

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-7542-7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List**AGENCY:** Environmental Protection Agency.**ACTION:** Direct final notice of partial deletion of the Monticello Mill Tailings (USDOE) Superfund Site from the National Priorities List.**SUMMARY:** The Environmental Protection Agency (EPA), Region 8, is publishing a direct final notice of partial deletion of the Monticello Mill Tailings (USDOE) Superfund Site (the Site), located in Monticello, Utah, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice of partial deletion is being published by EPA because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate. The State of Utah, through the Utah Department of Environmental Quality (UDEQ), concurs with the decision for partial deletion of the Site from the NPL provided that no adverse comments are received during the public comment period.

Partial deletion of an NPL site is provided for under the Partial Deletion Rule (November 1, 1995), which allows EPA to delete portions of NPL sites provided that deletion criteria are met. This partial deletion pertains to a portion of the Site designated as the Operable Unit (OU) II Non-Surface and Ground-Water Impacted Peripheral Properties, which are located within OU II of the Site. The OU II Non-Surface and Ground-Water Impacted Peripheral Properties are 22 of the 34 total properties that comprise OU II. These 22 properties were selected for deletion from the NPL because the primary contaminants of concern, radioactive materials in soils and sediment, have been removed to levels protective of human health and the environment, and because no radiological or nonradiological contamination is present in surface water or ground water

located on these properties. The remainder of the Site, which includes OU I, the 12 other properties within OU II, and contaminated surface water and/or ground water located on OUs I and II (designated as OU III), will remain on the NPL. Radioactive materials in soils and sediment have been removed from OU I and the 12 other properties within OU II; however, radiological contamination and other nonradiological contaminants of concern, such as arsenic, selenium, and vanadium, persist in the surface water and/or ground water in these areas.

DATES: This direct final partial deletion will be effective October 14, 2003, unless EPA receives adverse comments by September 12, 2003. If adverse comments are received, EPA will publish a timely withdrawal of the direct final partial deletion in the **Federal Register** informing the public that the partial deletion will not take effect.

ADDRESSES: Comments may be mailed to: Mr. Paul Mushovic (8EPR-F), Remedial Project Manager, U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, mushovic.paul@epa.gov, (303) 312-6662 or 1-800-227-8917.

Information Repositories: Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at: U.S. Department of Energy-Grand Junction Office (DOE-GJO) Public Reading Room, 2597 B ¾ Road, Grand Junction, Colorado 81503, (970) 248-6089, Monday through Friday 7:30 a.m. to 4 p.m.; U.S. DOE Repository Site Office, 7031 South Highway 191, Monticello, Utah 84535, (435) 587-2098, Monday through Friday 8 a.m. to 5 p.m., or by appointment.

FOR FURTHER INFORMATION CONTACT: For information regarding Site deletion, contact Mr. Paul Mushovic (8EPR-F), Remedial Project Manager, U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, mushovic.paul@epa.gov, (303) 312-6662 or 1-800-227-8917. For other general Site information, contact Mr. Art Kleinrath, Program Manager, U.S. DOE, 2597 B ¾ Road, Grand Junction, Colorado 81503, art.kleinrath@gjo.doe.gov, (970) 248-6037, or Mr. David Bird, Project Manager, State of Utah Department of Environmental Quality, 168 North 1950 West, Salt Lake City, Utah 84116, (801) 536-4219.

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I. Introduction

EPA Region 8 is publishing this direct final notice of partial deletion of the Monticello Mill Tailings (USDOE) Superfund Site (the Site) from the NPL.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to partially delete. This action will be effective October 14, 2003 unless EPA receives adverse comments by September 12, 2003 on this document. If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely withdrawal of this direct final partial deletion before its effective date and the partial deletion will not take effect. In such case, EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to partially delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting or partially deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Site and demonstrates how it meets the partial deletion criteria. Section V discusses EPA's action to partially delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. Section 300.425(e) of the NCP governs partial deletions of releases from the NPL in the same manner. In making a determination to delete or partially delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i): Responsible parties or other persons have implemented all appropriate response actions required;

Section 300.425(e)(1)(ii): All appropriate Fund-financed (Hazardous