

(1) File additional written materials with the Council at least ten days prior to the hearing;

(2) Appear at the hearing, in person and/or by counsel;

(3) Make an oral presentation; and

(4) Call witnesses.

(d) Subject to the discretion of the Chairman, other persons and organizations may be permitted to appear and make oral presentations at the hearing or provide written materials to the Council concerning the dispute.

(e) All Council members, including a member or members who raised the dispute that is the subject of the hearing, shall be entitled to participate fully in the hearing and vote on the final Council decision concerning the dispute.

(f) The Council shall, if necessary, continue the hearing to a subsequent Council meeting.

(g) Summary minutes of the hearing shall be made and transcribed and shall be available for inspection by any person at the Council office within the Federal Bureau of Investigation.

(h) The proceedings of the hearing shall be recorded and shall be transcribed, as necessary. A record of the proceedings will be made and provided to the Attorney General if an appeal is filed pursuant to section (c) of Article XI of the Compact.

(i) The Council's decision on the dispute shall be based upon a majority vote of Council members or their proxies present and voting at the hearing. The Council's decision on the dispute shall be published in the **Federal Register** as provided by section (a)(2) of Article XI and section (e) of Article VI.

(j) The Council Chairman shall advise Council members and hearing participants of the right of appeal provided by section (c) of Article XI of the Compact.

#### **§ 902.6 Appeal to the Attorney General.**

(a) The Federal Bureau of Investigation or a Compact Party State may appeal the decision of the Council to the U.S. Attorney General pursuant to section (c) of Article XI of the Compact.

(b) Appeals shall be filed and conducted pursuant to rules and procedures that may be established by the Attorney General.

(c) Appropriate notice of an appeal shall be communicated to the Council Chairman by the appealing party.

#### **§ 902.7 Court action.**

Pursuant to section (c) of Article XI of the Compact, a decision by the Attorney General on an appeal under § 902.6 may be appealed by filing a suit seeking to

have the decision reversed in the appropriate district court of the United States.

Dated: November 1, 2002.

**Wilbur Rehmman,**

*Compact Council Chairman.*

[FR Doc. 02-29709 Filed 11-22-02; 8:45 am]

**BILLING CODE 4410-02-P**

## **FEDERAL MEDIATION AND CONCILIATION SERVICE**

### **29 CFR Part 1404**

**RIN 3076AA09**

#### **Arbitration Schedule of Fees**

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Mediation and Conciliation Service is proposing to revise the Appendix to 29 CFR Part 1404 to replace the fee schedule item for processing requests for panels of arbitrators with two new fee schedule categories—one for processing requests on-line and the other for requests which require processing by FMCS staff. In addition, FMCS proposes to increase the rates for requests which require staff processing and for requests for lists and biographic sketches of arbitrators.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before January 24, 2003.

**ADDRESSES:** Send comments to Vella M. Traynham, Director of Arbitration Services, FMCS, 2100 K Street, NW., Washington, DC 20427 or by fax to (202) 606-3749. See **SUPPLEMENTARY INFORMATION** for other information concerning comments.

Submit copies of electronic comments to [vtraynham@fmcs.gov](mailto:vtraynham@fmcs.gov). See **SUPPLEMENTARY INFORMATION** for other information concerning electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Vella M. Traynham, Director of Arbitration Services, FMCS, 2100 K Street, NW., Washington, DC 20427. Telephone, (202) 606-5111; Fax (202) 606-3749.

**SUPPLEMENTARY INFORMATION:** In this rulemaking, FMCS proposes to amend its regulations in the Appendix to 29 CFR part 1404 by replacing the general category on the fee schedule for requests for panels with two new categories, one for processing electronic requests for panels and the other for requests which require processing by FMCS staff.

Pursuant to 29 U.S.C. 171(b) and 29 CFR part 1404, FMCS offers panels of

arbitrators for selection by labor and management to resolve grievances and disagreements arising under their collective bargaining agreements and to deal with fact finding and interest arbitration issues as well. On October 1, 1997, the Office of Arbitration Services (OAS) began charging a nominal fee for all requests for panels, lists and other major services. FMCS now proposes to amend the Appendix to 29 CFR part 1404 by adding a new category on the fee schedule for electronic requests and to increase the fees in other categories to take into account increases in the costs of processing the requests.

In May 2000, the OAS developed its electronic system to issue panels of arbitrators. Since the inception of the on-line system, nearly 500 labor and/or management representatives have utilized this on-line system, thereby reducing the time period for them to receive panels of arbitrators. The on-line system permits the parties to receive panels almost instantly—by fax, e-mail or mail. Ninety percent of all electronic requests are either faxed or e-mailed to the parties.

To encourage the use of electronic processing and receipt of panels, OAS is adding an entry on its fee schedule for on-line processing of panel requests. The on-line processing category will maintain the costs for this service at the fee of \$30.00—the amount currently in effect for all requests for panels of arbitrators—since the costs for electronic processing have not significantly increased.

The proposed revision to the arbitration fee schedule in the Appendix to 29 CFR part 1404 would create another category for requests that have to be processed by FMCS staff. FMCS proposes to increase the fees in this category from the current \$30.00 to \$50.00 for each panel. The increase in cost is based on several factors. The complexity of the requests received and processed by the staff in OAS has increased greatly. Parties are requesting more than the standard seven names on a panel, and they are requesting multiple panels with up to 15 names on each panel that require manual exclusions, based on a collective bargaining agreement. As a result, the staff time to process these requests has increased, as well as the cost to mail the panels. In addition, several increases in postage have occurred since the agency began charging for panels in October 1997.

Finally, FMCS proposes to revise the Appendix to 29 CFR part 1404 by increasing the cost for lists and biographical sketches of arbitrators in specific areas from \$10.00 per request

plus \$.10 per page to \$25.00 per request and \$.25 per page. All other fees in the Appendix would remain the same.

#### Access to Information in Comments

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as "CBI." Information so marked will not be disclosed but a copy of the comment that does contain CBI must be submitted for inclusion in the public record. FMCS may disclose information not marked confidential without prior notice. All written comments will be available for inspection in Room 704 at the Washington, DC address above from 8:30 am to 4:30 pm, Monday through Friday, excluding legal holidays.

#### Electronic Access and Filing

All comments and data in electronic form must be identified by the appropriate agency form number. No confidential business information (CBI) should be submitted through e-mail.

#### Regulatory Flexibility Act

The Director, in accordance with the Regulatory Flexibility Act (5 U.S.C. 606(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The fees assessed by FMCS for requests for panels are nominal and should not cause any significant economic effect on small entities which may request arbitration panels..

#### Executive Order 12866

This regulation has been deemed significant under Section 3(f)(3) of Executive Order 12866 and as such has been submitted to and reviewed by the Office of Management and Budget.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small Governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the

economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with Foreign-based companies in domestic and export markets.

#### List of Subjects in 29 CFR Part 1404

Arbitration, Arbitration fees.

For the reasons set forth in the preamble, FMCS proposes to amend the Appendix to 29 CFR part 1404 as follows:

#### PART 1404—ARBITRATION SERVICES

1. The authority citation for part 1404 continues to read as follows:

**Authority:** 29 U.S.C. 172 and 29 U.S.C. 173 *et seq.*

2. Appendix to part 1404 is revised to read as follows:

#### Appendix to Part 1404—Arbitration Policy; Schedule of Fees

Annual listing fee for all arbitrators—\$100 for the first address; \$50 for the second address

Request for panel of arbitrators processed by FMCS staff—\$50.00

Request for panel of arbitrators processed on-line—\$30.00

Direct appointment of an arbitrator when a panel is not used—\$20.00 per appointment  
List and biographic sketches of arbitrators in a specific area—\$25.00 per request plus \$.25 per page.

**John J. Toner,**  
*Chief of Staff.*

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**BILLING CODE 6372-01-P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 020409080-2277-06; I.D. 101802B]

RIN 0648-AP78

#### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Regulations Governing Northeast Multispecies and Monkfish Days-at-Sea

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comment.

**SUMMARY:** NMFS proposes a regulatory amendment that would revise the monkfish days-at-sea (DAS) regulations found at 50 CFR part 648 in order to provide vessels possessing limited access Category C or D monkfish permits the opportunity to fish their full allocation of up to 40 monkfish DAS, regardless of the amount of Northeast (NE) multispecies DAS available to an individual vessel as of August 1, 2002. These regulations were modified as part of a August 1, 2002, interim final rule implementing the Settlement Agreement Among Certain Parties (Settlement Agreement), ordered by the U.S. District Court for the District of Columbia in a Remedial Order issued on May 23, 2002. However, the August 1, 2002, interim final rule unintentionally restricted monkfish DAS allocated under the Monkfish Fishery Management Plan (Monkfish FMP) for limited access Category C or D monkfish vessels that used NE multispecies DAS not in conjunction with a monkfish DAS, during May through July, 2002. This regulatory amendment would also revise ambiguous language to clarify that a vessel fishing under a Southern New England (SNE) and Mid-Atlantic (MA) Yellowtail Flounder Possession/Landing Letter of Authorization (LOA) may fish in the Gulf of Maine (GOM) or Georges Bank (GB) Regulated Mesh Areas (RMAs), provided the vessel abides by the more restrictive yellowtail flounder possession limits of the SNE and MA RMAs north of 40°00' N. lat.

**DATES:** Public comments must be received on or before December 10, 2002.

**ADDRESSES:** Comments on the proposed rule should be sent to Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope "Comments on regulatory amendment." Comments may also be submitted via facsimile (fax) to 978-281-9135. Comments will not be accepted if submitted via e-mail or the Internet. Copies of the Regulatory Impact Review (RIR) prepared for this action are available from the Regional Administrator. The document is also accessible via the Internet at <http://www.nero.nmfs.gov>.

**FOR FURTHER INFORMATION CONTACT:** Allison Ferreira, Fishery Policy Analyst, phone: 978-281-9103, fax: 978-281-9135, e-mail: [Allison.Ferreira@noaa.gov](mailto:Allison.Ferreira@noaa.gov).

**SUPPLEMENTARY INFORMATION:**