beginning "The NOFA contains information on the following:", to read as follows:

It is still the PHA's responsibility to support the normal maintenance associated with routine turnover of units from operating or other funds.

* * * * *

2. In Section I.D, "Definitions", the word "routine" is removed from the definition of *"Repair"*.

Authority: 42 U.S.C. 1437. and 3535(d).

Dated: June 9, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94-14461 Filed 6-10-94; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

RIN 1094-AA45

Use of Alternative Dispute Resolution (ADR)

AGENCY: Office of the Secretary.

ACTION: Notice of interim ADR policy and opportunity for comment.

SUMMARY: The Department of the Interior (Department) has developed this two-year interim policy to implement the requirements of the Administrative Dispute Resolution Act (ADR Act), Public Law No. 101-552. This interim policy also addresses the Negotiated Rulemaking Act, Public Law No. 101-648. The Department is adopting this interim policy to allow time to acquire data on the applicability of ADR techniques to selected program disputes. During this interim period, the Department through its bureaus and offices will implement ADR pilot programs and other program initiatives in an effort to establish a baseline of experience in the practical uses of ADR. At the conclusion of this interim phase, the Department will assess the results of the ADR initiatives in conjunction with both external and internal comments received, develop a proposed final policy, allow for public comment, and publish a final ADR policy in the **Federal Register.**

The Department seeks comments from the public, including, among others, those persons whose activities the Department regulates, on any aspect of this interim policy and its implementation, and those persons who have engaged in or may in the future engage in ADR processes with the Department. At the end of the 60 day comment period the Department will consider issues raised by interested persons and may modify the interim policy based on public comment.

DATES: Comments must be received on or before August 12, 1994.

ADDRESSES: Written comments should be mailed or delivered to Philip G. Kiko, Deputy Director, Office of Hearings and Appeals (OHA), U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Philip G. Kiko, Deputy Director and the Alternate Dispute Resolution Specialist, OHA (703) 235-3810.

SUPPLEMENTARY INFORMATION:

I. Administrative Dispute Resolution Act

The Administrative Dispute Resolution Act (ADR Act), Public Law No. 101-552, 5 U.S.C. 581-583, enacted November 15, 1990, authorizes and encourages federal agencies to employ consensual methods of dispute resolution as alternatives to litigation. Under the ADR Act, a federal agency is required: (1) To designate a senior official as a dispute resolution specialist; (2) to establish training programs in the use of dispute resolution methods; (3) to adopt a policy on the use of ADR techniques; and (4) to review the standard language in agency contracts, grants or other agreements, to determine whether to include a provision on ADR. Federal agencies are also required to consult with the Administrative Conference of the United States (ACUS) and the Federal Mediation and Conciliation Service (FMCS) on the development of their ADR policies.

Additionally, section 3(a) of the ADA Act requires the Department to adopt a formal policy as to how it intends to implement the ADR Act in each of the following areas: (a) Formal and informal adjudications; (b) rulemakings; (c) enforcement actions; (d) issuing and revoking licenses or permits; (e) contract administration; (f) litigation brought by or against the Department; and (g) other departmental action.

Congress enacted the ADR Act to reduce the time, cost, inefficiencies and contentiousness that are too often associated with litigation and other adversarial dispute mechanisms. Moreover, experience at other federal agencies shows that ADR can help achieve mutually acceptable solutions to disputes more effectively than either litigation or administrative adjudication. In fact, Vice President Gore recommended in September 1993 that federal agencies "increase the use of alternative means of dispute resolution." National Performance Review, Recommendation REG06 (September 7, 1993).

While ADR techniques have proven to be useful in resolving serious conflicts, the day-to-day operations of the Department's bureaus should provide conflict avoidance methods, where possible. Moreover, the ADR Act, 5 U.S.C. 582(b), specifically cautions that:

An agency shall consider not using a dispute resolution proceeding if—

(1) a definitive or authoritative resolution of the matter is required for precedential value, and such a proceeding is not likely to be accepted generally as an authoritative precedent;

(2) the matter involves or may bear upon significant questions of Government policy that require additional procedures before a final resolution may be made, and such a proceeding would not likely serve to develop a recommended policy for the agency;

(3) maintaining established policies is of special importance, so that variations among individual decisions are not increased and such a proceeding would not likely reach consistent results among individual decisions;

(4) the matter significantly affects persons or organizations who are not parties to the proceeding;

(5) a full public record of the proceeding is important, and a dispute resolution proceeding cannot provide such a record; and

(6) the agency must maintain continuing jurisdiction over the matter with authority to alter the disposition of the matter in the light of changed circumstances, and a dispute resolution proceeding would interfere with the agency's fulfilling that requirement.

The decision whether to use ADR, however, remains within each federal agency's discretion, and participation in ADR processes is by mutual consent of the disputants.

The ADR Act fosters the use of ADR by ensuring appropriate protection of parties' and neutrals' communication. The ADR Act, however, is not a statute exempting disclosure under the Freedom of Information Act (FOIA). To establish a baseline of understanding, concerned parties should establish confidentiality guidelines consistent with FOIA requirements before entering into negotiations.

Within the limitations set forth in the ADR Act, and elsewhere, the Department plans to explore, over the next two years, whether and in which contexts the use of ADR facilitates fairer, faster, or more rational resolutions of disputes than present dispute resolution methods provide. Additionally, the Department will conduct an evaluation of the interim policy. On the basis of this evaluation, the Department will consider modifying any of its current procedures or rules, as

appropriate, to allow for greater use of ADR.

II. Negotiated Rulemaking Act

In enacting the Negotiated Rulemaking Act, Public Law No. 101–648, Congress indicated its concern that traditional notice and comment rulemaking procedures may discourage agreement among the potentially affected parties and the Federal Government. Congress addressed this concern by purposefully designing the Negotiated Rulemaking Act's procedures to facilitate the cooperative development of regulations by interested persons and agencies. Moreover, Vice President Gore's report recently recommended improving agencies' regulatory systems by "[e]ncourag[ing] agencies to use negotiated rulemaking more frequently in developing new rules." National Performance Review, Recommendation REG03.

Negotiated Rulemaking (Reg-Neg) does not replace the traditional notice and comment rulemaking. Rather, Reg-Neg supplements the more traditional process by developing consensus around the candidate proposed rule before an agency publishes it in the **Federal Register.** Combining early consensus-building and information-gathering with an opportunity for broad public consideration, the Reg-Neg process meets the prescription of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, and can facilitate more effective regulatory development and regulations. Moreover, on September 30, 1993, President Clinton issued a Memorandum in conjunction with the issuance of Executive Order 12866 on Regulatory Planning and Review. The Memorandum required each department to identify to the Office of Information and Regulatory Affairs at least one rulemaking within the upcoming year to be developed through negotiated rulemaking or to explain why negotiated rulemaking would not be feasible, 58 FR 52391 (Oct. 7, 1993).

Decisionmakers should view Reg-Neg as one of a variety of information-gathering and consensus-building or consultative processes used to achieve effective, efficient, rational, and fair agency policy. Although the Negotiated Rulemaking Act does not address less formal decisionmaking processes, including, among others, policy roundtables and public meetings, such nonadversarial processes may help gather information to assist the Department in policy development.

Participation in informal regulatory development processes can require significant commitment of resources on the part of all participants, including federal agencies. The Department's experience, however, has shown that consensus-building techniques can result in better policy, reduce the high rate of litigation, and lower the costs of program implementation for the Department's bureaus and the regulated community.

III. Interim Policy

A. Application of the Interim Policy

The Department encourages the effective use of ADR and Reg-Neg to the fullest extent compatible with existing law, and the Department's resources and missions. Based on almost one hundred and fifty years of experience, the Department recognizes that the use of consensus-building techniques and nonadversarial planning processes can increase the wisdom, efficiency, equity, and long-term stability of departmental decisions.

The interim policy is intended to govern both the programmatic side of the Department's broad responsibility, as well as many of the human resources aspects. With regard to human resources, this interim ADR policy embraces the ADR policy of the Department's Office for Equal Opportunity. The use of ADR is expected to be very useful in matters involving equal employment opportunity. Workplace dispute issues outside the jurisdiction of actions governed by regulations issued by the Merit Systems Protection Board will also be governed by this policy. Where the use of ADR would impede effective supervisory action in routine matters of employee discipline or performance appraisal, supervisors may elect not to use ADR.

B. Purpose of the Interim Policy

The Department has developed a two-year ADR interim policy in response to the requirements of the ADR Act. The policy encourages the Department's bureaus to identify disputes amenable to ADR and to use ADR, whenever practicable. After testing ADR methods in a variety of contexts, the Department, through the Interior Dispute Resolution Council, at the conclusion of the two-year interim phase, will assess the appropriateness of the use of ADR and determine which program areas could most benefit from the institutionalization of ADR processes. Existing bureau ADR efforts should continue as this final policy is developed.

The Department's interim ADR policy is also designed to disseminate knowledge about ADR both within the Department and to those whom the Department serves, as well as to introduce new ADR initiatives and to provide guidelines for bureaus to apply in the implementation of ADR pilot programs. These initiatives will produce a baseline of experience that will be used in developing the Department's final ADR policy. Without the full commitment and cooperation of all involved in the two-year interim phase, the Department will lose a valuable opportunity to learn what works, what does not, and how best to capture potential benefits from ADR use.

C. Implementation of Interim Policy

1. Role of the Department's Dispute Resolution Specialist

Pursuant to the ADR Act, the Secretary appointed the Director, Office of Hearings and Appeals (OHA) to serve as the Department's Dispute Resolution Specialist (DRS). This high level, Department official was appointed as the DRS in order: (1) To facilitate intra-departmental coordination and communication; (2) to ensure consistent, quality training; (3) to establish minimum qualifications for mediators, arbitrators, and certain departmental employees with ADR responsibilities; and (4) to reduce administrative redundancy. The DRS will maintain an "open door" policy, welcoming inquiries from and offering assistance to the bureaus and interested persons. During the period that the interim policy is being implemented, ongoing input from the public is encouraged. The DRS will also develop and make available a roster of neutrals who are trained in ADR and who would be available to participate in a dispute resolution proceeding. Despite this focal point for ADR activity, the Department's interim ADR policy is to encourage decentralized decisionmaking to the greatest extent possible.

2. Role of the Interior Department Resolution Council

In order to keep the Department's bureaus informed during the implementation of the interim phase, the DRS shall, 30 days after publication of the Department interim policy, convene the Interior Dispute Resolution Council (IDRC). Composed of the Department's Assistant Secretaries, Solicitor and the Director of the Office of Regulatory Affairs (ORA), or their respective designees, and chaired by the DRS, the IDRC shall monitor and evaluated the Department's use of ADR and Reg-Neg and assist in intradepartmental policy and process coordination. The IDRC shall act as an

information clearinghouse, recommend personnel training courses in ADR techniques and program design, and act as the liaison between the ACUS and FMCS.

Additionally, the IDRC will consider the benefits of appointing a departmental ombudsman and the benefits of appointing an ombudsman for selected departmental bureaus. An ombudsman could serve the following functions: (1) To address specific categories of workplace disputes through the investigation of the circumstances giving rise to the disputes and based on their findings to recommend corrective actions, if appropriate; or (2) to investigate and propose the resolution, if appropriate, of citizen complaints against the Department, including recommendations for changes in agency structure or organization to better address or avoid persistent problems. The IDRC will submit a written report at the end of the Interim period on the use of an ombudsman.

3. Training in ADR

The Department recognizes, consistent with the philosophy of the National Performance Review, that bureaus can best evaluate and develop specific ADR programs and initiatives to meet bureau needs. Therefore, each Bureau Head shall appoint a Bureau Dispute Resolution Specialist (BDRS). The BDRS shall receive training recommended by the DRS in ADR consensus-building techniques, conflict resolution, and program design.

The DRS shall recommend appropriate BDRS training, such training to be completed no later than 60 days following issuance of the interim policy. Additionally, the DRS shall provide ADR training opportunities for selected groups of senior managers of the Department, whose job responsibilities include determining or influencing how disputes will be managed. The DRS will also identify opportunities for advanced training in facilitation and mediation for judges and attorneys within OHA, as appropriate.

4. Development of Bureau Alternative Dispute Resolution Plans

The BDRS shall develop and submit the Bureau's Alternate Dispute Resolution Plan (ADRP) through the Bureau Head to the appropriate Assistant Secretary no later than 60 days following the completion of training. The ADRP shall include at least one category of disputes amenable to ADR methods, and a discussion of how the bureau will implement ADR to address such disputes. Additionally, to facilitate the monitoring and evaluation of the bureau's initiative(s), the ADRP should address, among other topics, the (1) Goals; (2) objectives; (3) timetable; (4) implementation strategy; (5) monitoring criteria; and (6) evaluation methodology. It is permissible if two or more bureaus adopt the same plan or parts of a plan.

In selecting appropriate ADR pilot initiatives, a bureau can focus, for example, on a particular category of dispute (e.g., contract cases), on a variety of disputes involving a particular organizational segment or region of the agency, or on a particular ADR process that would be applied in a variety of disputes across the bureau. In selecting a focus for an ADR pilot initiative, the Department encourages bureaus to consider using some of the disputes that are central to the Department's mission. While a bureau should not avoid identifying personnel and small contract disputes, for example, as candidates for a pilot initiative, a bureau should not focus exclusively on these areas so that the effectiveness of ADR for a bureau can be judged in a programmatic context.

Some offices of the Department, such as the Office of the Solicitor, assist bureaus in carrying out their programs rather than conducting programs of their own. For the purposes of this policy, such offices should assist their client bureaus in implementing ADR in a programmatic context. Nonetheless, such offices should develop an ADRP for internal, human resource management purposes.

Consistent with the many activities and functions of the Department and the Federal Acquisition Regulations' (FAR) recognition of the usefulness of ADR in government contracts, each BDRS, or appointed designees, should review categories of all proposed new and renewal contracts, agreements, permits, memoranda of understanding, and other documents, to determine whether to include ADR provisions. Moreover, the Department encourages the use of ADR in contract disputes prior to these disputes reaching the Interior Board of Contract Appeals. To avoid duplication of effort by bureau personnel, the Office of the Solicitor, working with the Department's Senior Procurement official, will develop standardized ADR-related clauses that bureaus can use in contracts and other documents.

The Department expects, as well, that those bureaus with comparatively more dispute resolution experience will, on a voluntary basis, assist bureaus less familiar with dispute resolution in the development of the ADRP. The Department expects, as well, that inter-bureau initiatives such as "one stop permitting," for example, be coordinated with the BDRSs. Each BDRS and others involved with the implementation of the interim policy are encouraged to consult with other federal agencies, and others in the dispute resolution field in the development of their ADR initiatives. The DRS is available to provide the names of contact persons within various federal agencies who have effectively utilized ADR methods in resolving disputes.

Judges within all boards and divisions of OHA will be encouraged to utilize, where appropriate, ADR methods, including, among others, the use of settlement judges, minitrials, and the referral of litigants to mediation or arbitration in advance of a judge's consideration of a case on the merits. OHA will develop an internal policy for the appointment of settlement judges and will refer litigants to a list of approved mediators and arbitrators.

The appropriate Assistant Secretary or designee shall, upon receipt of a bureau's ADRP, review and approve the ADRP in consultation with the IDRC. Within 30 days after approval of an ADRP, a bureau shall publish its ADRP in the **Federal Register** or otherwise make the ADRP accessible to interested persons.

D. Monitoring and Evaluation

Each BDRS shall monitor the implementation of his or her bureau's dispute resolution initiatives on an ongoing basis, using the criteria developed in their ADRP. Each BDRS shall submit to the IDRC, through the proper Bureau Head and Assistant Secretary, every 180 days, an evaluation of the bureau's progress toward meeting the goals, objectives, and timetables on the basis of the methodology outlined in the ADRP. The evaluation should also discuss any unanticipated issues that each bureau may have encountered and how those issues have been or are being resolved.

The BDRSs in conjunction with the IDRC shall, at the conclusion of the two-year interim phase, catalogue and evaluate the bureaus' respective initiatives and experiences under their ADRPs in a report to the Secretary. This evaluation, coordinated by the DRS, as chair of the IDRC, will focus on the categories of dispute and types ADR methods that were most helpful in achieving resolution of disputes.

Moreover, because the usefulness of ADR to the Department is dependent on the processes' ability to facilitate rational, fair, efficient, and stable

solutions among the Department's bureaus, the regulated community and the public, evaluation of the interim policy should receive the benefit of public public comment and participation.

A concluding section of the evaluation should explain how dispute resolution will be integrated on a permanent basis into each bureau's program offices. This process of review, evaluation, and modification will allow each bureau to systematically and regularly improve its ADR programs.

E. Development of Final ADR Policy

The IDRC in conjunction with the BDRSs, and with the benefit of public comment and participation, will develop a permanent Department ADR policy on the basis of the Department's two-year interim policy experience. The DRS will be responsible for the coordination of the development of the Department's final policy, and shall ensure issuance of that policy no later than 90 days after the conclusion of the interim policy. During the time between conclusion of the interim policy and issuance of the final policy, the interim policy shall remain in effect, as appropriate.

F. Negotiated Rulemaking

Pursuant to Executive Order 12866 and the Presidential Memorandum on Negotiated Rulemaking, issued September 30, 1993, the Department will use, where appropriate, negotiated rulemaking or other consensus-building techniques to develop rules that are fair, technically accurate, and clear. Each bureau will evaluate, prior to drafting or amending any regulation, whether negotiated rulemaking is appropriate for developing or amending that regulation and will explain, on the Regulatory Alert Form submitted to the ORA, the basis for determining whether or not the regulation will be developed or amended using negotiated rulemaking.

In explaining whether negotiated rulemaking should be used for a particular rulemaking, each bureau should address at least the following:

(1) Whether there exists a small and identifiable group of constituents (the "parties") with significant interests in the rulemaking, so that all reasonably foreseeable significant interests can be represented by individuals in the negotiation;

(2) Whether the parties believe it to be in their best interest to enter into a negotiated rulemaking;

(3) Whether the parties are willing and able to enter into negotiated rulemaking in good faith;

(4) Whether any single party has, or is perceived to have, the ability to dominate negotiations, thereby making a compromise solution unlikely;

(5) Whether there are clear and identifiable issues that are agreed to be ripe for a negotiated solution;

(6) Whether a negotiated solution would require one or more parties to compromise a fundamental value;

(7) Whether the use of negotiated rulemaking is reasonably likely to result in an agreement or course of action satisfactory to all parties; and

(8) Whether there are legal deadlines or other legal issues that either mitigate against negotiation or provide incentives to reach a negotiated solution.

If a bureau has decided to enter into a negotiated rulemaking, it will prepare a brief report describing the goals, objectives, anticipated parties, and projected timetables of the negotiation. Throughout the negotiation, the bureau will prepare brief periodic reports discussing the progress toward achieving the goals, objectives, and timetables of the negotiation, and highlighting any successes and unanticipated events or issues encountered during the negotiation. These reports shall be submitted to ORA and the IDRC.

At the end of the two-year interim policy, ORA, the DRS, and IDRC shall prepare a report to the Secretary evaluating the Department's experiences with negotiated rulemaking. This report will focus upon the types of policies, categories of rulemakings, and methods of negotiation that were most successful in achieving customer satisfaction and the cost-effective implementation of mutually agreeable rulemakings. This report will be based upon evaluations conducted by the bureaus and submitted to ORA, IDRC, and the DRS for review and assimilation into the report to the Secretary.

IV. Executive Order 12866

This interim policy was not subject to Office of Management and Budget review under Executive Order 12866.

Dated: June 2, 1994.

Bonnie R. Cohen,

Assistant Secretary, Policy, Management and Budgets.

Appendix I—Glossary of ADR Terms

The following terms are commonly associated with ADR and negotiated rulemaking and contain many recognized forms of ADR. They are provided for the reader's convenience and have been adapted from the ADR Act, the Negotiated Rulemaking Act, and other sources.

Alternative means of dispute resolution—An inclusive term used to describe a variety of problem-solving processes that are used in lieu of litigation or administrative adjudication to resolve issues in controversy, including but not limited to, settlement negotiations, conciliation, facilitation, mediation, fact-finding, minitrials, and arbitration, or any combination thereof.

Arbitration—A process, quasi-judicial in nature, whereby a dispute is submitted to an impartial and neutral third party who considers the facts and merits of a case and decides the matter. To be revised consistent with 5 U.S.C. 588, et. seq.

Conciliation—Procedures intended to help establish trust and openness between the parties to a dispute.

Dispute—An issue which is material to a decision concerning an administrative or mission-related program of an agency and with which there is disagreement between the agency and a person or persons who would be substantially affected by the decision.

Dispute resolution communication—Any oral or written communication prepared for the purposes of a dispute resolution proceeding, including any memoranda, notes, or work product of the neutral, parties, or nonparty participants. A written agreement to enter into a dispute resolution proceeding, or a final written agreement or arbitration award reached as a result of a dispute resolution proceeding, is not a dispute resolution communication.

Dispute resolution proceeding—Any process in which an alternative means of dispute resolution is used to resolve an issue in controversy in which a neutral is appointed and specified parties participate.

Facilitation—Involves the assistance of a third party who is impartial toward the issues under discussion and who works with all participants in a whole group session providing procedural directions on how the group can effectively move through the problem-solving steps of the meeting and arrive at the jointly agreed upon goal.

Fact-finding—Involves the use of neutrals acceptable to all parties to determine disputed facts. This can be particularly useful where disagreements about the need for or the meaning of data are impeding resolution of a dispute, or where the disputed facts are highly technical and would be better resolved by experts. Fact-finding usually involves an informal

presentation of its case by each party. The neutral(s) then provide an advisory opinion on the disputed facts, which can be used by the parties as a basis for further negotiation.

Litigation—A dispute brought in a court of law to enforce a statute, right, or legally created cause of action that will be decided based upon legal principles or evidence presented.

Mediation—Involves the intervention into a dispute of an impartial and neutral third party, who has no decisionmaking authority but who will procedurally assist the parties to reach voluntarily an acceptable settlement of issues in dispute.

Minitrial—A structured settlement process in which the disputants agree on a procedure for presenting their cases in highly abbreviated versions (usually no more than a few hours or a few days) to senior officials for each side with authority to settle the dispute. This process allows those in senior positions to see firsthand the relative strengths and weaknesses of their cases and can serve as a basis for more fruitful negotiations. Often, a neutral presides over the hearing, and may, subsequently, mediate the dispute or help parties evaluate their cases.

Negotiated rulemaking—Rulemaking accomplished through the use of a negotiated rulemaking committee.

Negotiated rulemaking committee—An advisory committee established by an agency in accordance with the Negotiated Rulemaking Act and the Federal Advisory Committee Act to consider and discuss issues for the purpose of reaching a consensus in the development of a proposed rule.

Negotiation—Involves a bargaining relationship between two or more parties who have either perceived or actual conflicts of interest. The participants join voluntarily in a temporary relationship to educate each other about their needs and interests and exchange specific resources or promises that will resolve on or more issues. Almost all of the ADR procedures, in which the parties maintain control over the outcome of the conflict, are variations upon or elaborations of the negotiation process.

Neutral—An individual, who with respect to an issue in controversy, functions specifically to aid the parties in resolving the controversy. The individual may be a permanent or temporary officer or employee of the Federal Government, or any other individual who is acceptable to the parties to a dispute resolution proceeding. A neutral shall have no official, financial, or personal conflict of interest with respect to the dispute, unless such interest is fully disclosed in writing to all parties and all parties agree that the neutral may serve.

Ombudsman—A person designated to address selected categories of disputes by investigating the circumstances that gave rise to the matter; and based upon the investigative findings, recommending corrective action, as appropriate.

Roster—A list of persons qualified to provide services as neutrals that is maintained by the agency.

Appendix II—Examples of ADR Initiatives

Various bureaus and offices within the Department have been involved in implementing ADR processes. Some of the more prominent examples of ADR initiatives that reflect the Department's commitment to ADR include:

In 1990, the Department disseminated to each of the Department's bureaus and offices an ADR survey designed to identify program areas that could be amenable to ADR techniques. Among the questions asked were: (1) The categories of disputes in which the organization is typically involved; (2) the number of cases during the prior 2 fiscal years that were (a) docketed, (b) settled, and (c) litigated, and the approximate cost involved; and (3) the organization's experience to date in utilizing ADR techniques.

The Department conducted an orientation program on ADR. Included in the orientation program was Senator Charles Grassley, one of the sponsors of the ADR Act, together with representatives of the Administrative Conference of the United States (ACUS) and the Federal Mediation and Conciliation Service (FMCS).

The Department conducted a one day training program on ADR. The training focused on the various methods of ADR and included representatives from the U.S. Army Corps of Engineers, the Environmental Protection Agency, the Department of Health and Human Services, and the Department of Transportation, each of whom shared their experiences in developing successful ADR programs.

The Department's Office for Equal Opportunity (OEO) provided training in basic and advanced mediation skills for OEO and personnel program officials and Equal Employment Opportunity (EEO) counselors. OEO also issued a directive to bureaus and offices providing guidance on the development and implementation of ADR pilot programs consistent with 29 CFR part 1614. Under this directive each bureau and office is to submit an ADR pilot program plan delineating specific actions to be taken to incorporate ADR techniques into the EEO complaints process.

The Department recently made consideration of the use of ADR in the resolution of discrimination complaints mandatory and has designated a Departmental EEO/ADR Coordinator and directed each bureau to designate a Bureau EEO/ADR Coordinator.

The Department designated the Bureau of Reclamation as a pilot bureau in FY–93 for the purpose of testing the effectiveness of mediation in the resolution of EEO complaints and administrative grievances. The Bureau has relied exclusively on contract neutrals to serve as mediators for all dispute referred for ADR. Mediation has also been utilized by Reclamation in other program areas, including resource management and contract administration. Reclamation is assessing the results of its mediation program to determine whether to expand its usage to other program areas.

The Department's Office of Hearings and Appeals has implemented ADR as an alternative to administrative litigation. The Board of Indian Appeals and the administrative law judges vested with authority for adjudicating Indian probate cases have encouraged the use of settlement agreements to resolve these matters. Under 43 CFR 4.207, administrative law judges have been authorized to effect compromise settlements in probate actions where the parties concerned agree to compromise and where the judge establishes that all necessary conditions have been met. The Board of Contract Appeals has been effectively implementing ADR processes over the last 2 years in its cases. At the time a case is docketed, the Board issues an order notifying the parties to the dispute of the availability and benefits of ADR. Through actively promoting ADR as a viable alternative, the Board has settled a majority of its cases without the need to conduct a hearing.

The Bureau of Land Management (BLM) has recognized the benefits of ADR techniques, and a presentation on the topic was made at the Bureau's Solid Minerals Conference in Albuquerque, New Mexico, in April 1993. The BLM, in partnership with the Bowie State University's Center for Alternative Dispute Resolution, has provided basic Conflict Management ADR training to Personnelists and EEO practitioners, as well as to key management officials. The BLM will continue to work with the Center for ADR and other outside resources to provide training during Fiscal Year 1994.

The Minerals Management Service (MMS) has a rich history of ADR. The MMS's examples include (1) a process targeted at settling outstanding and contentious mineral royalty claims which has reduced appeals and litigation and increased royalty collections, and (2) more than a decade of conflict resolution training for offshore minerals management personnel and establishment and conduct of a joint review panel for constituent review of environmental documents.

The Bureau of Mines (USBM) has recognized the benefits of ADR techniques and has provided training to principal officials in the use of ADR techniques. Training was provided by a contractor for the Directorates of the Bureau on orientation to ADR techniques; Information and Analysis on September 28, 1993; Finance and Management, December 8, 1993; and Research on January 11, 1994. Training will also be provided to EEO Counselors by the EEO Staff and the Federal Mediation and Conciliation Service in June 1994. The Bureau plan to continue the use of ADR for EEO complaints and to expand it to other types of disputes. The EEO Office has used mediation and negotiation for EEO complaints in the precomplaint stage and also the formal complaint stage.

[FR Doc. 94-14288 Filed 6-10-94; 8:45 am]
BILLING CODE 4310-79-M

Bureau of Land Management

[NV-930-04-4210-04; N 57154]

Realty Action; Termination of Segregation and Opening Order, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a segregation of public land which is no longer necessary. The land will be opened to operation of the public lands laws generally, including the mining laws.

EFFECTIVE DATE: The segregation will be terminated and the land opened upon publication of this notice in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The following described public land in Douglas County, Nevada, was proposed for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, Nevada

T. 11 N., R. 21 E.
Sec. 4: SW¼NW¼SE¼, NW¼SW¼SE¼, N½SW¼SW¼SE¼, N½S½SW¼SE¼, S½SW¼SW¼SW¼SE¼, W½SW¼SE¼SW¼SW¼SE¼;
aggregating approximately 29.0625 acres;

as announced in the Notice of Realty Action published on page 18414 of the April 9, 1993, **Federal Register**. This land is no longer involved in the land exchange proposal. Therefore, the segregation of this land from appropriation under the public land laws, including the mining laws, is now terminated upon publication of this notice in the **Federal Register**. Simultaneously, the land is again open to the operation of the public land laws, including the mining laws.

FOR FURTHER INFORMATION CONTACT: More detailed information is available from the Area Manager or Steep Weiss, Bureau of Land Management, Walker Resource Area, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706; telephone (702) 885-6000.

Dated: June 1, 1994.

John Matthiessen,

Area Manager, Walker Resource Area.

[FR Doc. 92-14260 Filed 6-10-94; 8:45 am]
BILLING CODE 4310-HC-M

[NV-930-4210-05; N-48693]

Notice of Realty Action: Lease/Purchase for Recreation and Public Purposes

AGENCY: Bureau of Land Management.

ACTION: Recreation and public purpose lease/purchase.

SUMMARY: The following described public land in Henderson, Clark County, Nevada has been examined and found suitable for lease/purchase for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Clark County School District proposes to use the land for a junior high school.

Mount Diablo Meridian, Nevada

T. 22 S., R. 63 E.,
Section 16: E½SE¼SE¼
Containing 20 acres, more or less.

The land is not required for any federal purpose. The lease/purchase is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in favor of the City of Henderson for roads, public utilities and flood control purposes as follows: 30 feet in width along the north boundary, 50 feet in width along the east boundary, 40 feet in width along the south boundary, 30 feet in width along the west boundary, together with the following radius curves: NW corner having a 15 foot radius, NE corner having a 25 foot radius, SE corner having a 54 foot radius, and the SW corner having a 20 foot radius.

2. Those rights for power transmission line purposes which have been granted to Nevada Power Company by Permit No. N-33079 the under the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/purchase under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/purchase until after the classification becomes effective.

Dated: June 1, 1994.

Gary Ryan,

Acting District Manager, Las Vegas, NV.

[FR Doc. 94-14261 Filed 6-10-94; 8:45 am]
BILLING CODE 4310-HC-M