

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 for “Alaskan Battery Enterprises, Fairbanks N Star Borough, Alaska”.

[FR Doc. 96–18839 Filed 7–25–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5541–7]

National Oil and Hazardous Substances Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of Howe Valley Landfill Superfund Site, Hardin County, Kentucky, from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Howe Valley Landfill Superfund Site in Hardin County, Kentucky, from the National Priorities List (NPL), which is appendix B of 40 CFR part 300 of the National Oil and Hazardous Substances Contingency Plan (NCP). EPA and the Commonwealth of Kentucky have determined that all appropriate Fund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, have been implemented and that no further cleanup is appropriate. Moreover, EPA and the Commonwealth of Kentucky determined that response actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: August 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Nestor Young, Remedial Project Manager, U.S. EPA, Region 4, North Superfund Remedial Branch, 345 Courtland Street, N.E., Atlanta, GA 30365, (404) 347–7791, ext. 2023.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Howe Valley Landfill Superfund Site, Hardin County, Kentucky.

A Notice of Intent to Delete for this site was published on March 28, 1996 at (61 FR 13794). The closing date for comments on the Notice of Intent to

Delete was April 30, 1996. EPA received one comment letter from the Hardin County Water District No. 2 expressing concern about possible contamination of Boutwell Spring. EPA responded by providing groundwater sampling data that showed that no contaminants are present. This letter and response are available through the EPA Region 4 public docket located at EPA's Region 4 Office, 345 Courtland Street, N.E., Atlanta, Ga., 30365.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the 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 states that Fund-financed actions may be taken at sites deleted from the NPL. 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 waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 11, 1996.

A. Stanley Meiburg,
Deputy Regional Administrator, U.S. EPA Region 4.

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

PART 300—[AMENDED]

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 for Howe Valley Landfill, Howe County, Kentucky.

[FR Doc. 96–18837 Filed 7–25–96; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION**41 CFR Parts 201–23 and 201–24**

[FIRMR Amendment 8]

RIN 3090–AF32

Amendment of FIRMR Provisions Relating to GSA's Role in Screening Excess and Exchange/Sale Federal Information Processing (FIP) Equipment

AGENCY: Information Technology Service, GSA.

ACTION: Final rule.

SUMMARY: This document amends the Federal Information Resources Management Regulation (FIRMR) to allow Federal agencies to screen and transfer all excess and exchange/sale FIP equipment.

Currently, the FIRMR requires Federal agencies to request GSA to interagency screen and transfer excess equipment that is not outdated and has an original acquisition cost (OAC) per component of \$1 million or more.

EFFECTIVE DATE: August 26, 1996.

FOR FURTHER INFORMATION CONTACT:

R. Stewart Randall, GSA, Office of Policy, Planning and Evaluation, Policy and Regulations Division (MKR), 18th and F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–4469 (v) or (202) 501–4469 (tdd), or Internet (stewart.randall@gsa.gov).

SUPPLEMENTARY INFORMATION: (1) All comments received in response to the proposed rule were reviewed and, where appropriate, incorporated in this rule.

(2) Explanation of the changes being made in this issuance are shown below:

(a) Section 201–23.000 “Scope of part” is revised by removing paragraphs (b), (c), and (d) to more succinctly describe the entire contents of this revised part.

(b) Section 201–23.001 paragraph (a)(2) is revised and paragraph (a)(4) is deleted to remove the reference to the GSA Excess FIP Equipment Program. Agencies will no longer be required to submit to GSA information about their excess FIP equipment with an OAC above \$1 million for GSA to do interagency screening. It is not necessary for GSA to continue to operate this program on a centralized basis. Accordingly, the requirement for GSA to be directly involved in interagency screening and transfer of excess FIP equipment is removed from the FIRMR.

(c) Section 201-23.001 paragraph (b) is deleted to remove the reference to FIRMR Bulletin C-2, which is referenced elsewhere in this rule. Section 201-23.001 paragraph (c) is redesignated as paragraph (b).

(d) In Section 201-23.002, the sentence "Agencies may interagency screen and transfer excess FIP equipment without GSA approval" is added at the end of paragraph c.

(e) Paragraph (b) of section 201-23.003 is redesignated as (c) and a new paragraph (b) is added. In the newly designated section 201-23.003 paragraph (c)(1), the word "internal" is removed because it is redundant in this context. The words "within the agency" are added at the end of the paragraph to distinguish these procedures for interagency screening from those GSA will require.

(f) Section 201-23.003(c) is redesignated as paragraph (d) and is completely revised to remove the mandatory reporting requirement for agencies to submit equipment with an OAC of \$1 million or more to GSA or interagency screening purposes. The section now shows that agencies must offer to other Federal agencies excess FIP equipment with an OAC of \$1 million or more in accordance with guidelines that will be published in FIRMR Bulletin C-2.

(g) Section 201-23.003(d) is redesignated as paragraph (e) and is revised to remove words indicating GSA's former role in interagency screening of agencies' excess FIP equipment.

(h) Paragraph (h) is added to section 201-23.003 to show that an agency may request GSA to review another agency's decision to transfer excess FIP equipment.

(i) Section 201-24.202 referencing the GSA Excess FIP Program as a mandatory for consideration program will be removed because changes to part 201-23 and FIRMR Bulletin C-2 will make the references no longer valid.

(3) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative

approach involving the least net cost to society.

List of Subjects in 41 CFR Parts 201-23 and 201-24

Archives and records, Computer technology, Federal information processing resources activities, Government procurement, Property management, Records management, and Telecommunications.

Accordingly 41 CFR chapter 201 is amended as follows:

1. Part 201-23 is revised to read as follows:

PART 201-23—DISPOSITION

Sec.

201-23.000	Scope of part.
201-23.001	General.
201-23.002	Policies.
201-23.003	Procedures.

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201-23.000 Scope of part.

This part prescribes policies and procedures to be followed by agencies for disposing of Government-owned Federal information processing (FIP) equipment and software that is no longer needed for the purpose for which it was acquired.

§ 201-23.001 General.

(a) Government-owned FIP equipment that is no longer needed for the purpose for which it was acquired is either—

- (1) Reassigned within the agency;
- (2) Declared excess to the agency's needs and made available for transfer to another agency;
- (3) Exchanged or sold as part of a transaction to acquire replacement FIP equipment; or
- (4) Declared surplus and made available for donation.

(b) FIP software that is no longer needed for the purpose for which it was acquired is either—

- (1) Reassigned within the agency consistent with the limitations of any applicable license; or
- (2) Otherwise disposed of consistent with the limitations of any applicable license.

§ 201-23.002 Policies.

Agencies shall—

(a) Use FIP equipment or FIP software that is available for reassignment within the agency or by transfer from another agency when such use is the most advantageous alternative to satisfy the agency's requirements.

(b) Make available for reassignment within the agency FIP equipment that is not outdated and that is no longer needed for the purpose for which it was acquired.

(c) Make available for interagency screening and transfer to another agency, excess FIP equipment that is not outdated and has an original acquisition cost (OAC) per component of \$1 million or more. Interagency transfer of FIP equipment that is not outdated with an OAC per component of less than \$1 million, is permitted if the holding agency learns of a potential user outside of the screening process. Agencies may interagency screen and transfer excess FIP equipment without GSA approval.

(d) Make available for surplus donation or subsequent sale, excess FIP equipment not exchanged, sold, reassigned or transferred.

(e) Consistent with the limitations of any applicable license—

(1) Make available for reassignment within the agency FIP software that is no longer needed for the purpose for which it was acquired;

(2) Make available for interagency transfer, excess FIP software not exchanged or sold, if the holding agency learns of a potential user outside of the screening process (GSA does not require interagency screening of FIP software);

(3) For excess FIP software not reassigned, transferred, exchanged, or sold, either:

- (i) Return it to the licensor; or
- (ii) Destroy it after a duly authorized agency official determines in writing that destruction is the most cost-effective disposal approach.

§ 201-23.003 Procedures.

(a) Each agency head shall designate an agency point of contact for managing the disposition of FIP equipment and software. Each agency shall submit the name, address, and phone number of this individual to the General Services Administration/MKA, 18th and F Streets NW., Washington, DC 20405.

(b) GSA will convene meetings with agency points of contacts periodically to discuss emerging issues relating to the disposition of excess FIP resources.

(c) Agencies shall—

- (1) Establish procedures for the reassignment of FIP equipment and software within the agency; and
- (2) Obtain approval from the agency DSO before reassigning outdated FIP equipment.

(d) Agencies shall offer excess FIP equipment that is not outdated and has an OAC per component of \$1 million or more to other Federal agencies in accordance with FIRMR Bulletin C-2.

(e) Agencies may conduct exchange/sale transactions of FIP equipment and software not transferred to another agency without GSA approval. (Exchange/sale transactions for FIP equipment may be initiated in parallel

with interagency screening, but screening of exchange/sale transactions with an OAC per component of \$1 million or more shall be completed prior to concluding an exchange/sale transaction.) When an agency determines that FIP equipment will be replaced by exchanging or selling it, the agency shall follow the contracting policies and procedures in part 201-39 and the Federal Acquisition Regulation (FAR) (48 CFR chapter 1) and the policies and procedures on exchange/sale contained in 41 CFR part 101-46. FIP software transactions must be consistent with the limitations of any applicable license.

(f) Agencies shall make available for surplus donation or subsequent sale, in accordance with 41 CFR parts 101-44 and 101-45, excess FIP equipment not exchanged, sold, reassigned, or transferred.

(g) Agencies shall apply the policies and procedures of this part 201-23 to FIP equipment used by grantees and contractors when FIP equipment is—

(1) Acquired by the contractor or grantee under a contract or grant and the terms vest title in the Government or the Government is obligated or has the option to take over title;

(2) Furnished to the grantee or contractor by the Government (Transfer of excess FIP equipment to agency project grantees shall be conducted in accordance with 41 CFR 101-43.314.); or

(3) Operated by the grantee or contractor as part of a Government-owned or Government-controlled facility.

(h) Agencies may request GSA to review another agency's decision to transfer excess FIP equipment. Requests shall be sent to the General Services Administration/MKA, 18th and F Streets NW., Washington, DC 20405.

PART 201-24—GSA SERVICES AND ASSISTANCE

2. The authority citation for part 201-24 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

§ 201-24.202 [Removed and reserved]

3. Section 201-24.202 is removed and reserved.

Dated: July 10, 1996.

William R. Ratchford,

Acting Administrator of General Services.

[FR Doc. 96-18887 Filed 7-25-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 12

RIN 1090-AA58

Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This final rule is in response to the "Omnibus Consolidated Rescissions and Appropriations Act of 1996," and the "Energy and Water Development Appropriations Act, 1996." Section 307(a) of Public Law 104-134 required that no funds made available in the Act may be expended by an entity unless the entity agrees that in expending the funds they will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act"). As it did for awards governed by this provision made since FY 1993, the Department continues to interpret this requirement to apply to assistance programs. Section 307(b)(1) of Public Law 104-134 again states that it is the sense of Congress that all equipment and products purchased with funds made available in the Act should be American-made. Likewise, the Department is again taking the position that Congressional intent is different for awards made by the Bureau of Reclamation. As such, only the provisions in the regulation addressing the sense of Congress (§ 12.700 and the notice requirements (§ 12.710) will apply to awards made by the Bureau of Reclamation using appropriated funds for FY 1996.

EFFECTIVE DATE: July 26, 1996.

SUPPLEMENTARY INFORMATION: On April 26, 1996, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 ("the Act") was signed into law. Section 307(a) of the Act was entitled "Compliance with Buy American Act." The section applied to funds appropriated or transferred pursuant to the Act for the purchase of any equipment or product that may be authorized to be purchased with financial assistance. Section 307(b)(1) expressed the "sense of the Congress" that entities receiving the assistance purchase only American-made equipment and products.

Section 307(b)(2) required that in providing the financial assistance under the Act, the Secretary shall provide to each recipient of the assistance a notice describing the requirement. As in prior

years, no other specific guidance was given regarding the implementation of this requirement.

The Department is revising subpart E of 43 CFR Part 12 to implement these requirements for awards made using appropriated funds for FY 1996. No specific guidance was provided by Congress, so the Department decided to continue its implementation of these requirements based upon the final rule published in the Federal Register on July 19, 1994 (59 FR 36713).

Because of the applicability of different appropriation acts and the fact that the requirements are different, the notice in paragraph (b) of § 12.710 has been changed to account for the reference to language in Public Law 104-134. A separate notice included in paragraph (c) of § 12.710 has been amended to account for the reference to language in Public Law 104-46 and its use only for awards made by the Bureau of Reclamation.

Finding of Good Cause for Waiver of Proposed Rulemaking and for Making Rule Effective Upon Publication

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is usually the practice of the Department to offer interested parties the opportunity to comment on proposed regulations. However, the Department waives notice and comment on these regulations under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)). This section provides that notice and comment for rulemaking is not required when the agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest.

The Department believes public comment on the revision of this regulation is unnecessary because the substance of these provisions is based on statutory requirements governing the award of assistance with appropriated funds for FY 1996, that the Department is unable to change.

The Administrative Procedure Act provides that rules be published at least 30 days prior to their effective date, except as otherwise provided by an agency on a finding of good cause (5 U.S.C. 553(d)(3)). In this case, because this requirement is a statutory condition of expenditure of appropriated funds in this fiscal year, the Department has determined that the rule must be effective upon publication.