Florida is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

C. Decision

I conclude that Florida's program revisions meet the statutory and regulatory requirements established by RCRA. Accordingly, Florida is granted final authorization to operate its hazardous waste program as revised.

Florida now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Florida also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule 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 certain regulatory actions on State, local and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, 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 period. The section 202 and 205 requirements do not apply to today's action because it is not a ''Federal mandate'' and because it does not impose annual costs of $100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any Sate, local or tribal governments or the private sector because the requirements of the Florida program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program. Florida's participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Florida program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. 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, 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 today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This document 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 17, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 97–8088 Filed 3–31–97; 8:45 am]

BILLING CODE 6565–50–P

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40 CFR Part 300

[FRL–5804–9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Minot Landfill Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Minot Landfill Superfund Site (Site) located in Ward County, North Dakota, from the National Priorities List (NPL).

The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of North Dakota have determined that the Site, as remediated, poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Erna Acheson Waterman, Site Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Mail Stop 8EPR–SR, Denver, Colorado 80202–2466, (303) 312–6762.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: Minot Landfill Superfund Site, Ward County, North Dakota.

A Notice of Intent to Delete for this Site was published December 26, 1996 (61 FR 67975). The closing date for comments on the Notice of Intent to Delete was January 27, 1997. No comments have been received.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as a list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Section 300.425 (e)(3) of the NCP. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental Protection, Superfund, Hazardous waste.

Dated: March 5, 1997.

Jack W. McGraw,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the Site, ''Minot Landfill'', Minot County, North Dakota.

[FR Doc. 97–8086 Filed 3–31–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36

[CC Docket No. 80–286; FCC 97–30]

Establishment of a Joint Board

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 3, 1997, the Commission adopted a Report and Order (''Order'') adopting a recommended decision by the Federal-State Joint Board regarding permanent rules to govern the procedures that incumbent local exchange carriers (ILECs) use for allocating Other Billing and Collecting (OB&C) expenses between the intrastate and interstate jurisdictions. Specifically, the Joint Board recommended that OB&C expenses be divided equally among three services: Interstate toll; intrastate toll; and local exchange, with two thirds of the OB&C expenses thus allocated to the state jurisdiction, and one third allocated to the interstate jurisdiction. In cases in which an ILEC provides no interstate billing and collecting for an interexchange carrier (IXC), the Joint Board recommended an automatic reduction of the interstate assignment to five percent to cover the cost of billing the federal Subscriber Line Charge (SLC). The intended effect is to adopt the Joint Board's recommendations and implement new rules regarding the separations procedures applicable to OB&C expenses.

DATES: May 1, 1997.

FOR FURTHER INFORMATION CONTACT: Lynn Vermillera, Attorney/Advisor, Accounting and Audits Division, Common Carrier Bureau, (202) 418–0852.

SUPPLEMENTARY INFORMATION: In this proceeding, we establish permanent rules that satisfy our stated goals that the permanent rules (1) reflect principles of cost causation, (2) not be unnecessarily burdensome to implement and administer, (3) be simple to audit, and (4) be certain and predictable in their effect.

Regulatory Flexibility Analysis

In the *NPRM* (60 FR 30059, June 7, 1995) Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Notice of Proposed Rulemaking*, 10 FCC Rcd 7013 (1995)), the Commission certified that the Regulatory Flexibility Act (RFA) of 1980 did not apply to this rulemaking because the rules it proposed to adopt in this proceeding would not have a significant impact on a substantial number of small businesses. The Commission's RFA in this Report and Order (Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board, *Report and Order*, CC Docket No. 80–286, FCC 97–30 (1997)) conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996).

Need for and Objectives of the Proposed Rules

To reflect the fact that their facilities are used for both intrastate and interstate communication, ILECs must allocate their costs and expenses between the state and interstate jurisdictions. Prior to 1987, the rules for jurisdictional separation of OB&C expenses required ILECs to determine the amount of time spent billing for interstate services and for intrastate services. In 1987, the Commission adopted, at the recommendation of the Federal-State Joint Board, a new apportionment formula based on the number of users billed by each ILEC for specific interstate and intrastate services. Because the new system led to unpredictable results, and because carriers had difficulty administering the new formula (as evidenced by waiver requests), in 1988 the Commission reinstated, on an interim basis, a portion of the allocation rules that were in effect prior to 1987. In this proceeding, we are establishing permanent rules that satisfy our stated goals that the permanent rules (1) reflect principles of cost causation, (2) not be unnecessarily burdensome to implement and administer, (3) be simple to audit, and (4) be certain and predictable in their effect.

Summary of Significant Issues Raised by the Public Regarding Regulatory Flexibility

There is some concern over what might be perceived by some as a likely shift of OB&C expenses to the interstate jurisdiction, with the possible result that ILECs could either lose money on billing and collection, or lose their IXC billing and collecting contracts