

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 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

Dated: June 17, 1999.

Carol M. Browner,
Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(93) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(93) Plan revisions were submitted on September 4, 1998 by the Governor's designee.

(i) Incorporation by reference.

(A) Arizona Revised Statute 49-457.

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§ 52.127 [Removed and Reserved]

3. Section 52.127 is removed and reserved.

[FR Doc. 99-16371 Filed 6-28-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL-6369-1]

National Primary Drinking Water Regulation: Consumer Confidence Reports; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** of August 19, 1998, a final rule setting out the requirements for annual

drinking water quality reports that water suppliers must provide to their customers. The final rule included several minor typographical mistakes. This document corrects those mistakes.

DATES: Effective on June 29, 1999.

FOR FURTHER INFORMATION CONTACT: Rob Allison, 202-260-9836; E-mail: allison.rob@epa.gov.

SUPPLEMENTARY INFORMATION: In the August 19, 1998 **Federal Register** (63 FR 44511), EPA published the Consumer Confidence Report Rule. Paragraph f of the section on Report Content (§ 141.153) mistakenly refers to the requirements of § 141.153(d)(7) when it should refer to § 141.153(d)(6). This rule corrects that mistake.

The preamble to the August 19, 1998 rule explained that systems that detect certain contaminants at concentrations above 50% of the applicable MCL or action level must include additional educational information about those contaminants in their reports. As explained in the preamble to the final rule, EPA intended that all systems detecting a contaminant at greater than 50% of the MCL or AL and not in violation or exceedance would include this educational statement. (See discussion at 63 FR 44514 (August 19, 1998)). Systems that violate or exceed the applicable National Primary Drinking Water Regulation would not include this additional statement because another part of the rule requires them to provide a clear and readily understandable explanation of the violation, including the potential adverse health effects. EPA's rule language at § 141.154(d) inaccurately described this requirement when it said that the requirement applied to "systems which detect lead above the action level in more than 5%, but fewer than 10%, of homes sampled...." EPA's phrasing inadvertently exempts systems that detect lead above the AL in precisely 10% of homes sampled. EPA is clarifying its requirement by amending the statement to read "Systems which detect lead above the action level in more than 5%, and up to and including 10%, of homes sampled * * *."

In addition, Appendices A and B to Subpart O mischaracterized regulatory levels for total coliforms and total trihalomethanes. The Appendices listed the Maximum Contaminant Level Goal (MCLG) for Total Trihalomethanes (TTHMs) as zero. This is incorrect; under current EPA regulations, TTHMs have no MCLG. This notice amends Appendices A and B to replace the number zero for the TTHMs MCLG with "n/a" (the abbreviation for "not

applicable.") Similarly, the Appendices mistakenly listed the Maximum Contaminant Level for Total Coliforms as "presence of coliform bacteria in ≥5% of monthly samples". EPA is today correcting the Appendices to show that the MCL for total coliforms is "(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample".

Finally, in paragraphs (f)(2) and (f)(3) of the section on Special Privacy Requirements (§ 142.16), the rule mistakenly refers to 40 CFR 141.155(b) when it should refer to 40 CFR 141.155(c). This amendment corrects that mistake.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting minor errors in the promulgated rule. Thus, notice and public comment procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since August 19, 1998, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, 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 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined under E.O. 12866. Further, EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This rule is not subject to the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) because it does not involve any technical standards. EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the August 19, 1998 **Federal Register** notice.

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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an immediate effective date. 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 action is not a "major rule" as defined by 5 U.S.C. 804(2).

The final rule [FR Doc. 98-22056] published on August 19, 1998, (63 FR 44511) is corrected as follows:

PART 141—[CORRECTED]

1. On page 44528, in the middle column, in § 141.153(f), correct

"§ 141.153(d)(7)" to read
"§ 141.153(d)(6)".

2. On page 44529, in the middle column, in § 141.154, correct "(d) Systems which detect lead above the action level in more than 5%, but fewer than 10%, of homes sampled:" to read "(d) Systems which detect lead above the action level in more than 5%, and up to and including 10%, of homes sampled:"

3. In Appendix A to subpart O, on page 44530, in the fourth column of the table, line 1, correct "presence of coliform bacteria in $\geq 5\%$ of monthly samples" to read "(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample".

4. In Appendix A to subpart O, on page 44531, in the fifth column of the table, line 73, correct "0" to read "n/a".

5. In Appendix B to subpart O, on page 44531, in the third column of the table, line 1, correct "presence of coliform bacteria in $\geq 5\%$ of monthly samples" to read "(systems that collect 40 or more samples per month) 5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample".

6. In Appendix B to subpart O, on page 44533, in the second column of the table, line 73, correct "0" to read "n/a".

PART 142—[CORRECTED]

7. On page 44535, in the third column, in § 142.16(f)(2), correct "40 CFR 141.155(b)" to read "40 CFR 141.155(c)".

8. On page 44535, in the third column, in § 142.16(f)(3), correct "40 CFR 141.155(b)" to read "40 CFR 141.155(c)".

Dated: June 18, 1999.

J. Charles Fox,

Assistant Administrator, Office of Water.

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GENERAL SERVICES ADMINISTRATION 6820-34

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

[FPMR Amendment E-278]

RIN 3090-AG84

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

AGENCY: Office of Governmentwide Policy.

ACTION: Final rule.

SUMMARY: The General Services Administration is removing Federal Property Management Regulations (FPMR) Guidelines for Making Purchase or Lease Determinations, and Use of Private Inspection, Testing, and Grading Services, from the FPMR. Adequate coverage on these issues is contained in the Federal Acquisition Regulation (FAR). A cross-reference is added to the FPMR to direct readers to the appropriate FAR coverage.

EFFECTIVE DATE: This final rule is effective June 29, 1999.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, Room 4035, GS Building, Washington DC 20405, (202) 208-7312.

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:

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

2. Removing FPMR 101-31.2 regarding the use of private inspection, testing, and grading services and adding 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.

A proposed rule was published in the **Federal Register** on February 10, 1999 (64 FR 6589). No comments were received.