

Substance Superfund Response Trust Fund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii): The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site is partially deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted portion of the site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c) requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release at a site partially deleted from the NPL, the deleted portion may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion of the OU II Non-Surface and Ground-Water Impacted Peripheral Properties portion of the Site from the NPL:

(1) The EPA consulted with the State of Utah (UDEQ) on the partial deletion of the Site from the NPL prior to developing this direct final notice of partial deletion.

(2) The State of Utah (UDEQ) concurred with partial deletion of the Site from the NPL provided that no adverse comments are received during the public comment period.

(3) Concurrently with the publication of this direct final notice of partial deletion, a notice of the availability of the parallel notice of intent to partially delete published today in the "Proposed Rules" section of the **Federal Register** is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate federal, state, and local government officials and other interested parties. The newspaper notice announces the 30-day public comment period concerning the notice of intent to partially delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the partial deletion in the Site information repositories identified above.

(5) 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 will 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.

Deletion or partial deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion or partial deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions. Section 300.425(e)(3) of the NCP governs partial deletion of a site from the NPL in the same manner.

IV. Basis For Partial Site Deletion

The following information provides EPA's rationale for deletion of the OU II Non-Surface and Ground-Water Impacted Peripheral Properties portion of the Site from the NPL:

Site Location

The Site is located in and adjacent to (primarily southeast) the City of Monticello (City), San Juan County, Utah. The Site consists of 36 private and public properties covering approximately two square miles. The Site is divided into OU I (the former Millsite and repository south of the Millsite), OU II (properties near the former Millsite, referred to as peripheral properties, primarily contaminated with windblown tailings, and properties with contaminated sediment from Montezuma Creek), and OU III (surface water and/or ground water contamination). The partial deletion area of the Site, designated as the OU II Non-Surface and Ground-Water Impacted Peripheral Properties, covers approximately one square mile within OU II. 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 are primarily vacant land, with portions of some properties being used for agricultural purposes. The following table lists the 22 OU II Non-Surface and Ground-Water Impacted Peripheral Properties that comprise the partial deletion area.

MONTICELLO MILL TAILINGS (USDOE) SITE OU II NON-SURFACE AND GROUND-WATER IMPACTED PERIPHERAL PROPERTIES

Property DOE identification No.	Property location
MP-00105-VL ...	Parcel No. A33240316000 San Juan County Monticello, Utah
MP-00178-RS ..	Parcel No. A33240310008 San Juan County Monticello, Utah
MP-00180-CS ..	Parcel No. A33240313605 San Juan County Monticello, Utah
MP-00198-VL ...	Parcel No. A33240312409 San Juan County Monticello, Utah
MP-00211-VL ...	Parcel No. A33230367200 San Juan County Monticello, Utah
MP-00845-VL ...	Parcel No. A33240313604 San Juan County Monticello, Utah
MP-00886-VL ...	Parcel No. A33230369007 San Juan County Monticello, Utah
MP-00887-VL ...	Parcel No. A33230369000 San Juan County Monticello, Utah
MP-00888-VL ...	Parcel No. A33230369006 San Juan County Monticello, Utah
MP-00947-VL ...	Parcel No. 33S24E317201 San Juan County Monticello, Utah
MP-00948-VL ...	Parcel No. A33240310013 San Juan County Monticello, Utah
MP-00949-RS ..	Parcel No. A33240310014 San Juan County Monticello, Utah
MP-00950-VL ...	Parcel No. A33240310015 San Juan County Monticello, Utah
MP-00963-OT ..	Parcel No. A33240314200 San Juan County Monticello, Utah
MP-00964-VL ...	Parcel No. A33240312408 San Juan County Monticello, Utah
MP-00988-VL ...	Parcel No. 33S24E325400 San Juan County Monticello, Utah
MP-01040-VL (North Portion).	Parcel No. 34S24E061200 San Juan County Monticello, Utah
MP-01041-VL ...	Parcel No. 34S24E060600 San Juan County Monticello, Utah
MP-01042-VL ...	Parcel No. 34S24E060000 San Juan County Monticello, Utah
MP-01081-VL ...	Parcel No. 34S24E052400 San Juan County Monticello, Utah
MP-01083-MR ..	Parcel No. A33230317203 San Juan County Monticello, Utah
MP-01102-VL ...	Parcel No. A33240313610 San Juan County Monticello, Utah