

Organization and Operations of Federal Credit Unions; and Truth in Savings.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703-518-6304.

Becky Baker,

Secretary of the Board.

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NATIONAL LABOR RELATIONS BOARD

National Labor Relations Board Advisory Committee on Agency Procedure; Meetings

AGENCY: National Labor Relations Board.

ACTION: Notice of meetings.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2 (1972), and 29 C.F.R. Sec. 102.136 (1993), the National Labor Relations Board has established a National Labor Relations Board Advisory Committee on Agency Procedure, the purpose of which is to provide input and advice to the Board and General Counsel on changes in Agency procedures that will expedite case processing and improve Agency service to the public. Notices of the establishment and renewal of the Advisory Committee were published in the Federal Register on May 13, 1994 (59 FR 25128) and November 27, 1996 (61 FR 60311), respectively.

As indicated in the notice establishing the Advisory Committee, the Committee consists of two Panels which will meet separately, one composed of Union-side representatives and the other of Management-side representatives. Pursuant to Section 10(a) of FACA, the Agency hereby announces that the next meetings of the Advisory Committee Panels will be held on January 28, 1997 (Management-side) and January 30, 1997 (Union-side).

Time and Place: The meeting of the Management-side Panel of the Advisory Committee will be held at 10:00 a.m. on Tuesday, January 28, 1997, at the National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C., in the Board Hearing Room, Rm 11000. The meeting of the Union-side Panel of the Advisory Committee will be held at 10:00 a.m. on Thursday, January 30, 1997, at the same location.

Agenda: The agenda at the meetings of both Advisory Committee Panels will focus on the following issues and questions:

I. As is generally known, the Agency's challenged ballot procedure has for

years included an informal practice which is commonly referred to as the "ten percent rule". Pursuant to this practice, the "rule" provided that normally a Regional Director would not approve a stipulated election agreement if more than 10% of the proposed bargaining unit was in dispute regarding eligibility and accordingly would necessitate at least 10% of the votes being subject to challenge. Further, in a Decision and Direction of Election, a Regional Director would not direct an election in a unit if the eligibility of more than 10% of the employees remained at issue. Finally, the Board, in Requests for Reviews, would not direct elections if more than 10% of the employees would vote subject to challenge. Notwithstanding this general practice, the Board in fact, however, in recent years has departed from the 10% rule on a case by case basis, occasionally directing elections in cases in which the eligibility of substantially more than 10% of the employees remained at issue. In some of these situations determinative election results were obtained, thereby obviating the need to address or decide the eligibility issues.

What would be the implications and ramifications if the Board expanded the so-called "10% rule" to as much as 30% or more? What should the upper limit be? Would such an expansion have any impact on the percentage of representation cases resolved by stipulated election agreement? Should Regional Directors be encouraged or authorized to approve stipulated election agreements which provide that in excess of 10% of the employees will vote subject to challenge? Generally, would this approach expedite the processing of Representation cases or would it create additional delay?

II. In a recent decision, *Cross Pointe Paper Corp. v. NLRB*, 89 F.3d 447, 152 LRRM 2812 (July 15, 1996), the 7th Circuit directed that the Board conduct a hearing with regard to certain objections.

As a result of the decision in *Cross Pointe*, should the Agency adopt a different approach in regard to investigating and conducting hearings regarding objections? For example, should the Board amend its rules and cease conducting investigations on objections issues and simply direct a hearing on the objections, providing, of course, that the objecting party has proffered evidence establishing a *prima facie* case? What should be required to establish a *prima facie* case? (e.g., authenticated documents, affidavits, specific offers of proof, lists of witnesses with a description of what they would

testify to)? If a hearing is not held, should affidavits secured in the investigation be reviewed by the Board?

Public Participation: The meetings will be open to the public. As indicated in the Agency's prior notice, within 30 days of adjournment of the later of the Advisory Committee Panel meetings, any member of the public may present written comments to the Committee on matters considered during the meetings. Written comments should be submitted to the Committee's Management Officer and Designated Federal Official, Enid W. Weber, Associate Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Suite 11600, Washington, D.C. 20570-0001; telephone: (202) 273-1937.

FOR FURTHER INFORMATION CONTACT: Advisory Committee Management Officer and Designated Federal Official, Enid W. Weber, Associate Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Suite 11600, Washington, D.C. 20570-0001; telephone: (202) 273-1937.

Dated, December 17, 1996.

By direction of the Board:

John J. Toner,

Executive Secretary.

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NATIONAL SCIENCE FOUNDATION

Submission for OMB Review: Comment Request

Title of Proposed Collection: Evaluation of the Instructional Materials Development Program. In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed projects. Such a notice was published at Federal Register 47960, dated September 11, 1996. No comments were received.

The materials are now being sent to OMB for review. Send any written comments to Desk Officer: OMB. NSF evaluation of the instructional Materials Development Program OIRA, Office of Management and budget, Washington, DC 205043. Comments should be received by February 17, 1997.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the