RULING

The health care facilities and health maintenance organizations involved, the Self-Help Group has been developed to describe the different kinds of cases that might occur and the period of withholding which will apply for each case.

Note: Where the Secretary makes the determinations required in 42 CFR 101.108(a)(2), he will follow the following policy in establishing the time period during which the present opinion letter is in effect.

1. The health care facility or health maintenance organization by or on behalf of which the expenditure was made demonstrates to the satisfaction of the Secretary that a reasonable effort had been made to determine from the designated planning agency whether the expenditure was subject to review, and the designated planning agency had not informed the facility or organization within a reasonable period of time that the proposed expenditure was subject to review, the Secretary will not withhold reimbursement related to the capital expenditure.

2. Where the designated planning agency has, in its final opinion letter, determined that the expenditure was subject to review, and the facility or organization within a reasonable period of time that the proposed expenditure was subject to review, the Secretary will not withhold reimbursement related to the capital expenditure.

3. Where the designated planning agency submits to the Secretary its finding that for the purpose of complying with the requirements of §100.106 for timely notice of intent to incur the obligation for a capital expenditure, which capital expenditure was not for the purpose of providing a new service or expanding the capacity of the health care facility or health maintenance organization to provide the service, would not be placed in jeopardy the health or safety of the patients of the facility or organization, and written notice is given to the Secretary as to the opinion of the designated planning agency was reasonable under the circumstances.

4. Where the designated planning agency submits to the Secretary its finding that the capital expenditure is consistent with the standards, criteria, and plans described in §100.106(a)(2) which apply at the time of the review by the designated planning agency, the Secretary will not withhold reimbursement related to the capital expenditure.

5. Where the designated planning agency submits to the Secretary its finding that the capital expenditure is consistent with the standards, criteria, and plans described in §100.106(a)(2) or (3), the Secretary will apply at the time of the review by the designated planning agency, the Secretary will not withhold reimbursement related to the capital expenditure.

Dated: January 14, 1977
KEVIN M. ENRIGHT
Administrator, Health Resources Administration.

[FR Doc. 77-3401 Filed 1-25-77; 7:45 am]

This 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1619—DISCLOSURE OF INFORMATION

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 738, 42 U.S.C. 2986-2986d (“the Act”). Section 1006(b)(1), 42 U.S.C. 2990e(b)(1), provides that the Corporation shall have the authority to enforce compliance with the Act and Corporation rules, regulations and guidelines promulgated pursuant thereto.

On September 23, 1976 (41 FR 41724) a proposed regulation on disclosure of recipient policies was published. Interested persons were given until October 26, 1976 to submit comments on the proposed regulation. All comments received were given full consideration. The following issues were among those considered before adoption of the final regulation.

COMMENT

The final regulation is a substantial revision of the draft published for comment on September 23, 1976.

The disclosure requirements of the published draft were very similar to the ones that Part 1602 imposes on the Legal Services Corporation, although the Legal Services Corporation Act applies the Freedom of Information Act to the Corporation, and not to recipients. After considering the comments received, the Corporation concluded that there is a sound basis for the distinction made by the Congress in its treatment of the Corporation and of recipients.

The published draft gave insufficient weight to the fact that a legal services office is a law firm, and that its operations are fundamentally different from those of the Corporation. Opposing attorneys and parties to lawsuits in which the other side is represented by a legal services program attempted to use the proposed regulation as a means of discovery. The regulation sought to protect against such misuse, but its description of the materials exempt from disclosure was necessarily vague and likely to raise many questions of interpretation and application. The program's request for review under the regulation reported difficulty in defining the scope of disclosure with respect to information relating to specific cases or clients. Requiring a legal services program to furnish any information related to a client's case that might put legal services clients at a disadvantage that is unjustified by the fact that they are being assisted with funds initially provided by the Congress. Other legal services programs received requests for information from individuals seeking to show that the recipient was violating the Act or Corporation regulations. Insofar as the draftment itself to this use, it was inconsistent with section 1618, Enforcement Procedures, and section 1604, providing for the establishment of State Advisory Councils. An individual who has reason to believe a legal services program may have violated the Act or Corporation regulations should not be required to pursue a private investigation or fishing expedition, but should make a complaint to the State Advisory Council, the Director of the recipient, or the Corporation. Investigation is then carried out by the Corporation, as required by Part 1618, which informs the complainant of the result.

The public has a legitimate interest in knowing the rules and regulations of the Corporation and the recipients, policies and the addresses of the members of its governing body. These should be made available for public inspection during business hours at any office maintained by the recipient. Other information concerning the recipient in which the public may have a legitimate interest may be obtained by an FOIA request to the Corporation, pursuant to Part 1602.

The final regulation insures that information in which the public has a legitimate interest will be disclosed, to protect recipients against burdensome or inappropriate demands.

Sec.
1619.1 Purpose.
1619.2 Policy.
1619.3 Rebuttal to the Corporation.
1619.4 Exemptions.

AUTHORITY:  Sec. 1006(b)(1), 42 U.S.C. 2990e(b)(1); Sec. 1008(e), 42 U.S.C. 2990(e)

§ 1619.1 Purpose.

This part is designed to insure disclosure of information that is a valid subject of public interest in the activities of a recipient.

§ 1619.2 Policy.

A recipient shall adopt a procedure for affording the public appropriate access to the Act, Corporation rules, regulations and guidelines, the recipient's written policies, procedures, and guidelines, the names and addresses of the members of its governing body, and other materials that the recipient determines should be disclosed. The procedures adopted shall be subject to approval by the Corporation.

§ 1619.3 Rebuttal to the Corporation.

If a person requests information, not required to be disclosed by this part, that the Corporation may be required to disclose pursuant to Part 1602 of this chapter implementing the Freedom of Information Act, the recipient shall either provide the information or inform the
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§ 1519.9 Exemptions.

Nothing in this part shall require disclosure of:
(a) Any information furnished to a recipient by a client;
(b) The work product of an attorney or paralegal;
(c) Any material used by a recipient in providing representation to clients;
(d) Any matter that is related solely to the internal personnel rules and practices of the recipient; or
(e) Personnel, medical, or similar files.

Effective date: This part shall become effective February 25, 1977.

THOMAS EHRlich,
President,
Legal Services Corporation.
[FR Doc.77-2578 Filed 1-25-77;8:45 am]

Title 49—Transportation
CHAPTER X—INTERSTATE COMMERCE COMMISSION
SUBCHAPTER C—REGULATIONS, RULES AND REGULATIONS
[Service Order No. 1587]
PART 1033—CAR SERVICE
Priority in Movement of Fuel and Other Essential Commodities

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 1st day of January, 1977.

It is ordered, That because of severe weather in the eastern portion of the United States available fuel supplies are seriously depleted; that excessive accumulations of snow and ice and extreme cold have also disrupted normal movement of freight by railroad; that shortages of fuel have caused numerous industries to discontinue operations, resulting in extensive unemployment; that buildings and foodstuffs for farm animals and for humans are also being depleted; that there are needs for emergency supplies of equipment and chemicals used in removing snow from streets and highways; that certain other articles of commerce must continue to move to points of use promptly; that railroads in certain areas are unable to move currently all traffic available; that the establishment of priorities for the movement of certain commodities is essential to the national welfare; that in the opinion of the Commission an emergency exists; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1053.1257 Priority in movement of fuel and other essential commodities.

(a) Any railroad which is unable to transport all of the freight traffic which it would normally move by any particular train or engine shall give priority in movement, over all other traffic of all essential commodities consigned for domestic use including but not limited to the following:

- Liquid fuels, including liquefied petroleum gas, diesel fuel, fuel oil, gasoline, etc.
- Coal.
- Animal and Poultry Feed.
- Food for human consumption.
- Grain, soybeans and other agricultural products for processing into foods for either human or animal consumption.
- Snow removal equipment and supplies, including salt and chemicals when consigned to a railroad terminal.
- Water and sewage processing supplies and equipment essential to the continuity of water and sewage installations.
- Electric power, gas and petroleum, petroleum products, distribution and communication systems supplies, materials and equipment necessary for the continued operation of such systems.
- Military freight on bills of lading issued by transportation officers of the military services.
- Material moving on bills of lading specifically certified as essential by the Secretary of Defense, the Under Secretary of Defense for Research and Development Administration or the Federal Energy Administration.
- Empty tank cars which last contained liquid fuel or which the car owner certifies will next be used to transport such commodity.
- United States mail in accordance with emergency orders of the United States Postal Service.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Effective date. This order shall become effective at 11:59 p.m., January 21, 1977.

(d) Expiration date. The provisions of this order shall expire at 11:59 p.m., January 31, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interpret or applies Secs. 1(10-17).
84 Stat. 911 (49 U.S.C. 110(17-17), 15(4), and 17(2)).

It is further ordered, That copies of this order shall be served upon the American Railways Car Service Division, as agent for all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by delivering it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALT,
Secretary.

[FR Doc.77-2580 Filed 1-26-77;8:46 am]

Title 50—Wildlife and Fisheries
CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
PART 33—SPORT FISHING
Individual Wildlife Refuge Areas

The following special regulations are issued and are effective on January 1, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Alabama, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,000 acres, are shown on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on all refuge waters not closed by signs.

(2) Fishing permitted during daylight hours only.

(3) Boats and motors are permitted.

(4) Trotlines are not permitted in refuge impoundments.

(5) Equipment (boats, trailers, vehicles, etc.) not permitted overnight.

(6) Boat launching is permitted only at the refuge's north end boat ramp.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Arkansas, is permitted on all water areas. These areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE, Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends year-round except for closure during duck hunting season.

(2) Limb lines not permitted.

(3) Trotline fishing permitted at night.

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering fishing, subject to the following special conditions:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.