

following location: <http://www.epa.gov/ProjectXL>. Public files on the project, including the FPA, are also available for review at the Town Hall, Town of Jay, Maine. Questions to EPA regarding the documents can be directed to Chris Rascher at (617) 918-1834 or Ted Cochin at (202) 260-0880. To be included on the International Paper Project XL mailing list about future public meetings, XL progress reports and other mailings from International Paper on the XL project, contact Kimberly Thompson, International Paper, Androscoggin Mill, 207-897-1554. For information on all other aspects of the XL Program contact Christopher Knopes at the following address: Office of Policy and Reinvention, United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW (Mail Code 1802), Washington, DC 20460. Additional information on Project XL, including documents referenced in this document, other EPA policy documents related to Project XL, regional XL contacts, application information, and descriptions of existing XL projects and proposals, is available via the Internet at <http://www.epa.gov/projectxl/inter/page1.htm>.

SUPPLEMENTARY INFORMATION: The Final Project Agreement (FPA) is a voluntary agreement developed by EPA, International Paper, the State of Maine, Town of Jay, and active stakeholders. Project XL, announced in the **Federal Register** on May 23, 1995 (60 FR 27282), gives regulated sources the flexibility to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits.

On February 15, 2000, EPA announced the availability of the draft FPA and Test Plan in the **Federal Register** (65 FR 7546) and requested comments by March 16, 2000. No comments were received as a result of the announcement.

International Paper will develop, test, and implement a computer model that can estimate pollutant emissions on a continuous basis. Currently, International Paper is required to measure some of these pollutants only once every year. If successfully developed and implemented, this computer model will provide the company and make available to the community, information on emissions that is continuous and reliable. To accomplish this, IP will be granted regulatory flexibility in two areas. The first is to allow potential minor exceedances above existing permit limits for the waste fuel incinerator to

develop the computer model. However, as set forth more fully in the FPA, IP will offset any emission increases. The second area of flexibility will involve the frequency of stack testing and the replacement of continuous emission monitoring with the computer model, if the computer model proves successful.

Elizabeth Shaw,

Deputy Associate Administrator, Office of Reinvention Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-62163A; FRL-6553-1]

Asbestos-Containing Materials in Schools; State Request for Waiver From Requirements; Notice of Final Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision on requested waiver.

SUMMARY: EPA is issuing a final decision which approves the request from Oklahoma for a waiver from the Agency's asbestos-in-schools program. A waiver of these requirements is granted since EPA has determined, 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 the official grant of the waiver.

ADDRESSES: A copy of the complete waiver application submitted by the State, identified by docket control number OPPTS-62163, is on file and available for review at the EPA Region VI office in Dallas, TX.

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 and is available by contacting the person under **FOR FURTHER INFORMATION CONTACT**.

II. Background

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

In the **Federal Register** of January 10, 2000 (65 FR 1387) (FRL-6397-2), EPA published a notice on the proposed grant of a waiver of the asbestos-in-schools program in Oklahoma, soliciting written comments and providing an opportunity for a public hearing. No comments and no requests for a public hearing were received during the comment period, which ended on March 9, 2000. Consequently, no public hearing was held.

EPA is granting, with conditions, a waiver of the asbestos-in-schools program to Oklahoma. The waiver is 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 does 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 remain subject to EPA's asbestos-in-schools program.

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

On October 4, 1999, Oklahoma Governor Frank Keating, submitted to Gregg A. Cooke, Regional Administrator, EPA Region VI, a letter requesting a full waiver of the requirements of EPA's asbestos-in-schools program, to which was appended supporting documentation.

EPA is hereby announcing its final decision to grant a waiver of the asbestos-in-schools program to Oklahoma. The Agency is also describing the information submitted by Oklahoma and the Agency's determinations as to how the waiver request meets the criteria for the grant of a waiver.

C. What was EPA's Determination With Regard to the Completeness of Oklahoma's Waiver Request?

The Oklahoma waiver request has been deemed complete by EPA and contains the following:

1. A copy of the Oklahoma provisions that include its program of asbestos inspection and management in schools. These consist of: The Oklahoma Asbestos Control Act, Title 40 section 450 *et seq.* and Oklahoma Statutes, Title 27A, Section 1-3-101(J), and the Oklahoma Administrative Code (OAC) Title 380, Oklahoma Department of Labor, Chapter 50, "Abatement of Friable Asbestos Materials Rules."

2. The name of the Oklahoma agency responsible for administering and enforcing the requirements of a waiver, namely the Oklahoma Department of Labor (ODOL). Responsible officials include: Brenda Reneau, Commissioner; Trey Davis, Deputy Commissioner; and John Crowder, Director of Asbestos—telephone: (405) 528-1500, ext. 352.

3. Reasons, supporting papers, and the rationale for concluding that Oklahoma's asbestos inspection and management programs, for which the waiver request is made, are at least as stringent as the requirements of EPA's program, as discussed in EPA's Determinations in Units II.D.2. and 3.

4. A discussion of any special situations, problems, and needs pertaining to the waiver request

accompanied by an explanation of how Oklahoma plans to handle them, as discussed in EPA's Determination in Unit II.D.6.

5. A statement of the resources that Oklahoma intends to devote to the administration and enforcement of its program, as discussed in EPA's Determination in Unit II.D.5.

6. Copies of Oklahoma laws and regulations relating to the request, including provisions for assessing penalties, as referenced in Unit II.C.1.

7. Assurance from the legal counsel of ODOL that the Department has the legal authority necessary to carry out the requirements relating to the waiver request, as indicated in a letter from Kevin Able, General Counsel, to Gregg Cooke, dated September 20, 1999.

D. What are the Criteria for EPA's Grant of the Waiver and What are EPA's Determinations Relating to These Criteria?

EPA has waived the requirements of the Agency's asbestos-in-schools program for Oklahoma since the Agency has determined that Oklahoma has met the criteria set forth at 40 CFR 763.98. The criteria and EPA's determinations relating to the grant of the waiver to Oklahoma are set forth below:

1. *Criterion:* Oklahoma's lead agency has the legal authority necessary to carry out the provisions of asbestos inspection and management in schools relating to the waiver request.

EPA's Determination: EPA has determined that the statutory and regulatory provisions cited at Unit II.C.1. give ODOL such legal authority.

2. *Criterion:* Oklahoma's program is or will be at least as stringent as the EPA asbestos-in-schools program.

EPA's Determination: Since Oklahoma has adopted the AHERA schools rule by reference in its regulations, EPA has determined that Oklahoma's program is or will be at least as stringent as EPA's program. See EPA's Determination in Unit II.D.6.

3. *Criterion:* Oklahoma has an enforcement mechanism to allow it to implement the program described in the waiver request.

EPA's Determination: EPA has determined that the compliance and enforcement provisions of Oklahoma's asbestos-in-schools program are adequate to run the program. Inspectors will use site visits to determine if the LEAs are complying with the program. Violations will be cited for enforcement action which can range from warning letters (notices of noncompliance) to administrative actions to civil actions.

4. *Criterion:* ODOL has or will have qualified personnel to carry out the

provisions relating to the waiver request.

EPA's Determination: EPA has determined that ODOL has or will have qualified personnel to carry out the provisions of the waiver. Inspectors currently employed by ODOL have had experience in conducting asbestos inspections in schools.

5. *Criterion:* Oklahoma will devote adequate resources to the administration and enforcement of the asbestos inspection and management provisions relating to the waiver request.

EPA's Determination: EPA has determined that Oklahoma has adequate resources to administer and enforce the provisions of the program. Oklahoma plans to devote \$143,508 to the program annually. It plans to match a Federal grant of \$107,631, with \$35,877 of State funds. The budget allows for two inspectors, travel, supplies, and training.

6. *Criterion:* Oklahoma gives satisfactory assurances that the necessary steps, including specific actions it proposes to take and a time schedule for their accomplishment, will be taken within a reasonable time to conform with applicable criteria in Units II.D.2-4.

EPA's Determination: As a condition of EPA's grant of the waiver, Oklahoma has given a written assurance satisfactory to EPA (letter from Brenda Reneau, Commissioner, ODOL, to Gregg Cooke, dated March 9, 2000, that, if following the grant of the waiver, any provision of either TSCA section 203 or the AHERA schools rule is changed, the State would, within a reasonable period of time, make appropriate changes, as necessary, to the statutory and regulatory provisions of its asbestos-in-schools program to ensure that the program remains at least as stringent as the EPA asbestos-in-schools program.

In addition, as long as the waiver remains in effect, Oklahoma, utilizing adequate resources, will need to continue its asbestos-in-schools implementation and enforcement strategy. EPA may evaluate periodically the adequacy of Oklahoma's program under 40 CFR 763.98, and, under circumstances set forth in the regulation, may, in whole or in part, rescind the waiver if the Agency determines the program to be inadequate.

E. What Recordkeeping and Reporting Burden Approvals Apply to the Oklahoma Waiver Request?

The recordkeeping and reporting burden associated with waiver requests was approved by the Office of Management and Budget (OMB) under

OMB control number 2070-0091. This document announces the Agency's grant of the Oklahoma waiver request and imposes no additional burden beyond that covered under existing OMB control number 2070-0091.

III. Materials in the Official Record

The official record, under docket control number OPPTS-62163, contains the Oklahoma waiver request, supporting documentation, and other relevant documents.

List of Subjects

Environmental protection, Administrative practice and procedure, Asbestos, Hazardous substances, Imports, Intergovernmental relations, Labeling, Occupational safety and health, Reporting and recordkeeping requirements, Schools.

Dated: April 21, 2000.

Jerry Clifford,

Acting Regional Administrator, Region VI.

[FR Doc. 00-11148 Filed 5-3-00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-MN-A; FRL-6499-3]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Minnesota Approval of Lead-Based Paint Activities Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; approval of the Minnesota TSCA Section 402/404 Lead-Based Paint Accreditation and Certification Program.

SUMMARY: On September 29, 1999, the State of Minnesota, through the Minnesota Department of Health, submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Minnesota provided a self-certification letter stating that its program is at least as protective of human health and the environment as the Federal program and it has the legal authority and ability to implement the appropriate elements necessary to receive EPA approval. In the **Federal Register** of December 22, 1999 (64 FR 71781) (FRL-6393-2), EPA published a notice announcing receipt of the State's application and requesting

public comment and/or opportunity for a public hearing on the State's application. EPA did not receive any comments regarding any aspect of the Minnesota program and/or application. Today's notice announces the approval of the Minnesota application, and the authorization of the Minnesota Department of Health's Lead-Based Paint Activities Program to apply in the State of Minnesota, effective September 29, 1999, in lieu of the corresponding Federal program under section 402 of TSCA.

DATES: Based upon the State's self-certification, Lead-Based Paint Activities Program authorization was granted to the State of Minnesota on September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Emma Avant-Parks, Project Officer, Environmental Protection Agency, Region V, 77 W. Jackson Blvd., DT-8J, Chicago, IL 60604. Telephone: 312-886-7899; e-mail address: avant.emma@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 interest to firms and individuals engaged in lead-based paint activities in Minnesota. 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 person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number PB-402404-MN. The official record consists of the documents specifically referenced in this action, this notice, the State of Minnesota authorization application,

any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region V Office, Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxic Substances Branch, Toxic Programs Section, DT-8J, 77 West Jackson Blvd., Chicago, IL.

II. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92), titled *Lead Exposure Reduction*. Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program. On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations (40 CFR part 745) governing lead-based paint activities in target housing and child-occupied facilities. States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (TSCA section 404(b), 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

Under these regulations, a State must demonstrate that it has the legal authority and ability to immediately