

RULES AND REGULATIONS

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

FURTHER INFORMATION CT:

Stephan S. Walters, 202-376-5113.

**SUPPLEMENTARY INFORMATION:** On August 1, 1978, the Legal Services Corporation published for notice and comment a proposal to amend Part 1609—Fee-Generating Cases, by adding a new § 1609.4(d). The proposal was designed to implement the statutory change permitting the exclusion of Social Security and Supplemental Income Cases from the statutory prohibition on accepting fee-generating cases. After reviewing the comments that were received, the Board of Directors has authorized republication of new § 1609.4(d) in final form.

§ 1609.4 Authorized representation in a fee-generating case.

Other adequate representation is deemed to be unavailable when:

(d) An eligible client is seeking benefits under Title II of the Social Security Act, 42 U.S.C. 401, et seq., Federal Old Age, Survivors, and Disability Insurance Benefits; or Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., Supplemental Security Income for Aged, Blind, and Disabled.

ALICE DANIEL,  
General Counsel,  
Legal Services Corporation.

[FR Doc. 78-31480 Filed 11-6-78; 8:45 am]

[6820-35-M]

**PART 1620—PRIORITIES IN THE ALLOCATION OF RESOURCES**

**Revision of Part**

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This rule revises the Corporation's regulations involving priorities in the allocation of resources. This action is taken to implement an amendment to section 1007(a)(2)(C) of the Legal Services Corporation Act which requires that recipients of Corporation resources take into account the relative needs of eligible clients in setting priorities for use of those resources.

EFFECTIVE DATE: December 7, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

**SUPPLEMENTARY INFORMATION:**

On July 28, 1978, a revised version of Part 1620 was published for notice and comment in the FEDERAL REGISTER. The purposes of the revision were two: first, language was added to implement the amendment to section 1007(a)(2)(C) of the Act. That amendment requires that, in setting priorities for the use of resources, 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 revisions to Part 1620 implement this requirement by ensuring that the needs of all significant segments of the client community are considered in the priority-setting process, and that the consideration addresses the need for expanded access to service as well as substantive problems.

Second, the published revision to Part 1620 responded to the concerns of many in the legal services community that recipients should approach priority-setting in a systematic way, and involve clients at every step of the process. These goals are reflected in the requirements that recipients conduct an appraisal of client needs, prepare a publicly-available report regarding their priorities and the manner in which those priorities were developed, and review priorities at least annually. It bears emphasis, however, that these changes maintain the flexible approach to priority-setting that characterized the present regulation. The specific method for setting and reporting priorities, as well as the priorities themselves, remain a matter for decision by the recipients.

The Corporation is now re-publishing Part 1620 in final form. The Regulation contains a number of changes, based on comments received on the proposed version. The changes are as follows:

Section 1620.2(a)(1). As published, this section required that recipients perform an "assessment of the needs" of their client communities based solely on comments from members of that community. Some felt that the quoted language required programs to conduct scientifically validated surveys of their client communities. The revision is designed to clarify this point, and to emphasize that no particular method of appraising client needs is mandated. The revision also reflects the reality that, although direct consultation with clients must be the primary source for any appraisal of their needs, other persons may be sufficiently in touch with the client community that they can provide valuable insight. Discussions with such persons

should not be foreclosed, although they may not substitute for direct contact with eligible clients.

Section 1620.2(a)(2). This section originally required recipients to "insure participation by all significant segments of the client community . . ." The comments observed that some persons may ignore a program's priority-setting process, despite good faith efforts to include them. The draft has been revised to reflect that reality. It should be clear, however, that a press release or other general announcement cannot alone satisfy the requirement that all significant segments of the client community have an opportunity to participate. Rather, a program must take affirmative steps to identify and include all significant segments of its client community in the priority-setting process.

Section 1620.2(b). Subsection (1) has been amended to reflect the changes described above. In addition, new subsections (8) and (9) have been drafted. Those provisions require that a program consider the potential effect of its efforts on particular problems when setting priorities. It may make little sense to devote scarce resources to addressing problems, however pressing, that are not susceptible to resolution through the activities of a legal services program.

Section 1620.2(c). This section originally required a recipient to prepare a detailed work plan describing its priorities and the manner in which they would be accomplished. Many commentators observed that developing such a plan might be beyond the capability of some programs, and that the requirement of public availability could require premature disclosure of strategy and tactics. The provision has been redrafted to require programs to report briefly on their priorities, the reasons for adopting those priorities, and the implications of those priorities for the allocation of resources. More detailed work plans setting out specific objectives and strategies for achieving them are desirable for sound planning. The immediate development of such plans, however, should not be required.

Section 1620.3(a). This section required a recipient to consider the extent to which the objectives of its work plan have been achieved in reviewing priorities. It has been revised to conform to the change in section 1620.2(c) discussed above, and to require that priorities be reviewed—but not necessarily revised—at least annually.

Part 1620 is revised as follows:

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 recipient, through policies and plans 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) Include an appraisal of the needs of eligible clients in the geographic areas served by the recipient, and their relative importance, based on comments from eligible clients solicited in a manner reasonably calculated to obtain the attitudes of all significant segments of the client population, as well as comments from the recipient's employees, governing body members, and other interested persons. In addition to substantive legal problems, the appraisal shall address the need for outreach, training of the recipient's employees, and support services;

(2) Insure an opportunity for participation by all significant segments of client community and the recipient's employees in the setting of priorities, in the development of the report required by paragraph (c), and in the review required by § 1620.3, and provide an 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 appraisal described in paragraph (a)(1) of this section;

(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 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 availability of other sources of training, support, and outreach services;

(6) The relative importance of particular legal problems of the clients of the recipient;

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

(8) The susceptibility of particular problems to solution through legal processes; and,

(9) Whether legal efforts by the recipient will complement other efforts to solve particular problems in the area served.

(c) The recipient shall prepare a brief written report describing its priorities, how they were developed, and the implications of those priorities for the allocation of its resources. The report shall be available to the public.

§ 1620.3 Review.

Priorities shall be reviewed at least annually. 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 priorities 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.

(FPR Doc. 78-31478 Filed 11-6-78; 8:45 am)

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES.

Editorial Corrections

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This action corrects the Zip Code number for the U.S. Department of Commerce, Environmental Research Laboratories at Boulder, Colorado. The Zip Code is found in Sections 73.711(c)(2), 73.1030(b)(2) and 74.12(c)(2) of the FCC's Rules and Regulations in the Title 47, Code of Federal Regulations.

DATE: Effective November 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John W. Reiser, Broadcast Bureau, 202-632-9860.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: October 25, 1978.

Released: October 26, 1978.

In the matter of editorial corrections of §§ 73.711, 73.1030 and 74.12 of the Commission's rules.

1. The U.S. Department of Commerce, Environmental Research Laboratories has notified the Commission that the Zip Code for its facilities at Boulder, Colo., is not correctly printed in §§ 73.711, 73.1030, and 74.12 of the Commission's Rules.

2. The city address Zip Code §§ 73.711(c)(2), 73.1030(b)(2), and 74.12(c)(2) is corrected to read as follows: Boulder, Colo. 80303

3. We conclude that adoption of the editorial amendment shown in this Order will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of U.S.C. 553(b)(3)(B), inasmuch as the amendment imposes no additional burdens and raises no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That pursuant to sections 4(i), 303(r) and 5(a)(1) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, Parts 73 and 74 of the Commission's Rules and Regulations is amended as set forth in paragraph 2 above, effective November 10, 1978.

(Secs. 4, 5, 303, 48 Stat., as amended, 1068, 1082; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau

(FPR Doc. 78-31438 Filed 11-6-78; 8:45 am)

[6712-01-M]

(Docket No. 20936; PCC 78-760)

PART 83—STATIONS ON SHIPBOARDS IN THE MARITIME SERVICES

Exempting 558 Equipped Vessels Operating Solely in Alaska Waters From Mandatory VHF Capabilities

AGENCY: Federal Communications Commission.

ACTION: Second report and order.

SUMMARY: The Federal Communications Commission amends its regulations relating to stations on shipboard in the maritime services. The amendment extends for one year the present

