

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 11499-000 Tennessee]

**Armstrong Energy Resources; Notice of Extension of Time to File Scoping Comments**

April 2, 1997.

The Federal Energy Regulatory Commission (FERC) and Tennessee Valley Authority (TVA) jointly conducted a second public scoping meeting for Armstrong Energy Resources' revised proposal on March 4, 1997. At that meeting, and in the revised scoping document I and notice of public scoping meeting, issued February 3, 1997, FERC and TVA set the deadline date for filing comments in response to the revised scoping document I at March 31, 1997.

By this notice, the deadline date for filing comments in response to revised scoping document I is extended to April 30, 1997. Any comments previously expressed on scoping document I will be considered and need not be repeated.

Scoping comments are to be filed with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, and with Linda Oxendine, Senior Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, WT8C-K, Knoxville, TN 37902. All written correspondence should clearly show the following captions on the first page: Laurel Branch Pumped Storage Project, FERC Project No. 11499-000.

**FOR FURTHER INFORMATION**, please contact Eddie R. Crouse, FERC, (202) 219-2794, or Linda Oxendine, TVA, (423) 632-3440.

**Lois D. Cashell**,  
Secretary.

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**DEPARTMENT OF ENERGY****Western Area Power Administration****Notice of Public Information/Comment Meetings on Proposal to Extend Electric Power Resource Commitments to Contractors of the Salt Lake City Area Integrated Projects by Application of the Energy Planning and Management Program Power Marketing Initiative**

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of meetings.

**SUMMARY:** Western Area Power Administration (Western) published its proposal to apply the Energy Planning and Management Program Power Marketing Initiative to the Salt Lake City Area Integrated Projects on February 26, 1997 (62 FR 8709). At that time, Western stated that four public information/comment meetings would be held. These meetings have now been scheduled.

**DATES:** Information comment meetings will be held:

1. April 16, 1997, 1:30 p.m., Sandy, Utah
2. April 23, 1997, 9 a.m., Golden, Colorado
3. April 24, 1997, 9 a.m., Albuquerque, New Mexico
4. April 25, 1997, 9 a.m., Phoenix, Arizona

**ADDRESSES:** The locations of the meetings are:

1. Sandy—Utah Associated Municipal Power Systems, 8722 South 300 West, Sandy, Utah.
2. Golden—Marriott Denver West, 1717 Denver West Boulevard, Golden, Colorado
3. Albuquerque—United States Department of Energy, Albuquerque Operations Office Training Complex, 1401 Maxwell Street, Kirtland Air Force Base West, Albuquerque, New Mexico
4. Phoenix—Western Area Power Administration, Desert Southwest Region, 615 South 43rd Avenue, Phoenix, Arizona.

**SUPPLEMENTARY INFORMATION:** Western will accept written comments on or before May 27, 1997. Comments may be submitted to: Mr. Dave Sabo, Colorado River Storage Project Manager, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147-0606.

Issued at Golden, Colorado, March 27, 1997.

**J. M. Shafer**,  
Administrator.

[FR Doc. 97-8931 Filed 4-7-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5806-1]

**Michigan: Final Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination of adequacy for Michigan's amended application.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive household hazardous waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the United States Environmental Protection Agency (U.S. EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. The U.S. EPA has proposed a State/Tribal Implementation Rule (SIR) (61 FR 2584, January 26, 1996) that provides procedures by which the U.S. EPA will approve, or partially approve, State landfill permit programs. The Agency intends to approve adequate State MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the SIR. Prior to final promulgation of the SIR, adequacy determinations will be made based on statutory authorities and requirements. In addition, States may use the proposed SIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State permit programs provide for interaction between the State and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States with approved permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the State permit program allows such flexibility.

Michigan applied for a partial program determination of adequacy under Section 4005 of RCRA on October 6, 1993. The U.S. EPA reviewed Michigan's application and made a final partial program determination of adequacy on March 10, 1994 (59 FR 11268, March 10, 1994) for those portions of the MSWLF permit program that were adequate to ensure compliance with the revised Federal MSWLF Criteria. Michigan amended its original application and applied for approval of the remaining portion of its program on March 3, 1997. The U.S. EPA reviewed Michigan's amended application and today is issuing a tentative determination of adequacy for the remaining portion of Michigan's MSWLF permit program relating to financial assurance requirements. Michigan's amended application is

available for public review and comment. The tentative determination will become final and effective sixty (60) days following the date of this publication if no adverse comments are received.

**DATES:** All comments on Michigan's amended application for a determination of adequacy must be received by the U.S. EPA Region 5 by the close of business on May 8, 1997. The determination of adequacy for Michigan shall be effective on June 9, 1997, unless adverse comments are received. If adverse comments are received, a second **Federal Register** Notice will be published describing these comments and the U.S. EPA's responses to the comments and decision on final adequacy.

**ADDRESSES:** Copies of Michigan's amended application for a determination of adequacy for the financial assurance requirements are available for inspection and copying from 9 AM to 4 PM during normal working days at the following addresses: Michigan Department of Environmental Quality, Hollister Building—1st Floor, Lansing, Michigan, 48909, Attn: Mr. Jim Sygo; and U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Attn: Mr. Paul Ruesch, mail code DRP-8J. All written comments should be sent to the U.S. EPA Region 5 Office.

**FOR FURTHER INFORMATION CONTACT:** U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604 Attn: Mr. Paul Ruesch, mail code DRP-8J, telephone (312) 886-7598.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On October 9, 1991, the U.S. EPA promulgated revised Federal MSWLF Criteria (40 CFR Part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the revised Federal Criteria. Subtitle D also requires in section 4005 that the U.S. EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal MSWLF Criteria. To fulfill this requirement, the Agency has proposed the State/Tribal Implementation Rule (SIR). The rule will specify the requirements which State programs must satisfy to be determined adequate. The U.S. EPA will review the State's requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA.

**B. State of Michigan**

On October 6, 1993, Michigan submitted an application to obtain a partial program adequacy determination for the State's municipal solid waste landfill permit program. On March 10, 1994, the U.S. EPA published a final determination of adequacy for Michigan's program. Further background on the final partial program determination of adequacy appears at 59 FR 11268, March 10, 1994.

On March 3, 1997, Michigan amended its October 6, 1993, application to apply for approval of the remaining portion of its program, specifically the financial assurance requirements. The amended application includes a description of the changes made to Michigan's MSWLF permit program since the partial program approval.

The U.S. EPA has reviewed Michigan's amended application and has determined that the State's revised MSWLF permit program will satisfy the financial assurance portions of the revised Federal Criteria. Specifically, Michigan has adequately addressed those portions of its MSWLF permit program that were not approved in the partial determination of adequacy in March 1994. The U.S. EPA has determined that the State's revised MSWLF permit program will ensure adequacy with the financial assurance requirements (40 CFR 258.70, 258.71, 258.72, 258.73, 258.74).

**C. Decision**

After reviewing the amended application, I conclude that Michigan's application for a determination of adequacy for financial assurance requirements meets all of the statutory and regulatory requirements established by Subtitle D of RCRA. Accordingly, the U.S. EPA is granting a determination of adequacy for the portion of Michigan's MSWLF permit program relating to financial assurance requirements.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the revised Federal MSWLF criteria in 40 CFR part 258 independent of any State enforcement program. As the U.S. EPA explained in the preamble to the revised Federal MSWLF Criteria, the U.S. EPA expects that any owner or operator complying with provisions in a State program approved by the U.S. EPA should be considered to be in compliance with the revised Federal MSWLF Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Today's action takes effect 60 days after the date of publication if no adverse comments are received.

The U.S. 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, the U.S. 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.

The U.S. EPA's proposed action today only addresses Michigan's MSWLF permit program financial assurance requirements. The U.S. EPA's decision to grant Michigan's application for a determination of adequacy for these requirements 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. The U.S. EPA will subsequently address the issues raised by MEC regarding Public Act 132 of 1996 in responding to the MEC request.

*Executive Order 12866*

The Office of Management and Budget has exempted this action from the requirements of section 6 of Executive Order 12866.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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, the U.S. 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 contains 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 acknowledge the adequacy of a

portion of an existing State program. The U.S. 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 the U.S. 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 the U.S. 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 acknowledge the adequacy of a portion of an existing approved State program, the U.S. EPA has determined that this proposal contains no regulatory requirements that might significantly or uniquely affect small governments.

#### *Regulatory Flexibility Act*

The Regional Administrator today certifies, pursuant to section 605(b) of the RFA, that a determination of adequacy for Michigan's MSWLF permit program financial assurance requirements will not have a significant impact on a substantial number of small entities. It does not impose any new burdens on small entities in the State of Michigan. This rule, therefore, does not require a regulatory flexibility analysis.

#### *Submission to Congress and the General Accounting Office*

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the U.S. EPA submitted a report containing this rule and other required information to the U.S. Senate, the House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

**Authority:** This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: March 28, 1997.

**Valdas V. Adamkus,**

*Regional Administrator.*

[FR Doc. 97-8672 Filed 4-7-97; 8:45 am]

BILLING CODE 6560-50-P

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5807-1]

### **Water Pollution Control; Program Application by North Carolina to Administer the Sludge Management (Biosolids) Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of application and public comment period.

**SUMMARY:** Pursuant to 40 CFR 501.31, the State of North Carolina has submitted an application for EPA to approve the existing North Carolina Domestic Waste Permit program for authorization to administer and enforce the federal sewage sludge management (biosolids) program. According to the State's proposal, this program would be administered by the North Carolina Department of Environment, Health and Natural Resources (NCDEHNR).

The application from North Carolina is complete and is available for inspection and copying. Persons wishing to comment upon or object to any aspects of the application from North Carolina or wishing to request a public hearing, are invited to submit the same in writing within thirty (30) days of this notice to the Office of Environmental Assessment, Environmental Protection Agency Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3104, ATTENTION: Ms. Lena Scott. The public notice number and reference to the program application by North Carolina to administer the sludge management (biosolids) program should be included in the first page of comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roosevelt Childress, Chief, Surface Water Permits Section, telephone (404) 562-9279, or Mr. Vince Miller, EPA Region 4 Sludge Management Coordinator, telephone (404) 562-9312, or write to the following address: Water Management Division, Surface Water Permits Section, U.S. EPA, Region 4, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3104.

**SUPPLEMENTARY INFORMATION:** Section 405 of the Clean Water Act (CWA), 33 U.S.C. Section 1345, created the sludge

management program, allowing EPA to issue permits for the disposal of sewage sludge under conditions required by the CWA. Section 405(c) of the CWA provides that a state may submit an application to EPA for administering its own program for issuing sewage sludge permits within its jurisdiction. EPA is required to approve each such submitted state program unless EPA determines that the program does not meet the requirements of the EPA regulations implementing those sections.

North Carolina's application for sludge management program approval contains a letter from the Governor requesting program approval, an Attorney General's Statement, copies of pertinent State statutes and regulations, the NCDEHNR Program Description, and a draft NCDEHNR/EPA Memorandum of Agreement (MOA).

#### **Septage**

EPA understands that North Carolina's application is not intended to include federal septage management program activities within the State. EPA will retain authority for administering the federal septage management program within the State of North Carolina until such time that the State receives federal authorization.

#### **Indian Tribes**

The term "Indian Tribe" is defined under the Act as "any Indian Tribe, band, nation, or other organized group of community, including any Alaskan Native village, which is federally recognized as eligible for the special programs, and services provided by the United States to Indians because of their status as Indians." EPA notes that North Carolina's application does not, nor does it intend to, include management of sewage sludge on lands within Indian Country. EPA will retain authority for administering the federal sewage sludge management program within Indian Country.

#### **Availability of State Submittal**

North Carolina's submittal may be reviewed by the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, at the North Carolina Department of Environment, Health, and Natural Resources, Division of Water Quality; 512 North Salisbury Street, Raleigh, North Carolina 27604-1148 or at the EPA Regional Office in Atlanta, Georgia, at the address appearing earlier in this notice.

Copies of the submittal may be obtained at a cost of \$0.25 per page by check made payable to the North Carolina Department of Environment,