

b. In § 186.1250, by revising paragraph (a) and removing paragraph (b) and designating it as reserved, as follows:

**§ 186.1250 Cyfluthrin.**

(a) A time-limited tolerance, to expire on November 15, 1997, is established for residues of the insecticide cyfluthrin (cyano(4-fluoro-3-phenoxyphenyl)methyl-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the following feed commodities:

Commodity	Parts per million	Expiration date
Cottonseed, hulls .....	2.0	Nov. 15, 1997.
Tomato, pomace (dry and wet) .	5.0	Do.

(b) [Reserved]

\* \* \* \* \*

[FR Doc. 95-13261 Filed 5-30-95; 8:45 am]

BILLING CODE 6560-50-F

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**45 CFR Part 2544**

RIN 3045-AA13

**Solicitation and Acceptance of Donated Property and Services.**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule.

**SUMMARY:** The Corporation for National Service (the Corporation) is issuing uniform rules and regulations regarding the solicitation and acceptance or rejection of property and services. Pursuant to the National and Community Service Act of 1990, as amended, the Corporation has the authority to solicit and accept donations. The Corporation is adopting these rules and regulations to eliminate the possibility of confusion for individuals who wish to donate property or services to the Corporation. In addition, the Corporation wants to insure that no situations arise involving a real or apparent conflict of interest with respect to a donation or an individual or group who offers a donation.

**EFFECTIVE DATE:** May 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** Stewart Davis, Office of the General Counsel, The Corporation for National

Service, 1201 New York Ave. NW., Washington DC, 20525. (202) 606-5000 x. 265.

**SUPPLEMENTARY INFORMATION:** The Corporation published in the **Federal Register** on April 7, 1995 (60 FR 17761) a notice of proposed rule making on the Solicitation and Acceptance of Donated Property and Services. The proposed rule established uniform rules and regulations regarding the solicitation and acceptance or rejection of property and services. The Corporation did not receive any comments in response to the April 7, 1995, notice. Accordingly, the Corporation is submitting the regulations as a Final Rule.

**Miscellaneous Requirements**

The Corporation has determined that this is not a "significant regulatory action" within the meaning of Executive Order 12866 and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule will not have a substantial impact on a significant number of small entities, thus a regulatory flexibility analysis has not been prepared pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Because this rule does not involve collection of information or impose record keeping requirements, the Paperwork Reduction Act of 1980 does not apply. The Corporation has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment pursuant to Executive Order 12612. In addition, the Corporation has determined that implementation of this action will not have any significant impact on the quality of the human environment pursuant to the National Environmental Policy Act.

**List of Subjects in 45 CFR Part 2544**

Administrative practice and procedure, Gifts to government, Government property.

Dated: May 24, 1995.

**Terry Russell,**

*General Counsel, Corporation for National Service.*

Accordingly, as set forth in the preamble, the Corporation amends title 45, chapter XXV of the Code of Federal Regulations by adding part 2544 to read as follows:

**PART 2544—SOLICITATION AND ACCEPTANCE OF DONATIONS**

Sec.

2544.100 What is the purpose of this part?

2544.105 What is the legal authority for soliciting and accepting donations to the Corporation?

2544.110 What definitions apply to terms used in this part?

2544.115 Who may offer a donation?

2544.120 What personal services from a volunteer may be solicited and accepted?

2544.125 Who has the authority to solicit and accept or reject a donation?

2544.130 How will the Corporation determine whether to solicit or accept a donation?

2544.135 How should an offer of a donation be made?

2544.140 How will the Corporation accept or reject an offer?

2544.145 What will be done with property that is not accepted?

2544.150 How will accepted donations be recorded and used?

**Authority:** 42 U.S.C. 12501 et seq.

**§ 2544.100 What is the purpose of this part?**

This part establishes rules to ensure that the solicitation, acceptance, holding, administration, and use of property and services donated to the Corporation:

(a) Will not reflect unfavorably upon the ability of the Corporation or its officers and employees, to carry out their official duties and responsibilities in a fair and objective manner; and

(b) Will not compromise the integrity of the Corporation's programs or its officers and employees involved in such programs.

**§ 2544.105 What is the legal authority for soliciting and accepting donations to the Corporation?**

Section 196(a) of the National and Community Service Act of 1990, as amended (42 U.S.C. 12651g(a)).

**§ 2544.110 What definitions apply to terms used in this part?**

(a) *Donation* means a transfer of money, property, or services to or for the use of the Corporation by gift, devise, bequest, or other means.

(b) *Solicitation* means a request for a donation.

(c) *Volunteer* means an individual who donates his/her personal service to the Corporation to assist the Corporation in carrying out its duties under the national service laws, but who is not a participant in a program funded or sponsored by the Corporation under the National and Community Service Act of 1990, as amended. Such individual is not subject to provisions of law related to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation and Federal employee benefits, except that—

(1) Volunteers will be considered Federal employees for the purpose of the tort claims provisions of 28 U.S.C. chapter 171;

(2) Volunteers will be considered Federal employees for the purposes of 5 U.S.C. chapter 81, subchapter I, relating to compensation to Federal employees for work injuries; and

(3) Volunteers will be considered special Government employees for the purpose of ethics and public integrity under the provisions of 18 U.S.C. chapter 11, part I, and 5 CFR chapter XVI, subchapter B.

(d) *Inherently governmental function* means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

**§ 2544.115 Who may offer a donation?**

Anyone, including an individual, group of individuals, organization, corporation, or association may offer a donation to the Corporation.

**§ 2544.120 What personal services from a volunteer may be solicited and accepted?**

A donation in the form of personal services from a volunteer may be solicited and accepted to assist the Corporation in carrying out its duties. However, volunteers may not perform an inherently governmental function.

**§ 2544.125 Who has the authority to solicit and accept or reject a donation?**

The Chief Executive Officer (CEO) of the Corporation has the authority to solicit, accept, or reject a donation offered to the Corporation and to make the determinations described in § 2544.130 (c) and (d). The CEO may delegate this authority in writing to other officials of the Corporation.

**§ 2544.130 How will the Corporation determine whether to solicit or accept a donation?**

(a) The Corporation will solicit and accept a donation only for the purpose of furthering the mission and goals of the Corporation.

(b) In order to be accepted, the donation must be economically advantageous to the Corporation, considering foreseeable expenditures for matters such as storage, transportation, maintenance, and distribution.

(c) An official or employee of the Corporation will not solicit or accept a donation if the solicitation or acceptance would present a real or apparent conflict of interest. An apparent conflict of interest is presented if the solicitation or acceptance would raise a question in the mind of a reasonable person, with knowledge of

the relevant facts, about the integrity of the Corporation's programs or operations.

(d) The Corporation will determine whether a conflict of interest exists by considering any business relationship, financial interest, litigation, or other factors that may indicate such a conflict. Donations of property or voluntary services may not be solicited or accepted from a source which:

(1) Is a party to a grant or contract with the Corporation or is seeking to do business with the Corporation;

(2) Has pecuniary interests that may be substantially affected by performance or nonperformance of the Corporation; or

(3) Is an organization a majority of whose members are described in paragraphs (d)(1) and (2) of this section.

(e) Any solicitation or offer of a donation that raises a question or concern of a potential, real, or apparent conflict of interest will be forwarded to the Corporation's Designated Ethics Official for an opinion.

**§ 2544.135 How should an offer of a donation be made?**

(a) In general, an offer of donation should be made by providing a letter of tender that offers a donation. The letter should be directed to an official authorized to accept donations, describe the property or service offered, and specify any purpose for, or condition on, the use of the donation.

(b) If an offer is made orally, the Corporation will send a letter of acknowledgment to the offeror. If the donor is anonymous, the Corporation will prepare a memorandum to the file acknowledging receipt of a tendered donation and describing the donation including any special terms or conditions.

(c) Only those employees or officials with expressed notice of authority may accept donations on behalf of the Corporation. If an offer is directed to an unauthorized employee or official of the Corporation, that person must immediately forward the offer to an appropriate official for disposition.

**§ 2544.140 How will the Corporation accept or reject an offer?**

(a) In general, the Corporation will respond to an offer of a donation in writing and include in the response:

(1) An acknowledgment of receipt of the offer;

(2) A brief description of the offer and any purpose or condition that the offeror specified for the use of the donation;

(3) A statement either accepting or rejecting the donation; and

(4) A statement informing the donor that any acceptance of services or property can not be used in any manner, directly or indirectly, that endorses the donor's products or services or appears to benefit the financial interests or business goals of the donor.

(b) If a purpose or condition for the use of the donation specified by the offeror can not be accommodated, the Corporation may request the offeror to modify the terms of the donation.

**§ 2544.145 What will be done with property that is not accepted?**

In general, property offered to the Corporation but not accepted will be returned to the offeror. If the offeror is unknown or the donation would spoil if returned, the property will either be disposed of in accordance with Federal Property Management regulations (41 CFR chapter 101) or given to local charities determined by the Corporation.

**§ 2544.150 How will accepted donations be recorded and used?**

(a) All accepted donations of money and other property will be reported to the Chief Financial Officer (CFO) of the Corporation for recording and appropriate disposition.

(b) All donations of personal services of a volunteer will be reported to the CFO and to the Personnel Division of the Corporation for processing and documentation.

(c) Donations not designated for a particular purpose will be used for an authorized purpose described in § 2544.125.

(d) Property will be used as nearly as possible in accordance with the terms of the donation. If no terms are specified, or the property can no longer be used for its original purpose, the property will be converted to another authorized use or sold in accordance with Federal regulations. The proceeds of the sale will be used for an authorized purpose described in § 2544.125.

[FR Doc. 95-13236 Filed 5-30-95; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 94-142; RM-8546]

**Radio Broadcasting Services; Knoxville, IL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains a correction to the final regulation