

UNITED STATES
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'94 APR -4 P3 25

IN THE MATTER OF)
HARTSELL S. PHILLIPS)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

IA 94-001

REQUEST FOR HEARING AND
ANSWER OF HARTSELL D. PHILLIPS

I. REQUEST FOR HEARING

Hartsell D. Phillips ("Mr. Phillips") hereby moves the United States Nuclear Regulatory Commission ("NRC") for a hearing on the "Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)" ("Order") dated March 10, 1994, by Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, on the grounds that the Order is not based on adequate evidence but on mere suspicion, unfounded allegations or error. In further support, Mr. Phillips states that there was not an adequate investigation of the practices and procedures utilized at Logan General Hospital, Logan, West Virginia, based upon the following reasons:

1. Mr. Phillips is not the sole responsible party for the Nuclear Medicine Facility at Logan General Hospital; yet, he is identified by the NRC as the responsible individual for the alleged findings in the Order.

2. Mr. Phillips was under doctor's care for extreme emotional stress due to the directions and demands of Logan General Hospital for him to increase the number of tests in the Nuclear Medicine Facility. Mr. Phillips could not formulate the necessary

intent to engage in deliberate misconduct in the administration of the Facility.

3. Logan General Hospital failed to provide Nuclear Medicine Technologists despite numerous requests from Mr. Phillips.

4. Logan General Hospital threatened Mr. Phillips with termination of his employment if he did not administer the Nuclear Medicine Facility as directed, which activities may have resulted in violations as identified (but not admitted by Mr. Phillips) in the NRC's Order of March 10, 1994.

5. Mr. Phillips informed Logan General Hospital of administrative and technological deficiencies with respect to NRC's rules and regulations, but Logan General Hospital, with full knowledge of such deficiencies, instructed Mr. Phillips to proceed as directed by Logan General Hospital, which procedures may have been in violation of rules and regulations of the NRC.

WHEREFORE, Mr. Phillips respectfully requests that the Order be relaxed or rescinded incident to Mr. Phillips's termination of employment from Logan General Hospital upon the representation that he will not engage in the practice of Nuclear Regulatory Medicine for Logan General Hospital.

II. ANSWER OF HARTSELL D. PHILLIPS

For his Verified Answer to the NRC's Order, Mr. Phillips states the following:

1. In response to Section I of the Order, Mr. Phillips admits the allegations referenced that:

- a. Logan General Hospital holds License No. 47-19919-01 issued by the NRC pursuant to 10 CFR Parts 30 and 35, which license authorized possession and use of byproduct material in accordance with the conditions specified therein.
- b. He was removed as Chairman of the Radiation Safety Committee on January 1, 1994, and removed as Radiation Safety Officer on February 18, 1994.

2. In further response to Section I of the Order,

Mr. Phillips denies the allegations referenced that:

- a. He is employed by Logan General Hospital, Logan, West Virginia.
- b. He has been employed by Logan General Hospital since approximately June 1991 as the Chief Technologist, Radiation Safety Officer, and Chairman of Radiation Safety Committee with responsibilities involving compliance with NRC requirements for radiation protection.

3. In further response to Section I of the Order, Mr. Phillips is without knowledge or information sufficient to form a belief as to the truth of the allegations that "[o]n February 22, 1994, the Licensee informed the NRC that it had suspended, subject to termination, Mr. Phillips on February 18, 1994, based on information the Licensee had received through interviews with its staff and other information developed by the Licensee."

4. In response to the first paragraph of Section II of the Order, Mr. Phillips states that:

a. He is without knowledge or information sufficient to form a belief as to the truth of the allegations that "[o]n December 7-8, 1993, an NRC inspection was conducted at the Licensee's facility in Logan, West Virginia. As a result of information developed during that inspection, an investigation by the Office of Investigations (OI) was initiated in January 1994."

b. He declines to answer at this time the remaining allegations contained in the first paragraph of Section II of the Order.

5. In response to the second paragraph of Section II of the Order, Mr. Phillips states that:

a. He is without knowledge or information sufficient to form a belief as to the truth of the allegations that "[t]he investigation also revealed that Mr. Phillips specifically instructed one nuclear medicine technologist to deny having falsified records and advised others to be untruthful when questioned by NRC inspectors."

b. He declines to answer at this time the remaining allegations contained in the second paragraph of Section II of the Order.

6. In response to the first paragraph of Section III of the Order, Mr. Phillips states that.

a. He declines to answer at this time the allegations that he "also deliberately provided NRC inspectors information he knew to be inaccurate which was material to the NRC, also in violation of 10 CFR 30.10, which caused the Licensee to be in violation of 10 CFR 30.9.

b. He denies the remaining allegations contained in the first paragraph of Section III of the Order.

7. In response to the second paragraph of Section III of the Order, Mr. Phillips:

a. Denies that he was "engaged in deliberate misconduct, a violation of 10 CFR 30.10(a)(1), causing the Licensee to be in violation of NRC requirements . . . and submitted to the NRC information he knew to be incomplete or inaccurate, a violation of 10 CFR 30.10(a)(2).

b. Neither admits nor denies the remaining text contained in the second paragraph of Section III of the Order; such text being conclusory statements which do not require a response by Mr. Phillips.

8. In response to the third paragraph of Section III of the Order, Mr. Phillips states that he neither admits nor denies the text contained in this paragraph; such text being editorial

conclusionary statements which do not require a response by Mr. Phillips.

9. In response to the fourth paragraph of Section III of the Order, Mr. Phillips objects to the findings contained therein.

10. In response to the remaining Sections of the Order following Section III, Mr. Phillips hereby submits this "Request for Hearing and Answer of Hartsell S. Phillips" to the NRC to show good cause why the NRC's Order dated March 10, 1994, should be relaxed or rescinded.

WHEREFORE, Mr. Phillips respectfully requests that the Order be relaxed or rescinded incident to Mr. Phillips's termination of employment from Logan General Hospital upon the representation that he will not engage in the practice of Nuclear Regulatory Medicine for Logan General Hospital; and that a hearing be scheduled on the grounds that the NRC's Order dated March 10, 1994, is not based on adequate evidence but on mere suspicion, unfounded allegations or error.

HARTSELL S. PHILLIPS

By SPILMAN, THOMAS & BATTLE

Charles L. Woody

Charles L. Woody
P. O. Box 273
Charleston, WV 25321-0273
(304) 340-3800

VERIFICATION

STATE OF West Virginia,

COUNTY OF Logan, To-wit:

HARTSELL S. PHILLIPS, being first duly sworn, deposes and says that the information contained in the foregoing "Request for Hearing and Answer of Hartsell S. Phillips" is true except as it is therein stated to be upon information and belief, and insofar as it is therein stated to be upon information and belief, he believes it to be true.

H. S. Phillips
HARTSELL S. PHILLIPS

Subscribed and sworn to before me this 30th day of March, 1994.

My Commission expires October 8, 1995.

NOTARY PUBLIC
PAMELA J. MATHEIS
1125 - AIRFIELD DR.
MARTINSBURG, WV 25143

Pamela J. Matheis
NOTARY PUBLIC

94 APR -4 P3:26

CERTIFICATE OF SERVICE

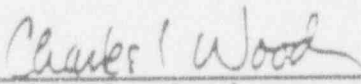
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

I, Charles L. Woody, do hereby certify that service of the foregoing "Request for Hearing and Answer of Hartsell S. Phillips" has been made upon the following parties by placing a true copy thereof in an envelope deposited in the regular course of the United States Mail, with postage prepaid, on this 30th day of March, 1994, addressed as follows:

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Assistant General Counsel for
Hearings and Enforcement
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Regional Administrator, NRC Region II
101 Marietta Street, NW, Suite 2900
Atlanta, GA 30323



Charles L. Woody

Licensee has instituted procedures to ensure that each survey is observed by the Department Head or designee.

Given the deliberate nature of Mr. Headley's conduct over an extensive period of time, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected, if Mr. Headley were permitted at this time to become involved in licensed activities, other than those licensed activities performed at Morgan County Memorial Hospital, without providing specific notice to the NRC and the employing licensee as described above. Therefore, the public health, safety, and interest require that Mr. Headley be required to: (1) Provide a copy of this Order to any employer or prospective employer, other than Morgan County Community Hospital, engaged in licensed activities to assure that such employer is aware of Mr. Headley's previous history, and (2) notify the NRC of any involvement in licensed activities, other than those conducted at Morgan County Memorial Hospital, to assure that the NRC can continue to monitor the status of Mr. Headley's compliance with the Commission's requirements. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the conduct described above is such that the public health, safety, and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81, 151b, 151c, 151i, 151j, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 10.10, it is hereby ordered, effective immediately, that:

1. Should William K. Headley seek employment involving NRC-licensed activities during the two year period from the date of this Order, Mr. Headley shall provide a copy of this Order to the prospective employer at the time that Mr. Headley is soliciting or negotiating employment so that the person is aware of the Order prior to making an employment decision.

2. For a two year period from the date of this Order, William K. Headley shall, within 10 business days of his acceptance of an employment offer involving NRC-licensed activities, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer.

3. If William K. Headley is currently involved in NRC-licensed activities at any employer other than Morgan County Community Hospital, Mr. Headley shall, within 30 days of the date of this Order, provide a copy of this Order to any such employer and provide notice to the Director, Office of Enforcement, at the address in 2. above, of the name, address, and telephone number of any such employer.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstrations by Mr. Headley of good cause.

V

In accordance with 10 CFR 2.202, William K. Headley must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which William K. Headley or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, and to William K. Headley if the answer or hearing request is by a person other than William K. Headley. If a person other than William K. Headley requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by William K. Headley or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), William K. Headley, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission,

Dated at Rockville, Maryland this 14th day of March 1994.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Security and Operations Support.

[FR Doc. 94-6558 Filed 3-18-94; 8:45 am]

BILLING CODE 7590-01-01

[A 94-001]

In the Matter of Hartsell S. Phillips,
Order Prohibiting Involvement in NRC-
Licensed Activities (Effective
Immediately)

I

Hartsell S. Phillips is employed by Logan General Hospital, Logan, West Virginia. Logan General Hospital (Licensee) holds License No. 47-19919-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 35. The license authorizes possession and use of byproduct material in accordance with the conditions specified therein. Mr. Phillips has been employed by the Licensee since approximately June 1991 as the Chief technologist, Radiation Safety Officer (RSO), and Chairman of Radiation Safety Committee with responsibilities involving compliance with NRC requirements for radiation protection. Mr. Phillips was removed as Chairman of the Radiation Safety Committee on January 1, 1994, and removed as RSO on February 18, 1994. On February 22, 1994, the Licensee informed the NRC that it has suspended, subject to termination, Mr. Phillips on February 18, 1994, based on information the Licensee had received through interviews with its staff and other information developed by the Licensee.

II

On December 7-8, 1993, an NRC inspection was conducted at the Licensee's facility in Logan, West Virginia. As a result of information developed during that inspection, an investigation by the Office of Investigations (OI) was initiated in January 1994. Although this investigation is continuing, OI interviews of Licensee personnel and review of documents provided by OI reveal that nuclear medicine technologists under Mr. Phillips' supervision and at his direction, and Mr. Phillips himself, deliberately increased radiopharmaceutical dosages administered to patients above the dosages prescribed by the authorized user and set forth in the Licensee's procedures manual, and falsified the dosage records of those patients by making them appear as if the prescribed dosages had been administered. The OI interviews indicate that this practice of increasing dosages and of falsifying records continued for an extended period of time. The exact number of patients affected is not clear, but involved numerous administrations.

In addition, Mr. Phillips falsified records and directed nuclear medicine technologists under his supervision to falsify records relating to: training of nuclear medicine technologists, required by 10 CFR 19.12; daily dose calibrator constancy checks, required by 10 CFR 35.50(b)(1); daily and weekly surveys in nuclear medicine areas, required by 10 CFR 35.70 (a), (b), and (c); and surveys related to the receipt and shipment of licensed material, required by 10 CFR 20.205(d) and License Condition 16. Specifically, these records indicated that the training, checks and surveys had been performed when in fact they had not been performed. The records falsification occurred for an extended period of time and may have been as long as 15 months during 1992 and 1993, and involved the falsification of records for surveys and training in nuclear medicine required during this period of time. The investigation also revealed that Mr. Phillips specifically instructed one nuclear medicine technologist to deny having falsified records and advised others to be untruthful when questioned by NRC inspectors.

III

Although the NRC investigation is continuing, based on the above, Mr. Phillips engaged in deliberate misconduct, a violation of 10 CFR 30.10, which caused the Licensee to be in violation of a number of NRC

requirements including: (1) Administration of radiopharmaceutical doses that differed from the prescribed doses, required by 10 CFR 35.25 and License Condition 16; (2) failure to provide training to nuclear medicine technologists, required by 10 CFR 19.12; (3) failure to perform the daily constancy checks of the doses calibrator, required by 10 CFR 35.50(b)(1); (4) failure to perform the required daily and weekly contamination and radiation surveys, required by 10 CFR 35.70 (a), (b), and (c); (5) failure to perform the required surveys for radioactive material receipt, required by 10 CFR 20.205(d) and License Condition 16; and (6) failure to maintain accurate and complete records involving NRC-licensed activities (i.e., records of dose calibrator constancy checks (10 CFR 35.50(e)), radiation and contamination surveys (10 CFR 35.70 (a), (b), and (c)), and 10 CFR 20.401 (b) and (c)), required by 10 CFR 30.9. Mr. Phillips also deliberately provided NRC inspectors information he knew to be inaccurate which was material to the NRC, also in violation of 10 CFR 30.10, which caused the Licensee to be in violation of 10 CFR 30.9.

As the RSO for the Licensee, Mr. Phillips was responsible, pursuant to 10 CFR 35.21(a), for ensuring that radiation safety activities were being performed in accordance with approved procedures and regulatory requirements, including the administration of radiopharmaceuticals, performance of required surveys, and keeping of required records which evidence compliance with Commission requirements. The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to provide information and maintain records that are complete and accurate in all material respects. Mr. Phillips engaged in deliberate misconduct, a violation of 10 CFR 30.10(a)(1), causing the Licensee to be in violation of NRC requirements, as noted above, and submitted to the NRC information he knew to be incomplete or inaccurate, a violation of 10 CFR 30.10(a)(2).

Mr. Phillips' deliberate misconduct has raised serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC. In addition, Mr. Phillips' deliberate misconduct caused this Licensee to violate numerous Commission requirements and his deliberate false statements to Commission officials demonstrate conduct that cannot, and will not, be tolerated.

Consequently, in light of the numerous violations caused by Mr. Phillips' conduct, the length of time the noncompliances existed, and the deliberate nature of Mr. Phillips' actions, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public would be protected if Mr. Phillips were permitted at this time to be involved in any NRC-licensed activities. Therefore, the public health, safety and interest require, pending further action by the NRC, that Mr. Phillips be prohibited from involvement in licensed activities. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to Sections 81, 103, 161b, 161c, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, IT IS HEREBY ORDERED, effective immediately, that:

Pending further action by the NRC, Hartsell S. Phillips is prohibited from participation in any respect in NRC-licensed activities. For the purposes of this paragraph, NRC-licensed activities include licensed activities of: (1) An NRC licensee, (2) an Agreement State licensee conducting licensed activities in NRC jurisdiction pursuant to 10 CFR 150.20, and (3) an Agreement State licensee involved in distribution of products that are subject to NRC jurisdiction.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Phillips of good cause.

V

In accordance with 10 CFR 2.202, Hartsell S. Phillips must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 30 days of the date of this Order. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Hartsell S. Phillips or other person adversely affected relies and the reasons why the Order should not have been issued. Any answer or request for hearing shall be submitted to

the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region II, Suite 2900, 101 Marietta Street, NW, Atlanta, Georgia 30323, and to Hartsell S. Phillips, if the answer or hearing request is by a person other than Hartsell S. Phillips. If a person other than Hartsell S. Phillips requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Hartsell S. Phillips or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Hartsell S. Phillips, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the same time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 10th day of March 1994.

For the Nuclear Regulatory Commission,
Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 94-6559 Filed 3-18-94; 8:45 am]
BILLING CODE 7500-01-01

RESOLUTION TRUST CORPORATION

Coastal Barrier Improvement Act;
Property Availability; Royal Palm Golf Estates, Collier County, FL; Summit Hill One, Bexar County, TX

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the properties known as Royal Palm Golf Estates, located near Naples, Collier County, Florida, and Summit Hill One, located near San Antonio, Bexar County, Texas, are affected by Section 10 of the Coastal Barrier Improvement Act of 1990 as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of all or any portion of these properties may be mailed or faxed to the RTC until June 20, 1994.

ADDRESSES: Copies of detailed descriptions of these properties, including maps, can be obtained from or are available for inspection by contacting the following person:

Royal Palm Golf Estates:

Mr. Bruce Dunning, Resolution Trust Corporation, Kansas City Field Office, 4900 Main Street, suite 200, Kansas City, MO 64112, (800) 365-3342; Fax (816) 561-6882

Summit Hill One:

Mr. Steven Reid, Resolution Trust Corporation, Dallas Field Office, 3500 Maple Avenue, Reverchon Plaza, suite 300, Dallas, TX 75219, (800) 782-4674; Fax (214) 443-6574

SUPPLEMENTARY INFORMATION: The Royal Palm Golf Estates property, also known as Naples Shores Country Club, is located along U.S. Highway 41 (Tamiami Trail) 5.3 miles southeast of SR-951 and 1.5 miles northwest of CR-92 near Naples, Florida. The site contains wetlands, habitat for the Federally-endangered Florida panther, and is adjacent to the Collier Seminole State Park. The Royal Palm Golf Estates property consists of approximately 170 acres of undeveloped land platted for a combination of residential, commercial, and agricultural uses.

The Summit Hill One Property is located approximately 10 miles southwest of San Antonio, Texas, at the northeast corner of the intersection of Interstate Loop 410 and Old Pearsall Road. The site is within the boundary of the Edwards Aquifer, a Sole Source Aquifer designated by the U.S. Environmental Protection Agency, and is adjacent to the Miller's Pond recreational area. The Summit Hill One property consists of approximately 61 acres of undeveloped land and has a slight slope downward from the southwest portion to the north and northwest portion of the property. These properties are covered properties within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101-591 (12 U.S.C. 1441a-3).

Written notice of serious interest in the purchase or other transfer of all or

any portion of these properties must be received on or before June 20, 1994 by the Resolution Trust Corporation at the appropriate address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;
2. Agencies or entities of State or local government; and
3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest must be submitted in the following form:

Notice of Serious Interest

Re: (insert name of property)
Federal Register Publication Date:

(insert Federal Register publication date)

1. Entity name.
2. Declaration of eligibility to submit Notice under criteria set forth in the Coastal Barrier Improvement Act of 1990, P.L. 101-591, section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)), including for qualified organizations a determination letter from the United States Internal Revenue Service regarding the organization's status under section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 170(h)(3)).
3. Brief description of proposed terms of purchase or other offer for all or any portion of the property (e.g., price, method of financing, expected closing date, etc.).
4. Declaration of entity that it intends to use the property for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes (12 U.S.C. 1441a-3(b)(4)), as provided in a clear written description of the purpose(s) to which the property will be put and the location and acreage of the area covered by each purpose(s) including a declaration of entity that it will accept the placement, by the RTC, of an easement or deed restriction on the property consistent with its intended conservation use(s) as stated in its notice of serious interest.
5. Authorized Representative (Name/Address/Telephone/Fax).

List of Subjects: Environmental protection.

Dated: March 14, 1994.
Resolution Trust Corporation,
William J. Tricardo,

Assistant Secretary.
[FR Doc. 94-6487 Filed 3-18-94; 8:45 am]
BILLING CODE 8714-01-01