RULES AND REGULATIONS

Part 53 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.

[F.R. Doc. 76-15111 Filed 5-4-76; 8:48 a.m.]

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PART 820—TOLERANCE AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS NOT ON RAW AGRICULTURAL COMMODITIES

0, O-Diethyl S-[2-(Ethylsulfinyl)ethyl] Phosphorodithioate

On November 28, 1976, notice was given (40 F.R. 26381) that Chemagro Agricultural Div., Moby Chemical Corp., PO Box 4913, Kansas City, MO 64120, had filed a petition (FPEP 1094) 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-(ethylnitroethyl)] 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 180.2(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., S.W., Washington, D.C. 20460. Such objections should be submitted in quin-tuplicate 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 6, 1976, Part 180, Subpart C is amended by revising §180.183 as set forth below.


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

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

PART 1600—DEFINITIONS

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. 2996-2996 (“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 convenience 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. 2996-2996.

“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.

* * * * *
"Director of a recipient" means a person duly 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 Corporation or the recipient rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluations.

"Recipient" 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’s grantee or contractor" means any entity receiving financial assistance from the Corporation under Section 1008 (a) (7) (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.

§ 1604.1 Purpose.

This Part is designed to permit an attorney to comply with the reasonable demands made upon 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 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.

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

(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 earnings received.

§ 1604.5 Uncompensated outside practice.

(a) 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

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

(2) On behalf of a close friend or family member

(3) On behalf of a religious, community, or charitable group.