

Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (c) (8) or (c) (10) of this section; the Commission shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(2) The Commission shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (f) (1) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines by a majority vote of all its members (i) contains information which may be withheld under paragraph (c), and (ii) is not required by the public interest to be made available. Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The Commission shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(39 U.S.C. § 3603, 84 Stat. 759; 5 U.S.C. § 552b (g), 90 Stat. 1246; 5 U.S.C. § 553, 80 Stat. 383)

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc. 77-7093 Filed 3-9-77; 8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance Exclusion of SSI Beneficiaries From AFDC; Correction

In FR Doc. 76-36568 published at page 54489 on December 14, 1976, the last sentence of the preamble to the regulation amending 45 CFR 233.20 is incorrect. The sentence erroneously refers to a revision of paragraph (a) (3) (x) as though the

paragraph had been codified prior to issuance of the amendment. The content of that paragraph is new material.

The sentence is corrected to read: "45 CFR 233.20 is amended by revising paragraphs (a) (1) and (a) (3) (vi) and adding a new paragraph (a) (3) (x) to read as set forth below:".

Dated: March 4, 1977.

THOMAS S. McFEE,
Deputy Assistant Secretary for
Management Planning and
Technology.

[FR Doc. 77-7110 Filed 3-9-77; 8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Summer Youth Recreation Programs

Section 222(a) (13) of the Economic Opportunity Act of 1964, as amended, provides for a program to be known as "Summer Youth Recreation" which is designed to provide recreational opportunities for low-income children during the summer months. The legislation also directs that the funds made available under this section of the EOA be allocated by the Director of the Community Services Administration, after consultation with the Secretary of Labor, among prime sponsors and other agencies designated under Title I of the Comprehensive Employment and Training Act of 1973 on a formula basis.

The Community Services Administration is hereby publishing its regulations for applying for FY77 funds to operate Summer Youth Recreation programs under Section 222(a) (13). These regulations remain basically the same as those issued for FY76 funds. However, a number of pre- and post-grant requirements, such as bonding, insurance, and financial reporting have changed due to publication of CSA's regulations implementing OMB Circular A-110 and Federal Management Circular 74-7, which will be effective April 1, 1977. (See FEDERAL REGISTER Vol. 42—No. 11, January 17, 1977). One additional change is that CSA now requires CAAs to monitor and evaluate SYRP programs in their area.

Due to the continuing adverse economic conditions in most communities, the non-Federal share requirement is waived for all projects funded under Section 222(a) (13) for FY77.

Although this regulation is not effective until April 11, 1977, applications may be submitted at any time to the appropriate CSA Regional Office.

Any comments, questions, or information regarding these regulations should be addressed to: Nolan Lewis, Community Services Administration, Room 308, 1200—19th Street NW., Washington, D.C. 20506.

Any specific program or grant application questions should be addressed to the appropriate CSA Regional Office.

Effective: April 11, 1977.

ROBERT C. CHASE,
Acting Director.

45 CFR Chapter X 1061.20-1 through 1061.20-11 is revised to read as follows:

Sec.	
1061.20-1	Applicability.
1061.20-2	Definitions.
1061.20-3	Summer Youth Recreation Program—description and components.
1061.20-4	Eligible sponsors/alternates.
1061.20-5	Eligible participants.
1061.20-6	Funding.
1061.20-7	Application process.
1061.20-8	Expenditure of funds.
1061.20-9	Coordination with other programs.
1061.20-10	General requirements.

AUTHORITY: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

§ 1061.20-1 Applicability.

This subpart applies to grantees funded under section 222(a) (13) of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration.

§ 1061.20-2 Definitions.

For purposes of this subpart the following definitions will apply:

(a) "Act" shall mean the Economic Opportunity Act of 1964, as amended.

(b) "Allocation" shall mean the distribution of funds among prime sponsors designated by the Secretary of Labor under Section 102 of the CETA Act according to the formulas contained in Act.

(c) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(d) "CETA Act" shall mean the Comprehensive Employment and Training Act of 1973 (Public Law 93-203).

(e) "Chief Elected Official" and "Chief Executive Officer" shall include their designees.

(f) "Community Action Agency" shall mean a political jurisdiction, public agency, or private non-profit agency which has the power and authority and will perform the functions set forth in Section 212 of the Act and is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action agency by the Director.

(g) "CSA Regional Director" shall mean the ten Regional Directors of the Community Services Administration in specified geographical areas of the country. (See Appendix C for the appropriate CSA Regional Office serving your area).

(h) "Director" shall mean the Director of the Community Services Administration.

(i) "Economically Disadvantaged" shall mean a person who is a member of a family as defined under CETA income poverty guidelines.

(j) "Summer Youth Program" shall mean the Summer Program for Economically Disadvantaged Youth funded un-

der Title III, Section 304(a) (3) of the Comprehensive Employment and Training Act of 1973 and administered by the U.S. Department of Labor.

§ 1061.20-3 Summer Youth Recreation Program—Description and components.

(a) *Description.* (1) The Summer Youth Recreation Program is designed to provide recreational opportunities for economically disadvantaged children during the summer months. The programs will be conducted in conjunction with the Summer Youth Program administered by the U.S. Department of Labor. Summer Youth enrollees should be utilized to the maximum extent possible in the conduct of this program.

(2) The program shall begin as soon as possible after the Spring Closing of school and shall not continue beyond the end of the Federal fiscal year (Sept. 30).

(3) To the maximum extent possible, Summer Youth Recreation Program sites shall be located directly in low-income communities or areas to ensure that disadvantaged youth are the beneficiaries of the programs. Activities shall be conducted in as many low-income areas of the sponsor's jurisdiction and designed to serve as many low-income children as possible within the constraints of effective program management and support.

(b) *Components.* Summer Youth Programs will consist of the following components:

(1) Recreation support programs will provide recreation opportunities such as playground activities, organized sports and games, arts and crafts, informational tours, cultural field trips, instruction in the creative arts and special events.

(2) Transportation support programs will provide transportation services to such cultural, recreational, or educational activities.

§ 1061.20-4 Eligible sponsors/alternates.

(a) *Eligible agencies.* Agencies eligible to receive summer recreation funds shall be prime sponsors designated under Title I of the CETA Act.

(b) *Alternative sponsors.* The CSA Regional Director may provide for the funding of an alternative sponsor if a sponsor, for any reason, is unable or fails to establish or maintain an acceptable Summer Youth Recreation Program.

(c) *Delegate agencies/subgrants.* A Summer Youth Recreation sponsor may enter into contracts or subgrants under the term set forth in and through use of OEO Form 180, *Agreement for Delegation of Activities.*

§ 1061.20-5 Eligible participants.

Participants in a Summer Youth Recreation Program shall be youth too young to obtain employment and economically disadvantaged. The main target group for the Summer Youth Recreation Program shall be disadvantaged youth between the ages of eight and thirteen.

§ 1061.20-6 Funding.

(a) *Allocation of funds.* Section 222 (a) (13) of the Economic Opportunity Act of 1964, as amended, provides for the allocation of funds for the Summer Youth Recreation Program by the Director after consultation with the Secretary of Labor. Funds are allocated on the basis of (1) the relative number of public assistance recipients in the areas served by such prime sponsor or agency, as compared to the Nation; (2) the relative number of unemployed persons in such areas as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area, as compared to the Nation. That part of any allotment which the Director determines will not be needed may be reallocated at such dates during the fiscal year as the Director may fix, to the extent feasible in proportion to the original allotments. In making Summer Youth Recreation allocations under the Act, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no sponsor shall receive an amount less than the amount received for such programs during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, whichever is higher.

(b) *Non-Federal share; waiver of.* Non-Federal share required by Section 225(c) is waived for all programs funded under Section 222(a) (13), Summer Youth Recreation Programs, and does not require a request for waiver from applicants for grants.

§ 1061.20-7 Application process.

(a) *Role of the CAA.* (1) *Review of application.* The Community Action Agency or Agencies operating within the jurisdiction of the Summer Youth Recreation program sponsor shall be given an opportunity to formally comment on the Summer Youth Recreation Program grant application and to recommend approval or disapproval to the CSA Regional Director. Community Action Agencies shall be provided with a copy of the Summer Youth Recreation Program grant application by the SYRP Sponsor at the same time that the proposal is submitted to the CSA Regional Director. The CAAs will have five days within which to recommend approval or disapproval to the CSA Regional Director. The Community Services Administration retains final approval authority. In addition CAAs may undertake on-site evaluations of SYRP projects.

(2) *Monitoring and evaluation.* In accordance with the legislative requirement outlined in Section 212(b) (1) of the Act that CAAs will " * * * determine how much and how effectively assistance is being provided to deal with * * * problems and causes (of poverty in the community)", CAAs will monitor and evaluate the Summer Youth Recreation Pro-

gram serving within their jurisdictions. CAAs will make advance arrangements with program sponsors for monitoring activities. In those cases where there is no CAA serving the jurisdiction of the SYRP sponsor, the CSA Regional Office will make alternate monitoring and evaluation arrangements. In addition, CSA may undertake on-site evaluations of selected projects.

(b) *Forms/documentation required.* The forms and other documents to be used in applying for Summer Youth Recreation Programs will be made available to eligible sponsors by the CSA Regional Directors. The forms to be used in applying for a Summer Youth Recreation Program are as follows:

(1) Applicant forms.¹

CSA Form 419, *Summary of Work Programs and Budget*

CSA Form 301, *Applicant Certification*

OEO Form 325, *Budget Summary*

OEO Form 394, *Checkpoint Procedure for Coordination*

(Optional— See 45 CFR 1067.10 (CSA Instruction 6710-3a))

OEO Form 325a, *Budget Support*

SP424, *Federal Assistance (Sections I and II completed)*

CAP Form 84, *Participant Characteristics Plan*

Statement of Accounting System Certification, Appendix A of this Instruction (for use by public agencies)

(i) When delegating programs.

CAP Form 11, *Assurance of Compliance with Civil Rights Act*

OEO Form 280, *Agreement for Delegation of Activities*

CAP Form 85, *Administering Agency Funding Estimate*

CAP Form 87, *Delegate Agency Basic Information*

(c) *Deadline for submission of applications.* Summer Youth Recreation grant applications shall be submitted to CSA Regional Office no later than April 15.

(d) *Clearinghouse notification and review.* All eligible applicants must follow the Project Notification and Review System procedures as outlined in 45 CFR 1067.10 (CSA Instruction 6710-3a). (NOTE.—Applicants are reminded that it is in their best interest to file their notice of intent with Clearinghouses immediately upon determination to apply for funds from CSA under this program.)

§ 1061.20-8 Expenditures of funds.

(a) *Allowable costs.* (1) Administration, including salaries, wages and fringe benefits of administrative staff (but not program staff); consumable office supplies; rent, and utilities; telephone and postage; travel of administrative staff and audit costs. Funds in this category are subject to the administrative cost limitation of 15 percent as defined in OEO Instruction 6807-1, *CAA Administrative Cost Limitation.*

¹ Detailed instructions for the preparation of forms can be found in Appendix B.

(2) Recreation services including but not limited to: purchase of recreation equipment² and supplies up to \$200 per unit cost to be used in support of the program; rental of recreational equipment and supplies to be used in support of the program; admission to special events; field trip expenses; salaries; wages, fringe benefits and orientation of program staff, such as art instructors and playground supervisors; transportation for participants and program staff; lunches or food provided as an integral part of a recreation activity; recreation clothing and insurance. The standards to be used for the procurement of supplies, equipment and other material and services with Federal grant funds described in 45 CFR 1050. (CSA Instruction 6800-9).

(3) Charges above operating costs for the use of grantee owned facilities will not be made to the SYRP program except with the written authorization of the appropriate CSA Regional Director.

(4) Transportation services, including but not limited to: but tokens, and rental of buses and vans.

(b) *Non-allowable costs.* (1) Summer Youth Recreation Program funds shall not be expended on office equipment, in-place installations, capital improvements, to compensate participants in the program or to purchase transportation vehicles or equipment such as cars, vans, or buses.

(2) Summer Youth Recreation funds shall not be used to finance any other program activities and services not authorized under the Summer Youth Recreation Program such as, but not limited to, work experience, on-the-job training or public service employment activities.

(3) Summer Youth Recreation Program funds shall not be used to finance trips outside a 100-mile radius of the sponsor's jurisdiction unless the trip has received the specific written approval of the CSA Regional Director or his designee.

§ 1061.20-9 Coordination with other programs.

(a) The Summer Youth Recreation Programs will be closely coordinated with the anti-poverty programs of the Community Action Agency serving the jurisdiction covered by the Summer Youth Recreation Program with a view of minimizing possible duplication of effort and promoting efficiency by use of common facilities and services.

(b) Sponsors should coordinate Summer Youth Recreation Programs with manpower and social service programs, including the Summer Youth Employment Program and other CETA manpower activities.

(c) The extensive outreach and intake capability of the Community Action Agencies should be utilized to the maximum extent possible. The CAA network of Neighborhood Service Centers in disadvantaged communities provides a

²Disposition of property will be in accordance with the policy stated in 45 CFR 1050 (CSA Instruction 6800-9).

ready means of assuring that the disadvantaged are effectively served by the program. In addition, transportation services may be provided as services for participants in the Summer Youth Program and thus supplement transportation support activities carried out under the Summer Youth Recreation Program.

(d) Sponsors may utilize the Summer Feeding Program for low-income children which provides meals (and recreational activities as well in most instances) in schools, community centers, parks, playgrounds, storefronts and other settings. (See Appendix D for listing of state School Lunch Directors who can assist sponsors in applying for the program).

(e) Participants in the Summer Youth Program and other manpower programs, including public service jobs incumbents under the CETA Act, should be utilized as program and administrative staff in the Summer Youth Recreation Program to the maximum extent feasible by using the Summer Youth Recreation Program sites as work stations.

§ 1061.20-10 General requirements.

(a) *Maintenance of effort.* No sponsor shall, because of funds granted under Section 222(a)(13) of the Act, reduce or decrease funds already planned for summer youth recreation activities of a nature similar to those provided under the aforementioned Section.

(b) *Insurance.* (1) *Public grantees.* Public grantees will follow their regular requirements and practices.

(2) *Nongovernmental grantees.* General liability insurance, including automobile liability insurance must be obtained, in amounts which assure the adequate protection of program participants and the grantee. The required minimum property damage coverage shall be \$25,000.

(c) *Bonding.* (1) Public grantees will follow their regular requirements and practices.

(2) Prior to the release of funds to any private grantee, CSA must receive written assurance that arrangements have been made for appropriate bonding of grantee officials in accordance with the provisions set forth in 45 CFR 1050.15 (CSA Instruction 6800-3).

(d) *Program progress report.* All sponsors must submit a program Progress Report (PPR) as outlines in 45 CFR 1050 (CSA Instruction 6800-9) on the accomplishments of the Summer Youth Recreation Program to the appropriate CSA Regional Office no later than October 30 of the calendar year in which the program has been funded.

(e) *Financial reporting.* A Financial report is to be submitted by October 30 of the calendar year in which the program has been funded to the appropriate CSA Regional Office in accordance with the requirements and procedures set forth in 45 CFR 1050.70 (CSA Instruction 6800-8) and OEO Instruction 6801-1.

(f) *Auditing.* Audit requirements for this program are to be met by complying

with OEO Instruction 6801-1 and Appendix A of this subpart for public agencies and any special conditions that are part of the grant award.

(g) *Safety and health conditions.* Participants shall not be exposed to conditions which are unsanitary or hazardous or dangerous to their safety or health.

(h) *Licensing.* All transportation services under this program will be from sources properly licensed to provide carriage of the public, and which are operated in compliance with all applicable local, State and/or Federal statutes covering public transportation.

APPENDIX A

STATEMENT TO BE SUBMITTED BY APPROPRIATE PUBLIC FINANCIAL OFFICER WHEN THE APPLICANT IS A PUBLIC AGENCY OR WHEN THE ACCOUNTING SYSTEMS OF A PRIVATE-NONPROFIT AGENCY WILL BE MAINTAINED BY A PUBLIC AGENCY.

(Address of Regional or Program Office or CSA, as appropriate)

DEAR SIR: I am the chief financial officer of _____ and, in this capacity,

(Name of public body) I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the _____

(Name of applicant) which is a public (or non-profit) agency charged with carrying out a CSA program in _____ The accounting

(Name of community) system and internal procedures will be adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

(Signature of financial officer)

(Name of financial officer)

(Title)

(Name of Public body)

STATEMENT TO BE SUBMITTED WHEN APPLICANT IS A PRIVATE-NONPROFIT AGENCY (OR A PUBLIC AGENCY) WHOSE ACCOUNTING SYSTEM WILL NOT BE MAINTAINED BY A PUBLIC AGENCY.

(Address of Regional or Program Office of CSA, as appropriate)

DEAR SIR: I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial account of the _____, which

(Name of applicant) is a private-nonprofit organization (or public agency) carrying out a CSA program in _____

(Name of community)

I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

(Signature of accountant)

(Name of accountant)

(Name of firm)

APPENDIX B

INSTRUCTIONS FOR PREPARATION OF SUMMER YOUTH RECREATION DOCUMENTS

Eligible applicants should submit the original and two copies of all required forms and documents to the appropriate CSA Regional Director by April 15. One copy of the grant application shall be submitted to the CAA(s) serving the jurisdictions covered by the Summer Youth Recreation program at the same time as the application is submitted to the CSA Regional Office. The following instructions are provided to assist applicants in completing grant application forms:

BUDGET SUMMARY, OEO FORM 323

Item 3A. Grant No. — this number to be entered by the CSA Regional Office.

Item 3C. Program Account Title and No. — to be provided by CSA Regional Office.

Section I. Budget Summary—eligible applicants will complete Column C only. Column C corresponds with Columns A (Cost Category No.) and B (Cost Category). Enter the estimated expenditures in Columns C.1 (OEO Federal) and C.2 (Non-Federal), based upon the amount of funds allocated by the Director in each applicable cost category. Total for Column C.1 should agree with the amount allocated the applicant. Column C.2—not applicable.

Section II.—Estimated Future Costs—not applicable.

Budget Support Sheet, Part I (Salaries and Wages) and Part II (Budget Support Data), OEO Form 325a.

Part I. Salaries and Wages (Itemization of Cost Category No. 1.1)—enter the appropriate data as specified based upon the amount allocated (e.g., estimate expenditures in support of this project).

Part II. Budget Support Data (Itemization of Cost Categories Other Than Salaries and Wages. Show Subtotal for Each Cost Category)—enter the estimated expenditures for each item as specified.

CHECKPOINT PROCEDURE FOR COORDINATION, OEO FORM 394

This form will be used if and when the CSA Regional Director determines that the applicant's comments are not being circulated to all appropriate public and private agencies. It also may be used by applicants who wish to carry out additional coordinating activities with local agencies and local units of government.

APPENDIX C

CSA REGIONAL OFFICES

- CSA Regional Office, Region I, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Director, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- CSA Regional Office, Region II, New Jersey, New York, Puerto Rico, Virgin Islands.
Director, 26 Federal Plaza, 32nd Floor, New York, New York 10007.
- CSA Regional Office, Region III, Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
Director, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104.
- CSA Regional Office, Region IV, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Director, 730 Peachtree Street NE., Atlanta, Georgia 30308.
- CSA Regional Office, Region V, Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Director, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606.
- CSA Regional Office, Region VI, Arkansas,

- Louisiana, New Mexico, Oklahoma, Texas.
Director, 1200 Main Street, Dallas, Texas 75202.
- CSA Regional Office, Region VII, Iowa, Kansas, Missouri, Nebraska.
Director, 911 Walnut Street, Kansas City, Missouri 64106.
- CSA Regional Office, Region VIII, Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Director, Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.
- CSA Regional Office, Region IX, Arizona, California, Guam, Hawaii, Nevada, Pacific Trust Territories.
Director, 450 Golden Gate Avenue, P.O. Box 36008, San Francisco, California 94102.
- CSA Regional Office, Region X, Alaska, Idaho, Oregon, Washington.
Director, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

APPENDIX D

STATE SCHOOL LUNCH DIRECTOR

- Mr. T. G. Smith, Coordinator, Food Service and Local Accounting, State Department of Education, 410 State Office Building, Montgomery, Alabama 36104.
- Mrs. Marge Dawes, School Food Coordinator, State Department of Education, Alaska Office Building—Pouch F, Juneau, Alaska 99801.
- Mrs. Lita Tui'alo, Director, Food Service Programs, Department of Education, Pago Pago, Tutuila, American Samoa 96920.
- Mrs. Junetta Barrett, Director, Food Service Division, School Lunch Program, 1535 West Jefferson Avenue, Phoenix, Arizona 85007.
- Mr. James Niven, Coordinator, School Lunch Division, State Department of Education, Education Building, Little Rock, Arkansas 72201.
- Mrs. L. Gene White, Director, Bureau of Food Services, State Department of Education, 731 Capitol Mall, Sacramento, California 95814.
- Mr. Daniel G. Wisotzkey, Director, School Food Services, Colorado Department of Education, 318 State Office Building, 201 E. Colfax, Denver, Colorado 80203.
- Mrs. Ann Tolman, Director, School Lunch Program, State Department of Education, State Capitol Building, Hartford, Connecticut 06115.
- Mr. Robert L. John, State Supervisor of School Lunch, Department of Public Instruction, Food Service Office, John Townsend Building, Dover, Delaware 19901.
- Mr. Joseph M. Stewart, Director, Department of Food Services, Public Schools of the District of Columbia, 415 12th Street NW., Washington, D.C. 20004.
- Mr. George W. Hockenbery, Administrator, Food and Nutrition Services, State Department of Education, Tallahassee, Florida 32304.
- Miss Josephine Martin, Administrator, School Food Service Program, State Department of Education, 156 Trinity Avenue SW., Atlanta, Georgia 30303.
- Mr. J. B. Charfauros, Associate Superintendent of Business Affairs, Department of Education, Government of Guam, P.O. Box DE, Agaña, Guam 96910.
- Mr. Stanley W. Doucette, Director, School Lunch Service, State Department of Education, P.O. Box 2360, Honolulu, Hawaii 96904.
- Mr. Cecil F. Olsen, Director, School Lunch Programs, State Department of Education, State Office Building—Room 213, Boise, Idaho 83707.
- Mr. Robert E. Ohlzen, Director, School Food Services Section, Department of Pupil Services, Illinois Office of Education, 100 North First Street, Springfield, Illinois 62777.

- Mr. John J. Harter, Director, Division of School Lunch, State Department of Public Instruction, 120 West Market Street—16th Floor, Indianapolis, Indiana 46204.
- Mr. Verne E. Carpenter, Director, Child Nutrition Programs Division, State Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319.
- Mr. T. William Goodwin, Acting Director, School Food Services, State Department of Education, Kansas State Education Building, 120 East 10th Street, Topeka, Kansas 66612.
- Mr. Redwood Taylor, Co-Director, Division of School Food Service, Finance, Reimbursement—Claims Processing, Accounting and fiscal control, Capitol Plaza, 19th Floor, Frankfort, Kentucky 40601.
- Mr. C. E. Bevins, Co-Director, Division of School Food Services, Bureau of Pupil Personnel Services, State Department of Education, Capitol Plaza, 19th Floor, Frankfort, Kentucky 40601.
- Dr. Joseph A. Dazzio, State Director, Local School System Services, State Department of Education, P.O. Box 44064, Baton Rouge, Louisiana 70804.
- Miss M. Gertrude Griney, Director, School Nutrition Programs, State Department of Education, State House, Augusta, Maine 04330.
- Mrs. Ruthetta Gilgash, Coordinator, Food Service Program, State Department of Education, BWI Airport—P.O. Box 8717, Baltimore, Maryland 21240.
- Mr. John C. Stalker, Director, Bureau of Nutrition Education and School Food Services, State Department of Education, 182 Tremont Street, Boston, Massachusetts 02111.
- Mr. James L. Borough, Supervisor, Food and Nutrition Services Section, School Management Services, State Department of Education, P.O. Box 420, Lansing, Michigan 48902.
- Mr. Charles L. Matthew, Director, School Lunch Section, State Department of Education, Capitol Square Bldg., Room 509, St. Paul, Minnesota 55101.
- Mr. John H. Walker, Assistant Director, Administration and Finance, State Department of Education, Walter Sillers Office Building—Room 604, P.O. Box 771, Jackson, Mississippi 39205.
- Mr. Wilbert Grannemann, Director, Missouri State Department of Elementary and Secondary Education, Jefferson Building, P.O. Box 480, Jefferson City, Missouri 65101.
- Mr. H. Brislin Skiles, Supervisor, School Food Services, State Department of Public Instruction, State Capitol, Helena, Montana 59601.
- Dr. Ray Steiner, Director, School Food Services, State Department of Education, 233 South 10th Street, Lincoln, Nebraska 68508.
- Miss Eleanor Bateman, Supervisor of Food Services, State Department of Administration, 400 W. King Street, Carson City, Nevada 89701.
- Attention: Ms. Judy Chase, Food and Nutrition Services, Division of Administration, State House Annex, Concord, New Hampshire 03301.
- Mr. Walter F. Colender, Director, Bureau of Food Program Administration, Division of Field Services, State Department of Education, 225 West State Street, Trenton, New Jersey 08625.
- Mrs. Gretchen Plagge, Director, School Food Services, State Department of Education, Santa Fe, New Mexico 87501.
- Mr. Richard O. Reed, Chief, Bureau of School Food Management, State Education Department, 99 Washington Avenue—17th Floor, Albany, New York 12210.

Mr. Ralph W. Eaton, State Director, School Food Services, State Department of Public Instruction, P.O. Box 12197, Raleigh, North Carolina 27605.

Miss Roberta A. Bosch, Director, School Food Services, State Department of Public Instruction, State Capitol Building, Bismarck, North Dakota 58501.

Mr. Robert H. Koon, Director, Division of School Lunch, State Department of Education, 65 South Front Street—Room 1009, Columbus, Ohio 43215.

Mr. Fred L. Jones, Director, School Lunch Section, State Department of Education, Room 340, Oliver Hodge Memorial Office Bldg., Oklahoma City, Oklahoma 73105.

Mr. Richards S. Miller, Coordinator, School Food and Nutrition Services, Oregon State Department of Education, 942 Lancaster Drive, NE., Room 212, Salem, Oregon 97310.

Mr. Warren M. Vann, Jr., Chief, Division of Food and Nutrition Services, State Department of Education, P.O. Box 911, Harrisburg, Pennsylvania 17126.

Mrs. Mary Blanco, Directress, School Lunch-room Division, Department of Education, URB Industrial, Tres Monjitas, P.O. Box 759, Hato Rey, Puerto Rico 00919.

Mr. Robert F. Kaveny, Program Business Manager, Office of School Food Services, Roger Williams Building, Hayes Street, Providence, Rhode Island 02908.

Mr. John L. Seurynck, Director, Office of School Food Services, State Department of Education, 305 Rutledge Building, Columbia, South Carolina 29201.

Mr. Martin Sorensen, Director, School Food Services, Department of Education and Cultural Affairs, Division of Elementary and Secondary Education, Pierre, South Dakota 57501.

Mr. Lawrence Bartlett, Director, School Food Services, State Department of Education, Cordell Hull Building, Nashville, Tennessee 37219.

Mr. Charles A. Cole, Program Director, School Lunch Program, Texas Education Agency, 201 East 11th Street, Austin, Texas 78101.

Mr. George Bussell, Food Service Officer, Department of Education, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

Mr. Cluff D. Snow, Administrator, Division of School Food Services, 250 East 500 South, Salt Lake City, Utah 84111.

Miss Banba Foley, Chief, Child Nutrition Programs, State Department of Education, State Office Building, Montpelier, Vermont 05605.

Mrs. Andriana Segarra, Acting State Director, School Lunch Program, Department of Education, P.O. Box 630, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

Mr. John F. Miller, Supervisor, School Lunch Program, State Department of Education, 8th St., Office Building, Richmond, Virginia 23216.

Miss Virginia R. Whitlatch, Supervisor, School Food Services, Department of Public Instruction, Old Capitol Building, Olympia, Washington 98504.

Mrs. Faith Gravenimer, State Director of School Lunch, State Department of Education, State Capitol Building, Charleston, West Virginia 25311.

Mr. Edward J. Post, Director, Bureau for School Food Services, Department of Public Instruction, 126 Langdon Street, Madison, Wisconsin 53703.

Mr. Sidney C. Werner, Assistant Superintendent of Administrative Services, State Department of Education, Hathaway Building, Cheyenne, Wyoming 82002.

[FR Doc.77-6970 Filed 3-9-77;8:45 am]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM
SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0085; Regs. D and Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

“Loan-to-Lender” Programs—Notice of Continuation of Waiver of Reserve Requirements and Interest Rate Limitations

The Board of Governors has reconsidered the question of the deposit status under its Regulations D and Q of funds obtained by member banks on their notes issued to State or municipal housing authorities under “Loan-to-Lender” type programs. The Board has determined to continue the waiver of reserve requirements and interest rate limitations announced in September 1975 with respect to funds obtained by member banks under these programs. This action is based upon the Board’s authority to determine what types of obligations shall be deemed a deposit under section 19(a) of the Federal Reserve Act, 12 U.S.C. 461, and its regulatory authority under § 204.1(f) of Regulation D and § 217.1(f) of Regulation Q. The following notice has been issued to all Federal Reserve Banks:

LOAN-TO-LENDER PROGRAMS

The Board has reviewed the question of whether funds obtained by member banks on their notes issued to State and municipal housing authorities under “Loan-to-Lender” agreements should be regarded as “deposits” under the Board’s Regulation D (§ 204.1(f)) and Regulation Q (§ 217.1(f)).

“Loan-to-Lender” programs usually involve the issuance by a State or municipal housing authority of tax-exempt bonds and the subsequent lending of the bond revenue funds to financial institutions under the requirement that these funds be used to make specified types of real estate loans (generally mortgage loans to low or moderate income home buyers). The funds advanced to financial institutions pursuant to a “Loan-to-Lender” program are evidenced by a loan agreement and a promissory note issued by the financial institution to the housing authority. These programs enable State and municipal authorities to channel funds obtained into housing programs through financial institutions possessing specialized expertise in real estate lending and construction financing. At the present time such programs are in operation in 11 States. Thirteen other State legislatures have approved legislation authorizing such programs. On the basis of available information, “Loan-to-Lender” programs currently represent approximately \$800 million in funds lent for these purposes.

By letter of August 6, 1975, the Board requested that the Federal Reserve Banks inform member banks in their districts that funds obtained by member banks on their notes issued to State or municipal housing authorities under “Loan-to-Lender” programs are funds to be used in the banking business and, therefore, should be treated as deposits subject to Regulation D reserve requirements and Regulation Q interest rate limitations.

On September 29, 1975, the Board announced that, in response to requests for

such action, it would review the deposit status of funds received by member banks on their notes issued to State and municipal housing authorities under “Loan-to-Lender” type programs. In conjunction with that review, the Board suspended the effectiveness of its determination of August 6, 1975, and waived the maintenance of required reserves on “Loan-to-Lender” obligations.

The Board has conducted an extensive review of all known “Loan-to-Lender” type programs. Based upon this review, the Board has determined to continue, for an indefinite period, the suspension of its August 6, 1975, determination regarding the deposit status of “Loan-to-Lender” funds. (This suspension was first announced on September 29, 1975.) This action is based upon the Board’s belief that a determination on the deposit status of funds obtained by member banks under “Loan-to-Lender” programs should be deferred pending the completion of broader based studies of possible statutory and regulatory reforms pertaining to interest on deposits and reserves held by member banks. The continued suspension will also provide the Board with further opportunity to assess the potential impact of application of reserve requirements and interest rate limitations on funds obtained by member banks through participation in “Loan-to-Lender” programs.

The Board recognizes that its decision to defer for an indefinite period a final determination regarding the deposit status of funds obtained by member banks under “Loan-to-Lender” agreements may result in some uncertainty among member banks presently participating in such programs or contemplating participation at a future date. Accordingly, in order to avoid any uncertainty with respect to member bank participation in “Loan-to-Lender” programs during the time this suspension is in effect, the Board has determined that any funds obtained by member banks as the result of “Loan-to-Lender” agreements entered into during this suspension period will continue to be exempt from interest rate limitations and reserve requirements, regardless of any future decision of the Board to reinstate its determination of August 6, 1975.

Where “Loan-to-Lender” programs are being offered, it is suggested that you inform member banks in your district of the Board’s decision to continue, indefinitely, the suspension of the effectiveness of its August 6, 1975, determination regarding the deposit status of such funds.

Board of Governors of the Federal Reserve System, March 2, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-6996 Filed 3-9-77;9:10 am]

[Reg. Z; FC-0043, FC-0044]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

Correction

In FR Doc. 77-4809, appearing at page 9384, of the issue for Wednesday, February 16, 1977, make the following correction: On page 9385, in the second column, in the twelfth line of 226.8(b) (7), change the word “neither” to “either.”

[Docket No. R-0077]

PART 261b—RULES REGARDING PUBLIC OBSERVATION OF MEETINGS

By notice of proposed rulemaking published in the FEDERAL REGISTER on January 31, 1977 (42 FR 5699) the Board of Governors proposed for comment a new Part 261b to provide for the procedures under which the open meeting requirements of subsection (b) through (f) of the Government in the Sunshine Act ("the Act"), (5 U.S.C. § 552b) will be met.

The objective of the Act is to provide the public with the fullest practicable information regarding the decision making processes of defined agencies while at the same time protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Under the Act and the proposed regulations, members of the Board may not, after March 12, 1977, jointly conduct or dispose of official agency business other than in accordance with the procedures specified in this Part. Generally, such procedures require that every portion of every Board meeting be open to public observation, except when a meeting or a portion of a meeting is closed because it relates to a matter exempt from such public observation under subsection (c) of the Act.

The Board has determined that it qualifies for the use of expedited procedures for closing meetings under subsection (d) (4) of the Act because a majority of its meetings may properly be closed pursuant to paragraph (4), (8), (9) (A) or (10) of subsection (c) of the Act or any combination thereof. The Board has examined the records of its meetings from January 1, 1974 to December 31, 1976, and determined that of the 493 meetings held, a portion or portions of 465 (94 per cent) could have been properly closed pursuant to paragraph (4), (8), (9) (A) or (10) of subsection (c) of the Act or any combination thereof.

As a result of this finding, the regulations provide for the closing of meetings under expedited procedures as well as for the closing of meetings under regular procedures. The proposed regulations also provide for the public announcement of meetings open to public observation and meetings to be partially or completely closed under regular procedures, changes with respect to publicly announced meetings, and certification by the General Counsel with respect to closed meetings. In addition, rules are set forth for the maintenance of transcripts, recordings, and minutes, for inspection and copying of such transcripts and minutes and for fees related thereto.

Consideration has been given to all comments received by the Board through March 4, 1977. With respect to questions raised about the status of the Federal Open Market Committee, attention is directed to a statement of policy of the Federal Open Market Committee regarding the Act published in the FEDERAL REGISTER as subchapter B, Part 281 of Title 12.

In order to make it clear that § 261b.5 of the Regulations relating to exemptions does not vary from the statutory requirement, this section has been revised to conform to the express language of subsection (c) of the Act, which provides that the exemptions may be used as a basis for closing a meeting, or portion thereof, or withholding information "except in a case where the agency finds that the public interest requires otherwise."

Section 261b.7(b) has been revised to clarify that, in accordance with section (d) (4) of the Act, a majority of the members of the agency must vote to close a meeting under expedited procedures.

Section 261b.10 relating to the certification of the General Counsel has been revised to specify that the General Council's certification is to be made before closing a meeting to public observation.

Following consultation with the office of the Chairman of the Administrative Conference of the United States and published notice in the FEDERAL REGISTER of at least 30 days giving opportunity for written comment by any person, the Board of Governors, effective March 12, 1977, adopts Part 261b, as follows:

- Sec
- 261b.1 Basis and scope.
- 261b.2 Definitions.
- 261b.3 Conduct of agency business.
- 261b.4 Meetings open to public observation.
- 261b.5 Exemptions.
- 261b.6 Public announcements of meetings.
- 261b.7 Meetings closed to public observation under expedited procedures.
- 261b.8 Meetings closed to public observation under regular procedures.
- 261b.9 Changes with respect to publicly announced meeting.
- 261b.10 Certification of General Counsel.
- 261b.11 Transcripts, recordings, and minutes.
- 261b.12 Procedures for inspection and obtaining copies of transcripts and minutes.
- 261b.13 Fees.

AUTHORITY: 5 U.S.C. 552b.

§ 261b.1 Basis and scope.

This Part is issued by the Board of Governors of the Federal Reserve System ("the Board") under section 552b of Title 5 of the United States Code, the Government in the Sunshine Act ("the Act"), to carry out the policy of the Act that the public is entitled to the fullest practicable information regarding the decision making processes of the Board while at the same time preserving the rights of individuals and the ability of the Board to carry out its responsibilities. These regulations fulfill the requirement of subsection (g) of the Act that each agency subject to the provisions of the Act shall promulgate regulations to implement the open meeting requirements of subsections (b) through (f) of the Act.

§ 261b.2 Definitions.

For purposes of this Part, the following definitions shall apply:

(a) The term "agency" means the Board and subdivisions thereof.

(b) The term "subdivision" means any group composed of two or more Board members that is authorized to act on behalf of the Board.

(c) The term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official Board business, but does not include (1) deliberations required or permitted by subsections (d) or (e) of the Act, or (2) the conduct or disposition of official agency business by circulating written material to individual members.

(d) The term "number of individual agency members required to take action on behalf of the agency" means in the case of the Board, a majority of its members except that (1) Board determination of the ratio of reserves against deposits under section 19(b) of the Federal Reserve Act requires the vote of four members, (2) Board action with respect to advances, discounts and rediscounts under sections 10(a), 11(b) and 13(3) of the Federal Reserve Act requires the vote of five members and (3) Board action with respect to the percentage of individual member bank capital and surplus which may be represented by loans secured by stock and bond collateral under section 11(m) of the Federal Reserve Act requires the vote of six members. In the case of subdivisions of the Board, the term means the number of members constituting a quorum of the designated subdivision.

(e) The term "member" means a member of the Board appointed under section 10 of the Federal Reserve Act. In the case of certain Board proceedings pursuant to 12 U.S.C. 1818(e), the Comptroller of the Currency is entitled to sit as a member of the Board and for these proceedings he shall be deemed a "member" for the purposes of this Part. In the case of any subdivision of the Board, the term "member" means a member of the Board designated to serve on that subdivision.

(f) The term "public observation" means that the public shall have the right to listen and observe but not to record any of the meetings by means of cameras or electronic or other recording devices unless approval in advance is obtained from the Public Affairs Office of the Board and shall not have the right to participate in the meeting, unless participation is provided for in the Board's Rules of Procedure.

(g) The term "Federal agency" means an "agency" as defined in 5 U.S.C. 551(1).

§ 261b.3 Conduct of agency business.

Members shall not jointly conduct or dispose of official agency business other than in accordance with this Part.

§ 261b.4 Meetings open to public observation.

Except as provided in section 261b.5 of this Part, every portion of every meeting of the agency shall be open to public observation.

§ 261b.5 Exemptions.

(a) Except in a case where the agency finds that the public interest requires

otherwise, the agency may close a meeting or a portion or portions of a meeting under the procedures specified in § 261b.7 or § 261b.8 of this Part, and withhold information under the provisions of §§ 261b.6, 261b.7, 261b.8, or 261b.11 of this Part, where the agency properly determines that such meeting or portion or portions of its meeting or the disclosure of such information is likely to:

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy, and (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to internal personnel rules and practices;

(3) Disclose matters specifically exempted from disclosure by statute (other than section 552 of Title 5 of the United States Code), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by a Federal agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Board or other Federal agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would—

(i) Be likely to (A) lead to significant speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or

(ii) Be likely to significantly frustrate implementation of a proposed action,

except that paragraph (a) (9) (ii) of this section shall not apply in any instance where the Board has already disclosed to the public the content or nature of its proposed action, or where the Board is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) Specifically concern the issuance of a subpoena, participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition of a particular case of formal agency adjudication pursuant to the procedures in section 554 of Title 5 of the United States Code or otherwise involving a determination on the record after opportunity for a hearing.

§ 261b.6 Public announcements of meetings.

(a) Except as otherwise provided by the Act, public announcement of meetings open to public observation and meetings to be partially or completely closed to public observation pursuant to section 261b.8 of this Part will be made at least one week in advance of the meeting. Except to the extent such information is determined to be exempt from disclosure under section 261b.5 of this Part, each such public announcement will state the time, place and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated to respond to requests for information about the meeting.

(b) If a majority of the members of the agency determines by a recorded vote that agency business requires that a meeting covered by paragraph (a) of this section be called at a date earlier than that specified in paragraph (a) of this section, the agency will make a public announcement of the information specified in paragraph (a) of this section at the earliest practicable time.

(c) Changes in the subject matter of a publicly announced meeting, or in the determination to open or close a publicly announced meeting or any portion of a publicly announced meeting to public observation, or in the time or place of a publicly announced meeting made in accordance with the procedures specified in § 261b.9 of this Part will be publicly announced at the earliest practicable time.

(d) Public announcements required by this section will be posted at the Board's Public Affairs Office and Freedom of Information Office and may be made available by other means or at other locations as may be desirable.

(e) Immediately following each public announcement required by this section, notice of the time, place and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding announcements, and the name and telephone number of the official designated by the Board to respond to requests about the meeting, shall also be submitted for publication in the FEDERAL REGISTER.

§ 261b.7 Meetings closed to public observation under expedited procedures.

(a) Since the Board qualifies for the use of expedited procedures under subsection (d) (4) of the Act, meetings or portions thereof exempt under paragraph (a) (4), (a) (8), (a) (9) (i) or (a) (10) of § 261b.5 of this Part, will be closed to public observation under the expedited procedures of this section. Following are examples of types of items that, absent compelling contrary circumstances, will qualify for these exemptions: matters relating to a specific bank or bank holding company, such as bank branches or mergers, bank holding company formations, or acquisition of an additional bank or acquisition or de novo undertaking of a permissible nonbanking activity; bank regulatory matters, such as applications for membership, issuance of capital notes and investment in bank premises; foreign banking matters; bank supervisory and enforcement matters, such as cease-and-desist and officer removal proceedings; monetary policy matters, such as discount rates, use of the discount window, changes in the limitations on payment of interest on time and savings accounts, and changes in reserve requirements or margin regulations.

(b) At the beginning of each meeting, a portion or portions of which is closed to public observation under expedited procedures pursuant to this section, a recorded vote of the members present will be taken to determine whether a majority of the members of the agency votes to close such meeting or portions of such meeting to public observation.

(c) A copy of the vote, reflecting the vote of each member, and except to the extent such information is determined to be exempt from disclosure under § 261b.5, a public announcement of the time, place and subject matter of the meeting or each closed portion thereof, will be made available at the earliest practicable time at the Board's Public Affairs Office and Freedom of Information Office.

§ 261b.8 Meetings closed to public observation under regular procedures.

(a) A meeting or a portion of a meeting will be closed to public observation under regular procedures, or information as to such meeting or portion of a meeting will be withheld, only by recorded vote of a majority of the members of the agency when it is determined that the meeting or the portion of the meeting or the withholding of information qualifies for exemption under § 261b.5. Votes by proxy are not allowed.

(b) Except as provided in subsection (c) of this section, a separate vote of the members of the agency will be taken with respect to the closing or the withholding of information as to each meeting or portion thereof which is proposed to be closed to public observation or with respect to which information is proposed to be withheld pursuant to this section.

(c) A single vote may be taken with respect to a series of meetings, a portion

or portions of which are proposed to be closed to public observation or with respect to any information concerning such series of meetings proposed to be withheld, so long as each meeting or portion thereof in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series.

(d) Whenever any person's interests may be directly affected by a portion of a meeting for any of the reasons referred to in exemption (a) (5), (a) (6) or (a) (7) of § 261b.5 of this Part, such person may request in writing to the Secretary of the Board that such portion of the meeting be closed to public observation. The Secretary, or in his or her absence, the Acting Secretary of the Board, will transmit the request to the members and upon the request of any one of them a recorded vote will be taken whether to close such meeting to public observation.

(e) Within one day of any vote taken pursuant to paragraphs (a) through (d) of this section, the agency will make publicly available at the Board's Public Affairs Office and Freedom of Information Office a written copy of such vote reflecting the vote of each member on the question. If a meeting or a portion of a meeting is to be closed to public observation, the agency, within one day of the vote taken pursuant to paragraphs (a) through (d) of this section, will make publicly available at the Board's Public Affairs Office and Freedom of Information Office a full, written explanation of its action closing the meeting or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation, except to the extent such information is determined by the agency to be exempt from disclosure under subsection (c) of the Act and § 261b.5 of this Part.

§ 261b.9 Changes with respect to publicly announced meeting.

The subject matter of a meeting or the determination to open or close a meeting or a portion of a meeting to public observation may be changed following public announcement under section 261b.6 only if a majority of the members of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible. Public announcement of such change and the vote of each member upon such change will be made pursuant to § 261b.6(c). Changes in time, including postponements and cancellations of a publicly announced meeting or portion of a meeting or changes in the place of a publicly announced meeting will be publicly announced pursuant to § 261b.6(c) by the Secretary of the Board or, in the Secretary's absence, the Acting Secretary of the Board.

§ 261b.10 Certification of general counsel.

Before every meeting or portion of a meeting closed to public observation under § 261b.7 or 261b.8 of this Part, the General Counsel, or in the General Coun-

sel's absence, the Acting General Counsel, shall publicly certify whether or not in this or her opinion the meeting may be closed to public observation and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and the persons present, will be retained for the time prescribed in § 261b.11(d).

§ 261b.11 Transcripts, recordings, and minutes.

(a) The agency will maintain a complete transcript or electronic recording or transcription thereof adequate to record fully the proceedings of each meeting or portion of a meeting closed to public observation pursuant to exemption (a) (1), (a) (2), (a) (3), (a) (4), (a) (5), (a) (6), (a) (7) or (a) (9) (ii) of § 261b.5 of this Part. Transcriptions of recordings will disclose the identity of each speaker.

(b) The agency will maintain either such a transcript, recording or transcription thereof, or a set of minutes that will fully and clearly describe all matters discussed and provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each member on the question), for meetings or portions of meetings closed to public observation pursuant to exemptions (a) (8), (a) (9) (A) or (a) (10) of § 261b.5 of this Part. The minutes will identify all documents considered in connection with any action taken.

(c) Transcripts, recordings or transcriptions thereof, or minutes will promptly be made available to the public in the Freedom of Information Office except for such item or items of such discussion or testimony as may be determined to contain information that may be withheld under subsection (c) of the Act and § 261b.5 of this Part.

(d) A complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording or verbatim copy of a transcription thereof of each meeting or portion of a meeting closed to public observation will be maintained for a period of at least two years or one year after the conclusion of any agency proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

§ 261b.12 Procedures for inspection and obtaining copies of transcriptions and minutes.

(a) Any person may inspect or copy a transcript, a recording or transcription of a recording, or minutes described in § 261b.11(c) of this Part.

(b) Requests for copies of transcripts, recordings or transcriptions of recordings, or minutes described in § 261b.11(c) of this Part shall specify the meeting or the portion of meeting desired and shall be submitted in writing to the Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Copies of documents identi-

fied in minutes may be made available to the public upon request under the provisions of 12 CFR 261 (Rules Regarding Availability of Information).

§ 261b.13 Fees.

(a) Copies of transcripts, recordings or transcriptions of recordings, or minutes requested pursuant to section 261b.12(b) of this Part will be provided at a cost of 10¢ per standard page for photocopying or at a cost not to exceed the actual cost of printing, typing, or otherwise preparing such copies.

(b) Documents may be furnished without charge where total charges are less than \$2.

By order of the Board of Governors,
March 7, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 77-1138 Filed 3-9-77; 8:45 am]

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Implementation of the Amendment to the Freedom of Information Act Required by the Government in the Sunshine Act

Consistent with section 5(b) of the Government in the Sunshine Act (Pub. L. No. 94-409, 5 U.S.C. § 552b), the Federal Open Market Committee hereby amends § 271.6(a) of Title 12 of the Code of Federal Regulations. The amendment will revise the Committee's Rules with regard to exemption (3) of the Freedom of Information Act, and will become effective on March 12, 1977, the effective date of section 5(b) of the Government in the Sunshine Act. The amended regulation will read as follows:

§ 271.6 Information not disclosed.

Except as may be authorized by the Committee, information of the Committee that is not available to the public through other sources will not be published or made available for inspection, examination, or copying by any person if such information:

(a) Is specifically exempted from disclosure by statute (other than section 552b of Title 5 United States Code), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; or is specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and is in fact properly classified pursuant to such executive order.

The requirements of section 553 of Title 5 United States Code with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the amendment merely conforms the Com-