

website and through the CPRC. Information may include model agreements to mediate, case selection criteria, descriptions of ADR processes, mechanisms for accessing external neutral third parties, case studies, guidance on confidentiality and evaluating ADR processes, directories of EPA ADR contacts, bibliographies, and links to external sources of information.

**Training:** The Agency strongly encourages all EPA personnel to learn about ADR. Training is crucial not only for those selected to serve as in-house neutrals, but also for negotiators and others who need to understand how ADR can enhance negotiation and agency decision making. The Dispute Resolution Specialist will identify and recommend relevant ADR training. Training sources may include existing EPA training programs, training sponsored by other agencies, newly developed courses, and commercially available training.

This policy affirms a goal of EPA's Labor/Management Partnership Strategic Plan (Spring 2000) to train line managers, first line supervisors, Federal union representatives and other employees in consensual methods of dispute resolution such as ADR and interest-based negotiation. Finally, the Agency will add skills in negotiation and alternative dispute resolution to its inventory of desirable management characteristics used to prepare and select managers for the Senior Executive Service.

**Mentoring:** The Agency encourages those with ADR experience to share their expertise with other Agency personnel. Mentoring and apprenticing can strengthen EPA's ADR program by expanding the number of staff with ADR skills, increasing opportunities to practice ADR techniques, and providing for exchange between more and less experienced ADR professionals.

**Funding:** Costs associated with ADR processes, including fees for external neutral third parties, are typically paid in whole or in part by the sponsoring EPA office. Depending on the circumstances, other parties or offices also contribute. The Agency expects each program office at Headquarters and each Region to demonstrate a commitment to ADR by making funds available for ADR processes.

**How will EPA measure the success of its ADR programs?**

Many federal agencies have shown significant time and money savings from the use of ADR and have received intangible benefits such as improved relationships and broader stakeholder support for their programs. Evaluation is

an important way to identify these savings and benefits and is key to systematic improvement of ADR programs. Through evaluation, EPA is committed to measuring the success of its ADR programs and continually improving them to better meet the needs of EPA offices, Regions, and external stakeholders.

Several EPA offices and Regions have already evaluated their ADR efforts. To build on these evaluations and to strengthen the evaluation component of ADR practice across the Agency, the CPRC, consulting with internal and external stakeholders, will develop an evaluation system for ADR at EPA. The evaluation system will include goals and both qualitative and quantitative measures of success.

*Where can I get additional information or help with ADR at EPA?*

Additional information on ADR contacts within EPA, topics covered in this policy, and others, may be obtained from the CPRC at (202) 564-2922; [adr@epa.gov](mailto:adr@epa.gov).

*What is the legal authority for this policy?*

This policy satisfies the requirement of the Administrative Dispute Resolution Act of 1996, 5 U.S.C. 571-583, that each federal agency adopt a policy that addresses the use of ADR. The policy is also consistent with the following federal statutes, regulations, and orders:

- Regulatory Negotiation Act of 1996, 5 U.S.C. 561-570.
- Civil Justice Reform Act, 28 U.S.C. 471-482.
- Alternative Dispute Resolution Act of 1998, 28 U.S.C. 651-658.
- Federal Acquisition Streamlining Act, 41 U.S.C. 405.
- Contracts Disputes Act, 41 U.S.C. 601-613.
- Federal Acquisition Regulation, 48 CFR 33.103 & 33.204.
- Federal Sector Equal Employment Opportunity Regulations, 29 CFR part 1614.
- Civil Justice Reform, Executive Order 12988, 61 FR 4729 (Feb. 5, 1996).
- Agency Procurement Protests, Executive Order 12979, 60 FR 55171 (Oct. 27, 1995).
- Presidential Memorandum, "Designation of Interagency Committees to Facilitate and Encourage Use of Alternative Means of Dispute Resolution and Negotiated Rulemaking," May 1, 1998.

Dated: December 18, 2000.

**Carol Browner,**  
Administrator.

[FR Doc. 00-32946 Filed 12-26-00; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting; Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:28 a.m. on Thursday, December 21, 2000, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider supervisory, resolution, corporate, and personnel matters.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: December 21, 2000.  
Federal Deposit Insurance Corporation.

**James D. LaPierre,**  
Deputy Executive Secretary.

[FR Doc. 00-33023 Filed 12-21-00; 4:38 pm]

BILLING CODE 6714-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:04 a.m. on Thursday, December 21, 2000, the Corporation's Board of Directors determined, on motion of Vice Chairman Andrew C.

Hove, Jr., seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Disclosure and Reporting of Community Reinvestment Act-Related Agreements: Joint Final Rule.

The Board further determined, by the same majority vote, that no notice of the change in the subject matter of the meeting prior to December 20, 2000, was practicable.

Dated: December 21, 2000.

Federal Deposit Insurance Corporation.

**James D. LaPierre,**

*Deputy Executive Secretary.*

[FR Doc. 00-33024 Filed 12-21-00; 4:38 pm]

**BILLING CODE 6714-01-M**

## FEDERAL HOUSING FINANCE BOARD

[No. 2000-N-9]

### Notice of Receipt of Petition for Case-by-Case Determination

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Federal Housing Finance Board (Finance Board) has received a Petition from the Federal Home Loan Bank (Bank) of Dallas for Finance Board approval of an application for membership in the Dallas Bank by Washington Mutual Bank, FA (WMBFA), currently a member of the San Francisco Bank, upon completion of the merger of Bank United into WMBFA, under section 4(b) of the Federal Home Loan Bank Act (Bank Act) and § 925.18(a)(2) of the Finance Board's membership regulations. The effect of such an approval would be to allow WMBFA to be a member of both the San Francisco and the Dallas Banks.

**ADDRESSES:** Send Requests to Intervene to: Elaine L. Baker, Secretary to the Board, at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Copies of non-confidential portions of the Petition and of non-confidential portions of Requests to Intervene will be available for inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** James L. Bothwell, Managing Director and Chief Economist, (202) 408-2821; Scott L. Smith, Acting Director, Office of

Policy, Research and Analysis, (202) 408-2991; Deborah F. Silberman, General Counsel, (202) 408-2570. Staff also can be reached by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**SUPPLEMENTARY INFORMATION:** Section 907.8(a) of the Finance Board's regulations provides that a Bank may file a Petition for Case-by-Case Determination with the Finance Board concerning any matter that may require a determination, finding or approval under the Bank Act or Finance Board regulations by the Board of Directors, and for which no controlling statutory, regulatory or other Finance Board standard previously has been established. See 12 CFR 907.8(a). Section 907.12(a) of the Finance Board's regulations requires the Finance Board to promptly publish a notice of receipt of a Petition for Case-by-Case Determination, including a brief summary of the issue(s) involved, in the **Federal Register**. *Id.* § 907.12(a).

The Dallas Bank has filed a Petition for Case-by-Case Determination, dated December 8, 2000, and received by the Finance Board on December 11, 2000 (Petition), requesting that the Finance Board approve the membership of WMBFA in the Dallas Bank upon completion of the merger of Bank United into WMBFA, under section 4(b) of the Bank Act and § 925.18(a)(2) of the Finance Board's regulations, thereby allowing WMBFA to be a member of both the San Francisco and Dallas Banks. See 12 U.S.C. 1424(b); 12 CFR 925.18(a)(2). The Finance Board is hereby providing notice of receipt of such Petition, pursuant to 12 CFR 907.12(a).

WMBFA, a member of the San Francisco Bank, is awaiting approval from its primary bank regulators of its proposed acquisition of Bank United, a Dallas Bank member, which would be merged into WMBFA and its charter cancelled. Upon consummation of the merger, WMBFA would seek to retain its current membership in the San Francisco Bank and to gain membership in the Dallas Bank, as if it had maintained the Bank United charter. To that end, on November 24, 2000, WMBFA submitted a membership application to the Dallas Bank. According to the Petition, on November 29, 2000, the Dallas Bank found that WMBFA satisfied the eligibility requirements for membership set forth in section 4 of the Bank Act and part 925 of the Finance Board's regulations, see 12 U.S.C. 1424, 12 CFR part 925, and approved WMBFA's membership in

the Dallas Bank contingent upon approval by the Finance Board of WMFBA's membership in the Dallas Bank under section 4(b) of the Bank Act and § 925.18(a)(2) of the Finance Board's regulations. 12 U.S.C. 1424(b); 12 CFR 925.18(a)(2).

Section 4(b) of the Bank Act states that:

An institution eligible to become a member under this section may become a member only of, or secure advances from, the [Bank] of the district in which is located the institution's principal place of business, or of the [B]ank of a district adjoining such district, if demanded by convenience and then only with the approval of the [Finance] Board.

12 U.S.C. 1424(b); see 12 CFR 925.18(a)(2).

The Petition supplies a legal opinion that the above-referenced statutory and implementing regulatory language may be interpreted to allow a Bank to be a member of both the Bank in the district where its principal place of business is located, and the Bank in the district adjoining such district and, therefore, that WMBFA may be a member simultaneously of the San Francisco and Dallas Banks.<sup>1</sup> The Petition further argues that, as a factual matter, WMBFA's membership in the Dallas Bank meets the "demanded by convenience" standard set forth in section 4(b) of the Bank Act and § 925.18(a)(2) of the Finance Board's regulations. Accordingly, the Petition requests Finance Board approval of WMBFA's membership in the Dallas Bank under section 4(b) and § 925.18(a)(2), thereby allowing WMBFA to be a member of both the San Francisco and Dallas Banks.

The Petition raises numerous fundamental legal, political and policy issues of first impression that are critical to the structure and function of the Bank System, such as the continued consolidation of the financial institutions industry and the effect of that consolidation on the economics, regional structure and cooperative nature of the Bank System, and the impact of all of those changes on the Banks as they implement a new capital structure.

Pursuant to the Finance Board's procedures under 12 CFR part 907, any member, Bank, or the Office of Finance may file a Request to Intervene in the consideration of the Petition in accordance with 12 CFR 907.11 if it believes its rights may be affected by the issues raised by the Petition. Any Request to Intervene must be in writing and must be filed with the Secretary to

<sup>1</sup> The San Francisco and Dallas Bank districts are adjoining districts.