

been received until the requesting party is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within 5 working days, giving the best estimate then available. The notification shall offer the requesting party the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost.

(g) Where the anticipated fee chargeable under this part exceeds \$25, an advance deposit of 25 percent of the anticipated fee may be required. Where a requesting party has previously failed to pay a required fee, an advance deposit of the full amount of the anticipated fee together with the fee then due and payable may be required.

(h) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party, or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

ALICE DANIEL,
General Counsel,
Legal Services Corporation.

[FR Doc. 78-21009 Filed 7-27-78; 8:45 am]

[6820-35]

[45 CFR Part 1620]

PRIORITIES IN ALLOCATION OF RESOURCES

AGENCY: Legal Services Corporation.

ACTION: Proposed amendment.

SUMMARY: The Corporation proposes to revise its regulation concerning the priority-setting procedures for recipients who provide legal assistance. This proposal would require that recipients set priorities in a more systematic way and involve clients in every step. This rule is being proposed after the Corporation has considered public comments which were received in response to a previously published proposed rule.

DATES: Comments must be received on or before September 11, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-8113.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2)(C) of the Legal Services Corporation Act requires the Corporation to insure that recipients adopt procedures for determining and

implementing priorities in the allocation of their resources for the provision of legal assistance. Section 9(b)(1) of the 1977 amendments to the Legal Services Corporation Act requires that, in setting and implementing priorities, recipients take into account the relative needs of eligible clients "including particularly the needs for service on the part of significant segments of the population of eligible clients with special difficulties of access to legal services or special legal problems . . .". The elderly and handicapped are cited as examples of groups with such problems. The legislative history of this provision makes clear that it was not intended to establish a preference for certain groups of eligible clients. Rather, it is intended to insure that the needs of all significant segments of the client community are considered, and that the consideration addresses the need for expanded access to service as well as substantive problems.

A proposed amendment to part 1620 was published for comment on March 17, 1978 (43 FR 11241). Many of the comments received urged revision of the regulation to require recipients to approach the setting of priorities in a more systematic way, and to involve clients in every step. The Corporation recognizes the validity of these concerns and has made substantial revisions in response to them.

Some comments urged that an additional step be added to the priority-setting process, that is, a requirement that the views of clients be documented and a written statement of reasons be prepared whenever those reasons are departed from. Others view such a requirement as inconsistent with the draft's attempt to set out only the basic elements of priority-setting, leaving the details to be worked out by individual recipients in light of their particular needs. The documentation requirement is set forth in the bracketed provision 1620.2(d). The Corporation is particularly interested in receiving comments on the wisdom and helpfulness of including or excluding that section.

At present, Part 1620 reads as follows:

Sec.
1620.1 Purpose.
1620.2 Procedure.

AUTHORITY: Sec. 1007(a)(2); 42 U.S.C. 2996(a)(2).

Section 1620.1 Purpose. This Part is designed to insure that a recipient will allocate its resources in an economical and effective manner.

Section 1620.2 Procedure. (a) A recipient shall adopt procedures for establishing priorities in the allocation of its resources. The procedures adopted shall insure participation by clients and employees of the recipient, and shall provide opportunity for com-

ment by interested members of the public. Priorities shall be reviewed periodically.

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

- (1) The resources of the recipient;
- (2) The population of eligible clients in the geographic area served by the recipient;
- (3) The availability of another source of free or low-cost legal assistance in a particular category of cases or matters;
- (4) The urgency of particular legal problems of the clients of the recipient; and
- (5) The general effect of the resolution of a particular category of cases or matters on persons least able to afford legal assistance in the community served.

The proposed revision of Part 1620 reads as follows:

PART 1620—PRIORITIES IN ALLOCATION OF RESOURCES

Sec.
1620.1 Purpose.
1620.2 Procedure.
1620.3 Review.

AUTHORITY: Sec. 1007(a)(2); 42 U.S.C. 2996(a)(2).

§ 1620.1 Purpose.

This Part is designed to insure that a recipient, through policies adopted by its governing body, takes into account the views of eligible clients, staff 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.

§ 1620.2 Procedure.

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

(1) Provide for an assessment of the needs of eligible clients in the geographic area served by the recipient, and their relative importance, based on comments from eligible clients solicited in a manner reasonably calculated to reflect the attitudes of all significant segments of the eligible client population. The assessment shall determine the need for outreach, training of the recipient's employees, and support services, as well as substantive legal problems; and

(2) Insure participation by all significant segments of the client community and the recipient's employees in the setting of priorities, in the development of the work plan required by subsection (c), and in the review required by section 1620.3, and provide the 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 needs assessment described in subsection (a)(1) above;

PROPOSED RULES

(2) The population of eligible clients in the geographic area served by the recipient, including all significant segments of that population with special legal problems, or with 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 relative importance of particular legal problems of the clients of the recipient;

(6) The general effect of the resolution of a particular category of cases or matters on eligible clients in the area served; and

(7) The availability of other sources of training, support, and outreach services.

(c) The recipient shall develop a work plan describing each of its priorities in detail and the manner in which those priorities will be implemented. The plan shall be available to the public, and the recipient shall report on its success in achieving the plan prior to its next review of priorities, but in no event less often than annually.

(d) The recipient shall record the results of the needs assessment, the priorities, the reasons for adopting priorities which are different from the needs assessment, the work plan and the review of priorities, all of which shall be available to the public.]

§ 1620.3 Review.

Priorities shall be reviewed regularly. 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 work plan have been accomplished;

(b) Changes in the resources of the recipient; and,

(c) Changes in the size or needs of the eligible client population.

Alice Daniel,
General Counsel,
Legal Services Corporation.

[FR Doc. 78-21019 Filed 7-27-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Gen. Docket No. 78-167; FCC 78-517]

POLICIES AND PROCEDURES REGARDING EX PARTE COMMUNICATIONS DURING INFORMAL RULEMAKING PROCEDURES

Proposed Rulemaking and Extension of Time

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Inquiry.

SUMMARY: In the June 27, 1978 Issue of the *FEDERAL REGISTER* (43 FR 27868), the FCC published a Notice of Inquiry and Interim Policy Statement permitting ex parte communications in most informal (notice and comments) rulemaking proceedings, but requiring that such contacts be publicly disclosed. This document gives further notice of inquiry and contains five minor modifications or clarifications of the original notice: Those clarifications or modifications are:

1. The reference to "channel allocations" is changed to "channel assignments".

2. The definition of participants in rulemaking is changed to "all interested persons".

3. Memoranda from outsiders must include the substance of proposed discussion, not just lists of topics, and

4. No date certain for response to ex parte presentation will be established.

5. No prior notice of cut off.

DATES: Non-applicable.

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

FOR FURTHER INFORMATION CONTACT:

Keith H. Fagan, Office of General Counsel, 202-632-7112.

ORDER AND FURTHER NOTICE OF INQUIRY

Adopted: July 17, 1978.

Released: July 18, 1978.

In the matter of: Policies and procedures regarding Ex Parte Communications during informal rulemaking proceedings, Gen. Docket No. 78-167.

In reviewing our original Notice of Inquiry in this docket, FCC 78-408, released June 14, 1978, some matters have come to our attention which we believe require clarification or modification. These are as follows:

1. In paragraphs 3, 10, and 15, we referred to cases involving FM or TV channel allocations. We should have said channel assignments. Both under our former procedures and our proposed new procedures, ex parte contacts are prohibited only in the those rulemakings involving changes in the FM or TV table of assignments. Such contacts are not barred (although they must now be disclosed) in rulemakings involving spectrum allocation.

2. In paragraph 17, we stated that the persons outside the Commission to be governed by the new procedures included "Participants in the rulemaking, i.e., those filing or intending to file formal comments." It has been pointed out that this definition is too narrow, since not all participants in rulemakings do file formal comments.

Accordingly, we are substituting for the above language the words "Participants in the rulemaking, i.e., all interested persons." It should be noted, however, that this category still includes public as well as private entities. Also, the representatives of these interested persons, as well as interceders on their behalf, are still covered by the new procedures.

3. In paragraph 18, we stated that a person wishing to discuss the merits of a proceeding with a Commissioner or a staff member should bring with him a memorandum of the subjects he wishes to discuss." One of the purposes of this requirement is to make it possible for other interested persons to comment on the matters discussed at such meetings. Therefore, this memo should not simply be a list of the topics to be discussed; rather, it should reflect the substance of what the writer actually intends to say about these topics.

4. In paragraph 23, we said that we would give notice of a "date certain" by which responses to ex parte presentations should be made. Upon further reflection, we have decided that it is unnecessary to require that responses be made within a certain time. Accordingly, responses to ex parte presentations will be permissible at any time prior to cut-off.

5. In paragraph 24, we said that there would be "short prior notice" of the date after which ex parte contact would be cut off. Upon reconsideration, we have determined that any prior notice would defeat the purpose of the cut-off requirement. Therefore, our notice for each docket will simply state that ex parte contacts have been cut off as of the date of the notice.

It is ordered, That the Notice of Inquiry, FCC 78-408, released June 14, 1978, is amended in accordance with the preceding paragraphs.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-20886 Filed 7-27-78; 8:45 am]

[6712-01]

[47 CFR PART 73]

[BC Docket No. 78-230; RM-3063]

FM BROADCAST STATIONS IN MAYFLOWER, CONWAY AND JACKSONVILLE, ARKANSAS

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to Conway, Ark. It also de-