window blackout (HS) enamel in the Maryland proposal.

With the exception of Maryland's proposed standards for body primer (electrodeposition), small parts primer (electrodeposition), Final repair-clear, Final repair-HS enamel, and the chassis, deadener and underbody coatings, all the proposed standards are less stringent than those currently imposed by the federally-approved SIP for Maryland.

Under the existing SIP, all sources subject to the automotive and light-duty truck and miscellaneous metal parts regulations are required to comply with the applicable standard on a coating-by-coating basis, with the exception of topcoat, which must be based on an arithmetic mean of the VOC content of the coatings available for use in the topcoat spray booth. However, the existing SIP may be interpreted to allow the averaging of colors within a coating line on an instantaneous basis. Maryland has informed EPA that it interprets the proposed revision to require that each and every coating must never exceed the proposed standard. The proposed revision also includes emissions caps which are not presently required in the SIP.

The material supporting the Maryland submittal of this proposed revision does not support a finding that this approach will constitute a control technology at least as effective as that previously approved by EPA as constituting RACT. On its face, the Maryland submittal provides for higher emissions from a number of coating categories. Section 172(b) of the Clean Air Act requires that the State provide for the implementation of all reasonably available control measures as expeditiously as practicable, and, in the interim, requires that the State achieve reasonable further progress "through the adoption, at a minimum, of reasonably available control technology (RACT)."

On May 26, 1988, EPA made a finding of SIP inadequacy for the ozone nonattainment areas in Maryland, including Metropolitan Baltimore. In response, Maryland is required to submit a new SIP in order to expeditiously demonstrate the attainment of the ozone standard in its nonattainment areas.

This submittal also can not be approved as an adequate response to that finding of SIP inadequacy because, among other things, it is not accompanied by any showing that the Maryland ozone SIP, with this revision, can be demonstrated to provide for attainment of the ozone standard as expeditiously as practicable but in no case less than three years from the date of approval of such (revised) plan CAA § 110(a)(2)(A).

Conclusion

EPA's decision to propose disapproval of this SIP revision regarding surface coating for automobile and light-duty trucks and associated satellite industries is based on a determination that this SIP revision is not consistent with Section 110 and Part D of the Clean Air Act.

The public is invited to submit comments, to the EPA Region III address above, on whether or not this revision should be disapproved.

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Executive Order 12291, this action is "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Date: May 11, 1989.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 89–12388 Filed 5–23–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 300

[SW–FRL–3574–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete site from the national priorities list; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Jibboom Junkyard site from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (CERCLA).

DATES: Comments concerning the proposed deletion of the site from the NPL must be received on or before June 23, 1989.

ADDRESS: Comments should be submitted to Jeff Zelikson, Director, Hazardous Waste Management Division, EPA Region 9, 215 Fremont Street, San Francisco, California, 94105, ATTN: Carolyn d'Almeida. Requests for documents should be made in writing to this address, or documents may be viewed at the comprehensive public dockets which have been established at the EPA Region 9 Library, 215 Fremont Street, San Francisco, California, 94105 and at the Sacramento Public Library, Reference Desk, 828 I Street, Sacramento, California, 95814.

FOR FURTHER INFORMATION CONTACT: Jeff Zelikson, Director, Hazardous Waste Management Division, EPA Region 9, 215 Fremont Street, San Francisco, California, 94105, ATTN: Carolyn d'Almeida, 415/974–8130.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete the Jibboom Junkyard site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP). The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Superfund Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for additional Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will accept comments on this proposal for 30 days after its publication in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the history of this site and explains how this site meets the deletion criteria.

II. NPL Deletion Criteria

The 1985 amendments to the NCP established the criteria the Agency uses to delete sites from the NPL. 40 CFR 300.66(o)(7) provides that sites "may be deleted or recategorized on the NPL where no further response is

appropriate. In making this decision, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required:

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent additional Fund-financed actions if future site conditions warrant such actions. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

Deletion of sites from the NPL does not itself create, alter, revoke any individual's rights or obligations. Furthermore, deletion 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 in Agency management.

II. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.66(c)(7) has been met, EPA may formally begin deletion procedures. The first steps are the preparation of a Superfund Close Out Report and the establishment of the local information repository and the Regional deletion docket. These actions have been completed. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30 day public comment period. The public is asked to comment on EPA's intention to delist the site from the NPL: all critical documents needed to evaluate EPA's decision are generally included in the information repository and deletion docket

Upon completion of the public comment period, the EPA Regional office will prepare a responsiveness summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional office to obtain a copy of this responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**. However, it is not until the next official NPL rulemaking that the site would be actually delisted.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete this site from the NPL.

Jibboom Junkyard Superfund Site, Sacramento, California

The Jibboom Junkyard is a nine acre site located in downtown Sacramento, California. The site is situated along the Sacramento River, approximately 2,000 feet downstream from the confluence of the Sacramento and American Rivers, and approximately 400 feet southeast, and downstream, of the water intake which supplies water for up to 145,000 people in Sacramento.

Between 1950 or 1951 and 1965, the site was operated as a metals salvage business by the Associated Metals Company. All grade of metals were salvaged, including railroad cars, army tanks, batteries, and possibly some transformers. The property was purchased in 1965 by the State of California for easement and construction of Interstate 5 (I-5). Construction began soon thereafter and when completed, 6.7 acres of the site had been covered up by either I-5 or the realigned Jibboom Street.

Between 1981 and 1985, EPA and the State of California Department of Health Services (DHS) performed extensive on- and off-site surface and subsurface soil sampling. Very elevated concentrations of copper, lead, and zinc (up to 6,310 parts per million (ppm), 13,600 ppm, and 19,700 ppm, respectively) were detected at the surface and at four subsurface locations. On February 14, 1985, the draft Feasibility Study was released for a three week public comment period. On May 9, 1985, in accordance with the Initial Remedy Delegation Report, Region 9 approved a Record of Decision (ROD) which selected excavation and off-site disposal of all soil contaminated with lead above 200 ppm, the background level.

An amendment to the ROD, which changed the cleanup level to 500 ppm lead, was signed on October 4, 1985. The new level was determined to provide complete protection of human health and the environment and is in accordance with the Acting Assistant Administrator of the Office of Solid Waste and Emergency Response June 17, 1985 interpretation of the Landfill and Surface Impoundment Requirements of Resource Conservation and Recovery Act of 1976, as amended (RCRA), 40 CFR 264.111.

On May 10, 1985, the U.S. Army Corps of Engineers (USACE) began design of the selected alternative. The design was completed in September, 1985. On July 14, 1986, USACE awarded a contract for the remedial action to U.S. Pollution Control, Inc., for $1,985 million. Extensive revisions to the contractor's remedial action work plan caused site mobilization activities to be delayed until late October, 1986.

Remedial action construction activities continued until May 27, 1987, when a Joint Pre-Final Inspection was conducted by EPA, USACE, and DHS. The inspection determined that the remedial action was complete as specified in the ROD and remedial design, except for the 60 day vegetation establishment period required by the remedial design. The Final Inspection, which was held on July 26, 1987, determined that the revegetation was acceptable. The remedial action was thereby determined to be complete: 12,067 tons of contaminated soils had been removed to the RCRA- and CERCLA-approved hazardous waste landfill in Clive, Utah and construction costs totaled $3,991,315, with 21 change orders and no claims.

Extensive subsurface soil sampling by the USACE during the remedial action confirmed that all lead had been removed to below 500 ppm. In addition, all other contaminants detected were removed to deminimus or non-detectable levels. A summary of the soil sampling is contained in the USACE Final Technical Report, dated March 30, 1988, and the Site Specific Quality Management Plan, dated November 2, 1987 (both documents are available in the deletion docket).

EPA sampled and analyzed ground water twice, one sampling episode occurred on December 22, 1986 and the other occurred during the week of August 10, 1987. The results confirmed that ground water was not contaminated by the Jibboom Junkyard and that there was no ground water contamination at the completion of the remedial action.

For a period of one year, until July 26, 1988, EPA performed operation and maintenance activities at the site. Since that date, the State of California has assumed responsibility for the site.

EPA, in consultation with the State of California, has determined that all appropriate Fund-financed response under CERCLA has been implemented at the Jibboom Junkyard and that no

further cleanup by responsible parties is appropriate. The State of California has given its concurrence on the deletion of this site from the NPL.

Date: December 20, 1988.

Daniel W. McGovern,

Regional Administrator.

[FR Doc. 89–12423 Filed 5–23–89; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Parts 232, 234, and 235

RIN 0970–AA49

Cooperation To Pursue Third Party Health Coverage

AGENCY: Family Support Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed rules implement section 12304 of the Consolidated Budget Reconciliation Act (COBRA) of 1985 which requires each applicant or recipient to cooperate with the State in identifying and providing information to assist States in pursuing any third party who may be liable to pay for care and services available under State plans for medical assistance under title XIX, unless such individual has good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary. The regulations are applicable to the AFDC program in all jurisdictions.

DATE: Comments will be considered if we received them no later than June 23, 1989.

ADDRESSES: Comments should be submitted in writing to the Administrator, Family Support Administration, Attention: Ms. Diann Dawson, Director, Division of Policy, Office of Family Assistance, 5th Floor, 370 L'Enfant Promenade SW., Washington, DC 20447, or delivered to the Office of Family Assistance, Family Support Administration, 5th Floor, 370 L'Enfant Promenade SW., Washington, DC 20447 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Ms. Diann Dawson, 5th Floor, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 252–5119.

SUPPLEMENTARY INFORMATION:

Discussion of Statutory Provision

Section 12304 of COBRA, Pub. L. 99–272, amended section 402(a)(26) of title IV–A of the Social Security Act (the Act) by adding a new subparagraph (C) which requires each applicant or recipient to cooperate with the State in identifying and providing information to assist the States in pursuing any third party who may be liable to pay for the care and services available under the State's plan for medical assistance under title XIX of the Act. An individual may be exempted from this requirement if he or she is determined to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary which take into consideration the best interest of the individuals involved.

The statute also provides that States shall not be subject to any financial penalty in the administration or enforcement of this provision as a result of any monitoring, quality control, or auditing requirements. According to the conference report, this provision is intended to exclude from the calculation of AFDC fiscal sanctions for assistance payments any errors resulting from the application of this policy. These statutory requirements are effective July 1, 1986.

Discussion of Proposed Rule Provisions

These proposed rules require, as a condition of eligibility for AFDC, each applicant and recipient to cooperate with the State in identifying, and providing information to assist the State in pursuing, any third party who may be liable to pay for medical care and services. This is consistent with the Department's initiative to reduce medical costs to States and the Federal government, and with the concept of Medicaid as the payor of last resort. These rules facilitate the pursuit of third party resources and thereby assist in reducing Medicaid expenditures of States and the Federal government. When used in this provision, "third parties" include any individual, entity, or program that may be liable to pay all or part of the costs for medical care and services available under title XIX of the Act. The term may also include any employment-related or other individual or group health insurance available to or through the dependent child's parents.

We have added a new section 45 CFR 232.13 to reflect this new eligibility requirement. We are also adding language to the current regulations at 45 CFR 235.70 to provide for the prompt notification to the title XIX agency of all relevant information to assist in their pursuit of liable third parties.

The statute provides that individuals who refuse to cooperate with the State in the pursuit of third-party liability for medical services must be removed from the assistance unit. The statute also provides that applicants and recipients may be exempted from this new provision if they are determined by the State agency to have good cause for refusing to cooperate in accordance with standards prescribed by the Secretary, which take into consideration the best interests of the individuals involved. This provision is similar in scope to current regulations at 45 CFR 232.12 which provide for such good cause determinations for refusal to cooperate in establishing paternity or obtaining support for an eligible child. Regulations at 45 CFR 232.11 on "Assignment of Rights to Support" currently include standards for making determinations of whether good cause exists for an individual's refusal to comply with child support requirements.

In order to provide for consistency between these similar requirements, we propose to make these same good cause standards applicable to the requirement under this provision. The existing regulations for refusing to cooperate at 45 CFR 232.40-232.49 and 235.70 are being amended, where appropriate, to extend current procedures and policies regarding good cause determinations for child support to this new eligibility requirement. Specifically, we propose to amend 45 CFR 232.40 (a) and (b), 232.42 (a) and (c), 232.44 (a) and (b), 232.45 (a), (b), and (c), 232.48(g), 232.49 (a), (c), and (d), 235.70 (a) and (b), and Appendix A to Part 232, to incorporate those standards, as are appropriate, for use in determining good cause claims for refusal to identify and assist in the pursuit of third parties liable (or potentially liable) for medical services.

These rules would also require that the State must provide assistance to an eligible child in the form of protective payments for cases where the caretaker relative refuses to cooperate. This requirement is consistent with similar restrictions imposed in cases where individuals refused to cooperate in employment-related activities or in establishing paternity or obtaining support payments. In the latter case, Congress was concerned that continued receipt of assistance by the uncooperative adult on behalf of other family members would offset, to some degree, the penalty imposed by the State and may lead to a diversion of funds necessary for the well-being of the child.