

(23) [Reserved]

(24) Used cathode ray tubes (CRTs) (as defined in § 261.40(f)) to be recycled in the District of Columbia; the States of Delaware, Maryland, and West Virginia; and the Commonwealths of Pennsylvania and Virginia,

(i) Used, intact CRTs as defined in § 261.40(f) to be recycled in the District of Columbia; the States of Delaware, Maryland, and West Virginia; and the Commonwealths of Pennsylvania and Virginia are not solid wastes unless disposed.

(ii) Used, broken CRTs as defined in § 261.40(f) to be recycled in the District of Columbia; the States of Delaware, Maryland, and West Virginia; and the Commonwealths of Pennsylvania and Virginia are not solid wastes provided that they meet the requirements of § 261.40 and that the CRTs are not accumulated speculatively as defined in § 261.1(c).

\* \* \* \* \*

3. Part 261 is amended by adding Subpart E consisting of §§ 261.39 and 261.40, to read as follows:

#### **Subpart E—Exclusions/Exemptions**

Sec.

261.39 [Reserved]

261.40 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) To Be Recycled in the District of Columbia; the States of Delaware, Maryland, and West Virginia; and the Commonwealths of Pennsylvania and Virginia.

#### **Subpart E—Exclusions/Exemptions**

##### **§ 261.39 [Reserved]**

##### **§ 261.40 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) To Be Recycled in the District of Columbia; the States of Delaware, Maryland, and West Virginia; and the Commonwealths of Pennsylvania and Virginia.**

Used, broken CRTs to be recycled within the Region III States are not solid wastes if they meet the following conditions:

(a) *Prior to processing*: These materials are not solid wastes if they are destined for recycling within a Region III state and if they meet the following requirements:

(1) *Storage*. The broken CRTs must be:

- (i) Placed in a container (*i.e.*, a package or a vehicle) that is constructed, filled, and closed to minimize identifiable releases to the environment of CRT glass (including fine solid materials), and

- (ii) Stored in an enclosed building with a roof, floor, and walls

(2) *Labeling*. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: “Waste cathode

ray tube(s)—contains leaded glass,” or “Used cathode ray tube(s)—contains leaded glass.” It must also be labeled: “Do not mix with other glass materials.”

(3) *Transportation*. These CRTs must be transported in a container meeting the requirements of paragraphs (a)(1)(i) and (2) of this section.

(4) *Speculative accumulation*. These CRTs are subject to the limitations on speculative accumulation as defined in § 261.1.

(b) *Requirements for used CRT processing*. Used, broken CRTs undergoing CRT processing as defined in paragraph (f) of this section are not solid wastes if they meet the following requirements:

(1) *Storage*. Used, broken CRTs undergoing processing are subject to the requirements of paragraphs (a)(1), (2), and (4) of this section.

(2) *Processing*. (i) All CRTs must be processed within an enclosed building with a roof, floor, and walls; and (ii) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(c) *Processed CRT glass sent to CRT glass making or lead smelting*. Glass removed from used CRTs that is destined for recycling at a CRT glass manufacturing facility or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in § 261.1.

(d) *Processed CRT glass sent to other types of recycling, except for use constituting disposal*. Glass removed from used CRTs that is destined for other types of recycling after processing (except use constituting disposal) is not a solid waste if it meets the requirements of paragraphs (a)(1) through (4) of this section.

(e) *Use constituting disposal*. Processed glass removed from CRT monitors that is used in a manner constituting disposal must comply with the requirements of paragraphs (a)(1) through (4) of this section and the applicable requirements of 40 CFR Part 266, Subpart C.

(f) *Definitions*. For purposes of this section, the following definitions apply:

*Cathode ray tube or CRT* means a vacuum tube, composed primarily of glass, which is the video display component of a television or computer monitor. An intact CRT means a CRT remaining within the monitor whose vacuum has not been released. A broken CRT means glass removed from the monitor after the vacuum has been released.

*CRT glass manufacturing facility* means a facility or part of a facility located within the Region III States that

uses a furnace to manufacture CRT glass.

*CRT processing* means the conducting of all of the following activities at a facility within the EPA Region III's States:

- (i) receiving broken or intact CRTs;
- (ii) intentionally breaking intact CRTs or further breaking or separating broken CRTs;
- (iii) sorting or otherwise managing glass removed from CRT monitors; and
- (iv) cleaning coatings off the glass removed from CRTs.

*EPA Region III's States* means the District of Columbia; the States of Delaware, Maryland, and West Virginia; and the Commonwealths of Pennsylvania and Virginia.

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#### **GENERAL SERVICES ADMINISTRATION**

##### **41 CFR Part 101-5**

[FPMR Amendment A-59]

RIN 3090-AH37

#### **Federal Property Management Regulations; Centralized Field Reproduction Services**

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

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the Federal Property Management Regulations (FPMR) by removing coverage on centralized field reproduction services.

**DATES:** Effective Date: December 26, 2002.

**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 Theodore Freed, Printing and Forms Division (CAP), at (202) 501-0492. Please cite FPMR Amendment A-59.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

In January of 1998, the Director of the Office of Management and Budget signed a determination letter transferring all GSA reproduction facilities to the Defense Automated Printing Service (DAPS), DOD, thereby transferring the GSA mission of providing reproduction services for all agencies. As a result of this transfer and

further review by GSA's Office of Legal Counsel, GSA has concluded that coverage in the Federal Property Management Regulations (FPMR) addressing centralized field duplicating services made available by GSA in Federal buildings should be deleted. Therefore, the contents of FPMR 101–5.2 (41 CFR 101–5.2), Centralized Field Reproduction Services, is being removed and reserved. If, in the future, GSA issues regulations regarding centralized field reproduction services, they will be issued in the Federal Management Regulation (FMR). The FMR replaces the FPMR and is written in plain language to provide agencies with updated regulatory material that is easy to read and understand.

#### **B. Executive Order 12866**

GSA has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 dated September 30, 1993.

#### **C. Regulatory Flexibility Act**

A Regulatory Flexibility Analysis is not required under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because there is no requirement that this final rule be published in the **Federal Register** for notice and comment.

#### **D. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

#### **E. Small Business Regulatory Enforcement Fairness Act**

This final rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

#### **List of Subjects in 41 CFR Part 101–5**

Federal buildings and facilities, Government property management, Health care.

Dated: November 4, 2002.

**Stephen A. Perry,**  
*Administrator of General Services.*

For the reasons set forth in the preamble, GSA amends 41 CFR part 101–5 as follows:

#### **CHAPTER 101 [AMENDED]**

#### **PART 101–5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS AND COMPLEXES**

1. The authority citation for 41 CFR part 101–5 continues to read as follows:

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

#### **Subpart 101–5.2 [Removed and Reserved]**

2. Remove and reserve subpart 101–5.2.

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#### **GENERAL SERVICES ADMINISTRATION**

#### **41 CFR Part 102–37**

#### **[FMR Amendment B–2]**

#### **RIN 3090–AH74**

#### **Federal Management Regulation; Notification of Allocation of Surplus Personal Property for Donation**

**AGENCY:** Office of Governmentwide Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the Federal Management Regulation (FMR) to clarify the period of time GSA normally requires to allocate surplus personal property for donation. This final rule will allow holding agencies to move property to sale if they have not received notification of allocation by day 6 after the surplus release date.

**DATES: Effective Date:** December 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Holcombe, Director, Personal Property Management Policy Division (MTP), General Services Administration, at (202) 501–3828. For information pertaining to status or publication schedules, contact the Regulatory Secretariat, Room 4035, GS Building, Washington DC, 20405, (202) 501–4755. Please cite FMR Amendment B–2.

#### **SUPPLEMENTARY INFORMATION:**

#### **A. Executive Order 12866**

GSA has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

#### **B. Regulatory Flexibility Act**

A Regulatory Flexibility Analysis is not required under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because there is no requirement that this final rule be published in the **Federal Register** for notice and comment.

#### **C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

#### **D. Small Business Regulatory Enforcement Fairness Act**

This final rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

#### **List of Subjects in 41 CFR Part 102–37**

Government property management, Homeless, Reporting and recordkeeping requirements, Surplus Government property.

Dated: November 4, 2002.

**Stephen A. Perry,**  
*Administrator of General Services.*

For the reasons set forth in the preamble, GSA amends 41 CFR part 102–37 as follows:

#### **PART 102–37—DONATION OF SURPLUS PERSONAL PROPERTY**

1. The authority citation for 41 CFR part 102–37 is revised to read as follows:

**Authority:** 40 U.S.C. 549 and 121(c).

2. Amend § 102–37.110 by revising paragraph (c) to read as follows:

#### **§ 102–37.110 What are a holding agency's responsibilities in the donation of surplus property?**

\* \* \* \* \*

(c) Set aside or hold surplus property from further disposal upon notification of a pending transfer for donation; (If GSA does not notify you of a pending transfer within 5 calendar days following the surplus release date, you may proceed with the sale or other authorized disposal of the property.)

\* \* \* \* \*

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