

Director, NOAA Corps, NOAA, Rockville, Maryland 20852; and

(6) *Public Health Service*. Director, Commissioned Personnel Operations Division (OPM-OM), Room 435, 5600 Fishers Lane, Rockville, Maryland 20857.

(b) In the case of a finding that a servicemember is not mentally capable of managing his/her affairs, the convening authority, in the forwarding endorsement, shall set forth the name, relationship, and address of the member's next of kin and such other pertinent data as may be available to assist in identification of a trustee. This additional information need not be furnished where a trustee or other legal representative has been previously designated and the designation is still in effect.

§ 726.6 Travel orders.

In appropriate cases, the Chief of Naval Personnel or Commandant of the Marine Corps shall issue travel orders to a member of the naval service to appear before an examining board convened for the purpose of determining whether the member is or is not mentally capable of managing his/her affairs. In the case of permanently retired members of the naval service, however, travel expenses in connection with an appearance before a board convened pursuant to § 726.4 shall be at no cost to the Government unless the Judge Advocate General or DAJAG (CA) determines that unusual hardship exists and directs that appropriate authority fund the travel expenses.

§ 726.7 Status of pay account.

The Judge Advocate General or DAJAG (CA) will direct appropriate disbursing officials to suspend the pay of servicemembers found to be mentally incapable of managing their affairs. Thereafter, the Judge Advocate General or DAJAG (CA) will direct payment of moneys to (1) the appointed trustee; (2) the committee, guardian, or other legal representative appointed by a court of competent jurisdiction; or (3) directly to the member following a determination that the member is capable of managing his/her affairs. Disbursing officers shall seek direction from the Judge Advocate General when information from other sources indicates a member is not competent to manage his/her affairs.

§ 726.8 Procedure for designation of a trustee.

Upon receipt of a report from medical authorities that a member has been found mentally incapable of managing his/her affairs, the Judge Advocate General or DAJAG (CA) shall initiate action to appoint a trustee, provided a

committee, guardian, or other legal representative has not been appointed by a court of competent jurisdiction. The Judge Advocate General or DAJAG (CA) may direct any appropriate Navy or Marine Corps activity to interview prospective trustees and make recommendations concerning their suitability. The interviewing officer will determine whether the prospective trustee can obtain an appropriate bond as directed by the Judge Advocate General or DAJAG (CA) and ascertain that the prospective trustee is willing to execute an affidavit acknowledging that all moneys shall be applied solely to the use and benefit of the member and his/her legal dependents and that no fee, commission, or charge, for any service performed by the trustee except for payment of the required bond, can be made from Federal moneys. The interviewing officer will forward recommendations to the Office of the Judge Advocate General for appropriate action.

§ 726.9 Emergency funds.

Until such time as a trustee is appointed, the Judge Advocate General or DAJAG (CA) may appoint the member's commanding officer or other appropriate official to receive up to \$1000 due from the account of the member without the necessity of a bond. The money shall be applied for the benefit of the member and his/her legal dependents.

§ 726.10 Reports and supervision of trustees.

(a) *Annual accounting report*. The trustee designated under this part shall submit accounting reports annually or at such times as the Judge Advocate General or DAJAG (CA) directs. The report shall account for all funds received from the Navy or Marine Corps on behalf of the servicemember. NAVJAG Forms 5800/13 (Rev. 8-76) and 5800/13A (Rev. 8-76) will be provided for these reports. When requested by the Judge Advocate General or DAJAG (CA), bank records, receipts, canceled checks, or vouchers shall be attached to the report. If the trustee fails to promptly make a satisfactory report, the Judge Advocate General or DAJAG (CA) may terminate payments and appoint a successor trustee. Report Control Symbols JAG 5800-5 and 5800-5A have been assigned to the reports.

(b) *Final accounting*. When payments under this part are terminated, the trustee shall submit a final accounting to the Judge Advocate General or DAJAG (CA), as appropriate. Upon approval of the report, the trustee and the surety will be discharged from liability. In the

event of death or disability of a trustee, the final accounting shall be filed by the legal representative of the trustee.

(c) *Finance centers*. The Commanding Officer, Navy Finance Center, Commanding Officer, Marine Corps Finance Center, or the cognizant disbursing officer shall notify the Judge Advocate General or DAJAG (CA) of any fact affecting the pay of a member who is not mentally capable of managing his/her affairs. This includes waiver of retired pay in favor of Veterans Administration compensation; death of the member; death of the trustee; or notice of appointment of a legal representative by a court of competent jurisdiction. At the request of the Judge Advocate General or DAJAG (CA), the cognizant disbursing officer shall report all disbursements from the servicemember's account.

§ 726.11 Authority of the Judge Advocate General to issue instructions.

The Judge Advocate General and the DAJAG (CA) may issue instructions for implementation of this part.

Dated: September 15, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register, Liaison Officer.

[FR Doc. 82-25995 Filed 9-20-82; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 727

Legal Assistance; Military Members and Dependents

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its regulations concerning the provision of legal assistance to military members and dependents to reflect recent changes to Chapter XIX of the Manual of the Judge Advocate General.

EFFECTIVE DATE: September 21, 1982.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Steven E. Wright, JAGC, U.S. Navy, Head, Legal Assistance Policy Branch, Civil Affairs Division, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325-9752.

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Department of the Navy amends 32 CFR Part 727, which is derived from Chapter XIX of the Manual of the Judge Advocate General, to reflect changes in that regulation. The amendment relates

to internal naval management and personnel practices, and is being published by the Department of the Navy solely for the guidance and interest of the public in accordance with 5 U.S.C. 552(a)(1). It has been determined that invitation of public comment on this amendment prior to adoption would be impracticable and is not required under the public rulemaking provisions of 32 CFR Parts 296 and 701. It has also been determined that this final rule is not a "major rule" within the criteria specified in § 1(b) of Executive Order 12291, and does not have substantial impact on the public.

List of Subjects in 32 CFR Part 727

Legal services, Military law, Military personnel.

PART 727—LEGAL ASSISTANCE

Accordingly, 32 CFR Part 727 is amended as follows:

1. The authority citation for Part 727 reads as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 5031 and 5148; 32 CFR 700.206 and 700.1202

§ 727.6 [Amended]

2. In § 727.6, paragraph (d) is added to read as follows:

(d) *Professional legal advice.* Only legal assistance officers are authorized to render services that call for the professional judgment of a lawyer. The legal assistance officer may delegate tasks to clerks, secretaries, and other lay personnel provided the officer maintains a direct relationship with the client, supervises the delegated work, and has complete professional responsibility for the work product. Services that call for the professional judgment of a lawyer include, but are not limited to, the preparation of wills and powers of attorney, advising personnel with respect to legal rights and relationships, negotiating contracts, and other matters requiring an educated ability to relate the general body and philosophy of law to a specified legal problem of a client. Guidance in this matter may be had from various official sources including the ethical considerations under Canon 3 of the Code of Professional Responsibility of the American Bar Association and particularly EC 3-2, 3-5, 3-6, and DR 3-101(A).

3. Section 727.10 is revised to read as follows:

§ 727.10 Fees, compensation, solicitation, and representation in civilian courts.

(a) *General.* Active duty military personnel and civilian employees of the

Navy and Marine Corps are prohibited from accepting or receiving, directly or indirectly, any fee or compensation of any nature, in cash or otherwise, for legal services rendered to any person entitled to legal assistance under this part whether or not the service rendered is normally provided or available to such person under this part and whether or not the service is rendered during duty hours as a part of official duties. Reserve judge advocates on inactive duty are prohibited from accepting or receiving any fee or compensation of any nature, in cash or otherwise, for legal services rendered to any person entitled to legal assistance under this part with respect to matters about which they consulted or advised said person in an official capacity. The prohibition may be waived only by the Judge Advocate General of the Navy or the Director, Naval Legal Service, as appropriate, in extraordinary circumstances on a case by case basis for inactive duty Reserve judge advocates who consulted with or advised an eligible client in an official capacity. Before a waiver may be granted, the following criteria, as well as other relevant criteria, shall be considered: (1) Whether the waiver is specifically requested by the party concerned or an appropriate representative, (2) whether there is a likelihood that undue and substantial prejudice will otherwise be suffered by the party concerned, (3) whether adequate continued representation for compensation is otherwise reasonably available, and (4) whether the requested representation will violate the Code of Professional Responsibility of the American Bar Association or other applicable legal or ethical requirements.

(b) *Solicitation.* Active duty military personnel, civilian employees of the Navy and Marine Corps, and inactive reservists, acting in an official capacity, are prohibited from soliciting, or advising that any person entitled to legal assistance under this part retain, consult, or seek legal services from themselves in their private capacities, or from any attorney who is a partner or associate of a law firm of which they are partners or associates, or from any attorney with whom they share office space; *Provided* that nothing herein shall prevent such person from being referred to civilian counsel as provided in § 727.9.

(c) *Representation before civilian courts or agencies.* No active duty Navy or Marine Corps judge advocate may appear as counsel on behalf of any person entitled to legal assistance, except as provided in paragraph (a)(3) of § 727.6 and under guidelines prescribed in the Manual of the Judge Advocate

General before any civil court, civil administrative tribunal, civil regulatory body, or civil governmental agency, in any proceeding, whether or not a fee or other compensation is accepted or received, without prior written approval of the Judge Advocate General, or the Director, Naval Legal Service, as appropriate. Requests for such permission may be in the form prescribed in the Manual of the Judge Advocate General.

§ 723.13 [Amended]

4. Section 727.13 is amended by removing the word "January" in line 2 and inserting in its place the word "October"; by removing the words "two copies" in line 4 and inserting in their place the words "one copy"; by removing the figures "5-71" in line 6 and inserting in their place the figures "12-78"; and by removing the words "calendar-year period" in lines 6-7 and inserting in their place the words "fiscal year".

Dated: September 15, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy,
Alternate Federal Register Liaison Officer.

[FR Doc. 82-25996 Filed 9-20-82; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W-1-FRL 2204-2]

New Hampshire Water Supply and Pollution Control Commission Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Programs.

SUMMARY: The State of New Hampshire has submitted an application under Section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) Program governing Classes I, II, III, IV, and V injection wells. After careful review of the application, the Agency has determined that the State's injection well program for all classes of injection wells meets the requirements of Section 1422 of the Act and, therefore, approves it.

EFFECTIVE DATE: This approval is effective October 21, 1982.

FOR FURTHER INFORMATION CONTACT: Jerome J. Healey, Drinking Water Branch, Environmental Protection Agency, Region I, JFK Federal Building,

Boston, Massachusetts 02203, (617) 723-6486.

SUPPLEMENTAL INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) Program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the Federal Register each State for which in his judgment a State UIC Program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC Program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC Program.

The State of New Hampshire was listed as needing a UIC Program on March 19, 1980 (45 FR 17632). The State of New Hampshire submitted an application under Section 1422 on April 12, 1982, for the approval of a UIC Program governing Classes I, II, III, IV, and V injection wells to be administered by the New Hampshire Water Supply and Pollution Control Commission (NHWSPPC). On May 7, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the New Hampshire UIC Program submitted by the NHWSPPC (47 FR 19726). Neither requests for public hearing nor requests to offer testimony at such hearing were received by EPA. Therefore, pursuant to the provisions of 40 CFR 123.54(c), the public hearing was cancelled on June 1, 1982 because of expressed lack of sufficient public interest.

After careful review of the application I have determined that the New Hampshire UIC Program submitted by the NHWSPPC meets the requirements established by Federal regulations pursuant to Section 1422 of the SDWA, and hereby approve it.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and

disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of the application by the New Hampshire Water Supply and Pollution Control Commission will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: September 9, 1982.

Anne M. Gorsuch,
Administrator.

[FR Doc. 82-25942 Filed 9-20-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 122 and 260

[SWH-FRL 2209-1]

EPA Administered Permit Programs: The Hazardous Waste Permit Program; and Hazardous Waste Management System: General

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of document; Amendment to final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today announcing the availability of a second edition of the EPA manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. This notice provides information on when and where the manual is available and how it differs from the first edition. This notice also amends the sections of EPA's consolidated permit regulations and hazardous waste regulations that incorporate the manual by reference, to reflect the availability of a second edition of the manual.

EFFECTIVE DATE: September 21, 1982.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424-9346 (toll free), or (202) 382-3000. For technical information contact David Friedman, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M

Street, S.W., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION:

I. Second Edition of Manual

The EPA manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (1980) (EPA Publication No. SW-846), is incorporated by reference in several sections of EPA's regulations. EPA first published the manual in May, 1980 when the Agency promulgated Phase I of the hazardous waste regulations in the Federal Register (45 FR 33065-33588). Three revisions to the manual—Revision A (August 1980), Revision B (July 1981), and Revision C (February 1982)—have been published since that date. EPA is today announcing the publication of a second edition of the manual which incorporates all three revisions. Although the second edition is significantly reorganized and contains additional explanatory information, EPA views this edition as equivalent to the first edition (with revisions), for regulatory compliance purposes.

II. Availability of Manual and Revisions

In the past, the manual and revisions to the manual have been made available to the public free of charge on request from the EPA Solid Waste Information Office in Cincinnati, Ohio. The Agency is no longer able to distribute these publications on this basis. From now on, these materials will be available to the public as follows:

- A limited number of Revisions A and B are available free of charge from the EPA RCRA Hotline (see telephone number above).
- Revision C is available for \$7.50 from the National Technical Information Service (NTIS) at 5285 Port Royal Road in Springfield, Virginia 22161. The order number is PB 82-172-156.
- The second edition of the manual is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, on a subscription basis. The subscription includes both the second edition of the manual and a number of future updates (approximately six mailings). Because the updates will be available only through this subscription, EPA recommends that persons interested in future updates to the manual subscribe to the second edition. The cost is \$55.00 per subscription for domestic mailing (\$68.75 if mailed to a foreign address).

III. Amendments to 40 CFR 122.20 and 260.11

Sections 122.20 and 260.11 of Title 40 of the Code of Federal Regulations set