

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733. Commenters may request an opportunity for a public meeting in the affected area in accordance with section 703(d) of RCRA, 42 U.S.C. 6973(d).

**DATES:** Comments must be submitted on or before July 3, 2006.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202-2733. A copy of the proposed settlement may be obtained from Rafael Casanova, 6SF-A, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733, or by calling 214-665-7437 or e-mail at [casanova.rafael@epa.gov](mailto:casanova.rafael@epa.gov). Comments should reference the Many Diversified Interest (MDI) Superfund Site, Houston, Texas, and EPA Docket Number 06-12-05, and should be addressed to Rafael Casanova at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Barbara Nann, 1445 Ross Avenue, Dallas Texas 75202-2733 or call 214-665-2157 or e-mail [nann.barbara@epa.gov](mailto:nann.barbara@epa.gov).

Dated: May 19, 2006.

**Richard E. Greene,**  
Regional Administrator, Region 6.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8176-2]

### Proposed CERCLA Administrative Cost Recovery Settlement; The Shenandoah Road Groundwater Contamination Superfund Site, East Fishkill, NY

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act as amended ("CERCLA"), 42 U.S.C.

9622(i), notice is hereby given of a proposed administrative settlement under section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Shenandoah Road Groundwater Contamination Superfund Site located in East Fishkill, New York with the Settling Party, International Business Machines Corporation. The settlement requires the Settling Party to pay \$750,000, plus an additional sum for interest on that amount calculated from November 28, 2004 through the date of payment to the Shenandoah Road Groundwater Contamination Superfund Site Special Account within the EPA Hazardous Substance Superfund in reimbursement of EPA's past response costs incurred with respect to the Site. The settlement includes a covenant not to sue the Settling Party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a) for Past Response Costs, as defined in the agreement. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

**DATES:** Comments must be submitted on or before July 3, 2006.

**ADDRESSES:** The proposed settlement is available for public inspection at USEPA, 290 Broadway, 17th Floor, New York, New York 10007-1866. Comments should reference the Shenandoah Road Groundwater Contamination Superfund Site, CERCLA Docket No. 02-2006-2001 and sent to the individual identified below. To request a copy of the proposed settlement agreement, please contact the individual identified below.

#### FOR FURTHER INFORMATION CONTACT:

Carol Y. Berns, Assistant Regional Counsel, USEPA, 290 Broadway, 17th Floor, New York, New York 10007-1866, (212) 637-3177.

Dated: May 11, 2006.

**George Pavlou,**

Director, Emergency and Remedial Response Division, Region II.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2005-0096; FRL-8176-7]

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

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed approval and request for comments.

**SUMMARY:** This action provides notice and an opportunity for public hearing, and solicits written comments on EPA's proposed waiver of the requirements of the Federal asbestos-in-schools program for the Commonwealth of Kentucky. A waiver request will be granted if EPA determines that the Commonwealth of Kentucky is implementing or intends to implement a state program of asbestos inspection that is at least as stringent as the federal program. This action provides notice and an opportunity for a public hearing, and solicits written comments on the waiver request submitted by the Commonwealth of Kentucky.

**DATES:** Written comments under Docket ID Number OPPT-2005-0096 must be received by July 31, 2006. 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 July 31, 2006, 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 Kentucky following the comment period. EPA will announce the date of the public hearing in the **Federal Register**.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-HQ-OPPT-2005-0096, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. E-mail: [hund.john@epa.gov](mailto:hund.john@epa.gov).

3. Fax: (404) 562-8972.

4. Mail: Docket ID Number EPA-HQ-OPPT-2005-0096, Asbestos Coordinator, Region 4, Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, GA 30303-8960.

5. Hand Delivery or Courier: John Hund, Asbestos Coordinator, Region 4, Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, GA 30303-8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional