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,

Health and Natural Resources. Requests for copies should be addressed to Mr. Donald Safrit, North Carolina Department of Environment, Health and Natural Resources at the address provided above or at telephone number (919) 733–5083 ext. 519.

EPA's Decision

After the close of the public comment period, EPA will decide whether to approve or disapprove North Carolina's sludge management program. The decision will be based on the requirements of Section 405 of the CWA and EPA regulations promulgated thereunder.

If the North Carolina program is approved, EPA will so notify the State. Notice will be published in the **Federal Register** and, as of the date of program approval, EPA will suspend issuance of sludge management permits in North Carolina (except, as discussed above, for those dischargers in ''Indian Country''). The State's program will operate in lieu of the EPA-administered program. However, EPA will retain the right, among other things, to object to Sludge permits proposed to be issued by North Carolina and to take enforcement actions for violations.

If EPA disapproves North Carolina's sludge management program, EPA will notify the State of the reasons for disapproval and of any revisions or modifications to the State program that are necessary to obtain approval.

Review Under Regulatory Flexibility Act and Executive Order 12866

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of entities. The proposed approval of the North Carolina sludge management program does not alter the regulatory control over any industrial category. No new substantive requirements are established by this action. Therefore, I hereby certify that because this notice does not have a significant impact on a substantial number of small entities, a Regulatory Flexibility Analysis is not needed.

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to the Office of Management and Budget's review.

Dated: March 26, 1997.

A. Stanley Meiburg,

Acting Regional Administrator, Environmental Protection Agency, Region 4.

[FR Doc. 97–8671 Filed 4–7–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–149; DA 97–666]

Comments Requested To Aid Commission in Expedited Reconsideration of Interpretation of Section 272(e)(4)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission released a Public Notice which establishes a pleading cycle for comments on specific issues relating to the scope and nature of the restrictions imposed by section 272(e)(4). Certain Bell Operating Companies (BOCs) filed a motion with the United States Court of Appeals for the District of Columbia Circuit seeking summary reversal of the Commission's interpretation of section 272(e)(4) in its First Report and Order and Notice of Proposed Rulemaking in this docket (62 FR 2927 (January 21, 1997) and 62 FR 2991 (January 21, 1997)). The Commission asked that it be given the opportunity to reconsider its interpretation since some of the BOC arguments advanced in their motion had not been clearly presented to the Commission in the rulemaking proceeding. On March 31, 1997, the court granted the Commission's request and directed it to reconsider its position within 90 days. The Commission wishes to build a complete record on these issues.

DATES: Comments are due on or before April 17, 1997, and reply comments are due on or before April 24, 1997.

ADDRESSES: Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, DC 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, N.W., Suite 140, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: David Ellen, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580.

SUPPLEMENTARY INFORMATION:

Synopsis of Public Notice

1. In a recent rulemaking, the Commission construed the scope of section 272(e)(4) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. The Commission concluded that section 272(e)(4) is not a grant of authority for a Bell Operating Company (BOC) to provide interLATA services prior to receiving section 271 authority. The Commission further concluded that section 272(e)(4) is not a grant of authority for a BOC to provide interLATA services, including wholesale interLATA services provided to its interLATA affiliate, after receiving section 271 authority. Following the rulemaking, certain BOCs filed a motion with the United States Court of Appeals for the District of Columbia Circuit seeking summary reversal of the Commission's interpretation of section 272(e)(4). The Commission responded that, among other things, some of the arguments that the BOCs advanced in their motion for summary reversal had not been clearly presented to the Commission in the rulemaking proceeding. The Commission, therefore, asked that it be given the opportunity to reconsider, in light of these arguments, its interpretation of section 272(e)(4) prior to judicial review of those arguments. On March 31, 1997, the court granted the Commission's request, concluding that ''[t]he merits of the parties' positions are not so clear as to warrant summary action.'' The court noted that it expects that ''the Commission will adhere to its proposal to complete any further proceedings and adopt a revised order within 90 days of the date of this order.''

2. In this Public Notice, to aid the Commission in meeting its commitment to reconsider promptly its interpretation of section 272(e)(4), the Common Carrier Bureau seeks comment on certain specific issues relating to section 272(e)(4). Parties should feel free to address any of the other issues previously addressed before the Commission or the court that are relevant to this inquiry.

3. Section 272(a) states, among other things, that BOCs ''may not provide'' directly ''[o]rigination of [in-region] interLATA telecommunications services.'' Before the court, the BOCs argued that their reading of section 272(e)(4) does not conflict with section 272(a) because when a BOC provides in-region interLATA telecommunications services on a wholesale basis, it does not ''[o]riginat[e]'' such services. We seek comment on what precisely it means to ''originate'' an interLATA telecommunications service. Is ''origination'' strictly a retail concept? Commenting parties should also discuss the legal implications, if any, of the fact that section 271(b)(1), which prohibits a BOC or its affiliate from providing