

**EFFECTIVE DATE:** April 17, 1998.

**FOR FURTHER INFORMATION CONTACT:** McKenzie Mallary, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, North Site Management Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3014, (404) 562-8802 or 1-800-435-9233.

**SUPPLEMENTARY INFORMATION:** The Site affected by this partial deletion from the NPL is: Celanese Corporation Shelby Fiber Operations, Shelby, Cleveland County, North Carolina.

A Notice of Intent of Partial Deletion for this Site was published in the **Federal Register** on February 9, 1998 (63 FR 6508). The closing date for comments on the Notice of Intent for Partial Deletion was March 10, 1998. EPA received no comments.

See the February 9, 1998, **Federal Register** publication for more details describing OU#1 and OU#2 areas being

deleted and those remaining as part of the Site.

EPA identifies sites that appear to present a significant risk to the public health, welfare and the environment and it maintains the NPL as the list of those sites. Any site or portion thereof deleted from the NPL remains eligible for Fund-financed remedial actions 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 or portions 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, and Water supply.

Dated: March 27, 1998.

**A. Stanley Meiburg,**

*Deputy Regional Administrator, Region 4.*

For 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.

2. Table 1 of Appendix B to Part 300 is amended by revising the entry for "Celanese Corp. (Shelby Fiber Operations)" in North Carolina to read as follows:

#### Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes <sup>a</sup>
NC .....	Celanese Corp. (Shelby Fiber Operations) .....	Shelby/Cleveland .....	P

<sup>a</sup> \* \* \*

P=Sites with partial deletion(s).

\* \* \* \*

[FR Doc. 98-9067 Filed 4-16-98; 8:45 am]

BILLING CODE 6560-50-P

#### GENERAL SERVICES ADMINISTRATION

#### 48 CFR Parts 501, 515, 538, and 552

[APD 2800.12A, CHGE 78]

RIN 3090-AG71

#### Acquisition Regulation: Requesting Debriefings at GSA; Electronic Sales Reporting; Schedule for Submission of Reports; Fees for Industrial Funding Under Federal Supply Service Schedule Contracts

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

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to provide for electronic reporting of sales under the Federal Supply Service (FSS) Schedule program and to require reporting of

sales and payment of the industrial funding fee (IFF) on a calendar quarter basis. The GSAR is also amended to define General Services Administration (GSA) business hours for purposes of requesting postaward debriefings.

**DATES:** *Effective Date:* April 17, 1998.

**FOR FURTHER INFORMATION CONTACT:** Gloria Sochon, GSA Acquisition Policy Division, (202) 208-6726.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

FSS, in consultation with industry, identified sales reporting under FSS Schedule contracts as an area in need of updating to make it more consistent with commercial business practices. The prior system required contractors to submit sales reports quarterly on paper forms. Quarters were based on the contract's start date and did not necessarily coincide with calendar quarters. These changes revise the system to require FSS Schedule contractors to submit sales reports electronically via the Internet and to eliminate the use of paper forms. Contractors will continue to report

quarterly, but based on "standard business" (i.e., calendar) quarters.

The transition to electronic reporting facilitates contractors' compliance with sales reporting requirements. The updated system enables FSS Schedule contractors to use the Internet to eliminate the time-consuming paperwork required to manually complete paper reports. Since reports for all contracts are now due at the same time, contractors no longer have to maintain a unique reporting schedule for each contract. Furthermore, this streamlined transmittal method allows the Government to process reports more efficiently and allocate resources more effectively.

Federal Acquisition Regulation (FAR) sections 15.505 and 15.506 establish standards for timely submission of preaward protest requests and timely receipt of postaward debriefing requests. This rule defines GSA business hours to help offerors make timely debriefing requests and avoid unnecessary protests over timeliness.

**B. Executive Order 12866**

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**C. Regulatory Flexibility Act**

This final rule is not a significant revision requiring public comments and therefore the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

**D. Paperwork Reduction Act**

The revised clause at 552.238-72, Contractor's Report of Sales, contains an information collection requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, the revisions to the clause made by this rule do not affect the information collection requirement which was approved previously by OMB and assigned control number 3090-0121.

The revised clause at 552.238-77, Industrial Funding Fee, contains an information collection requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, the revisions to the clause made by this rule do not affect the information collection requirement previously approved under GSA's blanket approval under control number 3090-0250 from OMB for information collections with a zero burden estimate.

**E. Determination To Issue a Final Rule**

GSA expects this rule will have no significant cost or administrative burden on contractors or offerors. First, the rule requires contractors under the FSS program to report the industrial funding fee electronically. The requirement for reporting is not new, only the method of reporting is changed from paper-based to electronic. Contractors require Internet access to make the reports electronically. For those without Internet capability at their place of business, free access is readily available at public facilities such as libraries. Electronic reporting will be simpler, quicker, and less expensive than paper-based reporting. Second, the rule requires reporting sales on a calendar quarter schedule rather than quarters based from date of contract award. This change does not increase the frequency of reporting, but makes it simpler for contractors to track and follows more closely with other customary business reports and records. Finally, defining agency business hours will help offerors make timely debriefing requests and avoid unnecessary protests over timeliness. Therefore, GSA is promulgating this final rule without prior opportunity for public comment.

**List of Subjects in 48 CFR Parts 501, 515, 538, and 552**

Government procurement.

Accordingly, 48 CFR 501, 515, 538, and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 501, 515, 538, and 552 continues to read as follows:

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

**PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM****§ 501.103 [Amended]**

2. Section 501.103 is amended in paragraph (b) by adding "515.406," immediately after "515.1," in the first sentence.

**PART 515—CONTRACTING BY NEGOTIATION**

3. Section 515.406-1 is amended by revising paragraph (b) to read as follows:

**515.406-1 Uniform contract format.**

\* \* \* \* \*

(b) All solicitations and contracts must include the two notices in paragraphs (b)(1) and (2), except solicitations for leases and leases of real property must include only the notice in paragraph (b)(1):

(1) "The information collection requirements contained in this solicitation/contract that are not required by regulation have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned OMB Control No. 3090-0163."

(2) "GSA's hours of operation are 8:00 a.m. to 4:30 p.m. Requests for preaward debriefings postmarked or otherwise submitted after 4:30 p.m. will be considered submitted the following business day. Requests for postaward debriefings delivered after 4:30 p.m. will be considered received and filed the following business day."

**PART 538—GSA SCHEDULE CONTRACTING**

4. Section 538.203-71 is amended by revising paragraph (a) to read as follows:

**538.203-71 Solicitation provisions and contract clauses.**

(a) The Contracting Officer shall insert the clause at 552.238-72, Contractor's Report of Sales, in solicitations issued and contracts awarded under GSA's schedule program.

\* \* \* \* \*

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

5. Section 552.238-72 is revised to read as follows:

**552.238-72 Contractor's Report of Sales.**

As prescribed in 538.203-71(a), insert the following clause:

**Contractor's Report of Sales (Apr 1998)**

(a) The Contractor must report the quarterly dollar value (in U.S. dollars and rounded to the nearest whole dollar) of all sales under this contract by calendar quarter (i.e., January-March, April-June, July-September, and October-December). The dollar value of a sale is the price paid by the schedule user for products and services on a schedule contract delivery order, as recorded by the Contractor. The reported contract sales value must include the industrial funding fee (see Clause 552.238-77).

(b) The Contractor must report the quarterly dollar value of sales on electronic GSA Form 72A, Contractor's Report of Sales, to the FSS Vendor Support Center (VSC) Website at Internet, <http://VSC.gsa.gov>. The Contractor must report sales separately for each National Stock Number (NSN), Special Item Number (SIN), or subitem. If no sales occur, the Contractor must show zero on the report for each separate NSN, SIN, or subitem.

(c) The Contractor must register with the VSC before using the automated reporting system. To register, the Contractor (or its authorized representative) must call the VSC at (703) 305-6235 and provide the necessary information regarding the company, contact name(s), and telephone number(s). The VSC will then issue a 72A specific password and provide other information needed to access the reporting system. Instructions for electronic reporting are available at the VSC Website or by calling the above phone number.

(d) The Contractor must convert the total value of sales made in foreign currency to U.S. dollars using the "Treasury Reporting Rates of Exchange," issued by the U.S. Department of Treasury, Financial Management Service. The Contractor must use the issue of the Treasury report in effect on the last day of the calendar quarter. The report is available from: Department of the Treasury, Financial Management Service, International Funds Branch, 3700 East-West Highway, PGCI, Room 5A19, Hyattsville, MD 20782, Telephone: (202) 874-7994, Internet: <http://www.fms.treas.gov/intn.html>

(e) The report is due 30 days following the completion of the reporting period. The Contractor must provide a close-out report within 120 days after the expiration date of the contract. This close-out report must cover all sales not shown in the final quarterly report and reconcile all errors and credits. If the Contractor reported all contract sales and reconciled all errors and credits on the final quarterly report, then show zero sales in the close-out report.

(End of Clause)

6. Section 552.238-77 is revised to read as follows:

**552.238-77 Industrial Funding Fee.**

As prescribed in 538.203-71(f) insert the following clause:

**Industrial Funding Fee (Apr 1998)**

(a) The Contractor must pay the Federal Supply Service, GSA, an industrial funding fee (IFF). The Contractor must remit the IFF in U.S. dollars within 30 days after the end of each quarterly reporting period as established in clause 552.238-72, Contractor's Report of Sales. The IFF equals \_\_\_\_\_\* of total quarterly sales reported. The IFF reimburses the GSA Federal Supply Service for the costs of operating the Federal Supply Schedules Program and recoups its operating costs from ordering activities. Offerors must include the IFF in their prices. The fee is included in the award price(s) and reflected in the total amount charged to ordering activities.

(b) The Contractor must remit any monies due as a result of the close-out report required by Clause 552.238-72 at the time the close-out report is submitted to GSA.

(c) The contractor must pay the IFF amount due by check, or electronic funds transfer through the Automated Clearing House (ACH), to the "General Services Administration." If the payment involves multiple special item numbers or contracts, the Contractor may consolidate the IFFs into one payment. To ensure that the payment is credited properly, the Contractor must identify the check or electronic transmission as an "Industrial Funding Fee" and include the following information: contract number(s); report amount(s); and report period(s). If the Contractor makes payment by check, provide this information on either the check, check stub, or other remittance material.

(1) If paying the IFF by check, the Contractor must forward the check to the

following address: General Services Administration, Accounts Receivable Branch, P.O. Box 70500, Chicago, IL 60673-0500.

(2) If paying by electronic funds transfer through the ACH, the Contractor must call GSA, Financial Information Control Branch, Receivables, Collections and Sales Section (6BCDR) at [Contracting Officer to insert phone number] to make arrangements.

(d) If the full amount of the IFF is not paid within 30 calendar days after the end of the applicable reporting period, it constitutes a contract debt to the United States Government under the terms of FAR 32.6. The Government may exercise all rights under the Debt Collection Act of 1982, including withholding or setting off payments and interest on the debt (see FAR 52.232-17, Interest).

(e) If the Contractor fails to submit sales reports, falsifies sales reports, or fails to pay the IFF in a timely manner, the Government may terminate or cancel this contract. Willful failure or refusal to furnish the required reports, falsification of sales reports, or failure to pay the IFF timely constitutes sufficient cause for terminating the Contractor for cause under the termination provisions of this contract.

(End of Clause)

Dated: April 10, 1998.

**Ida M. Ustad,**

*Deputy Associate Administrator for Acquisition Policy.*

[FR Doc. 98-10244 Filed 4-16-98; 8:45 am]

**BILLING CODE 6820-61-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****49 CFR Part 1002****Fees***CFR Correction*

In title 49 of the Code of Federal Regulations, parts 1000 to 1199, revised as of October 1, 1997, on page 18, in the first column immediately following the table in § 1002.2(f), paragraph (g) was inadvertently removed. The omitted text should read as follows:

**§ 1002.2 Filing fees.**

\* \* \* \* \*

(g) *Returned check policy.* (1) If a check submitted to the Board for a filing or service fee is dishonored by a bank or financial institution on which it is drawn, the Board will notify the person who submitted the check that:

(i) All work will be suspended on the filing or proceeding, other than a tariff filing, until the check is made good;

(ii) A returned check charge of \$6.00 and any bank charges incurred by the Board as a result of the dishonored check must be submitted with the filing fee which is outstanding; and

(iii) If payment is not made within the time specified by the Board, the proceeding will be dismissed or the filing may be rejected.

(2) If a person repeatedly submits dishonored checks to the Board for filing fees, the Board may notify the person that all future filing fees must be submitted in the form of a certified or cashier's check or a money order.

**BILLING CODE 1505-01-D**

\* The Commissioner, Federal Supply Service, or a designee determines and provides to contracting officers the percentage amount of the fee to insert in the above clause.