

(b) Each pair of footwear must be marked by the manufacturer with the information specified by ANSI Z41.1 for that type of footwear.

§ 14.236. Protective clothing.

Personnel in areas where there are flying particles, molten metal, radiant energy, heavy dust, or hazardous materials shall wear clothing and gloves providing protection against the danger involved.

§ 142.39 Respiratory protection.

(a) Personnel in an atmosphere specified under American National Standard Practices for Respiratory Protection, ANSI Z88.2, requiring the use of respiratory protection equipment shall wear the type of respiratory protection equipment specified in ANSI Z88.2 for that atmosphere.

(b) Before personnel enter an atmosphere specified under ANSI Z88.2 requiring the use of respiratory protection equipment, the persons listed in § 142.4 shall ensure that the personnel entering the atmosphere—

(1) Follow the procedures stated in Section 6 of ANSI Z88.2 concerning the proper selection of a respirator and individual fit testing;

(2) Are trained in the matters set forth in Section 7 of ANSI Z88.2 concerning proper use of the equipment to be used; and

(3) Are made aware, in terminology understandable to the personnel entering the atmosphere, of the short and long term harmful effects of exposure to the atmosphere involved.

(c) All respiratory protection equipment must be approved, used, and maintained in accordance with ANSI Z88.2.

§ 142.42 Safety belts and lifelines.

(a) Personnel engaged in an activity where there is a danger of falling 10 or more feet must wear a safety belt or harness secured by a lanyard to a lifeline, drop line, or fixed anchorage.

(b) Each safety belt, harness, lanyard, lifeline, and drop line must meet the specifications of American National Standard Requirements for Safety Belts, Harnesses, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use, ANSI A10.14.

§ 142.45 Personal flotation devices.

When a person is working in a location such that, if the person fell, the person would likely fall into water, the person must wear either a unicellular plastic foam workvest that meets the requirements of 46 CFR 160.053 or a life preserver that meets the requirements of 46 CFR 160.002, 160.005, or 160.055.

§ 142.48 Eyewash equipment.

Portable or fixed eyewash equipment providing emergency relief must be immediately available on the drill floor and in each mudroom.

Subpart C—General Workplace Conditions

§ 142.81 Purpose and applicability.

This subpart prescribes requirements relating to general working conditions on OCS facilities.

§ 142.84 Housekeeping.

All staging, platforms, and other working surfaces and all ramps, stairways, and other walkways must be kept clear of tools, materials, and equipment not in use and be kept free of substances which create a slipping hazard.

§ 142.87 Guarding of deck openings.

Openings in decks must be covered or guarded in order to prevent a persons foot or body from passing through the opening.

§ 142.90 Lockout and tagout.

(a) While repair or other work is being performed on equipment powered from an external source, the equipment must be disconnected from the power source or otherwise deactivated, unless the nature of the work being performed necessitates that the power be connected or the equipment activated.

(b) A sign must be placed at the point where the equipment connects to a power source and at the activation control warning—

(1) That equipment is being worked on; and

(2) If then power source is disconnected or the equipment deactivated, that the power source must not be connected or the equipment activated.

(c) The signs must not be removed without the permission of either the person who placed them or that person's immediate supervisor.

(d) If the equipment has a lockout or other device designed to prevent unintentional activation of the equipment, the lockout or other device must be engaged while the work is being performed on the equipment, unless the nature of the work being performed necessitates that the equipment be activated.

Clyde T. Lusk, Jr.,
Rear Admiral, U.S. Coast Guard, Chief, Office
of Merchant Marine Safety.

September 9, 1983.

[FR Doc. 84-489 Filed 1-8-84; 8:45 am]

BILLING CODE 4910-14-M

LEGAL SERVICES CORPORATION

45 CFR Part 1609

Fee-Generating Cases

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule makes slight revisions to the Corporation's regulations governing acceptance by recipients of cases expected to general an award of attorneys' fees and adds a new section of accounting for attorneys' fees which are received. The revisions are needed to ensure that inappropriate cases are not accepted, and the accounting rules are needed to ensure proper accounting for and use of fees received.

DATES: Comments must be received on or before February 8, 1984.

ADDRESS: Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, NW., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John C. Meyer, Deputy General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: In addition to a technical update of the citations in § 1609.4(d), there are three changes in this regulation. The most important of these changes is the addition of a new § 1609.6 (the old § 1609.6 is renumbered § 1609.7) concerning accounting for attorneys' fees received by a recipient. This section requires these fees to be returned to the fund from which resources to litigate the case came and requires that the fee be recorded during the accounting period in which the program receives the award. The cash basis for accounting for attorney fees is adopted because attorney fees are often not collectible until months or even years after the original award, and, consequently, an accrual basis for accounting for attorney fees could result in unrealistically considering a program to have resources that are not in fact available.

Section 1609.4(a)(3) is deleted. It allowed a recipient to accept a fee-generating case if it was the type attorneys in the area generally do not accept. This deletion establishes a requirement that an actual, specific effort be made to refer each fee-generating case, except that such a case may still be initiated without such an effort in emergency circumstances, or if it falls into certain limited categories, such as a case seeking certain social security benefits.

Section 1609.8(c) (formerly 1609.7(c)) is amended by substituting the specific standard "when the case meets the standards set forth in § 1609.5" for the vague "when appropriate." This sets a specific standard for sharing fees with private counsel which is the same as the standard for accepting fee-generating cases.

List of Subjects in 45 CFR Part 1609

Legal Services

For the reasons set out in the preamble, 45 CFR Part 1609 is proposed to be revised as follows:

PART 1609—FEE-GENERATING CASES

Sec.

- 1609.1 Purpose.
- 1609.2 Definition.
- 1609.3 Prohibition.
- 1609.4 Authorized Representation in a Fee-Generating Case.
- 1609.5 Acceptance of Fees.
- 1609.6 Accounting for Attorneys' Fees.
- 1609.7 Acceptance of Reimbursement.
- 1609.8 Applicability.

Authority: Sec. 1007(b)(1) Legal Services Act of 1974, as amended (42 U.S.C. 2996f(b)(1)).

§ 1609.1 Purpose.

This part is designed to insure that recipients do not compete with private attorneys and, at the same time, to guarantee that eligible clients are able to obtain appropriate and effective legal assistance.

§ 1609.2 Definition.

"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.

§ 1609.3 Prohibition.

No recipient shall use funds received from the Corporation to provide legal assistance in a fee-generating case unless other adequate representation is unavailable. All recipients shall establish procedures for the referral of fee-generating cases.

§ 1609.4 Authorized Representation in a Fee-Generating Case.

Other adequate representation is deemed to be unavailable when:

- (a) The recipient has determined that free referral is not possible because:
 - (1) The case has been rejected by the local lawyer referral service, or by two private attorneys; or
 - (2) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

(3) Emergency circumstances compel immediate action before referral can be made, but the client is advised that if appropriate, and consistent with professional responsibility, referral will be attempted at a later time; or

(b) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other non-pecuniary relief, or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims; or

(c) A court appoints a recipient or an employee of a recipient pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

(d) An eligible client is seeking benefits under subchapter II of the Social Security Act, 42 U.S.C. 401, *et seq.*, as amended, Federal Old Age, Survivors, and Disability Insurance Benefits; or subchapter XVI of the Social Security Act, 42 U.S.C. 1381, *et seq.*, as amended, Supplemental Security Income for Aged, Blind, and Disabled.

§ 1609.5 Acceptance of Fees.

A recipient may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement, if:

- (a) The requirements of 1609.4 are met, and
- (b) Funds received are not used for purposes prohibited by the Act, and are accounted for in the manner directed by the Corporation.

§ 1609.6 Accounting for Attorneys' Fees.

Fees awarded to a recipient represent compensation to the recipient for resources expended in litigating a particular matter. The revenue from such fees should be recorded in the same fund to which the related expenses have been charged. The revenue should be recorded during the accounting period in which the award is received.

§ 1609.7 Acceptance of Reimbursement.

When a case or matter subject to this part results in a recovery of damages, other than statutory benefits, a recipient may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with the case or matter, if

- (a) The requirements of 1609.4 are met, and
- (b) The client has agreed in writing to reimburse the recipient for such costs and expenses.

§ 1609.8 Applicability.

Nothing in this part shall prevent a recipient from:

(a) Requiring a client to pay court fees when the client does not qualify to proceed in forma pauperis under the rules of the jurisdiction;

(b) Accepting a fee in a case that was initiated prior to adoption of this part; or

(c) Acting as co-counsel with a private attorney when the case meets the standards set forth in Section 1609.5, and accepting part of any fee that may result from a shared case.

Dated: January 3, 1984.

Alan R. Swendiman,
General Counsel.

[FR Doc. 84-440 Filed 1-6-84; 8:45 am]
BILLING CODE 6820-35-M

45 CFR Part 1620

Priorities In Allocation of Resources

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the required recipient priority-setting process and adds two new sections to the rule. These changes and additions are needed to increase the range of participation in the priority setting process, make it more effective, and assure more equal access to services. The proposed rule mandates inclusion of the private bar, sets specific periodic time deadlines for completion of the priority-setting process, requires more equal access to services, and requires that a case acceptance schedule be set up to implement the priorities adopted.

DATE: Comments must be received on or before February 8, 1984.

ADDRESS: Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, NW., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John C. Meyer, Deputy General Counsel. (202) 272-4010.

SUPPLEMENTARY INFORMATION:

General

In the course of its regular oversight and monitoring activities, the Corporation has found that the priority-setting process has not been implemented in a regular and timely fashion by all recipients, that it has not ensured equal access to similarly situated clients, and that priorities set have frequently not been reflected in the cases actually accepted. This proposed rule is designed to remedy these defects, make the priority-setting process more effective and broaden participation therein.

Equal Access

Section 1620.1, "Purpose," is revised by adding to the objectives stated therein, the objective of providing to all potentially eligible clients "substantially equal access to the same types of services and level of representation, unless differences in level of services are based on differences in financial resources." This language does not require that recipients rank clients on the basis of financial resources, but does allow differences in financial resources as a justification for differences in access. This amendment to the purpose section is made effective by the addition of a new Section 1620.3 entitled "Access" (the old § 1620.3, "Review," is renumbered 1620.4). Section 1620.3 specifically mandates that services be geographically distributed in reasonable proportion to the distribution of eligible clients.

Procedures and Time Deadlines

Section 1620.2(a) is revised to include the private bar among groups whose input is required in the assessment process. Section 1620.2(c) is revised to require an initial written report on priorities by June 30, 1984, to require this report to be submitted to the Corporation for approval, and to increase the scope of this report to include a case acceptance schedule and a report on composition, training and support of the recipient's personnel.

Section 1620.2(a) is further revised to require a full needs assessment at least once every two years and a new § 1620.2(d) is added requiring a needs assessment by December 31, 1984, for any recipient which has not carried out such assessment since January 1, 1982.

Section 1620.4 is revised to require a report to the Corporation on the recipient's review of priorities at least annually after the initial review required in § 1620.2(c) and to expand the scope of the report to cover all the matters listed in § 1620.2(c), the date of the most recent needs assessment, the timetable for the next one, and the mechanisms to be used to ensure effective client participation in priority-setting.

Case Acceptance and Priorities

A new § 1620.5 is added requiring that the governing body of each recipient establish policies and procedures that insure that cases accepted do in fact substantially comply with the priorities adopted by the recipient.

The list of factors which must be considered by a recipient in setting priorities (Section 1620.2(b)) is amended by deleting (7), consonant with the Corporation's current policy that

priorities should be set based on the right of the individual client to legal assistance rather than a judgment as to what cases may have the most impact on eligible clients of a class.

List of Subjects in 45 CFR Part 1620

Legal Services

For the reasons set forth in the preamble, 45 CFR Part 1620 is proposed to be revised as follows:

PART 1620—PRIORITIES IN ALLOCATION OF RESOURCES

Sec.	
1620.1	Purpose.
1620.2	Procedure.
1620.3	Access.
1620.4	Review.
1620.5	Case Acceptance.

Authority: Section 1007(a)(2) Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996f(a)(2)).

§ 1620.1 Purpose.

This part is designed to insure that a recipient, through policy and plans adopted by its governing body, takes into account the view of eligible clients, staff, the private bar and other interested persons in establishing priorities for allocating its resources in an economical and effective manner, consistent with the purposes and requirements of the Act and other provisions of Federal law; it is further designed to ensure that all potential eligible clients are provided substantially equal access to the same types of services and levels of representation, unless differences in level of services are based on differences in financial resources.

§ 1620.2 Procedure.

(a) A recipient shall adopt procedures for establishing priorities in the allocation of its resources. The procedures adopted shall:

(1) Include an effective assessment, conducted at least once every two years, of the needs of eligible clients in the geographic areas served by the recipient, and their relative importance, based on information received from potential or current eligible clients solicited in a manner reasonably calculated to obtain the attitude of all significant segments of the client population, as well as input from the recipient's employees, governing body members, the private bar, and other interested persons. In addition to substantive legal problems, the assessment shall address the need for outreach, training of the recipient's employees, and support services;

(2) Insure an opportunity for participation by all significant segments

of the client community and the recipient's employees in the setting of priorities, in the development of the report required by Paragraph (c), and in the review required by Section 1602.4, and provide an opportunity for comment by interested members of the public.

(b) The following factors shall be among those considered by the recipient in establishing priorities:

(1) The assessment described in paragraph (a)(1) of this section;

(2) The population of eligible clients in the geographic areas served by the recipient, including all significant segments of that population with special legal problems or special difficulties of access to legal services;

(3) The resources of the recipient;

(4) The availability of another source of free or low-cost legal assistance in a particular category of cases or matters;

(5) The availability of other sources of training, support, and outreach services;

(6) The relative importance of particular legal problems of the clients of the recipient;

(7) The susceptibility of particular problems to solution through legal processes; and

(8) Whether legal efforts by the recipient will complement other efforts to solve particular problems in the area served.

(c) By June 30, 1984, each recipient shall prepare an initial written report describing its priorities, how they were developed, a resultant case acceptance schedule, and the implications of those priorities for the allocation of its resources and the composition, training, and support of its personnel. This report shall be submitted to the Corporation for approval and shall be available to the public.

(d) Any recipient which has not conducted a substantial needs assessment as a part of its priority-setting process since January 1, 1982, shall do so prior to December 31, 1984.

§ 1620.3 Access.

A recipient shall adopt priorities in the allocation of resources, consistent with the purposes and requirements of the Act, regulations, guidelines and instructions, which substantially provide that all potential eligible clients in the recipient's service area have equal access to the same types of services and level of representation. Availability of services should be reasonably proportional to the distribution of eligible clients by county or parish within the recipient's service area. Where a recipient serves an area that is not easily defined by parish or county

jurisdictions, other units of political subdivision should be utilized.

§ 1620.4 Review.

Priorities shall be reviewed at least annually. After the initial report described in Section 1620.2(c) each recipient shall submit to the Corporation an annual report summarizing the review of priorities, the date of the most recent needs assessment, the timetable for the future assessment of needs and evaluation of priorities, and mechanisms which will be utilized to ensure effective client participation in priority-setting, and any changes in priorities. The report shall also include a copy of a case acceptance plan or schedule adopted as a result of the priority review and an assessment of the changes made in current operations of the recipient as a result of the priority review. The following factors shall be among those considered in determining whether the recipient's priorities should be changed: (a) The extent to which the objectives of the recipient's priorities have been accomplished; (b) changes in the resources of the recipient; (c) changes in the size or needs of the eligible client population; and (d) implementation of Section 1620.3.

§ 1620.5 Case Acceptance.

The governing body of a recipient shall establish policies and procedures that assure clients and the Corporation that cases which are accepted for representation of eligible clients substantially comply with the priorities adopted by the recipient.

Dated: January 3, 1984.

Alan R. Swendiman,
General Counsel.

[FR Doc. 84-441 Filed 1-6-84; 8:45 am]

BILLING CODE 6820-35-M

45 CFR Part 1626

Restrictions on Legal Assistance to Aliens

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: The 1984 appropriation for the Legal Services Corporation continues unchanged the restrictions in the 1983 Continuing Resolution. This proposed rule amends the regulations the Corporation adopted pursuant to that Continuing Resolution (45 CFR Part 1626) so they continue to govern the use of funds under the 1984 appropriation. Thus, the current Corporation regulations restricting representation of aliens continue to apply to all recipients of 1984 funding.

DATES: Comments must be received on or before February 8, 1984.

ADDRESS: Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, NW., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John C. Meyer, Deputy General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION:

List of Subjects in 45 CFR Part 1626

Privacy, Aliens, Legal services, Reporting and recordkeeping requirements.

For the reasons set out in the preamble 45 CFR Part 1626 is proposed to be amended as follows:

PART 1626—[AMENDED]

1. **Authority:** Section 1008(e) Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996g(e)); Pub. L. 97-377, 96 Stat. 1874; Pub. L. 98-166.

2. Section 1626.1 is amended by inserting at its end the word "or Public Law 98-166".

3. Section 1626.2 is amended by inserting at the end of paragraph (b) the words "or Public Law 98-166".

4. Section 1626.3 is amended by inserting in paragraph (a), after the words "or Public Law 97-377" the words "or Public Law 98-166; by inserting in paragraph (b)(1) in the third from last line, after the words "fiscal year 1983", the words "or 1984"; and by inserting in the last line of paragraph (b)(2), after the words "fiscal year 1983", the words "or 1984".

5. Section 1626.6 is amended by inserting in paragraph (a), after the words "Pub. L. 97-377", the words "or Pub. L. 98-166" and by inserting the next to last line of paragraph (b)(1), after the words "Pub. L. 97-377", the words "or Pub. L. 98-166".

6. Section 1626.7 is amended by inserting in paragraph (a), after the words "Pub. L. 97-377", the words "or Pub. L. 98-166" and by inserting in paragraph (b), after the words "Pub. L. 97-377", the words "or Pub. L. 98-166".

Dated: January 4, 1984.

Alan R. Swendiman,
General Counsel.

[FR Doc. 84-442 Filed 1-6-84; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 81-893]

Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry); Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Order extends the deadline for comments and reply comments regarding a Further Notice of Proposed Rulemaking adopted by the Commission in Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), CC Docket No. 81-893. The action taken in the Order is necessary to ensure that interested parties have sufficient time to analyze and comment upon other related actions recently taken by the Commission which may have a bearing upon this proceeding.

DATES: Comments regarding the Further Notice of Proposed Rulemaking are due January 30, 1984, and replies are due February 15, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Cimko, Jr., (202) 632-9342.

Order

In the matter of Procedures for Implementing The Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry); CC Docket No. 81-893, (12-6-83; 48 FR 54668).

Adopted: December 22, 1983.

Released: December 29, 1983.

By the Chief, Common Carrier Bureau.

1. We have before us a Motion for Extension of Time filed by Telocator Network of America with regard to the *Further Notice of Proposed Rulemaking* adopted by the Commission in this docket. *See Procedures for implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry)*, CC Docket No. 81-893, Further Notice of Proposed Rulemaking, FCC 83-506 (released Nov. 7, 1983) (hereinafter *Further Notice*). The Commission provided in that action that comments would be due not later than December 29, 1983, and reply comments would be due not later than January 23, 1984.