

**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                  |
| *        | *                    | *           | *                  |

<sup>a</sup> \* \* \* \* \*  
\* P = Sites with partial deletion(s).

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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