

§ 9.4 Criteria.

(a) The official permitting use of Department facilities must determine that it would be consistent with the programs of his activity to participate. Facilities may be made available provided the use of such facilities will be of direct benefit to the objectives of the academic scientist, or engineer, or student, with the prospect of fruitful interchange of ideas and information between Department personnel and the academic scientist, or engineer, or student, and such use will not interfere with the Department program.

(b) The official permitting use of Department facilities will furnish the non-Government user with safety requirements or operating procedures to be followed. Such requirements or procedures are to include the requirement to report to the permitting official any accident involving the non-Government user.

(c) The official delegated authority for approving the use of Department facilities will not permit the use of laboratory facilities unless he determines:

(1) That facilities are available for the period desired; and

(2) That the proposed research will not interfere with regular Department functions or needs, nor require the subsequent acquisition of additional equipment by the Department.

§ 9.5 Restrictions.

(a) Each individual authorized to use Department facilities will be expected to use the facilities and equipment with customary care and otherwise conduct himself in such manner as to complete his research or study within any time limits prescribed.

(b) Each individual authorized to use HHS facilities may not be authorized to sign requisitions for supplies and equipment.

(c) Any official approving the use of HHS facilities should seek an agreement, executed by non-Government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to the non-Government user's experiments or equipment. The agreement must also contain a statement that the non-Government user will comply with all safe-

ty regulations and procedures while using such facilities.

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR PUBLIC HEALTH PURPOSES

Sec.

- 12.1 Definitions.
- 12.2 Scope.
- 12.3 General policies.
- 12.4 Limitations.
- 12.5 Awards.
- 12.6 Notice of available property.
- 12.7 Applications for surplus real property.
- 12.8 Assignment of surplus real property.
- 12.9 General disposal terms and conditions.
- 12.10 Compliance with the National Environmental Policy Act of 1969 and other related Acts (environmental impact).
- 12.11 Special terms and conditions.
- 12.12 Utilization.
- 12.13 Form of conveyance.
- 12.14 Compliance inspections and reports.
- 12.15 Reports to Congress.

EXHIBIT A TO PART 12—PUBLIC BENEFIT ALLOWANCE FOR TRANSFER OF REAL PROPERTY FOR HEALTH PURPOSES

AUTHORITY: Sec. 203, 63 Stat. 385, as amended; 40 U.S.C. 484; sec. 501 of Pub. L. 100-77, 101 Stat. 509-10, 42 U.S.C. 11411.

SOURCE: 45 FR 72173, Oct. 31, 1980, unless otherwise noted.

§ 12.1 Definitions.

(a) *Act* means the Federal Property and Administrative Services Act of 1949, 63 Stat. 377 (40 U.S.C. 471 *et seq.*). Terms defined in the Act and not defined in this section have the meanings given to them in the Act.

(b) *Accredited* means having the approval of a recognized accreditation board or association on a regional, State, or national level, such as a State Board of Health. *Approval* as used above describes the formal process carried out by State Agencies and institutions in determining that health organizations or programs meet minimum acceptance standards.

(c) *Administrator* means the Administrator of General Services.

(d) *Assigned property* means real and related personal property which, in the discretion of the Administrator or his designee, has been made available to the Department for transfer for public health purposes.