

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[EPA-HQ-SFUND-2002-0008; FRL-9991-99-Region 8]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of OU2 of the Libby Asbestos Superfund Site**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 8 announces the deletion of the Operable Unit 2 (OU2), Former Screening Plant, of the Libby Asbestos Superfund Site (Site) located in Libby, Montana 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 an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This partial deletion pertains to all of OU2. Operable Unit 1 (OU1), Former Export Plant; Operable Unit 3 (OU3), Former Vermiculite Mine; Operable Unit 4 and Operable Unit 7 (OU4/OU7), Residential/Commercial Properties of Libby and Troy; Operable Unit 5 (OU5), Former Stimson Lumber Mill; Operable Unit 6 (OU6), BNSF Rail Corridor; and Operable Unit 8 (OU8), Highways and Roadways, are not being considered for deletion as part of this action and will remain on the NPL. The EPA and the State of Montana, through the Department of Environmental Quality (DEQ), have determined that all appropriate response actions under CERCLA, other than operation and maintenance, and five-year reviews, have been completed. However, the deletion of these parcels does not preclude future actions under Superfund.

**DATES:** This action is effective April 10, 2019.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-2002-0008. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other

material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically in <https://www.regulations.gov>; by calling EPA Region 8 at (303) 312-7279 and leaving a message; and at the EPA Info Center, 108 E 9th Street, Libby, MT 59923, (406) 293-6194, Monday through Thursday from 8:00 a.m.-4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Dania Zinner, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, Mailcode EPR-SR, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-7122, email [zinner.dania@epa.gov](mailto:zinner.dania@epa.gov).

**SUPPLEMENTARY INFORMATION:** The portion of the site to be deleted from the NPL is: OU2 of the Libby Asbestos Superfund Site in Libby, Montana. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** (84 FR 2122-2125) on February 6, 2019.

The closing date for comments on the Notice of Intent for Partial Deletion was March 8, 2019. One set of public comments was received. The commenter does not object to the delisting; however, the commenter would like the Operations and Maintenance plan to be reviewed and updated. EPA commits to revising and updating the Operation and Maintenance plan for OU2 when new information necessitates an update. EPA activities completed at the site satisfy the NCP deletion criteria. EPA believes the partial deletion of OU2 of the Libby Asbestos Superfund Site from the NPL is appropriate. A responsiveness summary was prepared and placed in both the docket, EPA-HQ-SFUND-2002-0008, on [www.regulations.gov](https://www.regulations.gov), and in the local repositories listed above.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

**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, Superfund, Water pollution control, Water supply.

Dated: March 29, 2019.

**Douglas H. Benevento**,  
Regional Administrator, Region 8.

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

**PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN**

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

**Authority:** 33 U.S.C. 1321(d); 42 U.S.C. 9601-9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. In Appendix B to part 300, Table 1 is amended by revising the entry for “MT”, “Libby Asbestos”, “Libby” to read as follows:

**Appendix B to Part 300—National Priorities List**

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes <sup>a</sup>
*	*	*	*
MT .....	Libby Asbestos .....	Libby .....	P
*	*	*	*

a \* \* \* \* \*  
\* P = Sites with partial deletion(s).

[FR Doc. 2019-07019 Filed 4-9-19; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**42 CFR Part 59**

**RIN 0937-AA07**

**Compliance With Statutory Program Integrity Requirements**

**AGENCY:** Office of the Assistant Secretary for Health, Office of the Secretary, HHS. Department of Health and Human Services.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects technical errors in the provisions that appeared in the final rule published in

the **Federal Register** on March 4, 2019 titled “*Compliance with Statutory Program Integrity Requirements*”.

**DATES:** These corrections are effective on May 3, 2019.

**FOR FURTHER INFORMATION CONTACT:** The Office of the Assistant Secretary for Health (OASH) at (202) 690-7694, [ASH@hhs.gov](mailto:ASH@hhs.gov), or by mail at 200 Independence Avenue SW, Washington, DC 20201.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. No. 2019-03461 of March 4, 2019 (84 FR 7714 through 7791), there were several technical errors that are identified and corrected in the Correction of Errors section below. The provisions in this correction document are effective as if they had been included in the document published March 4, 2019.

**II. Summary of Errors**

Due to a technical error, on page 7714, in the 1st column, line 5, the Department inadvertently included an incorrect RIN number. The Department is correcting this error by inserting the correct RIN number.

Due to a technical error, on page 7787, in the 1st column, line 4, the Department included an extra comma after “award” and omitted a comma after “grantee.” The Department is correcting this error by removing the comma in the one instance and adding a comma in the other instance.

Due to a technical error, on page 7787, in the 2nd column, line 25 and the 3rd column, line 1, the Department included quotation marks around “low income family.” In the first instance, also due to a technical error, the Department capitalized “low.” The Department is correcting these errors by removing the quotation marks in both instances and replacing the capital “L” with a lower case “l” in the first instance.

Due to a technical error, on page 7789, in the 3rd column, line 23, the Department simply described “section 1008 of the Act . . .” without specifying “Public Health Service.” The Department is correcting this error by clarifying “section 1008 of the Public Health Service Act . . .”

Due to a technical error, on page 7791, in the 2nd column, lines 6 and 15, the Department included unnecessary commas. The Department is correcting this error by removing these commas.

Due to a technical error, on page 7791, in the 3rd column, line 10, the Department inadvertently included a reference to a subsection “gg” regarding

§ 59.18. The Department is correcting this error by removing the incorrect subsection (gg) notation regarding § 59.18.

**III. Waiver of Proposed Rulemaking**

The Department will ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, the Department can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

The Department finds it unnecessary to undertake notice and comment rulemaking because this notice merely provides technical corrections to the regulations. Therefore, the Department finds good cause to waive notice and comment procedures.

**IV. Correction of Errors**

In FR Rule Doc. No. 2019-03461 of March 4, 2019 (84 FR 7714 through 7791), the following correction to the preamble is made:

1. On page 7714, in the 1st column, line 5, the Department is correcting the RIN number “0937-ZA00” to read “0937-AA07.”

In FR Rule Doc. No. 2019-03461 of March 4, 2019 (84 FR 7714 through 7791), the following corrections to 42 CFR part 59 are made:

**§ 59.1 [Corrected]**

■ 1. On page 7787, in the 1st column, line 4, amend § 59.1 in the second sentence of paragraph (b) by correcting the phrase “To this extent, the use of the terms “grant”, “award,” “grantee” and “subrecipient” in applicable regulations of this subpart” to read, “To this extent, the use of the terms “grant”, “award”, “grantee”, and “subrecipient” in applicable regulations of this subpart.”

**§ 59.2 [Corrected]**

■ 2. On page 7787, beginning in the 2nd column, in § 59.2, amend the definition of “Low income family”:

■ a. In the second sentence of the introductory text by correcting the phrase “The project director may find that “Low income family” also includes members” to read “The project director may find that low income family also includes members”; and

■ b. In the third sentence of paragraph (2) by correcting the phrase “The project director may, for the purpose of considering whether the woman is from a “low income family”” to read “The project director may, for the purpose of considering whether the woman is from a low income family”.

**§ 59.15 [Corrected]**

■ 3. On page 7789, in the 3rd column, amend the first sentence of the introductory text to § 59.15 by correcting the phrase “A Title X project must be organized so that it is physically and financially separate, as determined in accordance with the review established in this section, from activities which are prohibited under section 1008 of the Act” to read “A Title X project must be organized so that it is physically and financially separate, as determined in accordance with the review established in this section, from activities which are prohibited under section 1008 of the Public Health Service Act”.

■ 4. On page 7791, in the 2nd and 3rd columns, amend § 59.19 by correcting the first sentences of paragraphs (a), (b), and (c) to read as follows:

**§ 59.19 Transition provisions; compliance.**

(a) \* \* \* The date by which covered entities must comply with the physical separation requirements contained in § 59.15 is March 4, 2020. \* \* \*

(b) \* \* \* The date by which covered entities must comply with § 59.7 and 59.5(a)(13) (as it applies to grant applications) is the date on which competitive or continuation award applications are due, where that date occurs after July 2, 2019.

(c) \* \* \* The date by which covered entities must comply with §§ 59.5(a)(12), 59.5(a)(13) (as it applies to all required reports), 59.5(a)(14), (b)(1) and (8), 59.13, 59.14, 59.17, and 59.18 is July 2, 2019.

Dated: April 2, 2019.

**Ann C. Agnew,**

*Executive Secretary to the Department, Department of Health and Human Services.*

[FR Doc. 2019-06971 Filed 4-9-19; 8:45 am]

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