

2. Appendix A to Part 70 is amended by adding the entry for New Jersey in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permit Programs

\* \* \* \* \*

*New Jersey*

(a) The New Jersey Department of Environmental Protection submitted an operating permit program on November 15, 1993, revised on August 10, 1995, with supplements on August 28, 1995, November 15, 1995, December 4, 1995, and December 6, 1995; interim approval effective on June 17, 1996; interim approval expires June 16, 1998.

(b) (Reserved)

\* \* \* \* \*

[FR Doc. 96-12347 Filed 5-15-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 300**

[FRL-5505-2]

**National Oil and Hazardous Substances Contingency Plan; National Priorities List Update**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Deletion of the Washington County Landfill Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The U.S. Environmental Protection Agency (U.S. EPA) announces the deletion of the Washington County Landfill site in Minnesota 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. This action is being taken by EPA and the State of Minnesota, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** May 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Schmitt (312) 353-6565 (SR-6J), Remedial Project Manager or Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604.

Information on the site is available at the local information repository located at: Minnesota Pollution Control Agency Public Library, 520 Lafayette Rd., St. Paul, MN 55155-4194 and Lake Elmo Branch of the Washington County Public Library, 3459 Lake Elmo Avenue, Lake Elmo, MN. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Washington County Landfill Site located in Washington County, Minnesota. A Notice of Intent to Delete for this site was published April 1, 1996 (61 FR 14280). The closing date for comments on the Notice of Intent to Delete was May 1, 1996. EPA received no comments and therefore no Responsiveness Summary was prepared.

The U.S. EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. 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, Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: May 7, 1996.

Valdas V. Adamkus,  
*Regional Administrator, U.S. EPA, Region V.*

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 “Washington County Landfill Site, Lake Elmo County, Minnesota”.

[FR Doc. 96-12348 Filed 5-15-96; 8:45 am]

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**GENERAL SERVICES ADMINISTRATION**

**48 CFR Part 570**

[APD 2800.12A, CHGE 71]

RIN 3090-AF92

**General Services Administration Acquisition Regulation; Acquisition of Leasehold Interests in Real Property**

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Interim rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to revise sections 570.106 and 570.303 to authorize the use of design-build selection procedures in section 303M of the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 104-106, February 10, 1996, for lease construction projects when the statutory criteria for use are met.

**DATES:** Effective Date: May 16, 1996.

**Comment Date:** Comments should be submitted in writing to the address shown below on or before July 15, 1996 to be considered in formulating the final rule.

**ADDRESSES:** Interested parties should submit written comments to the Office of Acquisition Policy (MV), General Services Administration, Room 4010, 18th & F Streets, NW, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Tom Wisnowski, GSA Acquisition Policy Division, (202) 501-1224.

**SUPPLEMENTARY INFORMATION:**

A. Determination To Issue an Interim Rule

A determination has been made under the authority of the Administrator of General Services that urgent and compelling reasons exist to publish an interim rule prior to affording the public opportunity for comment.

Section 4105 of Public Law 104-106 amended the Federal Property and Administrative Services Act of 1949 to add a new section 303M on design-build selection procedures. The law authorizes use of two-phase selection

procedures for entering into a contract for the design and construction of a public building, facility or work when certain criteria for use are met. GSA has made a determination that the new authority may be used for a contract for the design and construction of a building, facility or work for lease to the Government.

The new two-phase selection process substantially reduces the cost and time involved in such procurements for offerors and for the Government. In the current environment of downsizing, it is critical for both industry and Government to enhance the efficiency of the contracting process.

Urgent and compelling reasons exist to make this rule effective prior to full consideration of public comments. Proceeding with this interim rule is required to permit GSA to take advantage of the opportunity to use a more efficient contracting process for space requirements that are currently pending and cannot be delayed, and to cope with the continued downsizing of GSA and its customer agencies. This interim rule only applies to the use of the new two-phase selection process in the context of leases of real property. The Federal Acquisition Regulation (FAR) will address the use of the authority for direct Federal construction.

All public comments received in response to this interim rule will be fully considered in formulating the final rule.

**B. Executive Order 12866**

This rule is not a significant rule as defined in Executive Order 12866.

This rule was submitted to the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review.

**C. Regulatory Flexibility Act**

This interim rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the rule will apply to a very small number of leases per year (less than 25) and the rule simplifies procedures and reduces the cost of competing in the initial phases of a procurement. Therefore, the rule should have a positive impact.

An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address stated above. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments from small

entities will be considered in accordance with Section 610 of the Act.

**D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

**E. Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule under 5 U.S.C. 804. This rule was submitted to Congress and GAO under 5 U.S.C. 804.

**List of Subjects in 48 CFR Part 570**

Government procurement.

Accordingly, 48 CFR 570 is amended as follows:

**PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY**

1. The authority citation for 48 CFR 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 570.106 is amended by adding paragraph (c) to read as follows:

**570.106 Methods of contracting.**

\* \* \* \* \*

(c) The design-build selection procedures in section 303M of the Federal Property and Administrative Services Act of 1949, as amended, may be used for lease construction projects, including lease construction projects with options to purchase the real property leased. The design-build selection procedures may be used when the lease involves the design and construction of a public building, facility or work for lease to the Government if the contracting officer makes a determination that:

- (1) Three or more offers are likely to be received,
- (2) Design work must be performed before an offeror can develop a price or cost proposal, and
- (3) The offeror will incur a substantial amount of expense in preparing the offer.

3. Section 570.303 is amended by revising paragraph (a)(7), by deleting paragraph (a)(8) and redesignating paragraphs (a)(9) and (a)(10) as (a)(8) and (a)(9) to read as follows:

**570.303 Solicitation for offers (SFO).**

(a) \* \* \*

(7) Describe the source selection procedures to be used.

(i) Unless the design-build selection procedures are being used as authorized by 570.106(c), the solicitation must either:

(A) State that award will be made to the offeror that meets the SFO's minimum requirements at the lowest cost or price, or

(B) Identify all factors, including price or cost, and any significant subfactors that will be considered in awarding the lease and state the relative importance the Government places on those evaluation factors and subfactors. In describing the evaluation factors to be considered, the SFO shall clearly disclose whether all evaluation factors other than cost or price when combined, are significantly more important than cost or price, approximately equal in importance to cost or price, or significantly less important than cost or price. Numerical weights, which may be employed in the evaluation of proposals, need not be disclosed in the solicitation. The SFO must inform offerors of minimum requirements that apply to the procurement. The other factors that will be considered in evaluating proposals should be tailored to each acquisition and include only those factors that will have an impact on the award decision. The evaluation factors that apply to an acquisition and the relative importance of those factors are within the broad discretion of the contracting officer. However, price or cost to the Government must be included as an evaluation factor in every case.

(ii) When the design-build selection procedures are being used as authorized by 570.106(c), the solicitation must

(A) Identify the evaluation factors and subfactors to be used in evaluating phase-one proposals and indicate their relative importance,

(B) State the maximum number of offerors that are to be selected to submit competitive proposals in phase-two, and

(C) Identify the evaluation factors and subfactors, including cost or price, to be used in evaluating phase-two proposals and selecting the successful offeror.

Evaluation factors to be used in evaluating phase-one proposals must be stated in the solicitation. Phase-one factors include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, such as site or location. In phase-one, offerors will not be required to submit detailed design information or cost or price information and use of cost related or price related evaluation factors is not permitted. The maximum number of

offerors to be selected for phase-two must not exceed 5 unless the contracting officer determines that specifying a number greater than 5 is in the Government's interest and is consistent with the purpose and objectives of the two-phase selection process. For phase-two the solicitation should identify all factors, including price or cost, and any significant subfactors that will be considered in awarding the lease and state the relative importance the Government places on those evaluation factors and subfactors and otherwise comply with paragraph (a)(7)(i) of this section.

\* \* \* \* \*

Dated: May 10, 1996.

Ida M. Ustad,

*Deputy Associate Administrator for Acquisition Policy.*

[FR Doc. 96-12198 Filed 5-15-96; 8:45 am]

BILLING CODE 6820-61-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1330

[STB Ex Parte No. 547]

#### Removal of Obsolete Regulations Concerning Filing Quotations for Government Shipments

AGENCY: Surface Transportation Board.

ACTION: Final rule.

**SUMMARY:** The Surface Transportation Board (the Board) is removing from the Code of Federal Regulations obsolete regulations concerning the filing of rate quotations for government shipments.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-7513. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA) abolished the Interstate Commerce Commission (ICC) and established the Board within the Department of Transportation. Section 204(a) of ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

Former 49 U.S.C. 10721(b)(1) expressly provided that a common carrier could provide transportation for the United States government without

charge or at a reduced rate.<sup>1</sup> That provision is retained in new 49 U.S.C. 10721 (rail transportation), 15712 (transportation by motor or water carriage and freight forwarders), and 15504 (pipeline transportation). However, the ICCTA removed the requirement of former 49 U.S.C. 10721(b)(2) that common carriers generally file copies of rate quotations or tenders with both the ICC and the department, agency or instrumentality of the United States government for which they were made. Therefore, the ICC regulations to implement the quotation filing requirement, which were codified in part 1330 at 43 FR 59844 (December 22, 1978),<sup>2</sup> have been rendered obsolete. Because the statutory basis for the part 1330 regulations has been removed, we are eliminating those rules.

Because this action merely reflects, and is required by, the enactment of the ICCTA and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1330

Freight, Government procurement, Motor carriers, Moving of household goods, Pipelines, Railroads.

Decided: May 2, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
*Secretary.*

#### PART 1330—[REMOVED]

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended by removing part 1330.

[FR Doc. 96-12280 Filed 5-15-96; 8:45 am]

BILLING CODE 4915-00-P

<sup>1</sup> Former section 10721 recodified section 22 of the Interstate Commerce Act. Section 22 allowed common carriers to depart from their tariffs in providing service to the government.

<sup>2</sup> The regulations were later modified to exempt nonagricultural rail rate quotations from the filing requirements. *Railroad Exempt.—Filing Quotations—Section 10721*, 7 I.C.C.2d 325 (1991).

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Restarting the Listing Program and Final Listing Priority Guidance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of listing priority guidance.

**SUMMARY:** On March 11, 1996, the Fish and Wildlife Service (Service) published a notice in the Federal Register describing interim guidance for setting priorities in the listing program and solicited public comments. The Service took this action in anticipation of receiving a limited amount of funds to resume listing activities. Having received a limited appropriation of listing funds for the remainder of fiscal year 1996, the Service announces final listing priorities that will govern the expenditure of the available funds for the remainder of the fiscal year.

**DATES:** This guidance takes effect May 16, 1996 and will remain in effect until September 30, 1996, unless extended by further notice.

**ADDRESSES:** Questions about this guidance should be directed to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mailstop ARLSQ-452, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** E. LaVerne Smith, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 703-358-2171 (see **ADDRESSES** section).

#### SUPPLEMENTARY INFORMATION:

Background

#### *Moratorium and Funding Constraints*

Over the past thirteen months, the Service's Endangered Species listing program, which operates under the authority of section 4 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), has been sharply curtailed by a variety of legislative and funding restrictions. Public Law 104-6, which took effect April 10, 1995, rescinded \$1.5 million from the Service's then-current listing appropriation of \$7.999 million and also stipulated that the remaining listing funds could not be used to make final listing or critical habitat designations. The net effect of Pub. L. 104-6 has been that no new species have been added to the lists of endangered and threatened