

Date _____

Administrator or Delegate
U.S. Environmental Protection Agency

The American Make-Products Co. has reviewed this order and believes it to be a reasonable means by which its No. 3 Starch Ring Dryer can achieve compliance with its permit emission limit of 18.1 pounds per hour. The Company stipulates as to the correctness of all facts stated above and consents to the requirements and terms of this order. The Company waives its right to a Notice of Violation under section 118(a)(1) of the Clean Air Act. The Company further agrees not to challenge the reasonableness of this order.

Date _____

American Make-Products Company
Dated: April 28, 1978.

VALDAS V. ADAMKUS,
Deputy Regional
Administrator,
Region V.

(FR Doc. 78-13719 Filed 5-19-78; 8:45 am)

[1505-01]

COMMUNITY SERVICES
ADMINISTRATION

[45 CFR Part 1061]

[CSA Instruction 6132-2a]

CHARACTER AND SCOPE OF SPECIFIC
PROGRAMS

Community Food and Nutrition Programs
(CFNP)

Correction

In FR Doc. 78-13221 appearing at page 21016 in the issue of Tuesday, May 16, 1978, on page 21019, third column under the heading, "4. Allocation of Fiscal Year 1978 CFNP Funds by Program Category" the fourth entry under the millions column now reading, "3.3" should be corrected to read, "8".

[6820-35]

LEGAL SERVICES CORPORATION

[45 CFR Part 1607]

GOVERNING BODIES OF RECIPIENTS

AGENCY: Legal Services Corporation.

ACTION: Proposed regulation.

SUMMARY: The Legal Services Corporation proposes to amend the regulations to require that one-third of the program board be persons who are eligible to be clients under the Legal Services Corporation's guidelines. The proposal implements the Legal Services Corporation Act Amendments of 1977. The proposed amendment maintains the goal of ensuring that legal services programs will be accountable to the community that it serves.

DATES: Comments must be received on or before July 6, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street, NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

SUPPLEMENTARY INFORMATION:

Section 11 of the Legal Services Corporation Act Amendments of 1977, Pub. L. 95-222, amended section 1607(c) of the Act to require that at least one-third of a recipient's governing body consist of "persons who are, when selected, eligible clients who may also be representatives of associations or organizations of eligible clients." The effective date of this provision was delayed until July 1, 1978, "to afford local boards time, if needed to comply . . ." Sen. Rep. No. 95-172, 95th Cong., 1st Sess. (1977), at 8. These proposed amendments to Part 1607 implement the new statutory requirement.

The proposal that follows maintains the approach of the current Regulation by requiring that most members of a program board be selected by appropriate associations or groups. That requirement is at the heart of the Corporation's attempt to insure that programs will be accountable to the communities that they serve. Although the statute provides only that eligible clients on a program board "may" be representatives of their communities, the proposed regulation makes that requirement mandatory.

The proposal also contains a new § 1607.7, concerning compliance with the board composition requirements. Immediate compliance is required, but recipients may apply for an extension of time in which to comply with the new statutory language. This approach should help to avoid disruption of programs that have recently restructured their boards to comply with the current regulation or for which immediate compliance would otherwise be unduly burdensome. Given the importance of the issue, however, extensions should not be granted lightly, and all recipients must be in compliance by July 1, 1979. The Corporation is particularly interested in receiving comments on the compliance section.

At present, the relevant parts of this section read as follows:

Section 1607.3 *Composition.*

(d) At least one member of a governing body shall be, when selected, an eligible client, and at least one-third of the members shall be either eligible clients, or representatives of associations, groups, or organizations of eligible clients.

(e) The members who are, or who represent those who are, eligible clients shall

be selected from, or designated by, a variety of appropriate groups including, but not limited to, client and neighborhood associations and organizations.

(f) The categories of "attorney" and "eligible client representative" are not mutually exclusive; a single individual may be counted toward satisfaction of both requirements.

(g) . . .

(h) . . .

(i) Members of a governing body may be selected by appointment, election, or other means. The method of selection and composition shall be subject to approval by the Corporation. A recipient whose current governing body does not satisfy the requirements of this section shall submit for approval a plan for achieving compliance as soon as possible.

PART 1607—GOVERNING BODIES OF RECIPIENTS

The Committee proposes to amend Part 1607 of title 45 of the Code of Federal Regulations as follows:

1. Section 1607.3 (d) and (e) are revised to read as set forth below.

2. Section 1607.3(f) is deleted and paragraphs (g), (h), and (i) are redesignated (f), (g), and (h).

3. Section 1607.3(i) is amended by deleting the final sentence.

§ 1607.3 *Composition.*

(d) At least one-third of a governing body shall be, when selected, eligible clients.

(e) The members who are eligible clients shall be selected from, or designated by, a variety of appropriate groups including, but not limited to, client and neighborhood associations and organizations.

4. A new § 1607.7 is added to read as follows:

§ 1607.7 *Compliance.*

(a) A recipient whose current governing body does not satisfy the requirements of this Part shall submit a plan for achieving compliance to the relevant Regional director immediately.

(b) The President may, upon application, extend the time in which a recipient must comply with the requirements of § 1607.3 (d) and (e). The application shall state:

(1) The current composition of the recipient's governing body, and the date upon which the composition was achieved;

(2) The date upon which the term of each current member of the recipient's governing body will expire;

(3) The recipient's plan for complying with the requirements of § 1607.3 (d) and (e) with all possible speed; and,

(4) The reasons why complying immediately would be unduly burdensome to the recipient.

(c) An application for an extension of time under paragraph (b) of this section must be received by the Corporation no later than 30 days after the effective date of the Regulation. A copy of the application shall also be sent to the National Clients Council, which shall transmit its comments on the application, if any, to the corporation. An extension may be granted for no more than six months, and no more than two extensions may be granted to any recipient. In no event may the time for compliance be extended beyond July 1, 1979.

THOMAS EHRLICH,
President.

[FR Doc. 78-13701 Filed 5-19-78; 8:45 am]

[6820-35]

[45 CFR Part 1611]

APPLICANTS FOR LEGAL SERVICES

Eligibility

AGENCY: Legal Services Corporation.

ACTION: Proposed regulation.

SUMMARY: The Legal Services Corporation proposes to amend the eligibility requirements for an applicant seeking legal services. The current regulation disqualifies an applicant for legal services automatically, if the applicant has refused employment without good reason. The proposed amendment eliminates automatic disqualification upon that evidence. This proposal reflects congressional intent under the Legal Service Corporation Act Amendments of 1977.

DATE: Comments must be received on or before July 6, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

SUPPLEMENTARY INFORMATION: Prior to its amendment last year, section 1007(a)(2)(B)(iv) of the Legal Services Corporation Act provided that evidence of a prior determination that an applicant for legal assistance had refused employment without good cause would automatically disqualify that person for service. Section 9 of the Legal Services Corporation Act Amendments of 1977 changed that language to permit a program to consider such evidence in determining eligibility, without requiring disqualification. These proposed amendments to Part 1611 reflect that change. Both the House and Senate versions of the amendments were clear as to their intentions on this issue. The Senate Committee, for example, stated:

This amendment states that an individual's unwillingness without good cause, to

seek or accept an appropriate employment situation shall be taken into consideration by a legal services program in determining an individual's eligibility for services. Such prior determination, however, is not to be an automatic disqualification or, for that matter, dispositive as to whether an individual is eligible to receive legal services. Other later considerations may be more relevant to an applicant's current need for assistance. (S. Rept. No. 95-172, 95th Cong., 1st sess. (1977), at 12.)

Similarly, the House Committee observed:

Programs may consider circumstances surrounding a person's lack of income, but should not be required to make retrospective judgments requiring them to turn away poor people having serious legal problems. (H. Rept. No. 95-310, 95th Cong., 1st sess. (1977), at 10.)

The proposed amendment to § 1611.5 implements this congressional intent.

At present, the relevant parts of § 1611.5 read as follows:

Section 1611.5. Determination of eligibility.

(b) In addition to income, a recipient shall consider other relevant factors before determining whether a person is eligible to receive legal assistance. Factors considered shall include:

(8) Other factors related to financial inability to afford legal assistance.

(c) Evidence of a prior administrative or judicial determination that a person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment, shall disqualify the person from receiving legal assistance under the Act. This paragraph does not bar provision of legal assistance to an otherwise eligible person who seeks representation in order to challenge the prior determination.

PART 1611—ELIGIBILITY

The Committee proposes to amend Part 1611 of title 45 of the Code of Federal Regulations as follows:

1. Section 1611.5 (b)(8) is revised to read as set forth below.
2. Section 1611.5 (c) is deleted and paragraph (d) is redesignated as (c).

§ 1611.5 Determination of eligibility.

(b) * * *

(8) Other factors related to financial inability to afford legal assistance, which may include evidence of a prior administrative or judicial determination that the person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment.

THOMAS EHRLICH,
President.

[FR Doc. 13700 Filed 5-19-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR 395]

[BMCS Docket MC-70-1; Notice Number 78-111]

FEDERAL MOTOR CARRIER SAFETY REGULATIONS, HOURS OF SERVICE

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, Department of Transportation.

ACTION: Advance notice of proposed rulemaking and public hearing notice.

SUMMARY: The Federal Highway Administration is proposing revision of the regulations pertaining to hours of service limitations for commercial vehicle drivers engaged in interstate or foreign commerce. This action is being taken in response to numerous petitions and requests from public interest groups, labor organizations, and individual drivers for the revision of these regulations. Public comment is being sought on the proposed changes.

DATES: Written comments must be received on or before November 20, 1978. Requests to speak must be received on or before July 21, 1978. Hearing dates to be announced later.

ADDRESSES: Comments and requests to speak to: Director, Bureau of Motor Carrier Safety, Room 3402, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. Hearing locations: Atlanta, Ga.; Dallas, Tex.; Chicago, Ill.; Los Angeles, Calif.; New York City, N.Y.; Portland, Oreg.; and Washington, D.C.—exact particulars to be announced later.

FOR FURTHER INFORMATION CONTACT:

Principal Program Contact—Gerald J. Davis, Chief, Driver Requirements Branch, Bureau of Motor Carrier Safety, Federal Highway Administration, 202-426-9767.

Gerald M. Tierney, Esq., Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0346.

SUPPLEMENTARY INFORMATION: On February 12, 1976, the Federal Highway Administration (FHWA) issued an Advance Notice of Proposed Rulemaking (Docket MC-70, Notice 76-14, 49 FR 6275) which stated that FHWA was considering an extensive review of the Hours of Service of Drivers, Part 395 of the Federal Motor Carrier Safety Regulations.

The rationale for the hours of service regulations is justified by the con-