

clients. FMCS will charge an application fee and a listing fee for neutrals on the Registry of Neutrals. Repeated complaints concerning a neutral's fees will be reviewed by FMCS and may be considered in determining if the neutral shall remain on the Registry.

Subpart E requires all listed individuals to advise FMCS of changes in his/her information and/or fee structure and comply with requests for documentation by the ANI. FMCS will supply pertinent information to prospective clients for selection purposes.

Subpart F establishes a complaint procedure for the ANI.

Subpart G outlines the collaborative process with educational programs to establish standards for pre-accreditation. FMCS will work with educational institutions and training facilities to review the programs' number of contact hours, experience of classroom instructors, and method of instruction to determine if the program will be preaccredited by FMCS. Educational institutions and training facilities will participate in this program on a voluntary basis; the institutions will pay a fee to cover the pre-accreditation expenses.

Appendix A sets forth the application fee, the listing fee and the fee for pre-accreditation of ADR programs to be charged by FMCS.

Appendix B sets forth the point system for determining whether a neutral meets the standards for the FMCS Registry of Neutrals.

Submit copies of electronic comment to pmcneive@fmcs.gov. See **SUPPLEMENTARY INFORMATION** for other information concerning electronic filing.

FOR FURTHER INFORMATION CONTACT: Peggy A. McNeive, Acting Director of the Access to Neutrals Initiative, FMCS, 801 Walnut Street, Suite 501, Kansas City, MO 64106-1823. Telephone (816) 374-6215; Fax (816) 374-6026.

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 at the address above from 8:30 a.m. to 4:30 p.m., 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 caused 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)(4) 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 1480

Access to neutrals; registry of neutrals, alternative dispute resolution.

For the reasons set forth in the preamble, FMCS proposes to add 29 CFR part 1480 as follows:

PART 1480—REGISTRY OF NEUTRALS

Subpart A—Policy on Roster of Neutrals; Administration of Roster

Sec.

- 1480.1 Scope and authority.
- 1480.2 Policy.
- 1480.3 Administrative responsibilities.
- 1480.4 Definitions.

Subpart B—Registry of Neutrals; Selection and Retention

- 1480.5 Registry and status of members.
- 1480.6 Listing on the Registry of Neutrals; criteria for inclusion and retention.

Subpart C—Selection of Neutrals by Users of the Registry of Neutrals

- 1480.7 Freedom of choice.
- 1480.8 Procedures for selecting a neutral.
- 1480.9 Computerized selection system.
- 1480.10 Request for neutral from FMCS.
- 1480.11 Reservation of rights.
- 1480.12 Fee schedule.

Subpart D—Fees for Application to the Registry and Charges for the Services of Neutrals

- 1480.13 Application fee.
- 1480.14 Per diem; fees for services.
- 1480.15 Disclosure.
- 1480.16 OANI notification.

Subpart E—Reports and Biographical Sketches.

- 1480.17 Reports to OANI.
- 1480.18 Biographical sketches.

Subpart F—Complaint Procedure

- 1480.19 Role of Director of FMCS.
- 1480.20 Agreement to adhere to the Code of Professional Responsibility.
- 1480.21 Addressing complaints.

Subpart G—Accreditation of Education Programs in ADR

- 1480.22 Collaboration with universities.
 - 1480.23 Pre-accreditation examination.
 - 1480.24 Review of programs.
 - 1480.25 Training programs.
- Appendix A—Schedule of Fees
Appendix B—Point System for Determining Qualifications for the FMCS Registry of Neutrals

Authority: 29 U.S.C. 171–180, 182–183; 5 U.S.C. 571–584.

Subpart A—Policy on Roster of Neutrals—Administration of Roster

§ 1480.1 Scope and authority.

This part is issued by the Federal Mediation and Conciliation Services (FMCS) under Title II of the Labor Management Relations act of 1947 (Pub. L. 80–101), as amended; authority is also based on the Administrative Dispute Resolution Act of 1996 (Public Law 104–320) 5 U.S.C., 571 *et seq.* (ADR Act), and the funding authority for FMCS. It applies to all neutrals listed on the FMCS Registry of Neutrals, to all applicants for listing on the Registry of Neutrals, and to all persons or parties