

defines the responsibilities of DOE and the City should the noted contaminants be encountered on the property in the future.

Cleanup requirements specified in the Utah Administrative Code, Title R311, "Utah Underground Storage Tank Rules," were used for the remediation of a leaking diesel fuel underground storage tank (UST) and associated petroleum-contaminated soils encountered on Phase I of MP-00211-VL. The abandoned UST and petroleum-contaminated soils were disposed in the repository south of the Millsite. The petroleum contamination that remains at MP-00211-VL in association with these remediated materials is at levels that allow unlimited use or unrestricted exposure.

In summary, radioactive materials in tailings-contaminated soils and sediment and additional contaminants have been removed from the OU II Non-Surface and Ground-Water Impacted Peripheral Properties to meet the prescribed cleanup standards for the current land use. The attainment of these cleanup standards signifies that acceptable health risk levels have been achieved.

Operation and Maintenance

To ensure the long-term effectiveness of the selected remedy, the following OU II Non-Surface and Ground-Water Impacted Peripheral Properties where supplemental standards were implemented for radiological contamination left in place have been included in DOE's Long Term Surveillance and Maintenance (LTSM) Program: property MP-01041-VL and properties such as MP-00180-CS where radiological contamination remains in association with city-owned street and utility rights-of-way. The LTSM Program will monitor these properties to confirm that the supplemental standards and the previously described institutional controls are maintained to limit future public exposure to any remaining radiological contamination. In addition, the LTSM Program will monitor property MP-00211-VL to confirm that the appropriate zoning restriction conditions are maintained to limit exposure to any remaining contamination. Monitoring of property MP-00211-VL includes a procedure for surveying the excavated foundation footprint of any habitable structure being constructed for the presence of uranium. No other operation and maintenance is required on the OU II Non-Surface and Ground-Water

Impacted Peripheral Properties to preserve the selected remedy.

Five-Year Review

Pursuant to CERCLA section 121(c), DOE must conduct statutory CERCLA Five-Year Reviews for the OU II Non-Surface and Ground-Water Impacted Peripheral Properties because contamination remains at certain properties above levels that allow unlimited use or unrestricted exposure. These are the previously cited property MP-00211-VL, supplemental standards property MP-01041-VL, and supplemental standards properties such as MP-00180-CS where radiological contamination remains in city-owned street and utility rights-of-way. These properties all have land use restrictions in place. CERCLA Five-Year Reviews ensure the selected remedy remains effective.

The first CERCLA Five-Year Review for the Site was completed on February 13, 1997. This CERCLA Five-Year Review, covering the period from 1991 through 1996 when remediation was ongoing at the Site, discussed the status of remedial actions and noted that the need for supplemental standards for certain properties on the Site, including the OU II Non-Surface and Ground-Water Impacted Peripheral Properties, was being negotiated with EPA and UDEQ. The most recent CERCLA Five-Year Review, completed in August 2002, evaluated the completion of remediation of radioactive materials in soils and sediment for OUs I and II, the completion and capping of the repository located south of the Millsite, transferral of the Millsite to the City, and restoration of the Millsite. The next CERCLA Five-Year Review for the Site is scheduled for June 2007.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion of the OU II Non-Surface and Ground-Water Impacted Peripheral Properties portion of the Site from the NPL are available to the public in the Site information repositories identified above.

V. Deletion Action

The EPA has determined that all appropriate responses under CERCLA have been completed, and that no further response actions under CERCLA,

other than operation and maintenance and five-year reviews, are necessary. Therefore, EPA is deleting the OU II Non-Surface and Ground-Water Impacted Peripheral Properties portion of the Site from the NPL. The State of Utah (UDEQ) concurs with the decision to delete the OU II Non-Surface and Ground-Water Impacted Peripheral Properties portion of the Site from the NPL provided that no adverse comments are received during the public comment period.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective October 14, 2003, unless EPA receives adverse comments by September 12, 2003. If adverse comments are received within the 30-day public comment period, 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 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.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: July 31, 2003.

Robert E. Roberts,
Regional Administrator, Region 8.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

■ 2. Table 2 of appendix B to part 300 is amended by revising the entry for "Monticello Mill Tailings (USDOE)," Monticello, UT to read as follows:

Appendix B to Part 300—National Priorities List

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