

("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this final action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

**F. Submission to Congress and the Comptroller General**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

**G. Petitions for Judicial Review**

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 20, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 15, 1999.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

2. In § 81.305, the table for California—Ozone, is amended by revising the entry for the San Francisco Bay Area to read as follows:

**§ 81.305 California.**

\* \* \* \* \*

CALIFORNIA—OZONE

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
San Francisco—Bay Area .....	August 10, 1998 .....	Nonattainment .....	August 10, 1998/ .....	Not classified/Mod-
			August 23, 1999 .....	erate under 23
Alameda County .....	.....do .....	.....do .....	.....do .....	U.S.C. § 104(b)(2).
Contra Costa County .....	.....do .....	.....do .....	.....do .....	Do.
Marin County .....	.....do .....	.....do .....	.....do .....	Do.
Napa County .....	.....do .....	.....do .....	.....do .....	Do.
San Francisco County .....	.....do .....	.....do .....	.....do .....	Do.
Santa Clara County .....	.....do .....	.....do .....	.....do .....	Do.
San Mateo County .....	.....do .....	.....do .....	.....do .....	Do.
Solano County (part) .....	.....do .....	.....do .....	.....do .....	Do.
Sonoma County (part) .....	.....do .....	.....do .....	.....do .....	Do.

<sup>1</sup>This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 99-18721 Filed 7-21-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 745**

[OPPTS-62130B; FRL-6053-9]

**Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint hazards in Housing; Correction to Reflect OMB Approval of the Information Collection Requirements**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correction.

**SUMMARY:** EPA is confirming that the Office of Management and Budget approved information collection requirements contained in 40 CFR part 745, subpart F. An "Effective Date Note," which indicates that the information collection requirements contained in each section will not become effective until approved by the Office of Management and Budget (OMB), was automatically added by the Office of the Federal Register (OFR). The OFR added this statement to the CFR

because the preamble to the final rule entitled "Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing" (61 FR 9064, March 6, 1996)(FRL-5347-9), which was jointly issued by EPA and the Department of Housing and Urban Development (HUD), indicated that the information collection requirements contained in the final rule had not yet been approved by OMB pursuant to the Paperwork Reduction Act (PRA), and that the sections would not be effective until approved by OMB. OMB approved the information collection requirements contained in these regulations on April 22, 1996, but this statement remained in the CFR. Since OMB has approved the information collection requirements

contained in these regulations, this statement is not appropriate and must be removed by OFR to avoid further confusion.  
**DATES:** 40 CFR 745.107, 745.110, 745.113, 745.115 became effective on April 22, 1996, when OMB approved the information collection requirements.  
**FOR FURTHER INFORMATION CONTACT:** For general information contact: Christine Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 554-1404 and TDD: (202) 554-0551; e-mail address: TSCA-Hotline@epa.gov. For technical information contact: Dayton Eckerson, National Program

Chemicals Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 260-1591; Fax number: (202) 260-0770; e-mail address: eckerson.dayton@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be affected by this action if you are a seller, purchaser, lessor, or lessee of a non-exempt residential dwelling built before 1978, or a real estate agent representing such parties. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	SIC	Examples of potentially affected entities
Real Estate Operators/Lessors .....	53111	651	Lessors of residential buildings Lessors of residential dwellings
Offices of Real Estate Agents .....	53121	653	Real estate agents Real estate brokers
Property Managers .....	531311		Property managers
Private Parties--Sales Transactions .....	None	None	Sellers and buyers of houses, townhouses, and cooperatives/condominiums
Private Parties--Rental Transactions .....	None	None	Lessors and lessees of residential dwellings

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed above could also be affected. The four-digit Standard Industrial Classification (SIC) codes and the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in 40 CFR 745.100. If you have any questions regarding the applicability of this action to a particular entity, you may also consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" at the beginning of this document.

**B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?**

1. *Electronically.* You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register - Environmental Documents." You can also go directly to

the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* This information will be added to the official record that was established for the March 6, 1996 final rule, identified by docket control number OPPTS-62130B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

**II. What Does this Correction Do?**

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9, and any related collection instrument.

As required by section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, EPA and the Department of Housing and Urban Development (HUD) jointly issued regulations requiring the disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phaseout of residential lead-based paint use in 1978. In the preamble to the final rule, EPA and HUD indicated that the information collection requirements contained in the final rule had not yet been approved by OMB pursuant to the PRA, and that the requirements would not be effective until approved by OMB (61 FR 9064, March 6, 1996).

On May 31, 1996, EPA issued a notice in the **Federal Register** (61 FR 27348) (FRL-5512-5) to announce that OMB had approved the information collection requirements contained in these final rules on April 22, 1996, and that OMB

control number 2070-0151 had been assigned to these collection activities. In the July 1, 1996 issue of the **Federal Register** (61 FR 33851) (FRL-5379-8), EPA amended the table in 40 CFR part 9 to add this OMB control number to the listing of OMB control numbers for EPA's regulations that appears in § 9.1.

Since there wasn't a formal connection between these subsequent notices and 40 CFR part 745, subpart F, [or 24 CFR part 35, subpart H], the OFR did not make the connection to the information collection requirements contained in these sections. As a result, OFR added the following clause to the Effective Date Note that appears at the end of §§ 745.107, 745.110, 745.113, and 745.115: "This section contains information collection requirements and will not become effective until approval has been given by the Office of Management and Budget."

### III. Why Is this Correction Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, this action will simply allow OFR to correct the CFR to properly reflect OMB's approval of the information collection requirements contained in 40 CFR part 745, subpart F. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to make this amendment without prior notice and comment.

### IV. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This final rule does not impose any new requirements. It only implements a correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require prior consultation with State, local, and tribal

government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

### V. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). EPA has made such a good cause finding for this final rule, therefore, the removal of the Effective Date Notes can be made to the CFR by OFR after July 22, 1999. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit IV. of this preamble. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead, Lead-based Paint, Reporting and recordkeeping requirements.

Dated: June 29, 1999.

Susan H. Wayland,

Acting Assistant Administrator for  
Prevention, Pesticides and Toxic Substances.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Inspector General

#### 42 CFR Parts 1001, 1002 and 1003

RIN 0991-AA95

#### Health Care Programs: Fraud and Abuse; Revised OIG Sanction Authorities Resulting From Public Law 105-33

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Final rule.

**SUMMARY:** This rulemaking revises the OIG's exclusion and civil money penalty authorities set forth in 42 CFR parts 1001, 1002 and 1003, as a result of the Balanced Budget Act of 1997, Public Law 105-33. These revisions are intended to protect Medicare and other Federal health care programs by enhancing the OIG's administrative sanction authority through new or revised exclusion and civil money penalty provisions.

**EFFECTIVE DATE:** This rule is effective on July 22, 1999.

**FOR FURTHER INFORMATION CONTACT:** Joel Schaer, (202) 619-0089, OIG Regulations Officer.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

##### A. The Health Insurance Portability and Accountability Act

The Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191, was enacted on August 21, 1996, and set forth a number of significant amendments to the OIG's exclusion and civil money penalty (CMP) authorities. Among the various provisions related to the program exclusion authority, HIPAA: (1) Expanded the OIG's minimum 5-year mandatory exclusion authority to cover any felony conviction under Federal, State or local law relating to health care fraud, even if governmental programs were not involved; (2) established minimum periods of exclusion from 1 to 3 years for certain permissive exclusions; and (3) established a new permissive exclusion authority applicable to individuals who have a