impose any new burdens on small entities.

Paperwork Reduction Act

This preliminary determination contains no requests for information and consequently is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: March 14, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–7820 Filed 3–27–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 271

[FRL–5803–1]

Michigan: Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking and public comment period.

SUMMARY: Michigan has applied for final authorization of revisions to its hazardous management program under the Resource Conservation and Recovery Act on 1976, as amended, (hereinafter RCRA) resulting from Michigan Executive Order 1995–18 (EO 1995–18). The Environmental Protection Agency (EPA) has reviewed Michigan's application and has reached a proposed decision, subject to public review and comment, that the hazardous waste management program revisions resulting from EO 1995–18 satisfy the requirements necessary to qualify for final authorization. Thus, EPA believes it is appropriate to approve these Michigan hazardous waste management program revisions. Michigan's application for program revision is available for public review and comment.

DATES: All comments on this proposed rulemaking must be received by close of business on April 28, 1997.

ADDRESSES: Written comments on this document may be submitted to Ms. Judy Feigler, U.S. EPA, State Programs and Authorization Section, Waste, Pesticides and Toxics Division (DR–7J), 77 West Jackson Blvd., Chicago, IL 60604–3590. In the alternative, U.S. EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: feigler.judith@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Central Time) April 28, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Feigler at the EPA address noted above or telephone at (312) 886–4179.

Copies of the State of Michigan's final authorization revision application are available during normal business hours at the following addresses for inspection and copying: Library of Michigan, Government Documents Section, 717 West Allegan, Lansing, Michigan; Olson Library, Northern Michigan University, Harden Circle Drive, Marquette, Michigan; Detroit Public Library Main Branch, Sociology and Economics Department, 5201 Woodward Avenue, Detroit, Michigan; and Ms. Judy Feigler, U.S. EPA, State Programs and Authorization Section, Waste, Pesticides and Toxics Division (DR–7J), 77 West Jackson Blvd., Chicago, IL 60604-3590, or telephone (312) 886–4179. To arrange for access to the materials in Lansing, call (517) 373–9489 between 9 a.m. and 6 p.m. on Mondays through Saturdays and between 12 p.m. and 4 p.m. on Sundays (Eastern time); in Marquette, call (906) 227–2260 for current library hours; in Detroit, call (313) 833–1440 between 9:30 a.m. and 5:30 p.m. on Tuesdays and Thursdays through Saturdays, and between 1 p.m. and 9 p.m. on Wednesdays (Eastern time); and in Chicago, call (312) 886–4179 between 9 a.m. and 4:30 p.m. on Mondays through Fridays.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of RCRA, 42 U.S.C. 6929(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 management program. When either EPA's or a State program's controlling statutory or regulatory authority is modified or supplemented, or when certain other changes occur, revisions to State hazardous waste management programs may be necessary. The procedures that States and EPA must follow for revision of State programs are found at 40 CFR 271.21.

The State of Michigan initially received final authorization for its hazardous waste management program effective on October 30, 1986 (51 FR 36804–36805, October 16, 1986). Subsequently, 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 April 8, 1996 (61 FR 4742, February 8, 1996). Michigan's Program Description, dated June 30, 1984, and addenda thereto dated June 30, 1986; September 12, 1988; July 31, 1990; August 10, 1992; and March 22, 1995, which is a component of the State's original final authorization and subsequent revision applications, specified that the Michigan Department of Natural Resources (MDNR) was the agency responsible for implementing Michigan's hazardous waste management program. The Program Description indicated that the Site Review Board (SRB) also had authority to approve or deny construction permit applications. The SRB was subsequently made a consultative body and the SRB's powers were transferred to the Director of the MDNR by Executive Order 1991–31, which took effect on September 2, 1993.

On July 31, 1995, the Governor of Michigan issued Executive Order 1995–18 (EO 1995–18), which became effective on October 1, 1995. On January 19, 1996, Michigan submitted materials for EPA to determine the impact of EO 1995–18 upon the authorized State hazardous waste management program. The materials consisted of a letter from the Michigan Attorney General's office setting forth the State of Michigan's analysis as to why the establishment of the new Michigan DEQ does not represent a transfer to a ''new agency'' pursuant to 40 CFR 271.21(c), a copy of EO 1995–18, updated letters of delegation and procedures regarding avoidance of conflict of interest in contested case proceedings. On June 13, 1996, Michigan submitted a supplemental statement of the Michigan Attorney General regarding the appraisal of the Attorney General of the impact of EO 1995–18 on Michigan's delegated environmental programs. In the supplemental statement, the Attorney General explained that the effect of EO 1995–18 was to elevate the former Environmental Protection Bureau of the Department of Natural Resources to full independent departmental status as the Department of Environmental Quality (DEQ). According to the Michigan Attorney General, ''the DEQ retained all of its environmental responsibilities and virtually all of the personnel formerly assigned to it as a bureau of the DNR.''

The Attorney General further stated that ''E.O. 1995–18 did not substantively change the State's statutes or rules relating to the administration of federally delegated programs nor was any authority, power, duty or function contained within Michigan's statutes or rules applicable to federally delegated programs diminished by the execution of E.O. 1995–18. Specifically, E.O. 1995–18 did not affect program jurisdiction, the scope of activities regulated, criteria for the review of permits, public participation, enforcement capabilities or the adequacy of Michigan's legal authority to carry out its federally delegated programs.'

Based on the information available, EPA has determined that the reorganization of the State's hazardous waste management program resulting from EO 1995–18 constitutes a program revision requiring appropriate EPA review and approval under RCRA. EPA has also determined that the EO 1995–18 did not result in significant modification of Michigan's hazardous waste program, nor did the Order transfer any part of the program from the approved State agency to any other State agency. Therefore, EPA does not view the reorganization as a transfer within the purview of 40 CFR 271.21(c).

Consequently, EPA has made a proposed decision, subject to public review and comment, that Michigan's hazardous waste program revisions resulting from EO 1995–18 satisfy the requirements necessary to qualify for final authorization. The public may submit written comments on EPA's proposed decision making up until April 28, 1997. A copy of Michigan's application for program revision is available for inspection and copying as listed in the **ADDRESSES** section of this notice.

EPA wishes to note that it presently has pending before it a request, submitted in a letter dated June 14, 1996 by the Michigan Environmental Council (MEC), to revoke Michigan's National Pollution Discharge Elimination System (NPDES) and Prevention of Significant Deterioration (PSD) program approvals, not grant additional program delegations and not grant program approval for Boiler and Industrial Furnace revisions under RCRA. This request is based upon Michigan's recent enactment of Public Act 132 of 1996, which establishes certain environmental audit privilege and immunity provisions in the state's natural resources and environmental protection code. In response to the request, EPA is currently in the process of reviewing Public Act 132 of 1996 and its potential impact on Michigan's federally delegated, approved and authorized programs, including RCRA. EO 1995–18 predated passage of Act 132.

EPA's proposed action today only addresses and seeks comment on the impact of EO 1995–18 noted above on Michigan's RCRA program. EPA's decision to preliminarily approve of revisions to Michigan's RCRA program arising out of EO 1995–18 does not express any viewpoint on the question of whether there are legal deficiencies in Michigan's RCRA program resulting from Public Act 132 of 1996, which was enacted after this Executive Order was issued. EPA will subsequently address the issues raised by MEC regarding Public Act 132 of 1996 in responding to the MEC request.

Approval of Michigan's program revision shall become effective upon publication of the Regional Administrator's final approval in the **Federal Register**. If adverse comment pertaining to Michigan's program revision is received during the comment period, EPA will publish either: (1) A notice of disapproval; or (2) a final approval of the modifications, which would include appropriate comment response.

If final approval is granted, Michigan will maintain final authorization to operate its hazardous waste management program, as revised by EO 1995–18. Michigan will continue to have responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Michigan also will maintain 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.

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

Executive Order 12866

Under Executive Order 12866 (58 FR 51735; October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Office of Management and Budget (OMB) has exempted this action from E.O. 12866 review.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.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.

Today's proposal would contain no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. Today's proposal would merely recognize an internal reorganization of an existing approved RCRA State program. EPA has determined that this proposal would not contain any 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. Therefore, today's proposal is not subject to the requirements of section 202 of the UMRA.

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, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Because

today's proposal would merely recognize an internal reorganization of an existing approved RCRA State program, EPA has determined that this proposal contains no regulatory requirements that might significantly or uniquely affect small governments.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) provides that, whenever an agency promulgates a final rule under 5 U.S.C. 553, after being required to publish a general notice of proposed rulemaking, an agency must prepare a final regulatory flexibility analysis unless the head of the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 604 & 605. The Regional Administrator today certifies, pursuant to section 605(b) of the RFA, that approval of any revisions to Michigan's RCRA program resulting from the reorganization of the Michigan environmental agencies will not have a significant impact on a substantial number of small entities.

The basis for the certification is that EPA's approval would simply result in an administrative change in the structure of the approved RCRA program, rather than a change in the substantive requirements imposed on any small entity in the State of Michigan. Such an approval would not affect the substantive regulatory requirements under existing State law to which small entities are already subject. Additionally, approval of the RCRA program modification would not impose any new burdens on small entities.

Paperwork Reduction Act

The proposal contains no requests for information and consequently is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping 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, 6974(b).

Dated: March 14, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–7817 Filed 3–27–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 799

[OPPTS–42187F; FRL–5598–4]

RIN 2070–AC76

Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period on Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period on proposed test rule.

SUMMARY: EPA is extending the public comment period from April 30, 1997 to June 30, 1997 on the proposed rule to require the testing of 21 hazardous air pollutants (HAPs) for certain health effects. This proposed rule was published in the **Federal Register** on June 26, 1996 (61 FR 33178)(FRL–4869–1). On February 28, 1997, EPA extended the public comment period from March 31, 1997 to April 30, 1997 (62 FR 9142)(FRL–5592–1).

DATES: Written comments on the proposed rule must be received by EPA on or before June 30, 1997.

ADDRESSES: Submit three copies of written comments on the proposed HAPs test rule, identified by document control number (OPPTS–42187A; FRL–4869–1) to: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics (OPPT), Document Control Office (7407), Rm. G–099, 401 M St., SW., Washington, DC 20460.

A public version of the official rulemaking record supporting this action, excluding confidential business information (CBI), is available for inspection at the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460, from 12 noon to 4 p.m., Monday through Friday, except on legal holidays.

All comments that contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information that they believe is entitled to treatment as CBI must assert a business confidentiality claim in accordance with 40 CFR part 2. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will treat the information as non-confidential and may make it available to the public without further notice to the submitter.

Comments and data may also be submitted in electronic form by sending electronic mail (e-mail) to: oppt-ncic@epamail.epa.gov. Such comments and data must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by (OPPTS–42187A)(FRL–4869–1). No information claimed as CBI should be submitted through e-mail. Comments in electronic form may be filed online at many federal depository libraries.

The official record for this rulemaking, as well as the public version, will be maintained in paper form. EPA will transfer all comments received electronically into paper form and will place the paper copies in the official record. The official record is the paper record maintained at the address listed at the beginning of the ''ADDRESSES'' section of this document.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. ET–543B, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone (202) 554–1404; TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

For technical information contact: Richard W. Leukroth, Jr , Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC, 20460; telephone: (202) 260–0321; fax: (202) 260–8850; e-mail: leukroth.rich@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On June 26, 1996 (61 FR 33178), EPA proposed health effects testing, under section 4(a) of the Toxic Substances Control Act (TSCA), of the following hazardous air pollutants (HAPs): 1,1'-biphenyl, carbonyl sulfide, chlorine, chlorobenzene, chloroprene, cresols [3 isomers], diethanolamine, ethylbenzene, ethylene dichloride, ethylene glycol, hydrochloric acid, hydrogen fluoride, maleic anhydride, methyl isobutyl ketone, methyl methacrylate, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride. EPA would use the data generated under the rule to implement several provisions of section 112 of the Clean Air Act and to meet other EPA data needs and those of other Federal agencies. In the HAPs proposal, EPA invited the submission of proposals for