

RULES AND REGULATIONS

[FEL 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 (80, 360, and 1300 $\mu\text{g}/\text{m}^3$, respectively); the plan also contained a 24-hour standard for nitrogen dioxide (250 $\mu\text{g}/\text{m}^3$, not to be exceeded more than once a year) in addition to an annual standard (100 $\mu\text{g}/\text{m}^3$) 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 $\mu\text{g}/\text{m}^3$, 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. 2996-2996f ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings to persons financially unable to afford legal assistance. 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

influence of or use by it of political pressures"; and the Act contains several provisions that are designed to insure that Corporation funds will not be used to promote political interests. This part implements those provisions.

APPLICATION OF THE HATCH ACT

The Legal Services Corporation Act (hereinafter LSC Act) refers to the Hatch Act in two places, one affecting Corporation employees, and the other, staff attorneys. After passage of the LSC Act, a relevant portion of the Hatch Act barring employees from taking an active part in political campaigns was amended, and now bars only actual candidacy for elective public office. Before adopting a regulation implementing these Sections of the LSC Act, it was necessary to decide whether either or both of the references in the LSC Act constitute a specific incorporation of the unamended Hatch Act, precluding consideration of subsequent amendments.

Section 1006(e) (2) states that Corporation employees "shall be deemed to be State or local employees" for Hatch Act purposes. The emphasis is on identity of treatment with the other employees specified, and not on prohibiting particular activities. Therefore we concluded that Congress would have applied the amended Hatch Act to Corporation employees, and we have done so in § 1608.4.

The best reading of § 1007(a) (6), which requires the Corporation to insure that staff attorneys refrain from activities "of the type" prohibited by the Hatch Act, suggests that the Hatch Act is cited by way of example only, leaving specific proscriptions to the discretion and continuing experience of the Corporation. Support of such reading is found in the fact that the LSC Act requires the Corporation to limit both partisan and nonpartisan political activity by staff attorneys, but the Hatch Act never applied to nonpartisan activity. We concluded that neither the amended nor unamended provisions of the Hatch Act directly apply to staff attorneys, and that the Corporation has discretion to deviate from the Hatch Act in relation to them; but in the absence of experience justifying deviation, we have embodied the Hatch Act without any change except the addition of a prohibition against nonpartisan candidacy, as required by the LSC Act.

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

Part 1610 is established to read as follows:

- Sec.
- 1608.1 Purpose.
- 1608.2 Definition.
- 1608.3 Prohibitions applicable to the Corporation and to recipients.
- 1608.4 Prohibition applicable to all employees.
- 1608.5 Prohibitions applicable to Corporation employees and staff attorneys.
- 1608.6 Prohibitions applicable to attorneys and to staff attorneys.
- 1608.7 Attorney-client relationship.
- 1608.8 Enforcement.

AUTHORITY: Secs. 1001(5), 1005(b)(2), 1006(b)(3), 1006(b)(5)(B), 1006(d)(3), 1006(d)(4), 1006(e)(1), 1006(e)(2), 1007(a)(6), 1007(b)(2); 42 U.S.C. 2996(5), 2996d(b)(2), 2996e(b)(3), 2996e(b)(5)(B), 2996e(d)(3), 2996e(d)(4), 2996e(e)(1), 2996e(e)(2), 2996f(a)(6), 2996f(b)(2).

§ 1608.1 Purpose.

This Part is designed to insure that the Corporation's resources will be used to provide high quality legal assistance and not to support or promote political activities or interests. The Part should be construed and applied so as to further this purpose without infringing upon the constitutional rights of employees or the professional responsibilities of attorneys to their clients.

§ 1608.2 Definition.

"Legal assistance activities," as used in this Part, means any activity.

(a) Carried out during an employee's working hours;

(b) Using resources provided by the Corporation or by a recipient; or

(c) That, in fact, provides legal advice, or representation to an eligible client.

§ 1608.3 Prohibitions applicable to the corporation and to recipients.

(a) Neither the Corporation nor any recipient shall use any political test or qualification in making any decision, taking any action, or performing any function under the Act.

(b) Neither the Corporation nor any recipient shall contribute or make available Corporation funds, or any personnel or equipment

(1) To any political party or association,

(2) To the campaign of any candidate for public or party office, or

(3) For use in advocating or opposing any ballot measure, initiative, or referendum.

§ 1608.4 Prohibitions applicable to all employees.

(a) No employee shall intentionally identify the Corporation or a recipient with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office.

(b) No employee shall use any Corporation funds for activities prohibited to attorneys under Section 1608.6; nor shall an employee intentionally identify or encourage others to identify the Corporation or a recipient with such activities.

§ 1608.5 Prohibitions applicable to corporation employees and to staff attorneys.

While employed under the Act, no Corporation employee and no staff attorney shall, at any time,

(a) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, whether partisan or nonpartisan;

(b) Directly or indirectly coerce, attempt to coerce, command or advise an employee of the Corporation or of any

recipient to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes; and

(c) No staff attorney shall be a candidate for elective public office, whether partisan or nonpartisan; nor shall a Corporation employee be a candidate for partisan elective public office.

§ 1608.6 Prohibitions applicable to attorneys and to staff attorneys.

(a) While engaged in legal assistance activities supported under the Act, no attorney shall engage in

(1) Any political activity,

(2) Any activity to provide voters with transportation to the polls, or to provide similar assistance in connection with an election, or

(3) Any voter registration activity.

(b) While employed under the Act, no staff attorney shall engage in the activities prohibited by paragraphs (a) (2) or (a) (3) of this section at any time.

§ 1608.7 Attorney-client relationship.

Nothing in this Part is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

§ 1608.8 Enforcement.

This Part shall be enforced according to the procedures set forth in § 1612.5.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc. 76-18294 Filed 6-22-76; 8:45 am]

PART 1610—USE OF FUNDS FROM SOURCES OTHER THAN THE CORPORATION

Prohibitions and Accounting

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. 2996-2996f ("the Act"), for the purpose of providing financial support for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1010(c) of the Act, 42 U.S.C. 2996(c), restricts the use of funds received by recipients from sources other than the Corporation.

A proposed regulation on the use of non-Corporation funds was published on May 5, 1976 (41 FR 18528), and interested persons were given until June 3, 1976 to submit comments. All comments received by the Corporation were given full consideration, and, in addition to technical changes, the following revisions were made in the proposed regulation:

DEFINITION (§ 1610.1); **WAIVER** (§ 1610.4)

Several comments indicated confusion about what activities are prohibited by the Act. Therefore, a definition of "purposes prohibited by the Act or Corporation Regulations" was added, referring to the specific prohibitions in the Act.

RULES AND REGULATIONS

To avoid inconsistency in use of the term "recipient," the proposed definition, excluding private attorneys, law firms, state or local entities of attorneys, and legal aid organizations with separate public defender programs, was removed from § 1610.1, and a new waiver provision (§ 1610.4) was added. An exception from the Part's requirements is authorized only if necessary to permit the Corporation to make a contract or arrangement with one of the enumerated entities.

AUTHORIZED USE OF OTHER FUNDS
(§ 1610.3)

Section 1610.3 authorizes a recipient to use public or tribal funds for any purpose within the scope of the grant.

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.

Sec.	
1610.1	Definition.
1610.2	Prohibition.
1610.3	Authorized use of other funds.
1610.4	Accounting.
1610.5	Waiver.

AUTHORITY: Section 1010(c); 49 U.S.C. 2996l.

§ 1610.1 Definition.

As used in this Part, the phrase "purposes prohibited by the Act or Corporation Regulations" refers to activities prohibited by the following Sections of the Act and the Regulations promulgated thereunder:

- (a) Sections 1006(d) (3), 1006(d) (4), 1007(a) (6), and 1007(b) (2) (Political activities);
- (b) Section 1007(a) (5) (Legislative and administrative representation);
- (c) Section 1007(a) (10) (Activities inconsistent with professional responsibilities);
- (d) Section 1007(b) (1) (Fee-generating cases; criminal proceedings; civil actions challenging criminal convictions);
- (e) Section 1007(b) (4) (Representation of juveniles);
- (f) Section 1007(b) (5) (Advocacy training);
- (g) Section 1007(b) (6) (Organizing activities);
- (h) Section 1007(b) (7) (School desegregation);
- (i) Section 1007(b) (8) (Abortions); and
- (j) Section 1007(b) (9) (Violations of Military Selective Service Act or military desertion).

§ 1610.2 Prohibition.

Funds received from another source for the provision of legal assistance shall not be used by a recipient for purposes prohibited by the Act or Corporation Regulations, unless such use is authorized by § 1610.3.

§ 1610.3 Authorized use of other funds.

A recipient may receive public or tribal funds and use them in accordance with the purposes for which they were provided.

§ 1610.4 Accounting.

Funds received by a recipient from a source other than the Corporation shall be accounted for as separate and distinct receipts and disbursements, in the manner directed by the Corporation.

§ 1610.5 Waiver.

Any provision of this Part may be waived by the President when necessary to permit the Corporation to make a contract or other arrangement for the provision of legal assistance with any private attorney, law firm, state or local entity of attorneys, or a legal aid organization that has a separate public defender program.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc. 76-18295 Filed 6-22-76; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1352; Docket No. 20194]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Importation of Certain Electronic Equipment

1. On September 19, 1974, the Commission adopted a notice of proposed rule-making in the subject proceeding. The notice was released on September 24, 1974 and published in the FEDERAL REGISTER (39 FR 35182). The date for receiving comments closed on November 1, 1974 and for reply comments on November 12, 1974.

2. Pursuant to the authority granted by section 302 of the Communications Act,¹ the Commission promulgated its marketing rules² in 1970. These regulations are designed to control the marketing of radio frequency devices having an interference potential. To achieve this control, the Commission required that all such devices could not be imported into the U.S.A. or shipped or sold in this country unless the device complied with the technical regulations promulgated by the Commission. In addition, if our rules imposed a requirement for type approval, type acceptance or certification,³ the subject device could not be imported into this country, or shipped or sold here, unless the required equipment authorization had previously been granted by the Commission.

3. Experience has shown that many devices subject to our rules are still being imported into the U.S.A. without

¹ Section 302 was added to the Communications Act by Pub. L. 90-379, July 5, 1968, 82 Stat. 290.

² Subpart I of Part 2 of the FCC Rules, 47 CFR 2.801, et seq.

³ Type approval, type acceptance and certification are collectively known as equipment authorizations and will be so referred to in the remainder of this document.

the required FCC equipment authorization. The Commission in a joint effort with the U.S. Customs Service devised the proposed procedures to further implement the cooperative operation of enforcing the importation requirements. Under these procedures, the customs officer must first determine whether a particular device must in fact have an equipment authorization, and secondly must ascertain whether such an authorization has in fact been issued. This can only be determined by communicating with the responsible FCC officials.

4. The following parties filed comments: Robert J. Hajek; Pathcom, Inc.; Aeronautical Radio Inc. (ARINC) and the Air Transportation Association of America (ATA); Motorola, Inc.; Collins Radio Group, Rockwell International Corp. (Collins); The Consumer Electronics Group of the Electronics Industries Association (EIA-CEG); Radio Shack, A Tandy Corporation Co. (Radio Shack); Sharp Corporation, Home Appliance Division (Sharp); General Electric (GE); GTE Sylvania, Inc. (Sylvania).

5. The comments vary between complete support without objection and complete opposition to the proposed rules, although most concurred with the intent of the proposal.⁴ In view of the comments received and pursuant to discussions with the U.S. Customs Service (U.S.C.S.) a number of changes, discussed below, were made to proposed rules. In general the changes modify the proposed procedure to insure more expedient handling of shipments of radio frequency devices through the U.S. Customs inspection at the time of entry.

6. Comments filed by Motorola, ARINC/ATA supported the proposed rules, without exception. ARINC and ATA indicated that they would support strict compliance with the Commission's equipment authorization program, since operation of non-complying RF equipment presents a potential source of harmful interference to aeronautical, navigational and safety communications. Motorola expressed the opinion that since domestic manufacturers are required to manufacture and market only radio frequency devices in compliance with FCC rules, it is only equitable that all manufacturers, including foreign, be made to comply with the same requirements. In this connection, the Commission plans to intensify its enforcement of

⁴ In a letter dated November 11, 1974, Mr. Robert J. Hajek stated that while he had no particular objection to the direct purpose of this proceeding, he objects to Section 2.803 (47 CFR 2.803) of the Commission's marketing rules, which prohibit the importation and marketing (sale, lease, offer for sale) of non-complying radio frequency devices. Since his comments are directed towards the marketing rules and not towards this proceeding, Mr. Hajek is referred to the Report and Order of Docket No. 18426, adopted May 13, 1970, 35 FR 7894, 23 FCC 2nd 79, for a discussion of the marketing rules and their implications.