

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.

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Dated: May 10, 1996.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

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

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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that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."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.¹ 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),² 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.

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¹ 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.

² 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