

Authority: 21 U.S.C. 346a and 371.

2. Section 180.205 is amended as follows:

a. In paragraph (a) by adding a paragraph heading, and new entries in alphabetical order to the table.

b. By redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b).

c. In newly designated paragraph (c) by adding a paragraph heading.

d. By adding and reserving paragraph (d).

e. By revising the phrase "raw agricultural" to read "food" throughout the section.

§ 180.205 Paraquat; tolerances for residues

(a) *General.* * * *

Commodity	Parts per million
* * * * *	*
Hops, dried	0.2
* * * * *	*
Mint, hay, spent	3.0
Sunflower, seed hulls	6.0
* * * * *	*

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) derived from applications of either the bis (methyl sulfate) or the dichloride salt (both calculated as the cation) in connection with use of the pesticide under section 18 emergency exemptions granted by EPA in or on the following food commodities:

Commodity	Parts per million	Expiration/Revocation Date
Sorghum grain	5.0	4/14/98
Sorghum stover	10.0	4/14/98
Sorghum forage	3.0	4/14/98
Sorghum, aspirated grain fractions	50.0	4/14/98
Corn grain	0.05	4/14/98
Corn forage ...	3.0	4/14/98
Corn fodder ...	10.0	4/14/98
Corn flour	0.10	4/14/98
Poultry, mbyop	0.02	4/14/98

(c) *Tolerances with regional registrations.* * * *

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 97-11507 Filed 5-1-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 244

[FRL-5814-7]

Solid Waste Programs; Management Guidelines for Beverage Containers, and Resource Recovery Facilities Guidelines; Removal of Obsolete Guidelines

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Partial withdrawal of direct final rule.

SUMMARY: On December 31, 1996, the Environmental Protection Agency (EPA) published a direct final rule (61 FR 69032) removing from the Code of Federal Regulations (CFR) two guidelines pertaining to solid waste management which are obsolete. This action was published without prior proposal. Because EPA has received adverse comment with respect to the removal of 40 CFR Part 244, Solid Waste Management Guidelines for Beverage Containers, EPA withdraws the removal of this Part from the direct final rule. The withdrawal of this Part does not affect the removal of 40 CFR Part 245 which became effective March 3, 1997.

EFFECTIVE DATE: March 3, 1997.

FOR FURTHER INFORMATION CONTACT: Deborah Gallman (703) 308-8600, U.S. EPA, Office of Solid Waste and Emergency Response, 401 M Street, SW, (5306W), Washington, D.C. 20460, or the RCRA Superfund Hotline, phone (800) 424-9346 or (703) 412-9810 in the Washington, DC, metropolitan area.

SUPPLEMENTARY INFORMATION: On December 31, 1996, EPA published in the **Federal Register** a direct final rule to remove two guidelines pertaining to solid waste management which the Agency believes to be obsolete, 40 CFR Part 244, Solid Waste Management Guidelines for Beverage Containers, and Part 245, Resource Recovery Facilities Guidelines. The activities addressed in these 1976 guidelines have been included in numerous state and local statutes and regulations and other Federal rules, or have been superseded by such Presidential actions as Executive Order 12873. The direct final rule was published without prior proposal in the **Federal Register** but with a provision for a 30 day comment period. In addition, EPA published a proposed rule, also on December 31, 1996 (61 FR 69059). EPA announced in both rules that, should EPA receive adverse comment on the direct final rule, the Agency would withdraw the

direct final rule and address the comments received in a subsequent final rule based on the related proposed rule. EPA received adverse comment within the prescribed comment period specifically addressing the removal of 40 CFR Part 244. EPA did not receive adverse comments addressing the removal of 40 CFR Part 245. With today's action, EPA is withdrawing the removal of 40 CFR Part 244 from the December 31, 1996 direct final rule (61 FR 69032). The withdrawal of Part 244 from the direct final rule does not affect the removal of Part 245 which became effective March 3, 1997, as indicated in the direct final rule. The comments received regarding the removal of 40 CFR Part 244 will be addressed in a subsequent final rule based on the related proposed rule (61 FR 69059).

List of Subjects in 40 CFR Part 244

Environmental protection, Waste treatment and disposal, Recycling, Government property.

Dated: April 16, 1997.

Timothy Fields, Jr.,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set forth in the preamble, the amendment removing 40 CFR Part 244 published at 61 FR 69032 (December 31, 1996) is withdrawn and part 244 is added as follows:

PART 244—SOLID WASTE MANAGEMENT GUIDELINES FOR BEVERAGE CONTAINERS

Subpart A—General Provisions

- Sec.
- 244.100 Scope.
- 244.101 Definitions.

Subpart B—Requirements

- 244.200 Requirements.
- 244.201 Use of returnable beverage containers.
- 244.202 Information.
- 244.203 Implementation decisions and reporting.

Appendix to Part 244—Recommended Bibliography

Authority: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

Subpart A—General Provisions

§ 244.100 Scope.

(a) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for reducing beverage container waste.

(b) Section 211 of the Act and Executive Order 11752 make the "Requirements" section of the

guidelines mandatory upon Federal agencies. They are recommended for adoption by State and local governments and private agencies.

(c) *Intent and Objectives.* (1) These Guidelines for Beverage Containers are intended to achieve a reduction in beverage container solid waste and litter, resulting in savings in waste collection and disposal costs to the Federal Government. They are also intended to achieve the conservation and more efficient use of energy and material resources through the development of effective beverage distribution and container collection systems.

(2) The guidelines are intended to achieve these goals by making all beverage containers returnable and encouraging reuse of recycling of the returned containers. To accomplish the return of beverage containers, a deposit of at least five cents on each returnable beverage container is to be paid upon purchase by the consumer and refunded to the consumer when the empty container is returned to the dealer. This refund value provides a positive incentive for consumers to return the empty containers. Once containers are returned, nonrefillable containers can be recycled and refillable bottles can be reused.

(3) The minimum deposit of five cents has been chosen because it is deemed a large enough incentive to induce the return of most containers, and it is the most widely used deposit amount in present deposit systems. Because this action is intended to be compatible with present deposit systems, it is recommended that Federal facilities apply higher deposit levels in localities where higher levels are ordinarily used and lower deposit levels if the local area has an established return system with a minimum deposit level, for some or all beverage containers, of less than five cents.

(4) Final determination of how the requirements of the guidelines will be met rests with the head of each Federal agency.

(5) Federal facilities implementing the guidelines must charge refundable deposits on both refillable beverage containers and nonrefillable ones. Use of a refillable beverage container system will achieve the objectives of this guideline and will also most likely result in lower beverage prices for consumers. However, placing refundable deposits on nonrefillable containers, which are subsequently returned and recycled, also achieves the objectives of the guidelines.

(d) *Nonimplementation for Federal Facilities.* (1) The objectives of these

guidelines are to reduce solid waste and litter and to conserve energy and materials through the use of a return system for beverage containers. In order to have a substantial impact on solid waste and litter created by beverage containers and to effect the concomitant energy and materials savings in a cost-effective manner, three conditions will be necessary: First, that consumers continue to purchase beverages from dealers at Federal facilities; second, that empty containers be returned and then reused or recycled; third, that the costs of implementation are not prohibitive. The head of each agency should consider these factors in order to make a determination regarding implementation of these guidelines.

(2) The Administrator recognizes that the requirements of these guidelines may not be practical at some Federal facilities due to geographic or logistic problems of a local nature. Further, he recognizes that the use of a returnable beverage container system will accomplish nothing if all reasonable efforts to implement such a system have failed to induce consumers to buy beverages in returnable containers or to return them when empty. When these situations persist, agencies may determine not to continue implementation of these guidelines.

(3) Federal agencies that make the determination not to use returnable containers shall provide to the Administrator the analysis and rationale used in making that determination as required by § 244.100(f)(3). The Administrator will publish notice of availability of this report in the **Federal Register**.

The following conditions are considered to be valid reasons for not using returnable beverage containers.

(i) Situations in which, after a trial implementation, there is no alternative available that results in meeting the objectives of the guidelines in a cost effective manner. Examples of indications of this situation include, but are not limited to:

(A) Data indicating a substantial and persistent reduction in beverage sales that is not directly attributable to any other cause; and

(B) Failure to establish a beverage container return rate that effectively achieves the objectives of these guidelines.

(ii) Situations in which no viable alternative can be found which avoids excessive, irrecoverable costs to the facility or the Agency. These conditions may prevail at either part or all of a facility. It is expected that facilities will use returnable beverage containers in those portions of their beverage

distribution systems where it is effective to do so. However, it is recognized that in some situations, such as for unattended vending machines where it is impractical to establish refund locations, or in small remote outlets where the majority of consumers are transient, it may not be possible to use returnable containers effectively. The provisions for nonimplementation can be applied to those portions of a facility.

(e) The Environmental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to section 3(d)(1) of Executive Order 11752.

(f) *Reports—(1) Implementation Schedule Report.* This report is to advise the EPA of plans for the implementation of these guidelines. It is to be submitted to the Administrator within 60 days following an agency's determination to implement, and should include a list of planned implementation actions and a schedule indicating when those actions will be taken.

(2) [Reserved]

(3) *Nonimplementation Report.*

Nonimplementation reports are to be submitted to the Administrator as soon as possible after a final agency determination has been made not to use returnable beverage containers but not later than sixty days after this determination. The Administrator will indicate to the reporting agency his concurrence or nonconcurrence with the agency's decision, including his reasons therefor. This concurrence or nonconcurrence is advisory. Nonimplementation reports should include:

(i) A description of alternative actions considered or implemented, including those actions which, if taken or continued, would have involved a deposit or return system.

(ii) A description of ongoing actions that will be continued and actions taken or proposed that would preclude future implementation of a returnable beverage container system. This statement should identify all agency facilities or categories of facilities that will be affected.

(iii) An analysis in support of the determination not to implement a deposit system, including technical data, market studies, and policy considerations used in making that determination. If the determination not to implement is based on inability to achieve a cost-effective system, this analysis should include such things as sales volume, impact on total overhead costs, administrative costs, other costs of implementation, percentage of

containers sold that are returned, solid waste and litter reduction, energy and materials saved, and retail prices (before and after implementation).

§ 244.101 Definitions.

(a) *Beverage* means carbonated natural or mineral waters; soda water and similar carbonated soft drinks; and beer or other carbonated malt drinks in liquid form and intended for human consumption.

(b) *Beverage container* means an airtight container containing a beverage under pressure of carbonation. Cups and other open receptacles are specifically excluded from this definition.

(c) *Consumer* means any person who purchases a beverage in a beverage container for final use or consumption.

(d) *Dealer* means any person who engages in the sale of beverages in beverage containers to a consumer.

(e) *Deposit* means the sum paid to the dealer by the consumer when beverages are purchased in returnable beverage containers, and which is refunded when the beverage container is returned.

(f) *Distributor* means any person who engages in the sale of beverages, in beverage containers, to a dealer, including any manufacturer who engages in such sale.

(g) *Federal Agency* means any department, agency, establishment, or instrumentality of the executive branch of the United States Government.

(h) *Federal facility* means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers, and other mobile facilities; and United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

(i) *On-Premise Sales* means sales transactions in which beverages are purchased by a consumer for immediate consumption within the area under control of the dealer.

(j) *Recycling* means the process by which recovered materials are transformed into new products.

(k) *Refillable Beverage Container* means a beverage container that when returned to a distributor or bottler is refilled with a beverage and reused.

(l) *Refund* means the sum, equal to the deposit, that is given to the consumer or the dealer or both in exchange for empty returnable beverage containers.

(m) *Returnable Beverage Container* means a beverage container for which a deposit is paid upon purchase and for

which a refund of equal value is payable upon return.

Subpart B—Requirements

§ 244.200 Requirements.

§ 244.201 Use of returnable beverage containers.

(a) All beverages in beverage containers sold or offered for sale shall be sold in returnable beverage containers. On-premise sales are specifically excluded from this requirement provided that empty beverage containers are returned to the distributor for refilling, or are recycled, either by the dealer or by the distributor when markets for recyclable materials are available.

(b) The deposit shall be at least five (5) cents unless the local area has an established return system in operation with a lower minimum deposit level. In these specific areas, Federal facilities may adopt a minimum deposit equal to the local deposit level.

(c) A dealer shall accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, and pay the consumer the refund value of the beverage container, provided the container is refillable or is labelled in accordance with § 244.202(a).

(d) The refund shall be provided at the place of sale whenever possible or as close to that place as practicable, and in any event, on the premises of the particular federal facility involved. Refund locations shall be conspicuously labelled as refund centers. If they are not in the immediate vicinity of the place of sale, notice of their location shall be prominently posted at that place of sale.

(e) A dealer shall not procure beverages in beverage containers from distributors who refuse to: Accept from the dealer any returnable beverage containers of the kind, size and brand sold by the distributor; pay to the dealer the refund value of the beverage containers; and reuse the returned containers or recycle them where markets for recyclable materials are available.

(f) Returned refillable beverage containers shall be returned to the distributor for refilling. Nonrefillable beverage containers shall be returned to the appropriate distributor or recycled, where markets for recyclable materials are available.

§ 244.202 Information.

(a) With the exception of refillable beverage containers, every returnable beverage container sold or offered for sale by a dealer shall clearly and

conspicuously indicate, by embossing or by stamp, or by a label securely affixed to the beverage container, the refund value of the container and that the container is returnable.

(b) Dealers shall inform consumers that beverages are sold in returnable beverage containers by placing a sign, or a shelf label, or both, in close proximity to any sales display of beverages in returnable containers. That sign or label shall indicate that all containers are returnable, separately list the beverage price and deposit to be paid by the consumer, and shall indicate where the empty beverage containers may be returned for refund of the deposit.

§ 244.203 Implementation decisions and reporting.

Federal agencies are to determine whether or not to implement these guidelines by October 20, 1977. Reporting of that determination shall be in accordance with the following requirements:

(a) Federal agencies that plan to implement these guidelines shall report that decision to the Administrator in accordance with the procedures described in § 244.100(f)(1).

(b) Agencies that determine not to implement these guidelines shall provide to the Administrator a nonimplementation report in accordance with § 244.100(f)(3). This report shall include the reasons for nonimplementation, based on concepts presented in § 244.100(d).

Appendix to Part 244—Recommended Bibliography

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5. Research Triangle Institute. The beverage container problem, analysis and recommendations. Environmental Protection Agency Publication R 2-72-059, 1972.
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19. Ross, M. H. Employment effects of a ban on nonreturnable beverage containers in Michigan. Kalamazoo, Michigan, Kalamazoo Nature Center for Environmental Education, April, 1975.

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23. Council on Environmental Economics. A report on the environmental economics regarding mandatory deposit legislation for beer and soft drink containers in Maryland. Annapolis, Maryland, January, 1975.

24. O'Brien, M. Returnable containers for Maine; an environmental and economic assessment. Maine Citizens for Returnable

Containers. Portland, Maine, March 17, 1975, 13p.

[FR Doc. 97-11491 Filed 5-1-97; 8:45 am]

BILLING CODE 6560-50-P

LEGAL SERVICES CORPORATION

45 CFR Part 1626

Restrictions on Legal Assistance to Aliens

AGENCY: Legal Services Corporation.

ACTION: Correction to interim rule.

SUMMARY: This document contains a correction to an interim rule published on April 21, 1997 (62 FR 19409). The rule relates to restrictions on legal assistance to aliens.

DATES: This correction is effective on April 21, 1997.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, (202) 336-8910.

SUPPLEMENTARY INFORMATION: As published on April 21, 1997 (62 FR 19409), the interim provisions listed in the Dates heading are incorrect. Accordingly, the publication is corrected as follows:

On page 19409, column 2, in the Dates heading referring to interim provisions, delete “§ 1612.2 (f) and (g) and § 1612.4,” and insert “1626.2 (f) and (g) and § 1626.4” in its place.

Dated: April 28, 1997.

Victor M. Fortuno,

General Counsel.

[FR Doc. 97-11363 Filed 5-1-97; 8:45 am]

BILLING CODE 7050-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA No. 97-721]

Alternate Designated Ethics Official

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has created a new position of Associate General Counsel for Ethics in the Office of General Counsel and has approved the designation of the current holder of that position as Alternate Designated Agency Ethics Official (DAEO). This Order clarifies that there will no longer be a specific position designated for the Alternate DAEO. This organizational change will be beneficial to the agency in implementing its statutory ethical obligations.

EFFECTIVE DATE: May 2, 1997.

FOR FURTHER INFORMATION CONTACT: Sharon B. Kelley, Office of General Counsel, (202) 418-1720.

SUPPLEMENTARY INFORMATION:

Adopted: April 9, 1997; *Released:* April 11, 1997.

1. Section 0.251(a) of the Commission's rules delegates authority to the General Counsel to act as the Designated Agency Ethics Official (DAEO) and the Associate General Counsel for Administrative Law to act as the Alternate DAEO. 47 CFR § 0.251(a). On March 13, 1997, the Commission created the position of Associate General Counsel for Ethics in the Office of General Counsel, effective March 16, 1997, and approved the designation of the current holder of that position as Alternate DAEO. The Commission also instructed the Managing Director to make conforming changes in the Commission's rules. To be consistent with this Commission action, section 0.251(a) will no longer identify a specific position for the Alternate DAEO.

2. Accordingly, it is ordered that, effective upon publication in the **Federal Register**, section 0.251(a) of the Commission's rules is amended, as set forth below pursuant to section 4(i) of the Communications Act of 1934, as amended. 47 U.S.C. § 154(i).

3. The amendment adopted in this Order involves agency organization and thus the Administrative Procedure Act's prior notice and comment effective date requirements do not apply. 5 U.S.C. §§ 553 (b)(A), (d).

List of Subjects in 47 CFR Part 0

Organization and functions
(Government agencies).

Federal Communications Commission.

Andrew S. Fishel,
Managing Director.

Rule Change

Title 47 of the Code of Federal Regulations, Part 0, is amended as follows:

PART 0—[AMENDED]

1. The authority for Part 0, Subpart B, of Title 47 of the Code of Federal Regulations continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.251 is amended by revising paragraph (a) to read as follows: