

State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256–66 (1976).

#### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal

governments, or the private sector, result from this action.

#### G. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in this Federal Register. This rule is not a “major rule” as defined by section 804(2) of the APA as amended.

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: July 16, 1996.

David A. Ullrich,

Acting Regional Administrator.

For the reasons set forth in the preamble 40 CFR parts 52 and 81 are amended as follows:

#### MICHIGAN—PM-10

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

#### Subpart X—Michigan

2. Section 52.1173 is amended by adding a new paragraph (f) to read as follows:

##### § 52.1173 Control strategy: particulates.

\* \* \* \* \*

(f) On July 24, 1995, the Michigan Department of Natural Resources requested the redesignation of Wayne County to attainment of the National Ambient Air Quality Standard for particulate matter. The State’s maintenance plan is complete and the redesignation satisfies all of the requirements of the Act.

### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.323, the table entitled “Michigan PM-10” is revised to read as follows:

##### § 81.323 Michigan.

\* \* \* \* \*

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Wayne County—The area bounded by Michigan Avenue from its intersection with I-75 west to I-94, I-94 southwest to Greenfield Road, Greenfield Road south to Schaefer Road, Schaefer Road south and east to Jefferson Avenue, Jefferson Avenue south (Biddle Avenue through the city of Wyandotte) to Sibley Avenue, Sibley Avenue west to Fort Street, Fort Street south to King Road, King Road east to Jefferson Avenue, Jefferson Avenue south to Helen Road, Helen Road east extended to Trenton Channel, Trenton Channel north to the Detroit River, the Detroit River north to the Ambassador Bridge, Ambassador Bridge to I-75, I-75 to Michigan Avenue.	October 4, 1996	Attainment		
Rest of State .....	11/15/90 .....	Unclassifiable		

\* \* \* \* \*

[FR Doc. 96–19785 Filed 8–2–96; 8:45 am]

BILLING CODE 6560–50–P

#### 40 CFR Part 261

[FRL–5546–4]

#### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; Correction.

**SUMMARY:** On July 18, 1996, the Environmental Protection Agency (EPA or Agency) published a final rule granting a petition submitted by United Technologies Automotive, Inc. (UTA), Dearborn, Michigan, to exclude (or “delist”), conditionally, on a one-time, upfront basis, a certain solid waste generated by UTA’s chemical stabilization treatment of lagoon sludge at the Highway 61 Industrial Site in Memphis, Tennessee, from the lists of hazardous wastes in §§ 261.31 and

261.32. Based on careful analyses of the waste-specific information provided by the petitioner, the Agency concluded that UTA's petitioned waste will not adversely affect human health and the environment. Delisting levels for cadmium, chromium, lead, nickel, and cyanide which would be protective of human health and the environment were calculated and promulgated. This action addresses the fact that the calculated level of 9.6 mg/l of chromium in the TCLP extract is greater than the toxicity characteristic (TC) level of 5.0 mg/l (see 40 CFR 261.24). A waste exhibits the TC for chromium, and is, therefore, a hazardous waste, if its TCLP extract contains greater than or equal to 5.0 mg/l of chromium. Therefore, today's notice corrects the delisting level for chromium by requiring the concentration of chromium in a TCLP extract of UTA's petitioned waste to be less than 5.0 mg/l. This action also addresses the fact that the calculated level for cyanide was 19.2 mg/l in a TCLP extract of the petitioned waste. In order to be consistent with previous delistings, cyanide should be measured in a waste extract obtained by using deionized water as the extraction medium, rather than the acetic acid of the TCLP. (See, for example, 56 FR 33004-33005, 33012, July 18, 1991; and 56 FR 67199, 67208, December 30, 1991.) Therefore, today's notice corrects the delisting level for cyanide by requiring the cyanide extraction to be conducted using deionized water.

**EFFECTIVE DATE:** July 18, 1996.

**ADDRESSES:** The RCRA regulatory docket for the final rule and today's notice is located at the EPA Library, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, Georgia 30365, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays.

The reference number for this docket is R4-96-UTEF. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at a cost of \$0.15 per page for additional copies. For copying at the Tennessee Department of Environment and Conservation, please see below.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 412-9810. For technical information concerning this notice, contact Judy Sophianopoulos, RCRA Compliance Section, (Mail Code 4WD-RCRA), U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 347-3555, x6408, or call, toll free, (800) 241-

1754, and leave a message, with your name and phone number, for Ms. Sophianopoulos to return your call. You may also contact Jerry Ingram, Tennessee Department of Environment and Conservation (TDEC), 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1535, (615) 532-0850. If you wish to copy documents at TDEC, please contact Mr. Ingram for copying procedures and costs.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Reasons and Basis for This Action**

Although 40 CFR 260.22 requires a petitioner to demonstrate that the petitioned waste does not exhibit any of the characteristics in § 261.21, § 261.22, § 261.23, and § 261.24, and that a waste excluded in accordance with § 261.22 may still be a hazardous waste under Subpart C of Part 261, today's notice changes the delisting level for chromium to below the regulatory level for the toxicity characteristic (TC) in § 261.24, in order to ensure that the petitioned waste does not exhibit the TC and to clarify that no waste which exhibits the TC is allowed to be disposed in a Subtitle D facility.

The calculated level of 9.6 mg/l for chromium in the final rule resulted from the fact that the maximum contaminant level (MCL) for chromium, established by the Safe Drinking Water Act, was changed from 0.05 mg/l to 0.10 mg/l (see 56 FR 3526-3597, January 30, 1991). The TC levels in § 261.24, which equal 100 x the appropriate MCL at the time of their promulgation, have not been changed to be consistent with current MCL values.

As stated in the Summary paragraph of today's correction notice, in order to be consistent with previous delistings, cyanide should be measured in a waste extract obtained by using deionized water as the extraction medium, rather than the acetic acid of the TCLP. (See, for example, 56 FR 33004-33005, 33012, July 18, 1991; and 56 FR 67199, 67208, December 30, 1991.) Therefore, today's notice corrects the delisting level for cyanide by requiring the cyanide extraction to be conducted using deionized water.

##### **II. Corrections to the Final Rule**

A. On page 37401, of the Federal Register of July 18, 1996, Table 1 of the Preamble:

The delisting level for chromium is corrected to read: "9.6; delisting level is set at less than 5.0, the toxicity characteristic level."

The delisting level for cyanide is corrected to read: "19.2; (cyanide

extraction must be conducted using deionized water.)"

B. On page 37402, Table 1 of Appendix IX of Part 261:

Condition (3) is corrected to read: "(3) *Delisting Levels:* All leachable concentrations for these constituents must not exceed the following levels (ppm): Cadmium—0.48; cyanide—19.2; lead—1.4; and nickel—9.6. The leachable concentration of chromium must be less than 5.0 ppm. Metal concentrations in the waste leachate must be measured by the method specified in 40 CFR 261.24. The cyanide extraction must be conducted using deionized water. Total cyanide concentration in the leachate must be measured by Method 9010 or Method 9012 of SW-846."

##### **List of Subjects in 40 CFR Part 261**

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: July 19, 1996.

James S. Kutzman,

*Associate Director, Office of RCRA & Fed. Facilities.*

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#### **40 CFR Part 271**

[FRL-5544-9]

#### **Illinois: Final Authorization of Revisions to State Hazardous Waste Management Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Illinois 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). Illinois' revisions consist of provisions contained in rules promulgated between July 1, 1991, and June 30, 1993, otherwise known as RCRA Clusters 2 and 3. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Illinois' application and has made a decision, subject to public review and comment, that Illinois' hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Illinois' hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Illinois'