

fers with attainment and maintenance of national ambient air quality standards. EPA believes that the need for such a demonstration is made explicit by the language of the *Train* case and by the requirements of Section 110(a)(3)(A) of the Clean Air Act. EPA's response to this comment and to all other comments of significance is contained in a separate document which may be obtained from or inspected at the EPA Public Information Reference Unit, Room 2922, Waterside Mall, Washington, D.C. 20460. The document is also available for public inspection in the libraries of the EPA regional offices.

The Agency believes that good cause exists for making this rulemaking immediately effective because such action will enable the States to begin submitting variances to EPA without unnecessary and further delay.

This Notice of Final Rulemaking is issued under the authority of Sections 110 and 301 of the Clean Air Act as amended, 42 U.S.C. 1857c-5 and 1857g.

Dated: April 29, 1976.

JOHN QUARLES,
Acting Administrator.

Part 51 of Title 40, Code of Federal Regulations, is amended as follows:

1. In § 51.1, paragraph (y) is added as follows:

§ 51.1 Definitions.

(y) "Variance" means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.

§ 51.11 [Amended]

2. In § 51.11, paragraph (g) is revoked.

§ 51.15 [Amended]

3. In § 51.15, paragraph (d) is revoked.

4. In § 51.32, paragraph (f) is revised to read as follows:

§ 51.32 Request for 1-year postponement.

(f) Notwithstanding the requirements of this section, a State's implementation plan may be revised in accordance with § 51.6 to permit a source to comply after the applicable attainment date with an emission limitation of that plan if such plan, as revised, continues to provide for attainment and maintenance of the national standards as provided in §§ 51.12, 51.13, and 51.14.

5. In Subpart C, § 51.34 is added as follows:

§ 51.34 Variances.

(a) In order to be considered for approval as a revision to the State implementation plan, a variance must be submitted by the State in accordance with the requirements of § 51.6.

Part 52 of Title 40, Code of Federal Regulations, is amended as follows:

§ 52.26 [Removed].

6. Section 52.26 is revoked.

§ 52.791 [Removed].

7. Section 52.791 is revoked.

[FR Doc. 76-13111 Filed 5-4-76; 8:45 am]

[PP6F1694/B39; PEL 633-5]

PART 180—TOLERANCE AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl S-[2-(Ethylthio)Ethyl]

Phosphorodithioate

On November 28, 1975, notice was given (40 FR 55381) that Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120, had filed a petition (PP6F1694) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.183 be amended by establishing a tolerance for residues of the insecticide O,O-Diethyl S-[2-(ethylthio)ethyl] Phosphorodithioate in or on the raw agricultural commodity peanut hulls at 0.3 part per million. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in eggs, milk, or the meat, fat, or meat byproducts of livestock as delineated in 180.6(a)(3). The tolerance established by amending 40 CFR 180.183 will protect the public health. Therefore, it is concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before June 4, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 5, 1976, Part 180, Subpart C, is amended by revising § 180.183 as set forth below.

Dated: April 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Section 180.183 is amended by revising the paragraph beginning "0.3 part per million . . ." to include a tolerance for peanut hulls.

§ 180.183 O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate; tolerances for residues.

0.3 part per million in or on coffee, corn grain including field corn and sweet corn (kernels plus cob with husk removed), peanut hulls, popcorn, sugarcane, and wheat grain.

[FR Doc. 76-12961 Filed 5-4-76; 8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1600—DEFINITIONS¹

Promulgation and Implementation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f ("the Act"). The Corporation is authorized to promulgate regulations implementing the purposes and provisions of the Act, and it has adopted some regulations, prepared others for public comment, and is preparing additional regulations for future proposal and adoption.

Part 1600 has been redesignated as a "Definitions" section, and when the regulations are complete will include every term that requires definition and is used with a uniform meaning in the regulations. When statutory context or Corporation policy requires that a term be given another meaning in a particular regulation, the special definition will be set forth therein. A uniform definition may also be repeated for convenient reference in a regulation where it is used. A term applicable only to a single regulation will be defined therein.

The following definitions appear in regulations that have been adopted, or proposed for publication thus far.

§ 1600.1 Definitions.

As used in these regulations, Chapter XVI, unless otherwise indicated, the term

"Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f.

"Appeal" means any appellate proceeding in a civil action as defined by law or usage in the jurisdiction in which the action is filed.

"Attorney" means a person who provides legal assistance to eligible clients and who is authorized to practice law in the jurisdiction where assistance is rendered.

"Corporation" means the Legal Services Corporation established under the Act.

¹ See FR Doc. 76-12960 infra.

"Director of a recipient" means a person directly employed by a recipient in executive capacity who has overall day-to-day responsibility for management of operations by a recipient.

"Eligible Client" means a person or group determined to be eligible for legal assistance under the Act.

"Employee" means a person employed by the Corporation or by a recipient.

"Fee Generating Case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

"Legal Assistance" means the provision of any legal services consistent with the purposes and provisions of the Act.

"Outside Practice of Law" means the provision of legal assistance to a client who is not entitled to receive legal assistance from the employer of the attorney rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluations.

"President" means the President of the Corporation or the President's designee.

"Public Funds" means funds received from a Federal, State, or local government, or any instrumentality of a government, or from an independent organization that expends funds received from a government.

"Recipient" means any grantee or contractor receiving financial assistance from the Corporation under Section 1006 (a) (1) (A) of the Act.

"Staff Attorney" means an attorney more than one half of whose annual professional income is received from a recipient that limits its activities to providing legal assistance to clients eligible for assistance under the Act.

"Tribal Funds" means funds received from an Indian tribe, or from a private foundation, for the benefit of an Indian tribe.

(Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996L.)

THOMAS EHRICH,

President,

Legal Services Corporation.

[FR Doc.76-12951 Filed 5-4-76; 8:45 am]

PART 1604—OUTSIDE PRACTICE OF LAW General Policy

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996L ("the Act"). Section 1007(a) (4), 42 U.S.C. 2996f(a) (4), provides that the Corporation shall issue guidelines concerning the outside practice of law by attorneys employed full time in legal assistance activities.

On March 12, 1976 (41 FR 10629) a proposed regulation on outside practice of law was published. Interested persons were given until April 11, 1976 to submit comments on the proposed regulation.

Comments submitted with respect to

the outside practice of law were given full consideration and the following issues were taken into account in re-drafting the regulation:

Purpose. Section 1007(a) (4) of the Act and its legislative history show that Congress contemplated that outside practice by legal services lawyers would be regulated by the Corporation. Some outside practice is both unavoidable and desirable, if a lawyer is to satisfy the legitimate demands made upon him or her as an officer of the Court and as a responsible participant in community life. At the same time, it is essential to insure that a legal services lawyer does not compete with lawyers in private practice, is not burdened by excessive court appointments, and does not undertake other professional commitments that might prevent the rendering of the highest quality full time legal assistance to eligible clients.

Definition. In response to comments received, a technical change was made in the definition of "outside practice" in Section 1604.2, to make clear that work done for a client, not eligible for services under the Act, who is a client of the attorney's employer, is not "outside practice". The change was necessary because some recipients receive funds from other sources for the purpose of serving a particular category of clients, e.g., the aged, who may not be eligible under the Act. In addition, the change permits the Corporation to make grants to, or contracts with, private law firms. Teaching, consulting, evaluating, and other similar activities are also excluded from the coverage of this Part.

Safeguards. Section 1604.3 prohibits outside practice if the director of a recipient has determined that such practice will interfere with the attorney's full time responsibilities. There are only two situations in which a recipient may permit an attorney to engage in compensated outside practice of law. If Section 1604.3 is satisfied, a newly employed attorney may conclude cases from a previous practice if he or she does so expeditiously; and an attorney may accept appointment under a court rule or practice of general applicability. Uncompensated outside practice may be authorized under Section 1604.5 if the requirement of Section 1604.3 is met, and the practice is undertaken on behalf of a close friend or family member, or for a civic, or charitable group, or pursuant to court appointment under a generally applicable rule or practice.

Accordingly, the Board of the Legal Services Corporation adopts the final regulation, as set forth below, to become effective on June 3, 1976, pursuant to section 1008(e) of the Act.

Sec.

1604.1 Purpose.

1604.2 Definitions.

1604.3 General policy.

1604.4 Compensated outside practice.

1604.5 Uncompensated outside practice.

AUTHORITY: Sec. 1007(a) (4), 1008(e) (2) U.S.C. 2996f(a) (4) 2996g(e).

§ 1604.1 Purpose.

This Part is designed to permit an attorney to comply with the reasonable demands made upon all members of the Bar and officers of the Court, so long as those demands do not hinder fulfillment of the attorney's overriding responsibility to serve those eligible for assistance under the Act.

§ 1604.2 Definitions.

(a) "Attorney", as used in this Part, means a person who is employed full time in legal assistance activities supported in major part by the Corporation, and who is authorized to practice law in the jurisdiction where assistance is rendered.

(b) "Outside practice of law" means the provision of legal assistance to a client who not entitled to receive legal assistance from the employer of the attorney rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluation.

§ 1604.3 General policy.

No attorney shall engage in any outside practice of law if the director of the recipient has determined that such practice is inconsistent with the attorney's full time responsibilities.

§ 1604.4 Compensated outside practice.

A recipient may permit an attorney to engage in the outside practice of law for compensation if Section 1604.3 is satisfied, and

(a) The attorney is newly employed and has a professional responsibility to close cases from a previous law practice, and does so as expeditiously as possible; or

(b) The attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction, and remits to the recipient all compensation received.

§ 1604.5 Uncompensated outside practice.

A recipient may permit an attorney to engage in uncompensated outside practice of law if Section 1604.3 is satisfied, and the attorney is acting

(a) Pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction; or on behalf of

(b) A close friend or family member; or

(c) A religious, community, or charitable group.

THOMAS EHRICH,

President,

Legal Services Corporation.

[FR Doc.76-12953 Filed 5-4-76; 8:45 am]

PART 1605—APPEALS ON BEHALF OF CLIENTS

Effective and Effective Use of Corporation Funds

The Legal Services Corporation was established pursuant to the Legal Ser-