

determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This regulation does not require an additional information collection approval under the Paperwork Reduction Act of 1995. There is currently in place an approved information collection titled Delegation of Authority to States, OMB Control Number 1010-0088, which expires on June 30, 2000.

National Environmental Policy Act of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following:

- (1) Are the requirements in the rule clearly stated?
- (2) Does the rule contain technical language or jargon that interferes with its clarity?
- (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?
- (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A "section" appears in bold type and is preceded by the symbol "§" and a number heading; for example:

§ 227.101 What Royalty Management functions may MMS delegate to a State?

- (5) Is the description of the rule in the "Supplementary Information" section of this preamble helpful in understanding the rule?

- (6) What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240. You may also E-mail your comments to this address: Exsec@ios.doi.gov.

List of subjects in 30 CFR Part 227

Coal, Continental shelf, Geothermal energy, Government contracts, Mineral royalties, Natural gas, Petroleum, Public

lands—mineral resources, Reporting and recordkeeping requirements.

Dated: January 26, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR part 227 is proposed to be amended as follows:

PART 227—DELEGATION TO STATES

1. The authority citation for part 227 continues to read as follows:

Authority: 30 U.S.C. 1735; 30 U.S.C. 196; Pub. L. 102-154.

2. Revise § 227.101 to read as follows:

227.101 What royalty management functions may MMS delegate to a State?

(a) If there are oil and gas leases subject to the Act on Federal lands within your State, MMS may delegate the following royalty management functions for all such Federal oil and gas leases to you under this part:

- (1) Receiving and processing production or royalty reports;
- (2) Correcting erroneous report data; and
- (3) Performing automated verification.

(b) If there are oil and gas leases subject to the Act on Federal lands within your State, MMS may delegate the following royalty management functions for some or all of the Federal oil and gas leases to you under this part:

- (1) Conducting audits and investigations; and
- (2) Issuing demands, subpoenas, and orders to perform restructured accounting, including related notices to lessees or their designees, and entering into tolling agreements under section 115(d)(1) of the Act, 30 U.S.C. 1725(d)(1).

(c) If there are oil and gas leases offshore of your State subject to section 8(g) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1337 (g), or solid mineral leases or geothermal leases on Federal lands within your State, MMS only may delegate authority to conduct audits and investigations for some or all such Federal leases.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 165

[OPP-250126; FRL-6025-3]

Standards for Pesticide Containers and Containment; Notification to the Secretary of Agriculture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a proposed regulation under section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The proposed rule partially reopens the comment period for a previously issued proposed regulation that would require container design and residue removal requirements for refillable and nonrefillable pesticide containers and standards for pesticide containment structures. This action is required by FIFRA section 25(a)(2).

FOR FURTHER INFORMATION CONTACT: By mail: Nancy Fitz, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 1103, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703-305-7385, e-mail: fitz.nancy@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Section 25(a)(2) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days before signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the proposed regulation, the comments of the Secretary and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime thereafter. As required by FIFRA section 25(a)(3), a copy of the proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

List of Subjects in Part 165

Environmental protection, Labeling, Occupational safety and health, Pesticides and pests, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 27, 1999.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 99-2780 Filed 2-9-99; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-25, 101-31, and 101-38

RIN 3090-AG84

Guidelines for Making Purchase or Lease Determinations and Use of Private Inspection, Testing, and Grading Services

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration is proposing to remove Federal Property Management Regulations (FPMR) 101-25.5, Guidelines for Making Purchase or Lease Determinations, and 101-31.2, Use of Private Inspection, Testing, and Grading Services, from the FPMR. Adequate coverage on these issues is contained in the Federal Acquisition Regulation (FAR). As a result, no replacement coverage will be included in the forthcoming Federal Property and Administrative Services Regulation (FPASR). A cross-reference will be added to the FPMR to direct readers to the appropriate FAR coverage.

DATES: Comments must be received on or before April 12, 1999 to be considered in the formulation of the final rule.

ADDRESSES: Written comments should be sent to the Regulatory Secretariat (MVRs), General Services Administration, Room 4035, 1800 F Street, NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS Building, Washington DC 20405, (202) 208-7312, for information pertaining to status or publication schedules. For clarification of content contact: FPMR Part 101-25, Jack O'Neill, at 501-3856,

or FPMR Part 101-31, Ms. Linda Klein, at (202) 501-3775.

SUPPLEMENTARY INFORMATION:

A. Background

In an effort to improve GSA's external directives system, GSA has undertaken a review of the Federal Property Management Regulations (FPMR). The FPMR prescribes Governmentwide regulations for real property, personal property, and other programs and activities within GSA's regulatory authority. GSA will update, streamline, and clarify the content of the FPMR over the next year. As part of this review, GSA is proposing to:

1. Remove FPMR 101-25.5 regarding Guidelines for Making Purchase or Lease Determinations and add a cross-reference to the FAR in its place. The decision to lease or purchase is an acquisition matter and coverage on this subject is contained in FAR Subpart 7.4.

2. Remove FPMR 101-31.2 regarding the use of private inspection, testing, and grading services and add a cross-reference to the FAR in its place. Coverage on this subject is provided in the Federal Acquisition Regulation (FAR). FAR Part 46, Quality Assurance, prescribes policies and procedures to ensure that supplies and services acquired under Government contract conform to the contract's quality and quantity requirements. Included in Part 46 are inspection and other measures associated with quality requirements. FAR Part 37 covers service contracting. FAR Subpart 7.5, Inherently Governmental Functions, addresses what is and is not an inherently Governmental function.

B. Executive Order 12866

The General Services Administration has determined that this proposed rule is not a significant regulatory action for the purposes of Executive Order 12866.

C. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because similar coverage continues to be provided in the Federal Acquisition Regulation.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose reporting, recordkeeping or information collection

requirements which require the approval of the Office of Management and Budget pursuant to 44 U.S.C. 3501 *et seq.*

E. Small Business Regulatory Enforcement Act

This proposed rule is not a major rule under 5 U.S.C. 804. List of Subjects in 41 CFR Parts 101-25, 101-31 and 101-38 Government property management.

For the reasons set forth in the preamble, it is proposed that 41 CFR parts 101-25, 101-31, and 101-38 be amended as follows:

1. The authority citation for parts 101-25, 101-31, and 101-38 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

PART 101-25—GENERAL

2. Subpart 101-25.5 is revised to read as follows:

Subpart 101-25.5—Purchase or Lease Determinations

§ 101-25.2-1 Cross-reference to the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1, Parts 1-99).

For guidance see Federal Acquisition Regulation Subpart 7.4 (48 CFR Subpart 7.4).

PART 101-31—INSPECTION AND QUALITY CONTROL

3. Subpart 101-31.2 is revised to read as follows:

Subpart 101-31.2—Inspection, Testing, and Grading

§ 101-31.2-1 Cross-reference to the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1, Parts 1-99).

For guidance see Federal Acquisition Regulation (e.g., Subpart 7.5, and Parts 37 and 46) (48 CFR Subpart 7.5, and Parts 37 and 46).

PART 101-38—MOTOR VEHICLE MANAGEMENT

4. Section 101-38.105 is amended by removing paragraph (g) and redesignating paragraphs (h) and (i) as paragraphs (g) and (h) respectively.

Dated: February 4, 1999.

G. Martin Wagner,

Associate Administrator for Governmentwide Policy.

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