mean the map depicting the Site.

[— Exhibit 3 shall mean the Statement of Work.]

XX. Removal of Lien

40. [Use this provision only when appropriate.] Subject to the Reservation of Rights in Section IX of this Agreement, upon payment of the amount specified in Section IV (Payment) [or upon satisfactory completion of work to be performed specified in Section (Work to be Performed)], EPA agrees to remove any lien it may have on the Property under Section 107(l) of CERCLA, 42 U.S.C.

9607(l), as a result of response action conducted by EPA at the Property.

XXI. Public Comment

41. This Agreement shall be subject to a thirty-day public comment period, after which EPA may modify or withdraw its consent to this Agreement if comments received disclose facts or considerations which indicate that this Agreement is inappropriate, improper or inadequate.

It Is So Agreed:

United States Environmental Protection Agency

By:

Regional Administrator Date
Region

It Is So Agreed:

United States Department of Justice

By:

Assistant Attorney General Date
Environment and Natural Resources Division,
Department of Justice

It Is So Agreed:

By:

Name Date
[FR Doc. 00-487 Filed 1-7-00; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6520-9]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act; In Re: Transcomm, Inc. and Transcomm Realty Trust—210 New Boston Street—Industri-Plex Superfund Site; Woburn, MA

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed prospective purchaser agreement and request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into a prospective purchaser agreement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve the liability under

CERCLA of Transcomm Realty Trust and Transcomm, Inc. for injunctive relief or for costs incurred or to be incurred by EPA in conducting response actions at the Industri-Plex Superfund Site in Woburn, Massachusetts.

DATES: Comments must be provided on or before February 9, 2000.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts 02114, and should refer to: Agreement and Covenant Not to Sue Re: Transcomm Realty Trust—210 New Boston Street, Industri-Plex Superfund Site, Woburn, Massachusetts, U.S. EPA Docket No. CERCLA-I-99-0076.

FOR FURTHER INFORMATION CONTACT:

Daniel H. Winograd, U.S. Environmental Protection Agency, One Congress Street, Suite 1100, Mailcode SES, Boston, Massachusetts 02214, (617) 918-1885.

SUPPLEMENTARY INFORMATION: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.*, notice is hereby given of a proposed prospective purchaser agreement concerning the Industri-Plex Superfund Site in Woburn, MA. The settlement was approved by EPA Region I, and the Department of Justice subject to review by the public pursuant to this document. Transcomm Realty Trust and Transcomm, Inc. have executed signature pages committing them to participate in the settlement. Under the proposed settlement, Transcomm Realty Trust and Transcomm, Inc. will operate a school transportation facility, and pay \$30,000 to the Hazardous Substances Superfund. In addition, the settling parties agree to abide by institutional controls and to provide access to the property. EPA believes the settlement is fair and in the public interest.

EPA is entering into this agreement under the authority of CERCLA section 101 *et seq.* which provides EPA with authority to consider, compromise, and settle a claim under sections 106 and 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action. The U.S. Department of Justice has also signed this agreement. EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this document.

A copy of the proposed administrative settlement may be obtained in person or by mail from Daniel H. Winograd, U.S. Environmental Protection Agency, One

Congress Street, Suite 1100, Mail code SES, Boston, Massachusetts 02214, (617) 918-1885.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts (U.S. EPA Docket No. CERCLA-I-99-0076).

Dated: December 3, 1999.

John DeVillars,

Regional Administrator, Region 1.

[FR Doc. 00-489 Filed 1-7-00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-62163; FRL-6397-2]

Asbestos-Containing Materials in Schools; State Request for Waiver from Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed waiver.

SUMMARY: EPA has received from Oklahoma a request for a waiver from the Agency's asbestos-in-schools program. A waiver of these requirements will be granted if EPA determines, after notice and comment and opportunity for a public hearing, that Oklahoma is implementing or intends to implement a program of asbestos inspection and management at least as stringent as EPA's program. This notice announces an opportunity for a public hearing on the Oklahoma waiver request and solicits written comments.

DATES: Written comments under docket control number OPPTS-62163 must be received on or before March 10, 2000. Each comment must include the name and address of the submitter. Any request for a public hearing must be in writing, be received on or before March 10, 2000, and detail specific objections to the grant of the waiver. If, during the comment period, EPA receives such a request for a public hearing, EPA will schedule a public hearing in Oklahoma following the comment period. EPA will announce the date of the public hearing in the **Federal Register**.

ADDRESSES: Written comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided under Unit I. of "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, you must identify docket control number

OPPTS-62163 on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Neil Pflum, Asbestos Coordinator, (6PD-T), Region VI, Environmental Protection Agency, 1445 Ross Ave., Dallas, TX 75202; telephone: (214) 665-2295; e-mail: pflum.neil@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of special interest to teachers and other school personnel, their representatives, and parents in Oklahoma, and asbestos professionals working in Oklahoma. Since other entities may also be interested, the Agency has not attempted to describe all entities that may be affected by this action. If you have any questions regarding the applicability of this action to any entity, contact the person under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

EPA has established an official record for this action under docket control number OPPTS-62163. The official record consists of the documents referenced in this action, as well as any public comments received during the comment period, and other related information. The official record, which includes printed versions of any electronic comments, is available for inspection in Rm. 12D13 (Library 12th floor), EPA Region VI, 1445 Ross Ave., Dallas, TX. The Library is open from 8 a.m. to noon, Monday through Friday, excluding legal holidays. The telephone number is (214) 665-6427.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, you must identify docket control number OPPTS-62163 on the first page of your response.

1. *By mail.* Submit your comments to: Neil Pflum, Region VI Asbestos Coordinator (6PD-T), Environmental Protection Agency, 1445 Ross Ave., Dallas, TX 75202.

2. *In person or by courier.* Deliver your comments to: Rm. 12D13 (Library 12th floor), EPA Region VI, 1445 Ross Ave., Dallas, TX. The Library is open from 8 a.m. to noon, Monday through Friday, excluding legal holidays. The telephone number is (214) 665-6427.

3. *Electronically.* You may submit your comments by e-mail to:

pflum.neil@epa.gov, or mail your computer disk to the address identified above. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0

II. Background

A. What Action is the Agency Taking and under What Authority?

EPA is considering granting, with conditions, a waiver of the asbestos-in-schools program to Oklahoma. This notice is issued, and the waiver, if granted, would be issued under section 203(m) of TSCA and 40 CFR 763.98. Section 203 is within Title II of TSCA, the Asbestos Hazard Emergency Response Act (AHERA).

In 1987, under TSCA section 203, the Agency promulgated regulations that require the identification and management of asbestos-containing material by local education agencies (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 the State is located.

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 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 include schools in Indian country. Such schools would remain subject to EPA's asbestos-in-schools program.

B. When Did Oklahoma Submit its Request for a Waiver and How is EPA Proposing to Respond?

On October 4, 1999, Oklahoma Governor Frank Keating, submitted to Gregg A. Cooke, Regional Administrator, EPA Region VI, a letter requesting a full