

then Executive Orders 12072 and 13006 require that agencies should give first consideration to locating in a historic building in a historic district in the CBA of a central city of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a non-historic building in a historic district in the CBA of a central city of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a historic building outside of a historic district in the CBA of a central city of the appropriate metropolitan area. If no such space is available, agencies should give consideration to locating in a non-historic building outside of a historic district in the CBA of a central city of the appropriate metropolitan area.

#### **§ 102–83.115 What is a central city?**

Central cities are those central cities defined by OMB in OMB Bulletin No. 99–04 or succeeding OMB Bulletin.

#### **§ 102–83.120 What happens if an agency has a need to be in a specific urban area that is not a central city in a metropolitan area?**

If an agency has a need to be in a specific urban area that is not a central city in a metropolitan area, then the agency must give first consideration to locating in a historic building in a historic district in the CBA of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a non-historic building in a historic district in the CBA of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a historic building outside of a historic district in the CBA of the appropriate metropolitan area. If no such space is available, agencies should give consideration to locating in a non-historic building outside of a historic district in the CBA of the appropriate metropolitan area.

#### **Preference to Historic Properties**

#### **§ 102–83.125 Are executive agencies required to give preference to historic properties when acquiring leased space?**

Yes, Federal agencies must give a price preference when acquiring space via either the lowest price technically acceptable or the best value tradeoff source selection process. See part 102–73 of this chapter for additional guidance.

Dated: October 31, 2002.

**Stephen A. Perry,**

*Administrator of General Services.*

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## **GENERAL SERVICES ADMINISTRATION**

### **41 CFR Parts 101–6, 101–18, 101–19, 101–20, 101–33, 101–47**

[FPMR Amendment D–99]

RIN 3090–AH60

#### **Real Property Policies**

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

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is transferring coverage on real property policies to the Federal Management Regulation (FMR). A final rule published in the **Federal Register** at 66 FR 5358 (January 18, 2001) moved many of the real property policies to the FMR. An amendment to those regulations appears elsewhere in today's **Federal Register**. This final rule completes the transfer by removing all FPMR coverage on real property policies and providing cross references to direct readers to the coverage in the FMR.

**EFFECTIVE DATE:** December 13, 2002.

**FOR FURTHER INFORMATION CONTACT:** Stanley C. Langfeld, Director, Real Property Policy Division, at (202) 501–1737.

#### **SUPPLEMENTARY INFORMATION:**

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

To promote efficient management of Government assets, which is the Federal Property and Administrative Services Act's original intent, GSA is improving its regulatory system by establishing the Federal Management Regulation (FMR) as the successor regulation to the Federal Property Management Regulations (FPMR). The FMR will contain a refined set of policies and regulatory requirements on managing property and administrative services. Non-regulatory guidance, procedures, information, and standards now in the FPMR is being removed from the regulation and will be available in separate documents, such as customer service guides, handbooks, brochures, Internet Web sites, and FMR bulletins.

##### **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 this final 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 Fairness Act**

This final rule is also 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 Parts 101–6, 101–18, 101–19, 101–20, 101–33, 101–47, 102–73, 102–74, 102–75, 102–76, 102–80, 102–82, and 102–83**

Acquisition of real property, Administrative practices and procedures, Concessions, Crime, Federal buildings and facilities, Fire prevention, Government real property management, Location of space, Public utilities, Safety and environmental management, Security measures, Vending facility program for blind persons.

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

#### **CHAPTER 101—[AMENDED]**

### **PART 101–6—MISCELLANEOUS REGULATIONS**

1. Subpart 101–6.3 is revised to read as follows:

#### **Subpart 101–6.3—Ridesharing**

**Authority:** 40 U.S.C. 486(c); Executive Order 12191 dated February 1, 1980; Sec. 205(c), 63 Stat. 390.

#### **§ 101–6.300 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220.**

For information on Federal facility ridesharing, *see* FMR part 102–74 (41 CFR part 102–74).

2. Subpart 101–6.6 is revised to read as follows:

#### **Subpart 101–6.6—Fire Protection (Firesafety) Engineering**

**Authority:** 40 U.S.C. 486(c).

#### **§ 101–6.600 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220.**

For information on fire protection (firesafety) engineering, *see* FMR part 102–74 (41 CFR part 102–74) and FMR part 102–80 (41 CFR part 102–80).

3. Part 101–18 is revised to read as follows:

**PART 101-18—ACQUISITION OF REAL PROPERTY**

**Authority:** E.O. 12072, Sec. 1-201(b), 43 FR 36869.

**§ 101-18.0 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220).**

For information on acquisition of real property, *see* FMR part 102-73 (41 CFR part 102-73).

4. Part 101-19 is revised to read as follows:

**PART 101-19—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS**

**Authority:** 40 U.S.C. 486(c); 40 U.S.C. 490 (The Federal Property and Administrative Services Act of 1949, as amended, Sec. 205(c) and 210, 63 Stat. 377); and 40 U.S.C. 601-619 (The Public Buildings Act of 1959, as amended); Pub. L. 92-313.

**§ 101-19.0 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220).**

For information on construction and alteration of public buildings, *see* FMR parts 102-74 (41 CFR part 102-74) and 102-76 (41 CFR part 102-76).

5. Part 101-20 is revised to read as follows:

**PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS**

**Authority:** 40 U.S.C. 486(c); The Federal Property and Administrative Services Act of 1949, as amended, Sec. 205(c), 63 Stat. 390.

**§ 101-20.0 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220).**

For information on management of buildings and grounds, *see* FMR part 102-74 (41 CFR part 102-74).

6. Part 101-33 is revised to read as follows:

**PART 101-33—PUBLIC UTILITIES**

**Authority:** 40 U.S.C. 486(c); The Federal Property and Administrative Services Act of 1949, as amended, Sec. 205(c), 63 Stat. 390.

**§ 101-33.0 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220).**

For information on public utilities, *see* FMR part 102-82 (41 CFR part 102-82).

7. Part 101-47 is revised to read as follows:

**PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY**

**Authority:** 40 U.S.C. 486(c); The Federal Property and Administrative Services Act of 1949, as amended, Sec. 205(c), 63 Stat. 390.

**§ 101-47.0 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220).**

For information on utilization and disposal of real property, *see* FMR part 102-75 (41 CFR part 102-75).

8. The Appendix to Subchapter D is revised to read as follows:

**Appendix to Subchapter D—Temporary Regulations Federal Property Management Regulations; Interim Rule D-1**

**PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE**

**§ 101-17.0 Cross-reference to the Federal Management Regulation (FMR) 41 CFR chapter 102 parts 1 through 220).**

For information on location of space, *see* FMR part 102-83 (41 CFR part 102-83).

Dated: July 30, 2002.

**Stephen A. Perry,**

*Administrator of General Services.*

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