specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This
action will not have substantial direct effects on the States, on the relationship
between the national government and the States, or on the distribution of
power and responsibilities among the various levels of government, as
specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it
merely authorizes State requirements as part of the State RCRA hazardous waste
program without altering the relationship or the distribution of power and
responsibilities established by RCRA. This action also is not subject to
Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not
economically significant and it does not make decisions based on environmental
health or safety risks. This rule is not subject to Executive Order 13211,
“Actions Concerning Regulations That Significantly Affect Energy Supply,
Distribution, or Use” (66 FR 26355, May 22, 2001) because it is not a significant
regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State’s application for authorization as
long as the State meets the criteria required by RCRA. It would thus be
inconsistent with applicable law for EPA, when it reviews a State’s
authorization application, to require the use of any particular voluntary
consensus standard in place of another standard that otherwise satisfies the
requirements of RCRA. Thus, the requirements of section 12(d) of the
note) do not apply. As required by section 3 of Executive Order 12988 (61 FR
4729, February 7, 1996), in issuing this rule, EPA has taken the necessary
tools to eliminate drafting errors and ambiguity, minimize potential litigation,
and provide a clear legal standard for affected conduct. EPA has complied with
Executive Order 12866 (53 FR 8859, March 15, 1988) by examining the
implications of the rule in accordance with the “Attorney General’s Supplemental
Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings”
issued under the executive order. This rule does not impose an information
collection burden under the provisions of the Paperwork Reduction Act of 1995 (44
U.S.C. 3501 et seq.)

This Court’s decision in United States v. Texas, 104 U.S. 290, 300 (1881)
and as authorized by 40 U.S.C. 5001 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 document 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 in the Federal Register. A
major rule cannot take effect until 60
days after it is published in the Federal
Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This
action will be effective June 26, 2006.

List of Subjects in 40 CFR Part 271
Environmental protection,
Administrative practice and procedure,
Confidential business information,
Hazardous waste,
Hazardous waste transportation,
Indian lands,
Intergovernmental relations,
Penalties,
Reporting and recordkeeping
requirements.

Authority: This action is issued under the
authority of Sections 2002(a), 3006, and
7004(b), of the Solid Waste Disposal Act as
amended, 42 U.S.C. 6912(a), 6926, and
6924(b).

A. Stanley Meiburg,
Deputy Regional Administrator, Region 4.
[FR Doc. 06-3851 Filed 4-24-06; 8:45 am]
BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102-37
[FMR Amendment 2006-8; FMR Case
2006-102-2]

RIN 3090-A125

Federal Management Regulations;
Donation of Surplus Personal Property

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

ACTION: Final rule.

SUMMARY: The General Services Administration is amending the Federal
Management Regulation (FMR) language that pertains to personal property by
correcting references to outdated or superceded provisions of law or
regulation; correcting text to be in
conformity with revised laws, regulations, or Federal agency responsibilities; and clarifying text
where the intended meaning could be updated or made clearer. The FMR and any corresponding documents may be accessed at GSA’s Web site at http://www.gsa.gov/fmr.

DATES: Effective Date: May 25, 2006.

FOR FURTHER INFORMATION CONTACT: The
Regulatory Secretarial, Room 4035, GSA
Building, Washington, DC 20405, (202)
208-7312, for information pertaining to
status or publication schedules. For
clarification of content, contact Mr.
Robert Holcombe, Office of
Governmentwide Policy, Office of
Travel, Transportation, and Asset
Management (MT), at (202) 501-3828 or
e-mail at Robert.Holcombe@gsa.gov.
Please cite FMR case 2006-102-2,
Amendment 2006-81.

SUPPLEMENTARY INFORMATION:

A. Background

In the years since 41 CFR part 102-
37 was published as a final rule, the
references to other regulations which
migrated from the Federal Property
Management Regulations (FPMR) (41
CFR chapter 101) to the Federal
Management Regulation (FMR) (41 CFR
chapter 102) became outdated. Also,
Public Law 107-217 revised and
recodified certain provisions of the
Federal Property and Administrative
Services Act of 1949 (Property Act). For
example, the Property Act provisions
and topics previously found at 40 U.S.C.
471-514 will now generally be found at
40 U.S.C. 101-705. This revised
regulation updates the title 40 U.S.C.
citations to reflect the changes made by
Public Law 107-217. Additionally, in
the intervening years since these three
regulations were published, several
agencies have moved or changed names.
Finally, updating or clarifying revisions
were made where the revisions are seen
as administrative or clerical in nature.
This includes—
1. Elimination of the requirement for
a biennial report to Congress on the
donation of Federal surplus personal
property (obsolete because of section
303 of the Federal Reports Elimination
note)); and
2. A revised threshold for audits made
under OMB Circular A-133.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

This final rule is not required to be
published in the Federal Register for
comment. Therefore, the Regulatory
Flexibility Act does not apply.

D. 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.

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review 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, Reporting and recordkeeping requirements, Surplus government property, and Government property.


David L. Bibb,
Acting Administrator of General Services.

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

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

PART 102–37—DONATION OF SURPLUS PERSONAL PROPERTY

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

§ 102–37.10 [Amended]

§ 102–37.25 [Amended]

§ 102–37.80 [Amended]
4. Amend § 102–37.80 by removing “part 101–45 of this title” and adding “part 102–38 of this chapter” in its place.

§ 102–37.105 [Removed]
5. Remove § 102–37.105

§ 102–37.125 [Amended]

§ 102–37.145 [Amended]

§ 102–37.150 [Amended]

§ 102–37.200 [Amended]

§ 102–37.205 [Amended]
10. Amend § 102–37.205 by—
   a. Removing from paragraph (a) “subsection 203[(j)] of the Property Act (40 U.S.C. 484[(j)])” and adding “40 U.S.C. 549” in its place; and
   b. Removing from paragraph (f) “part 101–6, part 101–6.2, and part 101–8 of this title” and adding “parts 101–4, subparts 101–6.2, and 101–8.3 of this title” in its place.

§ 102–37.325 [Amended]
11. Amend § 102–37.325 by removing from the introductory paragraph “Section 203[(n)] of the Property Act (40 U.S.C. 484[(n)])” and adding “Section 549(f) of title 40, United States Code” in its place.

§ 102–37.345 [Amended]
12. Amend § 102–37.345 by removing “$300,000” and adding “$500,000” in its place.

§ 102–37.350 [Amended]

§ 102–37.355 [Amended]
14. Amend § 102–37.355 by removing “$300,000” (twice) and adding “$500,000” in its place.

§ 102–37.380 [Amended]
15. Amend § 102–37.380 by—
   a. Removing from paragraph (a) “subsection 203[(j)(2)] of the Property Act (40 U.S.C. 484[(j)(2)])” and adding “section 549(d) of title 40, United States Code” in its place; and
   b. Removing from paragraph (b) “subsection 203[(j)] of the Property Act (40 U.S.C. 484[(j)(3)])” and adding “section 549(c)(3) of title 40, United States Code” in its place.

§ 102–37.445 [Amended]

§ 102–37.455 [Amended]
17. Amend § 102–37.455 by—
   a. Removing from the table in paragraph (a)(1) “Part 101–37, subpart 101–37.6, of this title” and adding “Part 102–33, subpart D, of this chapter” in its place; and
   b. Removing from paragraph (b)(1) “Bureau of Alcohol, Tobacco, and Firearms (BATF), Department of the Treasury” and adding “Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice” in its place; and by removing from the second sentence “BATF” and adding “ATF” in its place.

§ 102–37.520 [Amended]

§ 102–37.540 [Amended]

§ 102–37.565 [Amended]

Appendix C to Part 102—[Amended]


[FR Doc. 06–3881 Filed 4–24–06; 8:45 am]