

reduce such exposure, NCD requests that attendees not wear perfumes or scented products at this meeting. Smoking is prohibited in meeting rooms and surrounding areas.

Open Meeting: In accordance with the Government in the Sunshine Act and NCD's bylaws, this quarterly meeting will be open to the public for observation, except where NCD determines that a meeting or portion thereof should be closed in accordance with NCD's regulations pursuant to the Government in the Sunshine Act. A majority of NCD members present shall determine when a meeting or portion thereof is closed to the public, in accordance with the Government in the Sunshine Act. At meetings open to the public, NCD may determine when non-members may participate in its discussions. Observers are not expected to participate in NCD meetings unless requested to do so by an NCD member and recognized by the NCD chairperson.

Quarterly Meeting Agenda:

Reports from the Chairperson and the Executive Director
Committee Meetings and Committee Reports
Executive Session (closed)—
Unfinished Business
New Business
Announcements
Adjournment

Records will be kept of all National Council on Disability proceedings and will be available after the quarterly meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on December 3, 2001.

Ethel D. Briggs,

Executive Director.

[FR Doc. 01-30340 Filed 12-4-01; 10:42 am]

BILLING CODE 6820-MA-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Federal Advisory Committee on International Exhibitions (FACIE)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Federal Advisory Committee on International Exhibitions (FACIE) will be held by teleconference from 3 p.m. to 4 p.m. on Monday, December 17, 2001 in Room 709 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC, 20506.

This meeting is for the purpose of review, discussion, evaluation, and

recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 22, 2001, these sessions will be closed to the public pursuant to subsection (c)(4),(6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC, 20506, or call 202/682-5691.

Dated: November 30, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 01-30214 Filed 12-5-01; 8:45 am]

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NATIONAL LABOR RELATIONS BOARD

Revision of Statement of Organization and Functions; Position of Deputy General Counsel

AGENCY: National Labor Relations Board.

ACTION: Revision of the description of the powers and duties of the Deputy General Counsel.

SUMMARY: The National Labor Relations Board is revising the description of the powers and duties of the Deputy General Counsel to make plain that the Board's Deputy General Counsel is authorized to perform the functions and duties of the office of General Counsel upon the vacancy of the General Counsel's office.

EFFECTIVE DATE: December 6, 2001.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, 1099 14th Street NW., Room 11600, Washington, DC 20570, Telephone: (202) 273-1936.

SUPPLEMENTARY INFORMATION: The National Labor Relations Board has determined that § 3345(a)(1) of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., authorizes the Board's Deputy General Counsel to perform the functions and duties of the office of General Counsel, upon the vacancy of the General Counsel's office. In pertinent part, § 3345(a) provides:

If an officer of an Executive agency * * * whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

(1) The first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346.

Historically, the provisions of section 3(d) of the National Labor Relations Act (29 U.S.C. 153(d)) have been the only mechanism for appointments to the position of Acting General Counsel. The Vancies Act is an alternative means of filling vacancies in positions appointed by the President subject to Senate confirmation, but, until 1988, that statute was applicable only to positions in cabinet departments. By amendment in 1988, Congress made the Vancies Act applicable to all "executive agencies," with the intent of expanding the scope of the statute to independent agencies such as the Board. Thus, although NLRA section 3(d) remains a valid mechanism for appointment to the position of Acting General Counsel, it is now clear that the Vacancies Act provides an alternative procedure and that the President can appoint an Acting General Counsel under that Act, under section 3(d) of the NLRA, or can allow the provisions of section 3345(a) to take effect.

The Deputy General Counsel position is a "first assistant" position within the meaning of 5 U.S.C. 3345(a)(1). Although "first assistant" is not expressly defined in the statute, it was referred to in debate as a term of art that generally refers to the office holder's top deputy. The National Labor Relations Board's Statement of Organization and Functions makes clear that the Deputy General Counsel acts as the alter ego of the General Counsel and readily satisfies the functions of a "first assistant:" "The Deputy General Counsel is vested with the authority to speak and act for the General Counsel in all phases of the responsibilities of the office to the full extent permitted by law * * *

Accordingly, the National Labor Relations Board is revising its statement of Organization and Functions, part 201, subpart A, section 202, second paragraph (32 F.R. 9588, as amended by 37 F.R. 15956, 44 F.R. 32415) to read as follows:

Sec. 202 The General Counsel.

* * * * *

The Deputy General Counsel is vested with the authority to speak and act for the General Counsel in all phases of the responsibilities of the office to the full extent permitted by law and is responsible for overall coordination of the General Counsel's organization. The Deputy General Counsel position is a "first assistant" for purposes of section