

**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.*

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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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