

PENDING DECISIONS—FOAM BLOWING

End-use	Substitute	Comments
HCFCs, Polyurethane Integral Skin	CO2 HFC-134a.	

PENDING SUBSTITUTES—SOLVENT CLEANING

End-use	Substitute	Comments
Metals Cleaning w/ CFC-113 and MCF.	Chlorobromomethane	Additional toxicity testing is necessary to characterize fully the chronic health effects such as carcinogenicity that could arise from repeated exposures. In addition, decomposition studies and ozone depletion analyses must be completed before SNAP decision is rendered.
Electronics Cleaning w/ CFC-113 and MCF.	Chlorobromomethane	Additional toxicity testing is necessary to characterize fully the chronic health effects such as carcinogenicity that could arise from repeated exposures. In addition, decomposition studies and ozone depletion analyses must be completed before SNAP decision is rendered.
Precision Cleaning w/ CFC-113 and MCF.	Chlorobromomethane	Additional toxicity testing is necessary to characterize fully the chronic health effects such as carcinogenicity that could arise from repeated exposures. In addition, decomposition studies and ozone depletion analyses must be completed before SNAP decision is rendered.

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40 CFR Part 271

[FRL-5308-5]

Michigan: Final Authorization of Revisions to State Hazardous Waste Management Program**AGENCY:** Environmental Protection Agency.**ACTION:** Immediate final rule.

SUMMARY: Michigan has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA"). The Environmental Protection Agency (EPA) has reviewed Michigan's application and has reached a decision, subject to public review and comment, that Michigan's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Michigan's hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Michigan's application for program revision is available for public review and comment.

EFFECTIVE DATE: Final authorization for Michigan's program revisions shall be effective April 8, 1996 unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Michigan's program revision application must be received by the close of business on

March 9, 1996. If an adverse comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

ADDRESSES: Written comments should be sent to Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. EPA, Office of RCRA, DR-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, phone (312) 886-4179. Copies of Michigan's program revision application are available for inspection and copying at the following addresses from 9 a.m. to 4 p.m.: Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan. Contact: Ms. Ronda Blayer, Phone: (517) 373-9548; U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, contact: Ms. Judy Feigler, (312) 886-4179.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Office of RCRA, DR-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, Phone: (312) 886-4179.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In accordance with 40 CFR 271.21(a), revisions to State hazardous waste

programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR parts 124, 260-268 and 270.

B. Michigan

Michigan initially received final authorization for its base RCRA program effective on October 30, 1986 (51 FR 36804-36805, October 16, 1986). Michigan received authorization for revisions to its program effective on January 23, 1990 (54 FR 225, November 24, 1989), June 24, 1991 (56 FR 18517, April 23, 1991), November 30, 1993 (58 FR 51244, October 1, 1993), and January 13, 1995 (60 FR 3095, January 13, 1995). On June 18, 1994, Michigan revised its hazardous waste rules. On March 30, 1995, Michigan recodified its hazardous waste statute, Act 64, in Part 111 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended (Act 451). On November 9, 1995, Michigan completed a revision application seeking authorization for the program revisions. EPA has reviewed this application and has made an immediate final decision that Michigan's hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Michigan for its additional program revisions. The public may submit written comments on EPA's immediate final decision up until March 9, 1996. Copies of Michigan's application for program revision are available for inspection and copying at the locations

indicated in the **ADDRESSES** section of this notice.

Approval of Michigan's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will

publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On April 8, 1996 (unless EPA publishes a prior FR action withdrawing this immediate final rule), Michigan

will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following Federally-initiated changes to provisions of the Federal program:

Federal requirement	Analogous State authority
Hazardous and Used Oil Fuel Criminal Penalties, HSWA §§ 3006(h), 3008(d), and 3014, November 8, 1984. Corrective Action, 50 FR 28702, July 15, 1985	Michigan Combined Laws (MCL), Sections 324.11105, 324.11127, 324.11138, and 324.11151, enacted March 30, 1995. MCL Sections 324.11102, 324.11105, 324.1115a, and 324.11127, enacted March 30, 1995; Michigan Administrative Code (MAC), Rule (R) 299.9503(3) (a) and (b), R 299.9601 (1) and (2)(j), R 299.9612, R 299.9629(1), R 299.9712, R 299.9713, and R 299.11003(1)(l), effective June 18, 1994
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, 50 FR 49164, November 29, 1985, as amended at 52 FR 11819, April 13, 1987.	MAC R 299.9623(1)(b), effective April 20, 1988; R 299.9802, effective February 15, 1989; MAC Rule R 299.9104(e), R 299.9109(i), R 299.9203(4)(b), R 299.9205 (3) (a)–(d) and (8), R 299.9206 (2)(e), (3) (c), (g), (h) and (k), R 299.9601 (1), (3) and (8), R 299.9801(1), R 299.9802, R 299.9805, R 299.9806, R 299.9807, and R 299.11003(1)(o), effective June 18, 1994.
Listing of EBDC, 51 FR 37725, October 24, 1986	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.9222 and R 299.11003(1)(i), effective June 18, 1994. MAC R 299.11005 (1) and (2), effective June 18, 1994.
Revised Manual SW–846; Amended Incorporation by Reference, 52 FR 8072, March 16, 1987.	
California List Waste Restrictions: Technical Corrections, 52 FR 41295, October 27, 1987.	MAC R 299.9311, R 299.9413, R 299.9627, R 299.11003(1)(p), and R 299.11005 (1) and (2), effective June 18, 1994.
Permit Application Requirements Regarding Corrective Action, 52 FR 25788, December 1, 1987.	MAC R 299.9508(1)(b), effective April 20, 1988; MAC R 299.9504 (1)(c) and (18), and R 299.11003(1)(q), effective June 18, 1994.
Corrective Action Beyond the Facility Boundary, 52 FR 45788, December 1, 1987.	MAC R 299.9629 (2) and (7), effective June 18, 1994.
Corrective Action for Injection Wells, 52 FR 45788, December 1, 1987 .	MAC R 299.9503 (3)(a)(i) and (5), R 299.9601(4), and R 299.11003(1)(b), effective June 18, 1994.
Permit Modification, 52 FR 45788, December 1, 1987	MAC R 299.9519(3)(b), effective June 18, 1994.
Permit as a Shield Provision, 52 FR 45788, December 1, 1987	MAC R 299.9516, effective April 20, 1988.
Permit Conditions to Protect Human Health and the Environment, 52 FR 45788, December 1, 1987.	MAC R 299.9508(1)(b) and R 299.9521(3)(b), effective April 20, 1988; R 299.9504(16), effective June 18, 1994.
Farmer Exemptions; Technical Corrections, 53 FR 27164, July 19, 1988.	MAC R 299.9204(3)(b), R 299.9301(2)(c), R 299.9311, R 299.9413, R 299.9503(1)(c), R 299.9601 (3), (6), and (8), R 299.9627, and R 299.11003(1) (o) and (p), effective June 18, 1994.
Treatability Studies Sample Exemption, 53 FR 27290, July 19, 1988	MAC R 299.9108(j), and R 299.9204 (7) and (8), effective June 18, 1994.
Land Disposal Restrictions for First Third Scheduled Wastes, 53 FR 31138, August 17, 1988, as amended at 54 FR 8264, February 27, 1989.	MAC R 299.9609 (1)(a) and (2)–(5), effective November 19, 1991; MAC R 299.9311, R 299.9413, R 299.9601 (1), (2) (c) and (d), (3) and (8), R 299.9605 (1) and (3), R 299.9627, R 299.9801(3), and R 299.11003(1) (l), (m), (o) and (p), effective June 18, 1994.
Financial Responsibility for Third Party Liability, Closure, and Post-Closure, 53 FR 33938, September 1, 1988, as amended at 56 FR 30200, July 1, 1991.	MAC R 299.9705(1), effective December 28, 1985; MAC rule R 299.9701(4) and R 299.9709, effective February 15, 1989; MAC R 299.9710, effective June 18, 1994.
Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	MAC R 299.9103(b) (i) and (ii), R 299.9109(p)(iii), R 299.9601 (1), (2) (f) and (h), R 299.9613 (1) and (6), R 299.9615 (1) and (7), and R 299.11003(1) (l) and (o), effective June 18, 1994.
Identification and Listing of Hazardous Waste and Designation, Reportable Quantity and Notification, 53 FR 35412, September 13, 1988.	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.9222 and R 299.11003(1)(l), effective June 18, 1994.
Permit Modification for Hazardous Waste Management Facilities, 53 FR 37912, September 28, 1988, as amended at 53 FR 41649, October 24, 1988.	MAC R 299.9520, effective April 20, 1988; R 299.9103 (a), (k), and (aa), R 299.9511, and R 299.9519, effective June 18, 1994.
Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities, 53 FR 39720, October 11, 1988.	MAC R 299.9612 (1) and (2) and R 299.11003(1)(l), effective June 18, 1994.
Removal of Iron Dextran from List of Hazardous Wastes, 53 FR 43878, October 31, 1988.	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.9225 and R 299.11003(1)(i), effective June 18, 1994.
Removal of Strontium Sulfide from the List of Hazardous Wastes, 53 FR 43881, October 31, 1988.	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.9224 and R 299.11003(1)(i), effective June 18, 1994.
Changes to 40 CFR Part 124 Not Accounted for by Present RCRA Revision Checklists, 54 FR 246, January 4, 1989; 53 FR 37396, September 26, 1988; 53 FR 28118, July 26, 1988; 48 FR 30113, June 30, 1983; 48 FR 14146, April 1, 1983.	MAC R 299.9509, R 299.9513, and R 299.9514(2)(b), effective December 28, 1985; MAC R 299.9508 (3) and (4), R 299.9510, R 299.9520(3), and R 299.9521, effective April 20, 1988; MAC R 299.9503, R 299.9504 (15) and (18), R 299.9511, R 299.9519 (1) and (2), and R 299.11003(1)(q), effective June 18, 1994.
Amendments to Hazardous Waste Incinerator Permit Requirements, 54 FR 4286, January 30, 1989.	MAC R 299.9626 (4)–(6), effective December 28, 1985; MAC R 299.9508(1)(b) and R 299.9521 (3) and (4), effective April 20, 1988; MAC R 299.9504(4) (a) and (b), effective June 18, 1994.

Federal requirement	Analogous State authority
Changes to Interim Status Facilities for Hazardous Waste Management Permits Procedures for Post-Closure Permitting, 54 FR 9596, March 7, 1989.	MAC R 299.9501, effective November 19, 1991; MAC R 299.9515(1) and R 299.9517(2)(b), effective April 20, 1988; MAC R 299.9502, R 299.9503, R 299.9518(2)(c), R 299.9522(2), R 299.9601 (1)(a), (2)(f), and (2)(j), R 299.9629, R 299.11003(1)(q), effective June 18, 1994.
Land Disposal Restrictions for First Third Scheduled Wastes, 54 FR 18836, May 2, 1989.	MAC R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(p), effective June 18, 1994.
Land Disposal Restrictions for Second Third Scheduled Wastes, 54 FR 26594, June 23, 1989.	MAC R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(p), effective June 18, 1994.
Delisting; Correction, 54 FR 27114, June 27, 1989	MAC R 299.9211, effective February 15, 1989; MAC R 299.11003(1)(g), effective June 18, 1994.
Delay of Closure Period for Hazardous Waste Management Facilities, 54 FR 33376, August 14, 1989.	MAC R 299.9702 (1) and (2), effective April 20, 1988; MAC R 299.9601 (1), (2)(f), (3), and (8), R 299.9605 (1) and (3), R 299.9613 (1) and (6), and R 299.11003(1) (l), (m), and (o), effective June 18, 1994.
Mining Waste Exclusion I, 54 FR 36592, September 1, 1989	MAC R 299.9204(2) (h) and (i), effective June 18, 1994.
Land Disposal Restrictions: Corrections to First Third Scheduled Wastes, 54 FR 36967, September 6, 1989, as amended at 55 FR 23935, June 13, 1990.	MAC R 299.9311, R 299.9413, R 299.9627, R 299.9801(3), and R 299.11003(1)(p), effective June 18, 1994.
Testing and Monitoring Activities, 54 FR 40260, September 29, 1989 ...	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.11003(1)(i) and R 299.11005 (1) and (2), effective June 18, 1994.
Reportable Quantity Adjustment Methyl Bromide Production Wastes, 54 FR 41402, October 6, 1989.	MAC R 299.9216 (1) and (2), R 299.9222, and R 299.11003(1)(i), effective June 18, 1994.
Hazardous Waste Management Systems: Identification and Listing CERCLA Substance Designation Reportable Quantity Adjustment, 54 FR 50968, December 11, 1989.	MAC R 299.9216 (1) and (2), 299.9220, and 299.11003(1)(i), effective June 18, 1994.
Mining Waste Exclusion II, 55 FR 2322, January 23, 1990	MAC R 299.9102(n), R 299.9204(2)(h), and R 299.9304 (2)(d) and (4)(h), effective June 18, 1994.
Modification of F019 Listing, 55 FR 5340, February 14, 1990	MAC R 299.9220, effective June 18, 1994.
Testing and Monitoring Activities, 55 FR 8948, March 9, 1990	MAC R 299.11003(1)(i) and R 299.11005(1), effective June 18, 1994.
Toxicity Characteristic Revisions, 55 FR 11798, March 29, 1990, as amended at 55 FR 26986, June 29, 1990.	MAC R 299.9204 (2) (f), (k), and (l) and (9), R 299.9209(5), R 299.9212(4), R 299.9217, R 299.9601 (3) and (8), R 299.11003(1) (l), (o), (p), and (r), effective June 18, 1994.
Listing of 1,1-dimethylhydrazine Production Wastes, 55 FR 18496, May 2, 1990.	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.9222 and R 299.11003(1)(i), effective June 18, 1994.
Criteria for Listing Toxic Wastes, 55 FR 18726, May 4, 1990	MAC R 299.9209 (1) and (7) and R 299.11003(1)(h), effective June 18, 1994.
HSWA Codification Rule, Double Liners; Corrections, 55 FR 1926, May 9, 1990.	MAC R 299.9616 (1) and (4), effective December 28, 1985; MAC R 299.9619 (1) and (6), and R 299.11003(1)(l), effective June 18, 1994.
Land Disposal Restrictions for Third Third Scheduled Wastes, 55 FR 22520, June 1, 1990.	MAC R 299.9616 (1) and (2), R 299.9617 (1) and (3), and R 299.9618 (1) and (2), effective December 28, 1985; MAC R 299.9214(1)(c), effective November 19, 1991; MAC R 299.9212(6), R 299.9302 (1)(b) and (2), R 299.9311, R 299.9413, R 299.9519(5)(b)(ii), R 299.9601 (1), (3), and (8), R 299.9605 (1) and (3), R 299.9619 (1) and (6), R 299.9220, R 299.9627, and R 299.11003(1) (i), (l), (o), and (p), effective June 18, 1994.
Organic Air Emission Standards for Process Vents and Equipment Leaks, 55 FR 25454, June 21, 1990.	MAC R 299.9508(1)(b), effective April 20, 1988; MAC R 299.9609 (1)(a), (1)(b), and (5), effective November 19, 1991; MAC R 299.9206(1) (b)–(d), R 299.9504 (1)(c), (12), (13), and (18), R 299.9601, R 299.9605 (1) and (3), R 299.9630 (1) and (2), R 299.9631 (1) and (2), R 299.11001(1) (a), (j), (k), (l), (m), (o), (q), (r), (s), (t), and (3), effective June 18, 1994.
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings—F037 and F038, 55 FR 46354, November 2, 1990, as amended at 55 FR 51707, December 17, 1990.	MAC R 299.9213 (4)–(7), R 299.9220, and R 299.11003(1)(i), effective June 18, 1994.
Wood Preserving Listings, 55 FR 50450, December 6, 1990	MAC R 299.9102(v), R 299.9204(1) (i) and (j), R 299.9220, R 299.9227, R 299.9306, R 299.9504 (14) and (18), R 299.9508(1)(b), R 299.9601, R 299.9615 (1) and (7), R 299.9632 (1) and (2), and R 299.11003(1) (i), (l), (o), and (q), effective June 18, 1994.
Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, 56 FR 3864, January 31, 1991.	MAC R 299.9203(5)(a), R 299.9212(6), R 299.9220, R 299.9302(1)(b), R 299.9306(4)(e), R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(p), effective June 18, 1994.
Toxicity Characteristic; Chlorofluorocarbon Refrigerants, 56 FR 5910, February 13, 1991.	MAC R 299.9204(2)(m), effective June 18, 1994.
Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment, 56 FR 7567, February 25, 1991.	MAC R 299.9216 (1) and (2), effective April 20, 1988; MAC R 299.9224, and R 299.11003(1)(i), effective June 18, 1994.
Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment, 56 FR 19290, April 26, 1991.	MAC R 299.9609 (1)(a) and (5), effective November 19, 1991; MAC R 299.9504 (12) and (18), R 299.9601, R 299.9630 (1) and (2), R 299.9631 (1) and (2), and R 299.11003(1) (l), (m), (o), and (q), effective June 18, 1994.

Federal requirement	Analogous State authority
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings—F037 and F038; Revisions, 56 FR 21955, May 13, 1991.	MAC R 299.9220, effective June 18, 1994.
Mining Waste Exclusion III, 56 FR 27300, June 13, 1991	MAC R 299.9204(2)(h), effective June 18, 1994.
Wood Preserving Listings; Technical Corrections, 56 FR 30192, July 1, 1991.	MAC R 299.9306(1) (a)–(d) and R 299.9508(1)(b), effective April 20, 1988; MAC R 299.9204(1)(i) and (j), R 299.9227(2)–(4), R 299.9504 (14) and (18), R 299.9601 (1), (3), and (8), R 299.9632 (1) and (2), and R 299.11003(1) (l), (o), and (q), effective June 18, 1994.
Land Disposal Restrictions for Electric Arc Furnace Dust—K061, 56 FR 41164, August 19, 1991.	MAC R 299.9203(4) (c) and (d), R 299.9204(1)(k), R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(p), effective June 18, 1994.
Exports of Hazardous Waste; Technical Correction, 56 FR 43704, September 4, 1991.	MAC R 299.9309 (1) and (4), effective April 20, 1988; MAC R 299.11003(1)(j), effective June 18, 1994.
Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, 57 FR 8086, March 6, 1992.	MAC R 299.9311, R 299.9413, R 299.9601 (3) and (8), R 299.9605, R 299.9627, and R 299.11003(1) (l), (o), and (p), effective June 18, 1994.
Used Oil Filter Exemption, 57 FR 21524, May 20, 1992	MAC R 299.9204(2)(o), effective June 18, 1994.
Toxicity Characteristic Revision, 57 FR 23062, June 1, 1992	MAC R 299.9204(2)(i), effective June 18, 1994.
Used Oil Filter Exemption; Technical Corrections, 57 FR 29220, July 1, 1992.	MAC R 299.9204(2)(o), effective June 18, 1994.
Toxicity Characteristic Revisions; Technical Corrections, 57 FR 30657, July 10, 1992.	MAC R 299.9204(2) (g) and (k), effective June 18, 1994.
Wood Preserving Listings, 57 FR 61492, December 24, 1992	MAC R 299.9220, R 299.9601 (1), (3) and (8), R 299.9632, and R 299.11003(1) (l) and (o), effective June 18, 1994.

In addition, Michigan will be authorized to carry out, in lieu of the Federal program, the following State-

initiated changes to provisions of the State's program, which are analogous to the following Resource Conservation

and Recovery Act rules found at Title 40 of the Code of Federal Regulations:

State Requirement	Federal Requirement
Michigan Administrative Code (MAC) Rule (R) 299.9101(t)*	40 CFR 262.60(b)(2).
MAC R 299.9104(i)*	40 CFR 262.60.
MAC R 299.9109(e)*	40 CFR 262.60(b)(2).
MAC R 299.9205*	40 CFR 261.5.
MAC R 299.9206(1)*	40 CFR 261.6(a)(1).
MAC R 299.9206(5)*	40 CFR 264.11.
MAC R 299.9207(3)(b)(ii)*	40 CFR 261.7(b)(1)(iii)(B).
MAC R 299.9207(5)*	40 CFR 261.7(b)(3).
MAC R 299.9212(1)(a)*	40 CFR 261.21(a)(1).
MAC R 299.9306(1)(a)(i)*	40 CFR 262.34(a)(1)(i).
MAC R 299.9306(1)(a)(ii)*	40 CFR 262.34(a)(1)(ii).
MAC R 299.9306(1)(d)*	40 CFR 262.34(a)(4).
MAC R 299.9306(1)(e)*	40 CFR 262.34(a)(4).
MAC R 299.9306(2)*	40 CFR 262.34(c)(1).
MAC R 299.9306(3)*	40 CFR 262.34(b).
MAC R 299.9306(4)*	40 CFR 262.34(d).
MAC R 299.9306(4)(c)*	40 CFR 262.34(d)(2).
MAC R 299.9306(4)(i)(iii)*	40 CFR 262.34(d)(5)(iv)(C).
MAC R 299.9306(4)(j)*	40 CFR 262.34(d).
MAC R 299.9306(4)(k)*	40 CFR 262.34(d).
MAC R 299.9310(2)(a)*	40 CFR 262.60(b)(1).
MAC R 299.9503(1)(a)*	40 CFR 270.1(c)(2)(ii).
MAC R 299.9503(3)*	40 CFR 270.60(c).
MAC R 299.9503(3)(b)(iii)*	40 CFR 270.60.(c)(3)(iv).
MAC R 299.9506(1)(g)*	40 CFR 270.14(c)(4).
MAC R 299.9506(2)(a)(ii)*	40 CFR 270.14(c)(5) and 264.97(a).
MAC R 299.9506(2)(a)(v)*	40 CFR 270.14(c)(5) and 264.97(a).
MAC R 299.9506(2)(f)*	40 CFR 270.14(c)(5) and 264.97(a).
MAC R 299.9506(4)(d)*	40 CFR 270.14(c)(7)(iv) and 264.94(a).
MAC R 299.9511*	40 CFR 124.6
MAC R 299.9518(1)*	40 CFR 270.10(c) and 270.14(a).
MAC R 299.9518(4)*	40 CFR 124.10(c)(1)(i).
MAC R 299.9518(5)*	40 CFR 264.112(d)(3) and 265.112(d)(3).
MAC R 299.9518(6)*	40 CFR 264.112(d)(3) and 265.112(d)(3), 270.51(c)(2).
MAC R 299.9519(1)*	40 CFR 270.41.
MAC R 299.9601(2)(b)*	40 CFR 265.1(b) and 265.50.
MAC R 299.9601(2)(f)*	40 CFR 264.112(d)(3), 264.113, 40 CFR 265.112(d)(3), and 265.113.
MAC R 299.9601(2)(i)*	40 CFR 268.1.
MAC R 299.9601(4)*	40 CFR 264.1(d).

State Requirement	Federal Requirement
MAC R 299.9605(2)*	40 CFR 261.7.
MAC R 299.9607(2)*	40 CFR 264.56(d).
MAC R 299.9607(3)*	40 CFR 264.56(j).
MAC R 299.9611(2)(a)*	40 CFR 264.98.
MAC R 299.9611(3)(a)(iii)*	40 CFR 264.90(c)(3).
MAC R 299.9612(1)*	40 CFR 264.90(a).
MAC R 299.9612(1)(b)*	40 CFR 264.97.
MAC R 299.9612(1)(d)*	40 CFR 264.94(a).
MAC R 299.9612(1)(e)(i)*	40 CFR 264.97(h).
MAC R 299.9612(1)(f)*	40 CFR 264.99(a).
MAC R 299.9612(1)(h)*	40 CFR 264.90(b).
MAC R 299.9613(1)*	40 CFR 264.110.
MAC R 299.9613(2)*	40 CFR 264.112(d)(1).
MAC R 299.9613(3)*	40 CFR 264.115.
MAC R 299.9613(5)*	40 CFR 264.120.
MAC R 299.9615(2)(a)*	40 CFR 264.193(e).
MAC R 299.9615(3)*	40 CFR 264.192(a)(3).
MAC R 299.9619(1)*	40 CFR 264.316.
MAC R 299.9619(5)(a)(i)*	40 CFR 264.310.
MAC R 299.9619(5)(a)(ii)*	40 CFR 264.310.
MAC R 299.9619(6)*	40 CFR 264.316.
MAC R 299.9629(4)*	40 CFR 264.100 (a) and (b).
MAC R 299.9629(5)*	40 CFR 264.100(c).
MAC R 299.9629(6)*	40 CFR 264.100(d).
MAC R 299.9629(7)*	40 CFR 264.100(e).
MAC R 299.9629(8)*	40 CFR 264.100(f).
MAC R 299.9629(9)*	40 CFR 264.100(g).
MAC R 299.9629(10)*	40 CFR 264.100(h).

*Effective June 18, 1994

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on October 30, 1986; January 23, 1990; and June 24, 1991, the effective dates of Michigan's final authorizations for the RCRA base program and for the Non-HSWA Cluster I, Cluster II, and Cluster III revisions.

Michigan is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Michigan's application for program revision meets all the statutory and regulatory requirements established by RCRA. Accordingly, Michigan is granted final authorization to operate its hazardous waste program as revised. Michigan now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program

application, subject to the limitations of the HSWA. Michigan also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3013, and 7003 of RCRA.

D. Incorporation by Reference

EPA incorporates by reference authorized State programs in part 272 of 40 CFR to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of these revisions to the Michigan program will be completed at a later date.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may

result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that

may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Michigan's hazardous waste program referenced in today's notice will result in annual costs of \$100 million or more.

EPA's approval of State programs generally have a deregulatory effect on the private sector because once it is determined that a State hazardous waste program meets the requirements of RCRA section 3006(b) and the regulations promulgated thereunder at 40 CFR part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved State may exercise. Such flexibility will reduce, not increase, compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved State hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265, and 270. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved State program.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Michigan's program thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final

rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 Part 271

Environmental Protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a) 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b)).

Dated: January 11, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96-2724 Filed 2-7-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5418-4]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Clothier Disposal site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA), Region II, announces the deletion of the Clothier Disposal site from the National Priorities List (NPL). The NPL is 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), as amended. EPA and the State of New York have determined that all appropriate responses under CERCLA have been implemented, and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: February 8, 1996.

ADDRESSES: For further information contact: Herbert H. King, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th floor, New York, NY 10007-1866.

FOR FURTHER INFORMATION CONTACT: Herbert H. King at (212) 637-4268.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Clothier Disposal site, Granby, New York.

The closing date for comments on the Notice of Intent to Delete was October 15, 1995. EPA received one comment letter from the counsel for the Settling Defendants (a group of potentially responsible parties associated with the site who entered into a consent decree with the government to pay for the government's past costs and to remediate the site), indicating that the Settling Defendants support deleting the site from the NPL, and requesting that the description of the activities that were undertaken by the Settling Defendants after the discovery of three buried drums during the first long-term monitoring event at the site be amplified. EPA acknowledges the Settling Defendants' efforts subsequent to the discovery of three buried drums, which included a geophysical investigation in the area surrounding the drum-discovery site, the excavation of trenches through two magnetic anomalies identified by the geophysical investigation, the excavation of metallic debris discovered in one trench, and the off-site disposal of the metallic debris and the three buried drums. Based on these efforts and the associated findings, EPA concluded that no further remedial or investigatory work was necessary at the site.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund)-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 (e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA's efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

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