

RULES AND REGULATIONS

25899

[FRL 563-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Ambient SO₂ and NO_x Standards

On May 31, 1972 (37 FR 10842), the Administrator approved the North Carolina plan to attain and maintain the national ambient air quality standards in that State. The original North Carolina implementation plan contained ambient standards for sulfur dioxide which were equal to the annual, 24-hour, and 3-hour national secondary standards in effect at that time (60, 360, and 1300 µg/m³, respectively); the plan also contained a 24-hour standard for nitrogen dioxide (250 µg/m³, not to be exceeded more than once a year) in addition to an annual standard (100 µg/m³) equal to the national standards. On September 14, 1973 (38 FR 25681), the Administrator revoked the national annual secondary standard for SO₂, together with the 24-hour standard established for assessing plans to attain the annual standard. North Carolina, after notice and public hearing, has changed its annual and 24-hour SO₂ standards to make them equal to the national primary annual and 24-hour standards (80 and 365 µg/m³, respectively). Also, the State has revoked its 24-hour ambient standard for nitrogen dioxide. These changes were submitted to the Agency as a proposed plan revision on March 23, 1976.

The revised North Carolina ambient standards for sulfur dioxide and nitrogen dioxide are hereby approved. This action is effective immediately.

The Administrator finds that there is no reason to propose this revision for public comment since the only course of action open to him in the case of ambient standards equal to the national standards is to approve them. Also, there is no reason to defer the effective date of this approval action since it merely ratifies changes which are already in effect under North Carolina law, and imposes no additional burden on anyone.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a))).

Dated: June 6, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (15) as follows:

§ 52.1770 Identification of plan.

(c)

(15) Revised ambient SO₂ and NO_x standards, submitted on March 23, 1976, by the North Carolina Department of Natural and Economic Resources.

[FR Doc. 76-18170 Filed 6-22-76; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment E-189]

PART 101-25—GENERAL

Replacement Standards; Office Machines

This regulation provides updated replacement standards for office machines. Section 101-25.403 is amended as follows:

§ 101-25.403 Office machines.

(a) Electrically operated office machines such as typewriters, adding machines, and desk calculators (excluding the electronic type) under 12 years of age or manually operated office machines under 15 years of age shall not be replaced unless:

(b) Electronic office machines such as calculators, accounting machines, cash registers, and dictating equipment shall be replaced after expiration of the warranty period if the estimated one-time repair cost exceeds 80 percent of the replacement cost of a comparable new model.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective on June 23, 1976.

Dated: June 11, 1976.

TERRY CHAMBERS,
Acting Administrator of
General Services.

[FR Doc. 76-18256 Filed 6-22-76; 8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1607—GOVERNING BODIES OF RECIPIENTS

Requirements

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996i ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings to persons financially unable to afford legal assistance. Section 1007(c) of the Act, 42 U.S.C. 2996f(c), states that the composition of the governing body of a recipient shall meet certain requirements.

On May 5, 1976 (41 FR 18526) a proposed regulation on governing bodies of recipients was published. Interested persons were given until June 3, 1976 to submit comments on the proposed regulation. All comments received were given full consideration. Several minor technical changes were made, and the following issues were considered before adoption of the final regulation.

COMPOSITION

The Act requires that sixty percent of the governing body of a recipient be lawyers, and that at least one member be an eligible client. The Corporation concluded that there are sound and persuasive policy reasons for going beyond the Act and imposing additional requirements. This conclusion rests on the Corporation's recognition that a legal services client has only limited freedom of choice in selecting a lawyer; unlike the client of a private law firm, he or she cannot go to another law firm if dissatisfied with any aspect of the assistance received. Therefore, it seems essential to structure the governing body in a way that insures that legal services lawyers will be strictly accountable, through the governing body, to the clients they serve.

While we expect lawyer members to be diligent in pursuit of the goal of accountability, we believe that its attainment requires more than one client member. As a practical matter, a dissatisfied client may be reluctant or unable to seek out and present a grievance to a lawyer-member of the governing body; client-members may be expected to be more accessible. Moreover, "the client community" is not monolithic; most legal services programs serve heterogeneous populations with diverse, and sometimes conflicting, needs and interests. A single voice cannot represent them all. A governing body would be sorely handicapped in its task of establishing priorities in resource allocation if its client membership did not reflect this diversity.

These concerns underlie the requirement in § 1607.3(a) that the governing body "reasonably reflect the interests and characteristics of the eligible clients in the area served." The Corporation considered, and rejected as both unwise and unworkable, a formulation requiring the lawyer and the client component of the body each to reflect specified segments of the general population served. The desire to insure accountability led to the requirement in § 1607.3(d) that one-third of a governing body be either clients or representatives of client groups. This requirement also should serve to eliminate the tension that occasionally developed in the past of client membership of a governing board was minimal or non-existent, and the program perceived a contradiction between the instructions of the governing body and the demands of its clients. In most programs, however, client membership has comprised between one-third and one-half of the governing body membership, and this formula apparently has worked well.

QUALIFICATIONS

Section 1607.3 adopts the language used in §§ 1603.3 and 1603.4, governing State Advisory Council membership, and requires that attorney members of the governing body be supportive of the purposes of the Act and "have interest in, and knowledge of, the delivery of quality legal services to the poor."

Under § 1607.3(d), only one member need be an eligible client when selected; the other members of the client component may be delegates or representatives. This realistic allowance is made because clients may be reluctant to speak up in the presence of a group of lawyers, and may feel that their own point of view would be presented more effectively by a spokesman of their choice. A client member who becomes ineligible for legal assistance because of a change in financial circumstances may, nonetheless, remain on the governing board.

The requirement in § 1607.3 that lawyers and the clients be selected from, or designated by, appropriate groups, follows from our overall concern to insure that membership is both representative of, and accountable to the interests it represents. The remaining members of a governing body need not represent any group, but must be interested in and supportive of legal services to the poor.

Section 1607.3(h) states that no category of governing board membership shall be dominated by persons serving as the representatives of a single association, group, or organization. It should be noted that the Regulation does not prevent drawing all attorney members, for example, from the same state or local Bar Association, so long as a dominant percentage of the attorney membership of the governing body has not been designated by that Bar Association as its representatives.

FUNCTIONS OF GOVERNING BODY

The Corporation believes that Formal Opinion 334 of the American Bar Association Committee on Ethics and Professional Responsibility (August 10, 1974) enunciates sound principles to guide a governing body in carrying out its responsibilities to a legal services program and its clients.

COMPENSATION

Section 1607.6 authorizes payment to governing body members for reasonable and actual expenses required for fulfillment of membership obligations, but the Corporation does not encourage members who can afford to pay such expenses themselves to seek reimbursement from the recipient.

The following regulation has been adopted by the Legal Services Corporation, to become effective July 23, 1976, pursuant to section 1008(e) of the Act.

Part 1607 is established to read as follows:

Sec.	
1607.1	Purpose.
1607.2	Definition.
1607.3	Composition.
1607.4	Functions of a governing body.
1607.5	Waiver.
1607.6	Compensation.

AUTHORITY: Sec. 1007(c); 42 U.S.C. 2996f(c).

§ 1607.1 Purpose.

This part is designed to insure that the governing body of a recipient will be well qualified to guide a recipient in its efforts to provide high quality legal as-

sistance to those who otherwise would be unable to obtain adequate legal counsel, and to insure that the recipient is accountable to its clients.

§ 1607.2 Definition.

"Eligible client," as used in this Part, means a person eligible to receive legal assistance under the Act, without regard to whether the person is receiving assistance at the time of selection for membership on a governing body.

§ 1607.3 Composition.

(a) A recipient shall be incorporated in a State in which it provides legal assistance, and shall have a governing body that reasonably reflects the interests and characteristics of the eligible clients in the area served.

(b) At least sixty (60) percent of a governing body shall be attorneys admitted to practice in a State in which a recipient is to provide legal assistance, who are supportive of the purposes of the Act and have interest in, and knowledge of, the delivery of quality legal services to the poor.

(c) The attorneys shall be selected from, or designated by, appropriate Bar Associations and other groups, including, but not limited to, law schools, civil rights or anti-poverty organizations, and organizations of eligible clients.

(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) The remaining members of a governing body, whatever the method of selection, shall be individuals interested in and supportive of legal services to the poor.

(h) No category of governing board membership shall be dominated by persons serving as the representatives of a single association, group, or organization.

(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.

§ 1607.4 Functions of a governing body.

(a) A governing body shall have at least four meetings a year. Timely and effective prior public notice of all meetings shall be given, and all meetings shall be public except for those concerned with matters properly discussed in executive session.

(b) A governing body shall establish and enforce broad policies governing the operation of a recipient, but shall not interfere with any attorney's professional responsibilities to clients.

§ 1607.5 Waiver.

(a) Upon application, the President shall waive the requirements of this Part to permit a recipient that was funded under section 222(a)(3) of the Economic Opportunity Act of 1964 and, on July 25, 1974, had a majority of persons who were not attorneys on its governing body, to continue such a non-attorney majority.

(b) The President may waive the requirements of this Part upon application of a recipient that demonstrates that it cannot comply with them because of

(1) The nature of the population or area served; or

(2) Special circumstances, including, but not limited to, conflicting requirements of the recipient's major funding source.

(c) A recipient seeking a waiver shall demonstrate that it has made diligent efforts to comply with the requirements of this Part.

§ 1607.6 Compensation.

While serving on the governing body of a recipient, no member shall receive compensation from the recipient, but a member may receive payment for normal travel and other out-of-pocket expenses required for fulfillment of the obligations of membership.

THOMAS EHRLICH,
President,

Legal Services Corporation.

[FR Doc. 76-18293 Filed 6-22-76; 8:45 am]

PART 1608—PROHIBITED POLITICAL ACTIVITIES

Quality Legal Assistance

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"), for the purpose of providing financial support for legal assistance in non-criminal proceedings to persons financially unable to afford legal assistance. Sections of the Act, including sections 1005(b), 1006(b)(5), 1006(d)(3) and (4), 1006(e)(1) and (2), 1007(a)(6) and 1007(b)(2) prohibit certain political activities by the Corporation, recipients, and their respective employees.

A proposed regulation on prohibited political activities was published on May 5, 1976 (41 FR 18527), and interested persons were given until June 3, 1976 to submit comments. All comments received were given full consideration, but none raised any issue of substance, and the proposed regulation has been adopted without change.

The following issues were considered before adoption of the final regulation:

PURPOSE

Congress declared that in order to "preserve its strength, the legal services program must be kept free from the