

**Closed Session**

13. Briefing<sup>1</sup> by the Inspector General on the activities of the Office of Inspector General.

14. Consider and act on the Office of Legal Affairs' report on potential and pending litigation involving LSC.

**Open Session**

15. Consider and act on other business.

16. Public Comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336-8800.

Dated: August 16, 2002.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 02-21359 Filed 8-16-02; 5:01 pm]

**BILLING CODE 7050-01-P**

**LEGAL SERVICES CORPORATION****Sunshine Act Meeting of the Board of Directors Finance Committee**

**TIME AND DATE:** The Finance Committee of the Legal Services Corporation Board of Directors will meet on August 23, 2002. The meeting will begin at 3:30 p.m. and continue until the Committee concludes its agenda.

**LOCATION:** The Marriott at Metro Center, 775 12th Street, NW, Washington, DC.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of May 31, 2002.
3. Report on the projected operating expenses for Fiscal Year 2002 based on operating experiences through June 30, 2002.
4. Report on the internal budgetary adjustments.
5. Consider and act on the President's recommendations for Consolidated Operating Budget reallocations.
6. Consider and act on proposed Temporary Operating Budget for Fiscal Year 2003.

<sup>1</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(2) and (b). See also 45 CFR 1622.2 and 1622.3.

7. Consider and act on budget mark for Fiscal Year 2004, including receipt of public comment.

8. Consider and act on other business.

9. Public comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336-8800.

Dated: August 16, 2002.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 02-21360 Filed 8-16-02; 5:01 pm]

**BILLING CODE 7050-01-P**

**LEGAL SERVICES CORPORATION****Sunshine Act Meeting of the Board of Directors Operations & Regulations Committee**

**TIME AND DATE:** The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on August 23, 2002. The meeting will begin at 1 p.m. and continue until the Committee concludes its agenda.

**LOCATION:** The Marriott at Metro Center, 775 12th Street, NW, Washington, DC.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of May 31, 2002.
3. A panel of three Executive Directors (Michelle DeBord, MidPenn Legal Services, Inc., Harrisburg, PA; Harold E. Creacy, Ocean-Monmouth Legal Services, Inc., Toms River, NJ; and Paul C. Julien, Southern Arizona Legal Aid, Inc., Tucson, AZ) will discuss their experiences undergoing on-site visits from the Office of Compliance & Enforcement conducting a CSM/CMS review, a technical review, and accountability training.
4. Status report on current open rulemakings and Rulemaking Protocol.
5. Consider and act on Rulemaking Protocol.
6. Consider and act on Limited English Proficiency Guidance.
7. Consider and act on potential identification of new appropriate subject(s) for rulemaking.
8. Consider and act on contract renewals for LSC Vice Presidents Randi

Youells, Mauricio Vivero, and Victor Fortuno.

9. Consider and act on other business.

10. Public comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336-8800.

Dated: August 16, 2002.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 02-21361 Filed 8-16-02; 5:01 pm]

**BILLING CODE 7050-01-P**

**LEGAL SERVICES CORPORATION****Sunshine Act Meeting of the Board of Directors Committee on Provision for the Delivery of Legal Services**

**TIME AND DATE:** The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation Board of Directors will meet on August 23, 2002. The meeting will begin at 9 a.m. and continue until the Committee concludes its agenda.

**LOCATION:** The Marriott at Metro Center, 775 12th Street, NW, Washington, DC.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of May 31, 2002.
3. Office of Program Performance (OPP) and Office of Information Management (OIM) "Matters" Project Update by Chris Sundseth and Glenn Rawdon.
4. Update by Randi Youells and John Meyer on 2003 Census Adjustments.
5. Focus on the Field—Presentation by Cynthia Schneider on the Challenges of Delivering Legal Services in Alaska.
6. Update by Althea Hayward on LSC's Diversity Initiatives/Creation of a Grantee Board Training Module on Diversity.
7. Update by Joyce Raby on the 2003 Technology Initiative Grants.
8. State Planning Update by Robert Gross.
9. Update by Reginald Haley on the 2003 Competition.
10. Consider and act on proposed 2003 Grant Assurances.
11. Consider and act on other business.

12. Public comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary of the Corporation, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336-8800.

Dated: August 16, 2002.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 02-21362 Filed 8-16-02; 5:01 pm]

BILLING CODE 7050-01-P

## NUCLEAR REGULATORY COMMISSION

### Enforcement Program and Alternative Dispute Resolution; Request for Comments and Announcement of Public Meetings

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comments and announcement of public meetings.

**SUMMARY:** On December 14, 2001 (66 FR 64890), the Nuclear Regulatory Commission (NRC) announced its intent to evaluate the use of Alternative Dispute Resolution (ADR) in the NRC's enforcement program, which is defined in the NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions (Enforcement Policy)". The NRC is undergoing this evaluation because government-wide, ADR techniques have proven to be efficient and effective in resolving a wide range of disputes. On March 12, 2002, the staff conducted an ADR workshop to evaluate the strengths and weaknesses associated with its use in the enforcement area. The staff has evaluated the outcome of this workshop and concluded that: (1) There may be a role for ADR in the enforcement program; however, further review is needed, (2) if ADR has a role, the NRC should focus on areas resulting in the largest benefits, (3) a pilot program should be the first step to implementation, and (4) additional stakeholder input is needed.

The staff concluded that in order to make any final recommendations for incorporation into the enforcement program or the development of a pilot program, additional stakeholder input is

necessary. As a result, additional comment is being sought and a number of public meetings and workshops are being scheduled at various locations throughout the country. Various options associated with the development of a pilot program for the use of ADR in the enforcement process will be discussed. Information on ADR is available on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov): select What we Do, Enforcement, then Public Involvement in Enforcement.

**DATES:** The comment period expires October 21, 2002.

**ADDRESSES:** Submit written responses to the questions contained in the Discussion section of this Notice to Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments may be submitted by e-mail to [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov). Copies of comments received may be examined at the NRC's Public Document Room, located at One White Flint North (O1-F21), Rockville, Maryland, 20852-2738.

**FOR FURTHER INFORMATION CONTACT:**

Barry Westreich, Senior Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (301) 415-3456, e-mail [bcw@nrc.gov](mailto:bcw@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

"ADR" is a term that refers to a number of voluntary processes, such as mediation and facilitated dialogues, that can be used to assist parties in resolving disputes and potential conflicts. The Administrative Dispute Resolution Act of 1996 (ADRA) encourages the use of ADR by Federal agencies, and defines ADR as "any procedure that is used to resolve issues in controversy, including but not limited to, conciliation, facilitation, mediation, fact finding, mini trials, arbitration, and use of Ombuds, or any combination thereof." 5 U.S.C. 571(3). These techniques involve the use of a neutral third party ("neutral"), either from within the agency or from outside the agency, and are typically voluntary processes in terms of the decision to participate, the type of process used, and the content of the final agreement. Federal agency experience with ADR has demonstrated that the use of these techniques can result in the quicker and more economical resolution of issues, more effective outcomes, and improved

relationships. The NRC has a general ADR Policy, 57 FR 36678; August 14, 1992, that supports and encourages the use of ADR in NRC activities. In addition, the NRC has used ADR effectively in a variety of circumstances, including rulemaking and policy development, and Equal Employment Opportunity (EEO) disputes.

Although a few enforcement cases have been resolved through the use of "settlement judges" from the Atomic Safety and Licensing Board Panel, pursuant to 10 CFR 2.203 there has been no systematic evaluation of the need for ADR in the enforcement process. As a result of previous stakeholder input, the staff is considering the development of a pilot program for the use of ADR in the enforcement process.

#### Discussion

On December 14, 2001, a **Federal Register** notice (FRN) was issued soliciting comments on the use of ADR in the enforcement process (66FR64890). The 60-day comment period was extended to March 29, 2002. A workshop was held on March 12, 2002. The responses to the FRN and those expressed at the workshop indicated that the views on the appropriateness and potential usefulness of ADR techniques were widely varied. The industry and its legal counsel embraced the use of ADR techniques broadly and the public interest stakeholders were generally opposed to exploring possible uses of ADR in enforcement. Also, many stakeholders appeared to misunderstand what ADR is and how it can be used.

The workshop consisted of an overview of the agency's enforcement program to a panel consisting of: one independent ADR specialist; four ADR specialists from various Federal agencies; representatives from the Nuclear Energy Institute (NEI); representatives from the Union of Concerned Scientists; representatives from two law firms representing nuclear utilities; and, representatives from two law firms representing environmental whistle blowers. The panelists discussed the merits and debated the usefulness of ADR techniques in the context of the enforcement process.

Overall, many of the participants (*i.e.*, industry representatives, agency ADR experts, and an attorney from the environmental whistle blower community) believed that ADR could be used beneficially in the NRC enforcement process. They also did not think that any particular areas of the enforcement process should be eliminated from consideration. These participants noted that any decision to