training of environmental education professionals. EPA will achieve these goals, in part, by awarding grants and/or establishing partnerships with other Federal agencies, state and local education and natural resource agencies, not-for-profit organizations, universities, and the private sector to encourage and support environmental education and training programs. The Council is also responsible for preparing a national biennial report to Congress that will describe and assess the extent and quality of environmental education, discuss major obstacles to improving environmental education, and identify the skill, education, and training needs for environmental professionals.

Dated: July 9, 1997.

Diane H. Esnau,

Acting Associate Administrator, Office of Communications, Education and Public Affairs.

[FR Doc. 97–18572 Filed 7–14–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5857–1]

Wyoming: Final Determination of Adequacy of the State's Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency (Region VIII).

ACTION: Notice of final determination of full program adequacy for Wyoming' s 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 hazardous household waste or conditionally exempt small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). Section 4005(c)(1)(C) of RCRA requires the Environmental Protection Agency (EPA) to determine whether States have adequate ''permit'' programs for MSWLFs, but does not mandate issuance of a rule for such determinations. On January 26, 1996, EPA proposed a State Implementation Rule (SIR) (40 CFR parts 239 and 258) that will provide procedures by which 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 promulgation of the SIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States may use the draft SIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State permit programs provide 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 Part 258 to the extent the State permit program allows such flexibility. EPA Notes that regardless of the approval status of a State and the permit status of any facility, the Federal Criteria will apply to all permitted and unpermitted MSWLFs.

The State of Wyoming applied for a determination of adequacy under section 4005 of RCRA. EPA reviewed Wyoming' s MSWLF application and made a tentative determination that Wyoming's MSWLF permit program is adequate to assure compliance with the revised MSWLF Criteria. After reviewing all comments received, EPA is today issuing a final determination that Wyoming's program is adequate.

EFFECTIVE DATE: The determination of adequacy for Wyoming shall be effective on July 15, 1997.

FOR FURTHER INFORMATION CONTACT: Gerald Allen (8P2–P2), U.S. EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, Phone 303–312–7008.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (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 MSWLF's comply with the Federal Criteria. Subtitle D also requires that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has proposed a State Implementation Rule (SIR), (40 CFR Parts 239 and 258, January 26, 1996). The rule will specify the requirements which State programs must satisfy to be determined adequate.

EPA intends to approve State MSWLF permit programs prior to the final promulgation of the SIR. EPA interprets the requirements for States to develop ''adequate'' programs for permits or other forms of prior approval to impose several minimum requirements. First, each State must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State has submitted an ''adequate'' program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation in the proposed State Implementation Rule, (SIR). EPA expects States to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

B. State of Wyoming

On November 6, 1992, Wyoming submitted an application for partial program adequacy determination for the State's MSWLF permit program. On October 8, 1993, EPA published a final determination of partial adequacy for Wyoming' s program. Further background on the final partial program determination of adequacy appears at 58 FR 52491 (October 8, 1993). In that action, EPA approved all portions of the State's MSWLF permit program except portions of Wyoming's regulations incorporating the federal ground water and corrective action requirements in 40 CFR 258, subpart E, and the Federal financial annual requirement in 40 CFR 258, subpart G.

On September 30, 1994, the State of Wyoming submitted a revised application for partial program adequacy determination. EPA reviewed Wyoming' s application and tentatively determined that the following portions of the State' s Subtitle D program ensured compliance with the Federal Revised Criteria.

1. Ground-water monitoring and corrective action requirements (40 CFR 258.50, 258.51, and 258.53 through 258.58).

2. Financial assurance requirements (40 CFR 258.70 through 258.74).

On April 17, 1995, EPA published an additional final determination of partial adequacy for Wyoming's program. Further background on this final partial program determination of adequacy appears at 60 FR 19251 (April 17, 1995).

The October 9, 1991, Final Rules for the MSWLF criteria included an exemption for owners and operators of certain small MSWLF units from the design (subpart D) and ground-water monitoring and corrective action (subpart E) requirements of the Criteria. See 40 CFR 258.1(f). To qualify for the exemption, the small landfill had to accept less than 20 tons per day, on an average annual basis, exhibit no evidence of ground-water contamination, and serve either:

(i) A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility, or

(ii) A community that has no practicable waste management alternative and the landfill unit is located in an area that annually received less than or equal to 25 inches of precitation. In January 1992, the Sierra Club and the Natural Resources Defense Council (NRDC) filed a petition with the U.S. Court of Appeals, District of Columbia Circuit, for review of the Subtitle D criteria. The Sierra club and NRDC suit alleged, among other things, that EPA acted illegally when it exempted these small landfills from the ground-water monitoring requirement. On May 7, 1993, the United States Court of Appeals for the District of Columbia circuit issued an opinion pertaining to the Sierra Club and NRDC challenge to the small landfill exemption. *Sierra Club* v. *United States Environmental Protection Agency*, 992 F.2d 337 (DC Cir. 1993).

In effect, the Court noted that while EPA could consider the practicable capabilities of facilities in determining the extent or kind of ground-water monitoring that a landfill owner/operator must conduct, EPA could not justify the complete exemption from ground-water monitoring requirements. Thus, the Court vacated the small landfill exemption as it pertains to ground-water monitoring, directing the Agency to ''* * * revise its rule to require ground-water monitoring at all landfills.''

On September 27, 1993, the EPA Administrator signed the final rule extending the effective date of the landfill criteria for certain classifications of landfills (proposed rule 58 FR 40568, July 28, 1993). Thus, for certain small landfills that fit the small landfill exemption as defined in 40 CFR 258.1 (I), the Federal Criteria were effective on October 9, 1995, rather than on October 9, 1993. The final ruling on the effective date extension was published in the **Federal Register** October 1, 1993.

EPA's final rule of October 1, 1993, as required by the Court, removed the October 9, 1991, small landfill exemption whereby owners and operators of MSWLF units that meet the qualifications outlined in 40 CFR 258.1 (f) are no longer exempt from ground-water monitoring requirements in 40 CFR 258.50 through 258.55. The final rule does, however, provide for an extension for *all* of the MSWLF criteria requirements for a period up to two years for all MSWLF units that meet the small landfill exemption in 258.1(f) for ground-water monitoring and corrective action as follows: October 9, 1995, for new units; and October 9, 1995, through October 9, 1996, for existing units and lateral expansions.

The U.S. Court of Appeals in its decision did not preclude the possibility that the Agency could establish separate ground-water monitoring standards for the small, dry-remote landfills that take such factors as size, location, and climate into account.

The Agency continued to maintain an open dialogue with all interested parties to discuss whether alternative ground-water monitoring requirements should be established and continued to accept information on alternatives. The Agency investigated this issue and could not be certain that practicable alternatives for detecting ground-water contamination will exist for MSWLF units that would qualify for the exemption under § 258.1(f). The October 9, 1993 final rule does not link the effective date of ground-water monitoring for landfills that qualify for the small/arid and remote exemption to promulgation of alternative ground-water monitoring requirements.

Under Wyoming rules, the State's 59 active MSWLFs, by definition, consist of Type I and Type II landfills. Type II landfills, which make up the vast majority of landfills in Wyoming, fit the same definition as those defined as small/arid and remote landfills under § 258.1(f). The State's Type I landfills are those that are *not* Type II landfills. Type II landfills currently comply with State ground-water monitoring and corrective action rules.

Since the State's Type II landfills were not required to comply with ground-water monitoring and corrective action criteria as defined in § 258.1(f) until October 9, 1996, the State did not seek approval for this portion of their program. It was the State of Wyoming's position that once EPA promulgated final rule revisions to the MSWLF criteria in § 258.1(f), Wyoming would revise its application for full program approval to bring Type II landfills into compliance with part 258 criteria for ground-water monitoring and corrective action.

On August 10, 1995, the EPA published a proposed rule to solicit comments on a two-year delay, until October 9, 1997, of the general compliance date of the MSWLF criteria for qualifying small MSWLFs. This will allow EPA time to finalize the proposed alternatives. The final ruling on the delay of the compliance date was published in the **Federal Register** on October 6, 1995.

On September 25, 1996, the EPA administrator signed a final rule revising the criteria for MSWLFs by re-establishing an exemption from ground-water monitoring for owners and operators of certain small landfills. This action codifies section 3 of the Land Disposal Program Flexibility Act of 1996 (LDPFA, P.C. 104–119, March 26, 1996), which provides explicit authority for this ground-water monitoring exemption. The LDPFA directed the Administrator of the EPA to provide additional flexibility to the Director of Approved States for the owners and operators of landfills that receive 20 tons or less of municipal solid waste per day. The additional flexibility pertains to alternative frequencies of daily cover, frequencies of methane monitoring, infiltration layers for final cover, and means for demonstrating financial assurance. The additional flexibility will allow the owners and operators of small municipal solid waste landfills (MSWLFs) the opportunity to reduce the cost of MSWLF operation and be protective of human health and the environment. This proposal recognizes, as did Congress in enacting LDPFA, that these decisions are best made at the State and local level and, therefore, offers this flexibility to approved States. It is anticipated that revisions to criteria for MSWLFs which would allow additional flexibility to owner and operators of small MSWLFs will be published in the FR as a direct final rule in May of 1997 unless EPA receives adverse comments.

On January 17, 1997, the State of Wyoming submitted a letter requesting full program adequacy determination based upon the passage of the LDPFA and subsequent publication of final rules on September 25, 1996 in the **Federal Register** (61 FR 50410, September 25, 1996). EPA has reviewed Wyoming's letter and their previous application and has tentatively

determined that all portions of the State's MSWLF permit program will ensure compliance with the revised Federal ground water and corrective action requirements in 40 CFR part 258, subpart E. In its application, Wyoming demonstrated that the State's permit program adequately meets the location restrictions, operating criteria, design criteria, ground-water monitoring and corrective action requirements, closure and post-closure care requirements, and financial assurance criteria in the revised Federal Criteria. In addition, the State of Wyoming also demonstrated that its MSWLF permit program contains specific provisions for public participation, compliance monitoring, and enforcement.

C. Public Comment

The EPA received no public comments on the tentative determination of adequacy for Wyoming's MSWLF permit program.

D. Decision

Since we received no public comments, I conclude that Wyoming's application for adequacy determination meets all the statutory and regulatory requirements established by RCRA. Accordingly, Wyoming is granted a determination of adequacy for all portions of its MSWLF permit program.

In its application for adequacy determination, Wyoming has not asserted jurisdiction over ''Indian Country'', as defined in 18 U.S.C. 1511. Accordingly, this approval does not extend to lands within the exterior boundaries of the Wind River Reservation. The requirements of 40 CFR part 258 apply to all owners/operators of MSWLFs located in Indian Country not covered by an approved MSWLF permitting program. MSWLF owner/operators seeking flexibility in the application of 40 CFR part 258 in Indian Country should contact Region VIII for further guidance.

In excluding Indian Country from the scope of this approval, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Wyoming choose to seek program approval within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within the area for which it seeks program approval and that such approval would constitute sound administrative practice.

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

This action takes effect on July 15, 1997. EPA believes it has good cause under section 553(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), to put this action into effect less than thirty days after publication in the **Federal Register**. All of the requirements and obligations in the State's program are already in effect as a matter of State law. EPA's action today does not impose any new requirements become enforceable by EPA as Federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S. C. 605(b), I hereby certify that this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, 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, EPA submitted a report containing this action 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 this action in today's **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Authority: This notice is issued under the authority of sections 2002, 4005, and 4010 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6912, 6945, and 6949(a).

Dated: June 10, 1997.

Kerrigan Clough,

Acting Regional Administrator.

[FR Doc. 97–18406 Filed 7–14–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Preparation for the 1997 World Radiocommunication Conference (WRC–97)

AGENCY: Federal Communications Commission and National Telecommunications and Information Administration.

ACTION: Notice; announcement of draft preliminary proposals to WRC–97.

SUMMARY: The FCC and NTIA have released a fourth set of Joint Draft Preliminary Proposals for WRC–97. The public is provided a 14-day period, from the date of the release of the notice, to provide comment on the draft proposals. Copies of the draft proposals are available for inspection and photocopying at the FCC's International Reference Center, 2000 M Street, N.W., Room 102, Washington, D.C., and on-line at http://www.fcc.gov/ib/wrc97/. Final U.S. proposals will be determined by the Department of State based on the recommendations of the FCC and NTIA.

DATES: Comments must be submitted on or before July 21, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554; Director, Office of Spectrum Plans and Policies, National Telecommunications and Information Administration, Department of Commerce, Room 4099, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Crystal Foster, FCC, 202–418–0749, and William T. Hatch, NTIA, at 202–482–1138.

SUPPLEMENTARY INFORMATION: The FCC's WRC–97 Advisory Committee and NTIA, through the Interdepartment Radio Advisory Committee, announced on June 7, 1997, their approval of a fourth set of draft preliminary proposals for WRC–97. In accordance with the streamlined procedures developed to improve the United States conference preparation process, the agencies are providing the public with this early opportunity to review and comment on draft proposals before further consideration. Final U.S. proposals will be determined by the Department of State based on the recommendations of the FCC and NTIA.