

of the Clean Air Act. Under the original standards, the affected source was required to conduct a performance test on startup and on any other occasion the Agency might require a test under section 114 of the Clean Air Act. On June 30, 1980 (45 FR 44207), EPA revised 40 CFR 60.195 to require performance testing at least once per month for the life of a new primary aluminum plant. At the same time, however, the Agency provided that alternative test requirements could be established for the primary control system or an anode bake plant if the source could demonstrate that emissions have low variability during day-to-day operations.

On October 19, 1976, the Environmental Protection Agency (EPA) delegated to the South Carolina Department of Health and Environmental Control (SCDHEC) authority to administer Subpart S of 40 CFR Part 60. Under the terms of the delegation, performance tests were to be scheduled and performed in accordance with the procedures set forth in 40 CFR Part 60 unless alternate methods or procedures are approved by the EPA Administrator. Accordingly, SCDHEC has transmitted to EPA for its approval a petition for alternative test requirements submitted by Alumax of South Carolina, Mount Holly plant.

Alumax is requesting a change in the testing requirements established for primary aluminum plants by 40 CFR Part 60. Specifically the source wishes to be allowed to change the frequency of testing the anode bake plant from once a month to once a year. EPA had earlier denied such a request by Alumax [see 48 FR 22919 (May 23, 1983)] because adequate supporting information was lacking.

On the basis of the supporting information submitted, EPA now proposes to grant this request since it meets the requirements of 40 CFR 60.195(b). Actual emissions from the anode bake plant systems are far below the allowable emissions. Day-to-day variations in the anode bake plant emissions are not great enough to cause emissions in excess of the standard for fluorides.

This alternative requirement would not preclude the Agency or SCDHEC from requiring performance testing at any time. Finally, it could be withdrawn at any time that the Administrator found it was not adequate to assure compliance with the emission standards applicable to this source.

The public is invited to participate in this rulemaking by submitting written comments on the proposed alternative test requirements. After carefully considering all pertinent comments

received, the Administrator will take final action on Alumax of South Carolina's petition under 40 CFR 60.195(b).

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities since it affects only one entity.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

(Secs. 111 and 301(a) of the Clean Air Act (42 U.S.C. 7411 and 7601(a))

Dated: October 31, 1983.

John A. Little,

Acting Regional Administrator.

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LEGAL SERVICES CORPORATION

45 CFR Part 1600

Definitions

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises certain of the definitions of terms used in these regulations and adds new ones to bring the definitions into conformance with more recent legislative changes and increasingly complex relationships within the national legal services program.

DATE: Comments must be received on or before March 29, 1984.

ADDRESS: Comments may be submitted to the Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, N.W., Room 612, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Assistant General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: The definitions issued pursuant to the Act have not been revised since they were published on May 5, 1976. The Corporation and recipient relationships have grown dramatically in complexity

since that time. Thus, the definitions are no longer as explanatory as they should be, nor do they reflect changes in authorizing legislation or clarify Congressional intent.

These proposed definitions do clarify the previously-issued regulations in three general ways: (1) They refer to the reauthorization legislation which was adopted in 1977; (2) they acknowledge additional legislative direction given through continuing resolution and appropriations language by referring to "other applicable law"; and (3) they acknowledge the complex organizational nature of legal services grantees by specifically including additional descriptive designations such as "subrecipients."

In addition, the proposed regulations are internally consistent stylistically and conform to clear wording in the Act. Terms which are included in the proposed definitions and which were not defined previously in either the Act or the regulations are "financial assistance," "lobbying," and "political."

List of Subjects in 45 CFR Part 1600

Legal services.

For the reasons set out in the preamble, 45 CFR Part 1600 is proposed to be revised as follows:

PART 1600—DEFINITIONS

§ 1600.1 Definitions

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

"Act" means the Legal Services Corporation Act as Amended 1977, Pub. L. 93-355, Pub. L. 95-222, 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.

"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 any person financially unable to afford legal assistance and determined to be eligible for legal assistance under the Act, or other applicable law.

"Employee" means a person employed by the Corporation or by a recipient, or a person employed by a subrecipient whose salary is paid in whole or in major part with funds provided by the Corporation.

"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 an opposing party.

"Financial assistance" means annualized funding from the Corporation granted under 1006(a)(1)(A) for the direct delivery of legal assistance to eligible clients.

"Legal assistance" means the provisions of any legal services consistent with the purposes and provisions of the Act or other applicable law.

"Lobbying" means efforts to influence the action of a public official when that proposed action is not necessary in

connection with a particular application, claim, or case on behalf of an eligible client and any activity which would require one to register as a lobbyist under applicable federal or state law.

"Outside practice of law" means the provisions of legal assistance to a client who is not eligible to receive legal assistance from the employer of the attorney rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluations.

"Political" means that which relates to engendering public support for or opposition to policy positions, candidates for public office, or political parties, and would include publicity or propaganda used for that purpose.

"President" means the President of the Corporation.

"Public funds" means the funds received directly or indirectly from the Corporation or directly from a Federal, State, or local government or instrumentality of a government.

"Recipient" means any grantee or contractor qualifying to receive and 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 derived from the proceeds of a grant from the Legal Services Corporation or is received from a recipient, subrecipient, grantee, or contractor 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, 80 Stat. 378, 42 U.S.C. 2996-2996f)

Dated: February 23, 1984.

Donald P. Bogard,

President.

(FR Doc. 84-5277 Filed 2-27-84; 8:45 am)

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