

exception" in section 203(c). The meeting will provide an opportunity for stakeholders and other interested parties to provide individual comments and suggestions. All interested parties are invited to participate.

**Public Meeting Date and Time:** The meeting will be held on Monday, May 24, 2010, from 10 a.m. until noon.

**Location:** The site for the May 24th event will be U.S. Department of Labor, Frances Perkins Building Auditorium, 200 Constitution Avenue, NW., Washington, DC 20210.

**To Register and Obtain Further Information:** Please call Rosetta Kelly at (202) 693-0123 or register via e-mail at [olms-public@dol.gov](mailto:olms-public@dol.gov). If you wish to attend, please register by Monday, May 17, 2010. When registering, you must provide your name, title, company or organization (if applicable), address, phone number and e-mail address. Individuals with disabilities may request accommodations when registering for the event.

**SUPPLEMENTARY INFORMATION:** LMRDA section 203 establishes reporting and disclosure requirements for employers and persons, including labor relations consultants, who enter into any agreement or arrangement whereby the consultant (or other person) undertakes activities to persuade employees as to their rights to organize and bargain collectively or to obtain certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer. Each party must disclose information concerning such agreement or arrangement, including related payments, and the employer, additionally, must disclose certain other payments, including payments to its own employees, to persuade employees as to their bargaining rights and to obtain certain information in connection with a labor dispute.

Pursuant to regulations issued by the Department, an employer must file a Form LM-10, Employer Report, for each fiscal year in which it entered into such an agreement or arrangement, as well for each fiscal year in which it made any persuader payments, as required under section 203. Additionally, the consultant must file a Form LM-20, Agreement and Activities report, disclosing the agreement or arrangement.

OLMS will seek comments on several significant matters concerning employer and consultant reporting pursuant to section 203. The first matter pertains to the so-called "advice exception" of LMRDA section 203(c), which provides,

in part, that employers and consultants are not required to file a report by reason of the consultant's giving or agreeing to give "advice" to the employer. Under current policy, as articulated in the LMRDA Interpretative Manual and in a **Federal Register** notice published on April 11, 2001 (66 FR 18864), this so-called "advice exception" has been broadly interpreted to exclude from the reporting any agreement under which a consultant engages in activities on behalf of the employer to persuade employees concerning their bargaining rights but has no direct contact with employees, even where the consultant is orchestrating a campaign to defeat a union organizing effort.

The Department views its current policy concerning the scope of the "advice exception" as over-broad, and that a narrower construction will result in reporting that more closely reflects the employer and consultant reporting intended by the LMRDA. Regulatory action is needed to provide labor-management transparency for the public, and to provide workers with information critical to their effective participation in the workplace. As a result, the Department announced in its Fall 2009 Regulatory Agenda the intention to engage in such rulemaking to narrow the scope of the "advice exception." See: <http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=200910&RIN=1215-AB79>.

Another exception to reporting is in section 203(e), which provides that no "regular officer, supervisor, or employee of an employer" is required to file a report covering services undertaken as a "regular officer, supervisor, or employee of an employer." Further, the employer is not required to file a report covering expenditures made to a "regular officer, supervisor, or employee" as compensation for service as a "regular officer, supervisor, or employee." The Department will seek comments on the application of this exemption to the scope of employer reporting under sections 203(a)(2) and (a)(3), which require employers to report payments to their own employees for purposes of causing them to persuade other employees as to their bargaining rights, and to report expenditures to "interfere with, restrain, or coerce employees" in their bargaining rights and to obtain information concerning activities of employees and labor organizations in connection with a labor dispute.

Additionally, the Department will seek comments on whether electronic filing should be mandated for Form LM-10 and LM-20 reports. Currently, labor organizations that file the Form LM-2 Labor Organization Annual

Report are required by regulation to file electronically, and there has been good compliance with these requirements. It is reasonably expected that employers and consultants will have the information technology resources and capacity to file electronically, as well. An electronic filing option is planned for all LMRDA reports as part of an information technology enhancement.

**Agenda:** The public meeting will run from 10 a.m. to 12 p.m. on May 24, 2010, at the U.S. Department of Labor, Frances Perkins Building Auditorium, 200 Constitution Avenue, NW., Washington, DC 20210. All interested parties are invited to participate. The meeting will provide interested parties an opportunity to provide suggestions and recommendations to OLMS concerning employer and consultant reporting pursuant to section 203. In particular, comments will be solicited on the issues outlined above: The application of the "advice exemption" of LMRDA sections 203(c); the application of the "regular officer, supervisor, and employee" exemption of section 203(e); and the effect of a potential regulatory proposal requiring employers and consultants to submit reports electronically. The Department will seek comment, as well, regarding the layout of the Form LM-10 and LM-20 and the level of detail and itemization currently required to be reported on these forms. Finally, the Department invites information about how the use of labor relations consultants by employers has affected labor-management relations and about how persuader activity has changed since the enactment of the LMRDA.

**Public Participation:** Registration for the public meeting is free. During the meeting, participants will be invited to come up to a microphone and provide comments on the topic being discussed.

**Authority and Signature:**

Signed in Washington, DC, May 10, 2010.

**John Lund,**

*Director, Office of Labor-Management Standards.*

[FR Doc. 2010-11498 Filed 5-13-10; 8:45 am]

**BILLING CODE 4510-CP-P**

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting of the Board of Directors

**TIME AND DATE:** The Board of Directors of the Legal Services Corporation will meet *telephonically* on May 19, 2010. The meeting will begin at 2 p.m. (ET), and continue until conclusion of the Board's agenda.

**LOCATION:** Legal Services Corporation, 3333 K Street, NW., Washington, DC 20007, 3rd Floor Conference Center.

**PUBLIC OBSERVATION:** For all meetings and portions thereof open to public observation, members of the public that wish to listen to the proceedings may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. From time to time the Chairman may solicit comments from the public.

**CALL-IN DIRECTIONS FOR OPEN SESSION(S):**

- Call toll-free number: 1-(866) 451-4981;
- When prompted, enter the following numeric pass code: 5907707348;
- When connected to the call, please "MUTE" your telephone immediately.

**STATUS OF MEETING:** Open, except as noted below.

- A portion of the meeting of the Board of Directors may be closed to the public pursuant to a vote of the Board of Directors to receive a staff briefing<sup>1</sup> regarding the proposed response to a draft report by the Government Accountability Office ("GAO") on certain aspects of the Corporation's operations.

A *verbatim* written transcript will be made of the closed session of the Board meeting. However, the transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(g), will not be available for public inspection. A copy of the General Counsel's Certification that in his opinion the closing is authorized by law will be available upon request.

**Matters To Be Considered**

*Open Session*

1. Approval of the agenda.
2. Consider and act on Board of Directors' response to the Inspector General's Semiannual Report to Congress for the period of October 1, 2009 through March 31, 2010.
3. Public comment.
4. Consider and act on whether to authorize an executive session of the Board to address items listed below under *Closed Session*.

<sup>1</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

*Closed Session*

5. Staff briefing on proposed response to the Government Accountability Office ("GAO") draft report entitled "Legal Services Corporation:

*Improvements Needed in Controls Over Grant Awards and Grant Program Effectiveness (GAO-10-540).*"

6. Consider and act on other business.

7. Consider and act on motion to adjourn meeting.

**CONTACT PERSON FOR INFORMATION:**

Kathleen Connors, Executive Assistant to the President, at (202) 295-1500. Questions may be sent by electronic mail to

FR\_NOTICE\_QUESTIONS@lsc.gov.

*Special Needs:* Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Kathleen Connors at (202) 295-1500 or

FR\_NOTICE\_QUESTIONS@lsc.gov.

Dated: May 12, 2010.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 2010-11755 Filed 5-12-10; 4:15 pm]

BILLING CODE 7050-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-228, NRC-2010-0178]

**Aerotest Operations, Inc., Aerotest Radiography and Research Reactor; Notice of Consideration of Approval of Transfer and Conforming Amendment, Opportunity for a Hearing, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Order, Notice of Application, Opportunity for Hearing and Request for Comment.

**FOR FURTHER INFORMATION CONTACT:**

Cindy Montgomery, Project Manager, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Rockville, MD 20852. Telephone: (301) 415-3398; fax number: (301) 415-1032; e-mail: Cindy.Montgomery@nrc.gov.

**DATES:** Comments must be filed by June 14, 2010. Hearing requests and petitions to intervene must be filed by June 3, 2010.

**ADDRESSES:** Please include Docket ID NRC-2010-0178 in the subject line of your comments. You may submit comments by any one of the following methods.

*Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0178. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Chief, Rulemaking, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RDB at (301) 492-3446.

For instructions on submitting comments and obtaining access to documents related to this notice, see Section IV., Comments.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering the issuance of an Order under Title 10 of the Code of Federal Regulations (10 CFR) Section 50.80 approving the indirect transfer of Facility Operating License No. R-98 for the Aerotest Radiography and Research Reactor (ARRR), currently held by Aerotest Operations, Inc., as owner and licensed operator of ARRR. Aerotest Operations, Inc., is a wholly-owned subsidiary of OEA Aerospace, Inc., which, in turn, is owned by Autoliv ASP, Inc. The Commission is also considering amending the license for administrative purposes to reflect the proposed indirect transfer.

According to an application for approval dated January 19, 2010, as supplemented by letters dated February 2, 2010, March 23, 2010, April 1, and 19, 2010, filed by Aerotest Operations, Inc., (Aerotest), Autoliv ASP, Inc., and X-Ray Industries, Inc., (XRI), the applicants seek approval, pursuant to 10 CFR 50.80, of the indirect transfer of control of the licensee. The indirect transfer of control would be the result of a proposed sale of 100% of the stock of Aerotest to Aerotest Holdings, LLC, a new holding company being created by XRI. XRI would be the ultimate owner of Aerotest and its facility, the ARRR, and would indirectly own 100% of Aerotest. There will be no direct transfer of the license. Aerotest would continue to own and operate the facility and hold the license.

No physical changes to the facilities or operational changes are being proposed in the application. The proposed conforming amendment