CFR 60.2515(a)(6) requires each state plan include certification that the hearing was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission. However, under 40 CFR 60.23(g), the Administrator may also approve alternative public participation procedures, so long as the procedures ''in fact provide for adequate notice to and participation of the public.''

In its state plan submittal, as supplemented by its December 19, 2017 letter, Florida has requested approval of alternative public participation requirements for this and future state plan submittals. If approved, Florida intends to apply these modified public participation procedures to future state plans and state plan revisions. As Florida notes, the State published notice of the proposed revisions to the state plan in the Florida Administrative Register. In the notice, the State provided the public with an opportunity to submit comments and to request a public hearing, which would be held on February 21, 2017. Because Florida did not receive any comments or requests for hearing, however, the hearing was not held.

In these circumstances, we believe that Florida's procedures, although different from the procedures required under 40 CFR 60.23(c) and (d), provide for adequate notice to and participation of the public. We also note that the State's alternative procedures comply with the notice requirements for State Implementation Plan submittals under CAA section 110 and 40 CFR part 51. Thus, EPA is proposing in this action to approve Florida's alternative public participation procedures for this and future CAA section 111(d)/129 state plan submissions.

I. Annual State Progress Reports to EPA

Under 40 CFR 60.25(e) and (f) and 40 CFR 60.2515(a)(7), the State must provide in its state plan for annual reports to EPA on progress in enforcement of the plan. Accordingly, Florida provides in its plan that it will submit reports on progress in plan enforcement to EPA on an annual (calendar year) basis, commencing with the first full reporting period after plan revision approval. EPA has preliminarily concluded that Florida's CISWI plan satisfies the requirements of 40 CFR 60.25(e) and (f) and 40 CFR 60.2515(a)(7).

III. Proposed Action

Pursuant to CAA section 111(d), CAA section 129, and 40 CFR part 60, subparts B and DDDD, EPA is proposing to approve Florida's state plan for regulation of CISWI units as submitted on May 31, 2017, and supplemented on December 19, 2017, and February 2, 2018. In addition, EPA is proposing to amend 40 CFR part 62, subpart K to reflect this action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a 111(d)/129 plan submission that complies with the provisions of the CAA and applicable Federal regulations. In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided they meet the criteria and objectives of the CAA and EPA's implementing regulations. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001).

In addition, this rule is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA. It also does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). And it does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because EPA is not proposing to approve the submitted plan to apply in Indian country located in the state, and because the submitted plan will not impose substantial direct costs on Tribal governments or preempt Tribal law.

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, Air pollution control, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Manufacturing, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Authority: 42 U.S.C. 7411.

Dated: May 15, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–11929 Filed 6–1–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2003–0010; FRL–9977–80—Region 8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Davenport and Flagstaff Smelters Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent to Delete Davenport and Flagstaff Smelters Superfund Site (Site) located in Sandy City, Salt Lake County, Utah, from the National Priorities List (NPL) and requests public comments on this proposed action. 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). The EPA and the State of Utah, through the Utah Department of Environmental Quality (UDEQ), have determined that all appropriate response actions under CERCLA, other than operation and maintenance and five-year reviews (FYR), have been completed. However,

this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by July 5, 2018.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–2003–0010 by one of the following methods:

- *http://www.regulations.gov*. Follow on-line instructions for submitting comments Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*
- *Email: waterman.erna@epa.gov.*
- *Mail:* Erna Waterman, Remedial Project Manager, U.S. EPA, Region 8, Mail Code 8EPR–SR, 1595 Wynkoop Street, Denver, CO 80202–1129
- *Hand delivery:* U.S. EPA, Region 8 1595 Wynkoop Street (EPR–SR), Denver, CO 80202–1129. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–2003–0010. The *http://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: Utah Department of Environmental Quality, 168 North 1950 West, Salt Lake City, UT 84116; Phone: (801–944–7641); Hours: M–Th: 9 a.m.–9 p.m.; Fri–Sat: 9:00 a.m.–5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Erna Waterman, Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, EPR–SR, Denver, CO 80202, (303) 312–6762, email: *waterman.erna@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA Region 8 announces its intent to delete the remaining portions of Davenport and Flagstaff Smelters Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Davenport and Flagstaff Smelters Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

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 in not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. 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.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State before developing this Notice of Intent to Delete.

(2) EPA has provided the State 30 working days for review of this notice prior to publication of it today.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate;

(4) The State of Utah, through the UDEQ, has concurred with deletion of the Site from the NPL.

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice is being published in a major local newspaper, Deseret News. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

If comments are received within the 30-day public comment period on this document, EPA will evaluate and respond appropriately to the comments before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if EPA determines it is still appropriate to delete the Site, the Regional Administrator will publish a final Notice of Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the Site information repositories listed above.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. 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.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL.

Site Background and History

The 106-acre Davenport and Flagstaff Smelters Superfund Site (UTD988075719) is located 15 miles southeast of Salt Lake City at the mouth of Little Cottonwood Canyon. Constructed in the 1870s, the Davenport and the Flagstaff smelters treated ores from mines near Alta, Utah. Lead smelting was the dominant industrial activity at the Site. Lead and arsenic were the primary products associated with ore processing. At times copper, gold, silver, and other metals were also produced at the Site. Ore processing and disposal of waste products have resulted in contamination at the Site.

The EPA proposed the Davenport and Flagstaff Smelters Superfund Site on the National Priorities List (NPL) in January 2000 and finalized listing of the Site on April 30, 2003 (68 FR 23077). The EPA proposed the Site to the NPL based on studies conducted between 1992 and 2003 due to soil and sediments contaminated with lead and arsenic. Lead levels greater than 200,000 mg/kg were detected in an investigation conducted in 2000.

The Site is divided into three operable units. Operable Unit 1 (OU1) is the southern 28 acres of the Site. It is the location of the former Davenport Smelter and current location of residential properties. Operable Unit 2 (OU2) is the middle and western part of the Site, and is comprised of 29 acres of commercial and undeveloped land. Operable Unit 3 (OU3) is the northern 49 acres of the Site. The location of the former Flagstaff Smelter, which was once agricultural land, is now mostly residential. Wastes were present on the Site for many years and, in some locations, groundwater was in direct contact with visible slag without appreciable impact on groundwater. Concentrations of contaminants of concern (COCs) in groundwater are generally below federal maximum contamination limits (MCLs).

Because portions of OU1 was deleted from the NPL on August 20, 2004 under a Partial Deletion (69 FR 51583), the remaining portions of OU1, OU2 and OU3 are the focus of this deletion.

Remedial Investigation and Feasibility Study (RI/FS)

The former smelters were the suspected source of waste within OU1, OU2 and OU3. Analysis of sample data confirmed that soil contamination was caused by deliberate use of waste as fill and environmental factors transporting smelter waste. The 1999 Baseline Human Health Risk Assessment identified arsenic and lead as contaminants of concern. This Risk Assessment established the action levels of 600 mg/kg for lead and 126 mg/kg for arsenic for surface soils. EPA completed a Focused Feasibility Study (FS) in December 2001.

Selected Remedy

Prior to the signing of the Record on Decision (ROD) in 2009, a removal action in OU1 was conducted. While the majority of OU2 land was undeveloped, there were three residences and a restaurant within OU2. EPA issued a ROD for OU2 dated September 16, 2009, an Explanation of Significant Differences (ESD) dated July, 2012 and an ESD for OU1/OU3, dated November 11, 2015. These decision documents defined the remedy as follows:

- Soils on properties with principal threat wastes (wastes that fail TCLP and/or is a characteristic hazardous waste) required stabilization and disposal in a RCRA Subtitle C Hazardous Waste Landfill.
- Excavation of a minimum of 18 inches of soil of all properties was recommended for remediation of all residential properties that had soil lead levels which exceeded the established action levels of 600 mg/kg for lead and 126 mg/kg for arsenic.
- Hand excavation would be conducted around affected areas of native vegetation.
- Institutional Controls (ICs) to make sure the remedy is protective.
- Off-Site disposal of contaminated soils and backfill with clean soil.
- Due to physical restrictions presented by topography and existing utility structures, and to preserve mature vegetation to enhance the overall remedy performance, contamination at concentrations greater than action levels could be left in place.
- If removal of contaminated soils was not feasible due to steep slopes and existing structures, these soils remained after construction activities were completed if they did not pose a threat to human health.

The Remedial Action Objectives (RAOs), as amended, were to prevent unacceptable exposure risks to current and future human populations presented by contact, ingestion, or inhalation of smelter materials, associated contaminated materials, or COCs derived from the smelter wastes.

Response Actions

In 2004, an OU1 removal action addressed 26 residential properties. Remediation work for OU2 and OU3 was conducted in two removal actions. The contractor mobilized in August 2011. The pre-final inspection of the removal action was on November 16, 2011 and the final inspection on May 29, 2012. The OU2 Construction Completion Report was signed on September 24, 2012. Little Cottonwood Canyon Partners conducted a non-time critical removal action at OU3 under an agreement with the EPA and under oversight of the UDEQ. This action allowed for redevelopment of the agricultural land for residential use. Remediation work for OU3 began on April 26, 2006; the final inspection was

conducted on September 6, 2006. The Final Close Out Report for OU3 is dated September 7, 2006. Site-wide, approximately a total of 137,000 tons were excavated and placed beneath an engineered soil and clay cap on-site. UDEQ was the lead agency for the remediation as defined in a cooperative agreement between EPA and UDEQ.

Operation and Maintenance

The Operations and Maintenance Plan consists of the following activities: inspection/observation during redevelopment construction; review of development construction plans and specification for conformance with cover requirements; storm water management and irrigation restrictions; and temporary stockpile and covering of soil and slag. Maintaining appropriate soil cover and drainage is a required operation and maintenance IC. The State is responsible for enforcing the cap and soil ICs.

The 2009 OU2 ROD required the establishment of ICs to prevent exposure to contaminated materials and to require State review of future changes to land use. ICs that support limited commercial and residential re-use were adopted by the City of Sandy. In addition, ICs for groundwater and surface water were established by the State to prohibit use as drinking water.

Five-Year Review

Statutory Five-Year Reviews (FYR) of the Site are required because hazardous substances remain on-Site above levels which allow for unlimited use and unrestricted exposure. Two FYRs were conducted, in 2012 and 2017. Both FYRs found the remedy at the Site to be protective. The 2017 FYR identified an issue of needing to clarify roles of local authorities with respect to ICs. The issue was resolved by ensuring Salt Lake County would monitor and enforce ICs. The next five-year review is scheduled to be completed by September 2022.

Community Involvement

Major community involvement activities included establishing a local presence by meeting with local property owners and concerned citizens. Outreach efforts included community interviews, fact sheets, letters, flyers, door-to-door visits, public meetings, neighborhood meetings, public comment periods and website updates. The most recent interviews were conducted in the spring 2017 for the FYR. The EPA's Community Involvement criteria associated with 40 CFR 300.425(e)(4) require EPA to conduct interviews and/or gather community input.

Today, approximately seventy percent of the Site has been fully developed for residential and commercial land-use. The successful revitalization of this Site is sustainable, provides valuable reuse, and elevates the quality of life with revitalization for years to come.

Determination that the Site Meets the Criteria for Deletion

The implemented Site-wide remedy achieves the RAOs specified in the September 2009 OU2 ROD and the April 25, 2005 OU1/OU3 ESD for all pathways of exposure. No further Superfund responses are needed to protect human health and the environment at the Site.

The NCP (40 CFR 300.425(e)) states that a site may be deleted from the NPL when no further response action is appropriate. EPA, in consultation with the State of Utah, has determined that all required response actions have been implemented and no further response action is appropriate.

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.

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.

Dated: May 21, 2018.

Douglas H. Benevento,

Regional Administrator, Region 8.

[FR Doc. 2018–11758 Filed 6–1–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3019 and 3052

[Docket No. DHS–2018–0024]

RIN 1601–AA83

Rescinding Department of Homeland Security Acquisition Regulation (HSAR) Clause 3052.219–70, Small Business Subcontracting Plan Reporting (HSAR Case 2017–001)

AGENCY: Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

ACTION: Proposed rule.

SUMMARY: DHS is proposing to deregulate HSAR clause 3052.219–70 as the requirements of this clause duplicate the requirements in Federal Acquisition Regulation (FAR) clause 52.219–9, Small Business Subcontracting Plan. As such, HSAR clause 3052.219–70 is no longer needed to provide guidance to contractors and DHS proposes to remove the clause from the HSAR.

DATES: Interested parties should submit written comments to one of the addresses shown below on or before July 5, 2018, to be considered in the formation of the final rule.

ADDRESSES: Submit comments identified by HSAR Case 2017–001, Rescinding HSAR clause 3052.219–70, Small Business Subcontracting Plan Reporting, using any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by entering ''HSAR Case 2017–001'' under the heading ''Enter Keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''HSAR Case 2017–001.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''HSAR Case 2017–001'' on your attached document.

- *Fax:* (202) 447–0520.
- *Mail:* Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, ATTN: Ms. Candace Lightfoot, 245 Murray Lane, Mail Stop 0080, Washington, DC 20528.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Candace Lightfoot, Procurement Analyst, DHS, Office of the Chief Procurement Officer, Acquisition Policy and Legislation at (202) 447–0882 or email *HSAR@hq.dhs.gov.* When using email, include HSAR Case 2017–001 in the ''Subject'' line.

SUPPLEMENTARY INFORMATION:

I. Background

On December 4, 2003, DHS published an interim final rule to establish the Department of Homeland Security Acquisition Regulation (HSAR). 68 FR 67867. On May 2, 2006, DHS published