NADA 046–724. The ANADA is approved as of May 19, 1994, and the regulations are amended in 21 CFR 529.1044a to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 529

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 529 is amended as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 529 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 529.1044a [Amended]

2. Section 529.1044a *Gentamicin sulfate intrauterine solution* is amended in paragraph (b) by removing "000061 and 057561" and adding in its place "000061, 057561, and 000856".

Dated: June 9, 1994.

Richard H. Teske,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 94–14854 Filed 6–16–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, 221, and 242

[Docket No. R–94–1723; FR–3603–F–01]

RIN 2502–AG19

Disposition of Fire and Hazard Insurance Proceeds

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule revises certain provisions in HUD regulations covering multifamily mortgage insurance which have the effect of requiring prior HUD endorsement before the expenditure of any fire and hazard insurance loss proceeds by mortgagees. Instead of this requirement the regulations would be revised to allow loss proceeds to be expended to restore or repair the property without prior HUD approval. The proceeds may not however, be used for any other purposes without prior HUD approval.

EFFECTIVE DATE: July 18, 1994.

FOR FURTHER INFORMATION CONTACT: James Tahash, Planning and Procedures Division, Office of Multifamily Housing Management, Room 6182, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, voice (202) 708–3944, TDD (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Under existing HUD regulations (24 CFR 207.260) in the event a loss occurs to the mortgaged property under any policy of fire or other hazard insurance and the mortgagee has received the proceeds therefrom, it shall not exercise its option under the mortgage to use the proceeds of the insurance for the repairing, replacing, or rebuilding of the premises, or apply them to the mortgage indebtedness, or make any other disposition of the proceeds without the prior written approval of the Commissioner. Through cross-referencing this requirement is also made applicable to other FHA multifamily programs *i.e.* Part 213 Cooperative Housing Mortgage Insurance, Part 220 Mortgage Insurance and Insured Improvement Loans for Urban Renewal and Concentrated Development Areas, Part 221 Low Cost and Moderate Income Mortgage Insurance, Part 231 Housing Mortgage Insurance for the Elderly, Part 232 Mortgage Insurance for Nursing Homes, Intermediate Care Facilities, and Board and Care Homes, Part 234 Condominium Ownership Mortgage Insurance, Part 236 Mortgage Insurance and Interest Reduction Payments for Rental Projects, Part 241 Supplementary Financing for Insured Project Mortgages and Part 242 Mortgage Insurance for Hospitals.

This rule revises current regulatory requirements to provide that the mortgagee may exercise its option to use the insurance proceeds for the repairing, replacing or rebuilding of the premises without prior HUD approval. It may not however make any other disposition of insurance proceeds without prior approval.

The Department has found that its Field Office staff resources can be more effectively allocated to tasks other than the endorsing of property insurance loss drafts where the proceeds, in any event, are going to be used to restore or repair the property. We estimate that from $10,000 to $20,000 per year in staff resources could be saved by making this change. Mortgagees could have similar savings (from reduction of paperwork and check cashing steps) of from $5,000 to $10,000 per year. Project owners also could have savings. Approximately 20,000 project owners, their mortgagees and their insurance agents and companies should benefit by eliminating this unnecessary procedural step.

The rule also makes conforming revisions to 24 CFR 207.10, 213.13, 221.521 and 242.43 of HUD regulations to provide that fire and hazard and insurance have attached a standard mortgagee clause making loss payable to the mortgagee, its successors and assigns rather than the current requirement that loss be payable to the mortgagee and the Commissioner as their interests may appear.

Due to the strictly technical nature of this rule, the Department has determined that the notice and public comment procedure under Title 5 of the United States Code is unnecessary and is therefore issuing this document as a final rule.

Procedural Matters

Executive Order 12866—Regulatory Planning and Review

This rule was reviewed by the Office of Management and Budget under Executive Order 12866, Regulatory Planning and Review. Any changes made to the rule as a result of that review are clearly identified in the docket file which is available for public inspection in the office of the Department's Rules Docket Clerk, room 10276, 451 Seventh Street SW., Washington, DC.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is technical in nature. It effects no substantive changes in HUD programs or policies.

Semiannual Agenda

This rule was listed as item 1569 in the Department's Semiannual Agenda of Regulations published on April 25, 1994 (59 FR 20424, 20444) under Executive order 12866 and the Regulatory Flexibility Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive order 12612, *Federalism*, has determined that the policies contained in this rule do not have Federalism implications and, thus, are not subject to review under the Order. No programmatic or policy changes result from this rule's promulgation which would affect existing relationships between the Federal Government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule is technical in nature and makes no significant change in existing HUD policies or programs.

Environment

An environmental assessment is unnecessary, since internal administrative procedures whose content do not constitute a development decision affecting the physical condition of specific project areas or building sites is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(k).

List of Subjects

24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 213

Cooperatives, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 242

Hospitals, Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, 24 CFR parts 207, 213, 221, and 242 are amended to read as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 207 continues to read as follows:

Authority: 12 U.S.C. 1713 and 1715b; 42 U.S.C. 3535(d). Sections 207.258 and 207.258b are also issued under 12 U.S.C. 1701z–11(e).

2. Section 207.10 is revised to read as follows:

§ 207.10 Covenant for fire insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee, its successors and assigns.

3. Paragraph (e) of § 207.260 is revised to read as follows:

§ 207.260 Protection of mortgage security.

* * * * *

(e) *Application of insurance proceeds.* (1) In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the mortgagee has received the proceeds therefrom, it may exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing, or rebuilding of the premises. It may not make other disposition of such proceeds, without the prior written approval of the Commissioner.

(2) If the proceeds are applied to the mortgage with such prior written approval and result in the payment in full of the entire mortgage indebtedness, the contract of mortgage insurance made with the Commissioner shall thereupon terminate.

(3) If the Commissioner shall fail to give his approval to the use or application of such funds within 60 days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

4. The authority citation for 24 CFR part 213 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715e; 42 U.S.C. 3535(d).

5. Section 213.13 is revised to read as follows:

§ 213.13 Covenant for fire insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee, its successors and assigns.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

6. The authority citation for 24 CFR part 221 is revised to read as follows:

Authority: 12 U.S.C. 1715b and 1715l; 42 U.S.C. 3535(d); sec. 221.544(a)(3) is also issued under 12 U.S.C. 1707(a).

7. Section 221.521 is revised to read as follows:

§ 221.521 Covenant for fire insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee, its successors and assigns.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

8. The authority citation for 24 CFR part 242 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715n(f), 1715z-7; 42 U.S.C. 3535(d).

9. Section 242.43 is revised to read as follows:

§ 242.43 Covenant for fire insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee, its successors and assigns.

Dated: June 9, 1994.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 94-14744 Filed 6-16-94; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 515

Cuban Assets Control Regulations; Flight Times; Civil Penalties

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: This rule amends the Cuban Assets Control Regulations to eliminate the requirement that planes flying between Cuba and the United States arrive and depart during the normal business hours of the U.S. Customs Service. In addition, an interpretive section is removed. The regulatory section on civil penalty authority is expanded to include references to the Cuban Democracy Act, and a regulatory reference is corrected.

EFFECTIVE DATE: June 13, 1994.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing (tel.: 202/622-2480), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability:

This document is available as an electronic file on *The Federal Bulletin Board* the day of the publication in the **Federal Register**. By modem dial 202/512-1387 or call 202/515-1530 for disks or paper copies. This file is available in Postscript, WordPerfect 5.1 and ASCII.

Background

The Office of Foreign Assets Control is amending the Cuban Assets Control Regulations, 31 C.F.R. part 515 (the "Regulations"), to eliminate the requirement that the arrival and departure of planes providing travel between Cuba and the United States occur during the normal business hours of the U.S. Customs Service. This change is being effected to allow greater flexibility in arranging for authorized flights to Cuba. In addition, the Regulations are being amended to add references to the Cuban Democracy Act, 22 U.S.C. 6001-6010, and to correct an error in § 515.701. Section 515.417 is removed.

Because this rule involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601-612, does not apply.

List of Subjects in 31 CFR Part 515

Administrative practice and procedure, Air carriers, Communist countries, Cuba, Currency, Exports, Fines and penalties, Foreign investment in the United States, Foreign trade, Imports, Informational materials, Publications, Reporting and recordkeeping requirments, Securities, Shipping, Travel and transportation expenses, Travel restrictions, Trusts and estates, Vessels

PART 515—CUBAN ASSETS CONTROL REGULATIONS

For the reasons set forth in the preamble, 31 CFR part 515 is amended as set forth below:

1. The authority citation for part 515 is revised to read as follows:

Authority: 50 U.S.C. App. 1-44; 22 U.S.C. 6001-6010; 22 U.S.C. 2370(a); Proc. 3447, 3 CFR, 1959-1963 Comp., p. 157; E.O. 9193, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 3 CFR, 1943-1948 Comp., p. 748; E.O. 12854, 58 FR 36587, July 7, 1993.

Subpart D—Interpretations

§ 515.417 [Removed]

2. Section 515.417 is removed and reserved.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 515.566 [Amended]

3. In § 515.566, paragraph (f) is removed.

Subpart G—Penalties

4. Section 515.701 is amended by revising paragraphs (a)(4) and (5), adding paragraph (a)(6), redesignating paragraph (b) as paragraph (c), and adding paragraph (b) to read as follows:

§ 515.701 Penalties.

(a) * * *

(4) Any property, funds, securities, paper, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a civil penalty issued pursuant to paragraph (a)(3) of this section shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

(5) The penalties described in paragraphs (a)(3) and (4) of this section may not be imposed for:

(i) newsgathering, research, or the export or import of, or transmission of information or informational materials; or

(ii) for clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

Persons who engage in prohibited transactions related to the activities described in this paragraph may be subject to criminal penalties or other penalties as appropriate.

(6) The penalties provided in the Trading with the Enemy Act are subject to increase pursuant to 18 U.S.C. 3571.

(b) Attention is directed to 22 U.S.C. 6009, which provides that penalties set forth in section 16 of the Trading with the Enemy Act shall apply to violations of the Cuban Democracy Act to the same extent that such penalties apply to violations of the Trading with the Enemy Act.

(c) * * *

5.Section 515.702 is amended by revising paragraph (a) to read as follows:

§ 515.702 Prepenalty Notice.

(a) When required: If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Trading with the Enemy Act or the Cuban Democracy Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty and/or forfeiture. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

* * * * *

Dated: May 31, 1994

Steven I. Pinter,

Acting Director, Office of Foreign Assets Control.

Approved: June 3, 1994

R. Richard Newcomb,

Acting Deputy Assistant Secretary (Law Enforcement).

[FR Doc. 94-14727 Filed 6-13-94; 4:33 pm]

BILLING CODE 4810-25-F

Office of Foreign Assets Control

31 CFR Part 550

Libyan Sanctions Regulations; Definition of "Government of Libya"

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: This rule amends the Libyan Sanctions Regulations to remove from the definition of "Government of Libya" a provision stating that an entity will not be deemed a part of that government solely because it is located in, organized under the laws of, or has its principal place of business in, Libya, and to make an additional change to the definition.

EFFECTIVE DATE: June 17, 1994.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing, tel.: 202/622-2480, or William B. Hoffman, Chief Counsel, tel.: 202/622-2410, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem dial 202/512-1387 or call 202/512-1530 for disks or paper copies. This file is available in Postscript, WordPerfect 5.1 and ASCII.

Background

This rule amends the Libyan Sanctions Regulations, 31 CFR part 550 (the "Regulations"), to remove paragraph (b) from § 550.304, the definition of the term "Government of Libya." Paragraph (b) of § 550.304 provided that a partnership, association, corporation, or other organization shall not be deemed to be within the term "Government of Libya" solely by reason of being located in, organized under the laws of, or having its principal place of business in, Libya.

In addition, former paragraph (a)(2) is revised to remove the word "substantially," which was used to describe the extent of Libyan government control of an entity required to qualify that entity as a part of the Government of Libya, and to add the words "directly or indirectly" to describe the nature of the governmental control.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601-612, does not apply.

List of Subjects in 31 CFR Part 550

Adminstrative practice and procedure, Banks, Banking, Blocking of assets, Exports, Foreign investment, Foreign trade, Government of Libya, Imports, Libya, Loans, Penalties, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Travel restrictions.

For the reasons set forth in the preamble, 31 CFR part 550 is amended as set forth below:

PART 550—LIBYAN SANCTIONS REGULATIONS

1. The authority citation for part 550 continues to read as follows:

Authority: 50 U.S.C. 1701-1706; 50 U.S.C. 1601-1651; 22 U.S.C. 287c; 49 U.S.C. App. 1514; 22 U.S.C. 2349aa-8 and 2349aa-9; 3 U.S.C. 301; E.O. 12543, 3 CFR, 1986 Comp., p. 181; E.O. 12544, 3 CFR, 1986 Comp., p. 183; E.O. 12801, 3 CFR, 1992 Comp., p. 294.

Subpart C—Definitions

2. Section 550.304 is revised to read as follows:

§ 550.304 Government of Libya.

The term *Government of Libya* includes:

(a) The state and the Government of Libya, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Libya;

(b) Any partnership, association, corporation, or other organization owned or controlled directly or indirectly by the foregoing;

(c) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing;

(d) Any other person or organization determined by the Secretary of the Treasury to be included within this section.

Dated: May 31, 1994

Steven I. Pinter,

Acting Director, Office of Foreign Assets Control.

Approved: June 3, 1994

R. Richard Newcomb,

Acting Deputy Assistant Secretary (Law Enforcement).

[FR Doc. 94-14726 Filed 6-13-94; 4:33 pm]

BILLING CODE 4810-25-F

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 552

Prohibited Personnel Practices on the Installation of Fort Jackson, SC

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This action establishes 32 CFR part 552, subpart L, Personnel—Prohibited Practices and authenticates Fort Jackson Regulation 600-3, printed in the **Federal Register** as a proposed rule on 29 July 1993 (58 FR 40611). This subpart establishes prohibited practices on the installation of Fort Jackson, South Carolina. These prohibited practices apply to all persons as signed to, attached to, or present on the installation of Fort Jackson, South Carolina. Prohibited practices listed in this part are not all inclusive.

EFFECTIVE DATE: This final rule is effective June 17, 1994.

ADDRESSES: Commander, U.S. Army Training Center and Fort Jackson, Office of the Staff Judge Advocate, Fort Jackson, SC 29207-5000.

FOR FURTHER INFORMATION CONTACT: CPT Thomas M. Gagne, Trial Counsel, telephone: (803) 751-6848.

SUPPLEMENTARY INFORMATION: This part does not list all activities or practices prohibited on the installation of Fort Jackson, South Carolina. Various other Army and Fort Jackson regulations specifically prohibit other activities or practices. See Appendix A to this subpart.

Executive Order 12291

This rule is not affected by Executive Order 12291.

Regulatory Flexibility Act

The Regulatory Flexibility Act has no bearing on this rule.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 32 CFR Part 552

Military personnel, government employees.

Accordingly, 32 CFR part 552, subpart L is added to read as follows:

PART 552—SUBPART L—PROHIBITED PERSONNEL PRACTICES ON THE INSTALLATION OF FORT JACKSON, SOUTH CAROLINA

Authority: 10 U.S. Code, Ch. 47, 21 U.S. Code 801, *et seq.*

Subpart L—Prohibited Personnel Practices on the Installation of Fort Jackson, SC

§ 552.150 Purpose.

This part is punitive in nature and applies to all persons assigned to, attached to, or present on the installation of Fort Jackson, South Carolina. A violation of, attempted violation of, or solicitation or conspiracy to violate any provision of this part provides the basis for criminal prosecution under the Uniform Code of Military Justice, applicable Federal Law, other regulations, and/or adverse administrative action. Civilian visitors may be barred from the installation of Fort Jackson and prosecuted under appropriate Federal laws. The enumeration of prohibited activities in this part is not intended to preclude prosecution under other provisions of law or regulation.

§ 552.151 Scope.

This part does not list all activities or practices prohibited on the installation of Fort Jackson, South Carolina. Various other Army and Fort Jackson regulations specifically prohibit other activities or practices. See Appendix A to this subpart.

§ 552.152 Prohibited practices.

The following activities are prohibited:

(a) The possession, delivery, sale, transfer, or introduction into the installation of Fort Jackson of any device, instrument or paraphernalia designed or reasonably intended for use in introducing into the human body a controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. 801, *et seq.*, is prohibited.

(b) Unless an exception is approved by the Chief of Staff or a Major Subordinate Commander for a special occasion, consumption of alcoholic beverages, or the possession of an open container thereof, is prohibited under the circumstances listed in this section. For the purpose of this part, an "alcoholic beverage" is any liquid beverage containing any amount of ethyl alcohol, including wines, malt beverages and distilled spirits.

(1) By military personnel in uniform during duty hours (0730-1630).

(2) By military personnel during their assigned duty hours when different than those in paragraph (b)(1) of this section.

(3) By civilian employees during their assigned duty hours. Lunch time is not considered duty time for civilian employees.

(4) By civilian or military personnel in places of duty.

(5) By any person in a public place, except: in the Twin Lakes and Weston Lake Recreational Areas, in the immediate vicinity of Oyster Point (Officers' Club), at installation club facilities governed by section II of AR 215-2, and at Army/Air Force Exchange Service (AAFES) eating establishments which serve alcoholic beverages for on-premises consumption.

(6) By any person in any Fort Jackson parking lot or parking area, to include the Burger King parking lot and all parking lots of AAFES facilities and installation club facilities.

(c) The presence of any person in a training area or of any permanent party soldier or civilian employee in a trainee/receptee billeting area while impaired by alcoholic beverages or illegal drugs is prohibited. For the purpose of this part, "Impaired by alcoholic beverages" for military personnel is defined as having a blood alcohol level of .05 percent (.05 is equivalent to 55 milligrams of alcohol per 100 milliliters of blood) or more.

(d) Privately Owned Firearms and Ammunition. For the purpose of this part, a "firearm" means any device which is designed to or readily may be converted to expel a projectile by the action of an explosive. Air/pellet guns, BB guns and bows are subject to all of the provisions of this paragraph except paragraph (d)(1) of this section.

(1) It is prohibited for persons residing on the installation to fail to register privately owned firearms with their unit commander.

(2) Storage of privately owned firearms in the barracks is prohibited. For the purposes of this part, "barracks" does not include BOQs or SBEQs.

(3) It is prohibited to store privately owned firearms in BOQs, SBEQs, or family quarters unless the firearm is unloaded, ammunition is stored

separately from the firearm in a locked container, and one of the following methods for firearms storage is employed: by using a trigger locking device, by storing the firearm in a locked container, by removing the firing pin from the firearm and storing the firing pin in a locked container, or by disassembling the firearm and storing the disassembled parts in separate places. For the purposes of this part a "locked container" and a "locking device" mean locked containers and locking devices the keys to which are stored in a place not assessable to persons under 18 years of age.

(4) It is prohibited to carry on one's person any privately owned firearm in a public place on the installation of Fort Jackson unless participating in an authorized sporting activity or hunting in accordance with applicable regulations.

(5) In addition to the requirements of paragraph (d)(4) of this section, a person under 18 years of age is prohibited from carrying on his or her person a firearm outside the presence of a responsible adult.

(6) Carrying a concealed firearm on one's person, except by military, state and Federal law enforcement authorities in the performance of their duties, is prohibited.

(7) It is prohibited to transport in a vehicle any privately owned firearm except in a manner prescribed by the laws of South Carolina.

(8) It is prohibited to carry on one's person or transport in a vehicle any privately owned firearm within the Weston Lakes and Twin Lakes Recreation areas.

(e) Weapons Other Than Privately Owned Firearms. The possession of the following privately owned weapons or devices is prohibited:

(1) Any knife having a switchblade or automatic blade.

(2) Brass knuckles or similar devices.

(3) Blackjacks, saps, nunchaku and similar devices. As exceptions, nunchucks may be possessed for bona fide educational instruction or competition in a recognized martial arts program and may be carried and transported directly to and from educational and competitive martial arts events.

(4) When carried on one's person in an unconcealed manner, knives with blades in excess of three inches in length except while engaged in authorized hunting, fishing, camping or other outdoor recreational activities, or when required by duty purposes.

(5) When carried on one's person in a concealed manner, knives with blades in excess of three inches, razors and ice picks.

(f) The charging of a usurious interest rate, defined as a rate exceeding thirty-six (36) percent per annum or three (3) percent per month, for the loan of money or for the extension of credit, is prohibited.

(g) Sexual intercourse or any indecent, lewd or lascivious act in any office, barracks, training area, duty location, parking lot, public recreation area or public place is prohibited.

(h) Relationships between service members of different rank or sex which involve or reasonably give the appearance of partiality, preferential treatment, the improper use of rank or position for any personal gain, or which can otherwise be reasonably expected to undermine discipline, authority or morale, are prohibited.

(i) Being present in any "off-limits" or "limited access" areas, except as authorized in Fort Jackson Regulation 190–3, is prohibited (See Appendix A to this subpart).

(j) Use of a metal detector for other than official purposes is prohibited.

(k) When directed to do so by the Military Police, failure to relinquish possession or control to the Military Police of abandoned property found on the installation is prohibited.

(l) Scavenging in or removal of waste items or recyclable materials from dumpsters, garbage cans, outdoor trash receptacles, recycling collection points, or landfill areas is prohibited, except for official purposes. This part does not prohibit persons from collecting and disposing of scattered litter, including aluminum cans, from roadsides, parking lots and recreation areas.

(m) It is prohibited for military personnel to engage in outside employment of any nature, including ownership or operation of a private business, without the prior written approval of their commander. Soldiers reassigned or reattached from one Fort Jackson unit to another Fort Jackson unit must obtain approval for continued employment from the gaining commander within 30 days of reassignment.

(n) Except as authorized by the Installation Commander, Chief of Staff or a Major Subordinate Commander, the use of radios, stereos, tape players, compact disk players or any other similar electronic sound generating or amplification source, including equipment installed or located in motor vehicles, in a manner that can be heard more than 125 feet from the source, is prohibited. This paragraph does not apply to law enforcement or emergency vehicles, or safety warning devices.

(o) Loitering in any public place on Fort Jackson, to include all parking lots, is prohibited. Loitering is defined as remaining idle in essentially one location, spending time idly, loafing, or walking around without a purpose in a public place in such a manner as to create a disturbance or annoyance to the comfort of any person, create a danger of a breach of the peace, obstruct or interfere with any person lawfully in any public place, or obstruct or hinder the free passage of vehicles or pedestrians. Any person loitering as defined above in any public place may be ordered by a law enforcement officer to leave that place or the Fort Jackson military reservation.

§ 552.153 Dissemination.

(a) Unit commanders and supervisors shall ensure that newly assigned or attached military and civilian personnel are informed of the prohibitions contained in this regulation. Soldiers-in-training will be informed of the provisions of this regulation at the beginning of each training cycle.

(b) All permanent party personnel and civilian employees will be reminded annually of their duty to comply with this part.

Appendix A to Subpart L—Partial List of Other Publications Applicable on Fort Jackson Which List Prohibited Practices

These publications are available for inspection at the Office of the Staff Judge Advocate, Fort Jackson, SC 29207–5000.

1. Distribution of Written Materials on the Installation—Fort Jackson Supplement 1 to AR 210–10.
2. Demonstrations, Pickets, Sit-ins, etc.—Fort Jackson Supplement 1 to AR 210–10.
3. Standards of Ethical Conduct for Employees of the Executive Branch, 5 Code of Federal Regulations, Part 2635.
4. Improper Associations—Fort Jackson Regulation 600–5.
5. Mistreatment of Soldiers-in-Training—Fort Jackson Regulation 350–1.
6. Participation in Military Labor Unions—Army Regulation 600–20.
7. Traffic Violations—Fort Jackson Regulation 190–5.
8. Areas of Access—Fort Jackson Regulation 190–3.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 94–13947 Filed 6–16–94; 8:45am]

BILLING CODE 3710–08–M