

A5. Modification to fiscal year 1987 capital budget financed from power proceeds and borrowings—replace the endwinding support system and install end turns vibration monitoring system on the Unit 1 turbogenerator at Sequoyah Nuclear Plant.

B—Purchase Awards

*B1. Negotiation NQ-838100—Indefinite Quantity Term Agreement for genuine Limitorque replacement operators and parts for various TVA nuclear plants.

B2. Invitation DB-69128—Indefinite Quantity Term Contract for No. 2 diesel fuel oil for any TVA project or warehouse.

B3. Reg. 54—Spot coal for Colbert, Johnsonville, and Shawnee Steam Plants.

C—Power Items

C1. Letter Agreement with the Department of the Air Force amending power contract for service to Arnold Engineering Development Center—TV-59316A.

C2. Cooperative Agreement No. TV-70373A with Ontario Hydro covering arrangements for cooperation in a project for operational testing of the 10-MW-Spray Dryer/Electrostatic Precipitator facility at Shawnee Steam Plant.

C3. Proposal to offer new type of power, called "Economy Surplus Power" to TVA's directly served customers, on an experimental basis.

D—Personnel Items

D1. Renewal of consulting contract with Robert B. Jansen, Mead, Washington, for consultation on the design and construction of major hydro projects, requested by the Division of Engineering Design.

D2. Recommendations on rates of pay and certain monetary fringe benefits for salary policy employees in represented positions

resulting from the 34th (1986) annual salary negotiations; and for certain other employees.

D3. Recommendations concerning revised pay plan and salary schedule for the management and specialist schedule and for the physicians schedule.

E—Real Property Transactions

E1. Grant of permanent easement to Coffee County, Tennessee, for construction,

operation, and maintenance of a highway and appurtenances, affecting approximately 1.6 acres of Normandy Reservoir land in Coffee County, Tennessee (Powers Bridge Project)—Tract No. XTNRMR-4H.

E2. Sale of permanent easement to Tennol Energy Company, Inc., for construction, operation, and maintenance of industrial facilities, including a barge terminal, affecting 1.8 acres of Guntersville Reservoir land in Marion County, Tennessee—Tract No. XGR-7291E.

E3. Resolution declaring approximately 150.4 acres of Beech Reservoir land located in Henderson County, Tennessee, as surplus and authorizing its sale at public auction by Beech River Watershed Development Authority, as agent for TVA, as part of the Eastern Shores Subdivision—Tract No. XBRBR-6.

F—Unclassified

F1. Resolution appointing Jack H. Putnam, Jr., and Charles L. Young as Assistant Secretaries of TVA.

F2. TVA contribution to retirement system for fiscal year 1987.

F3. Payments to States and counties in lieu of taxes for fiscal year ending September 30, 1986, as provided under section 13 of the TVA Act, as amended.

F4. Contract with Appalachian Regional Commission covering arrangements for cooperation in a demonstration of an

innovative energy-efficient sewage treatment system using the ANFLOW modular system at Haleyville, Alabama.

F5. Contract with City of Haleyville, Alabama, providing for assistance in the development and implementation of a project to purchase, construct, and install an ANFLOW modular sewage treatment system at City's North Treatment Facility.

F6. Contract with Florida Institute of Phosphate Research covering arrangements for a research project on the chemistry of gypsum pond systems.

F7. Agreement with United States Department of the Army providing for loan of TVA employees to the Army in connection with technical studies at Army munitions plants and arsenals.

F8. Supplement No. 2 to Interagency Agreement (TV-66099A), between TVA and the Department of Energy (DOE) Western Area Power Administration covering arrangements for TVA to continue providing equipment inspection services.

*Item approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: September 18, 1986.

W.F. Willis,

General Manager.

[FR Doc. 86-21581 Filed 9-19-86; 10:55 am]

BILLING CODE 8120-01-M

Tuesday
September 23, 1986

Estimate Labor

Part II

Federal Labor Relations Authority

5 CFR Part 2400 et al.

Federal Service Labor-Management
Relations; Final and Proposed Rules

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Parts 2400, 2412, and 2430

Transition Rules and Regulations, Privacy, and Awards of Attorney Fees and Other Expenses

AGENCY: Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel.

ACTION: Final rules.

SUMMARY:

Transition Rules and Regulations: Part 2400 of the regulations of the Federal Labor Relations Authority governs the processing of cases which were pending on December 31, 1978, and those which were filed during the period from January 1 through January 10, 1979. There are no such cases currently pending before the Authority. Accordingly, Part 2400 is removed in its entirety.

Privacy: Section 2412.3 provides that an annual notice will be published in the Federal Register describing the systems of records maintained within the agency. Annual publication is no longer required by law; rather, publication is now required only upon establishment or revision of a system. As a result, § 2412.3 is revised to provide that notices of systems of records will be published in accordance with applicable requirements.

In addition, Part 2412 provides that various actions shall be requested of and taken by the "Deputy Director of Administration." That position title is no longer part of the agency's organization. Part 2412 is amended, therefore, by removing the words "Deputy Director of Administration" and inserting in their place the words "Director of Administration."

Awards of Attorney Fees and Other Expenses: Changes are made in three sections of Part 2430, which governs the awards of attorney fees and other expenses to parties to adversary adjudications. These awards are made pursuant to the Equal Access to Justice Act (EAJA), 5 U.S.C. 504, which was extended and amended by Congress on August 5, 1985, Pub. L. 99-80, 99 Stat. 183 (1985). First § 2430.1 contains the word "agency" in three places. The word, however, is intended to refer to the "Authority" in one place and the "General Counsel" in the other two. For clarification, therefore, § 2430.1 is revised by deleting the word "agency" and inserting in its place the words "Authority" and "General Counsel," where appropriate.

Second, § 2430.2(a) provides that Part 2430 applies to unfair labor practice (ULP) proceedings which were pending on complaint against a labor organization between October 1, 1981, and September 30, 1984. Pursuant to the 1985 extension and amendment of the EAJA, inclusion of the September 30, 1984, date is no longer appropriate. Accordingly, § 2430.2(a) is revised by deleting references to the September 30, 1984 date.

Finally, § 2430.2(b) provides that an applicant eligible to receive an award is an entity which has a net worth of not more than \$5 million. The 1985 extension and amendment of the EAJA changed the net worth requirement involving adjudications pending on or commenced on or after August 5, 1985, from not more than \$5 million to not more than \$7 million. Pursuant to the changed requirement, § 2430.2(b) is revised accordingly.

EFFECTIVE DATE: October 23, 1986.

FOR FURTHER INFORMATION CONTACT: Harold D. Kessler, Director of Case Management, Federal Labor Relations Authority, 500 C Street SW., Washington, DC 20424; (202) 382-0715.

SUPPLEMENTARY INFORMATION:

Transition Rules and Regulations: Part 2400 of the regulations of the Federal Labor Relations Authority governs the processing of cases (1) pending on December 31, 1978, before the Federal Labor Relations Council, the Assistant Secretary of Labor for Labor-Management Relations, the Vice Chairman of the Civil Service Commission when performing the duties of the Assistant Secretary, and the Federal Service Impasses Panel (Panel); and (2) filed with the Federal Labor Relations Authority and the Panel during the period January 1 through January 10, 1979. There are no cases subject to Part 2400 currently pending. Accordingly, Part 2400 is removed in its entirety.

Privacy: Part 2412 contains the regulations implementing the Privacy Act of 1974, as amended, 5 U.S.C. 552a. Section 2412.3 provides that the Authority, the General Counsel of the Authority (General Counsel), and the Panel will publish an annual notice in the Federal Register describing the systems of records maintained by the agency. The Congressional Reports Elimination Act of 1982, Pub. L. 97-375, 96 Stat. 1819 (1982), changed the annual notice requirement to a publication requirement "upon establishment or revision" of a system. In accordance with existing requirements, § 2412.3 is revised to provide that the Authority, the General Counsel, and the Panel will

publish notices of systems of records in accordance with applicable requirements.

Part 2412 provides that various actions shall be requested of and taken by the "Deputy Director of Administration." Since that position title is no longer part of the Authority's organization, Part 2412 is revised by removing the words "Deputy Director of Administration" in all sections in which they appear and inserting in their place the words "Director of Administration."

Awards of Attorney Fees and Other Expenses: Part 2430 governs the awards of attorney fees and other expenses to eligible individuals and entities who are parties to agency adversary adjudications. These awards are made pursuant to the Equal Access to Justice Act (EAJA), 5 U.S.C. 504, which was extended and amended by Congress on August 5, 1985, Pub. L. 99-80, 99 Stat. 183 (1985). Changes are made in three sections of Part 2430:

1. Section 2430.1 contains the word "agency" in three places. It refers to parties to "agency adversary adjudications." It also refers to a party's receipt of an award when it prevails over an "agency, unless the agency's position in the proceeding" was substantially justified, or special circumstances make the award unjust. As applied to cases, it is clear that the word "agency" is intended to refer to the "Authority" in the first instance, and to the "General Counsel" in the last two. Accordingly, § 2430.1 is revised by deleting the word "agency" and inserting in its place the word "Authority" in the first sentence, and inserting the words "General Counsel" in the second sentence. As defined in section 7103(a)(6) of the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7103, Pub. L. 94-454, 92 Stat. 1192 (1978), "Authority" means the "Federal Labor Relations Authority[.]"

2. Section 2430.2(a) provides that Part 2430 applies to unfair labor practice (ULP) proceedings which were (1) pending on complaint against a labor organization between October 1, 1981, and September 30, 1984; (2) begun before October 1, 1981, if final Authority action had not been taken by that date; and (3) pending on September 30, 1984, regardless of when they were initiated or when final Authority action occurs. As extended and amended by Congress in 1985, the EAJA no longer has an expiration date. Accordingly, § 2430.2(a) is revised to provide that Part 2430 applies to ULP proceedings pending on complaint against a labor organization at any time since October 1, 1981.

3. Section 2430.2(b) describes an applicant eligible to receive awards as a partnership, corporation, association, or public or private organization with a net worth of not more than \$5 million and not more than 500 employees. The 1985 extension and amendment of the EAJA changed the net worth requirement for entities applying for awards resulting from adjudications pending on and after August 5, 1985, from \$5 million to \$7 million. Consistent with this change, § 2430.2(b) is revised to apply the \$7 million requirement to applications resulting from adversary adjudications pending on or commenced on or after August 5, 1985. The eligibility requirement concerning the number of employees is unchanged.

List of Subjects in 5 CFR Parts 2400, 2412, and 2430

Administrative practice and procedure, Government employees, Labor-management relations.

For the reasons set out in the preamble, 5 CFR is amended as follows:

PART 2400—[REMOVED]

1.5 CFR Part 2400 is removed.

PART 2412—PRIVACY

1. The authority citation for Part 2412 continues to read as follows:

Authority: 5 U.S.C. 552a.

2. 5 CFR Part 2412 is amended by revising § 2412.3 to read as follows:

§ 2412.3 Notice and publication.

The Authority, the General Counsel, and the Panel will publish in the *Federal*

Register such notices describing systems of records as are required by law.

§§ 2412.4 through 2412.9 and 2412.11 through 2412.13 [Amended]

3. 5 CFR Part 2412 is amended by removing the words "Deputy Director of Administration" and inserting, in their place, the words "Director of Administration" in the following places:

- (a) 5 CFR 2412.4 (a)(2), (b), and (d);
- (b) 5 CFR 2412.5(b);
- (c) 5 CFR 2412.6 (a) and (c);
- (d) 5 CFR 2412.7(a);
- (e) 5 CFR 2412.8 (a)(2) and (c);
- (f) 5 CFR 2412.9(a);
- (g) 5 CFR 2412.11(a);
- (h) 5 CFR 2412.12;
- (i) 5 CFR 2412.13 (b)(2) and (b)(3).

PART 2430—AWARDS OF ATTORNEY FEES AND OTHER EXPENSES

1. The authority citation for Part 2430 is revised to read as follows:

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)), as extended and amended, Pub. L. 99-80, 99 Stat. 183 (1985).

2. 5 CFR Part 2430 is amended by revising § 2430.1 to read as follows:

§ 2430.1 Purpose.

The Equal Access to Justice Act, 5 U.S.C. 504, provides for the award of attorney, agent, or witness fees and other expenses to eligible individuals and entities who are parties to Authority adversary adjudications. An eligible party may receive an award when it prevails over the General Counsel, unless the General Counsel's position in the proceeding was substantially justified, or special circumstances make

an award unjust. The rules in this part describe the parties eligible for awards, and the Authority proceeding that is covered. They also set forth the procedures for applying for such awards, and the procedures by which the Authority will rule on such applications.

3. 5 CFR Part 2430 is amended by revising § 2430.2(a) and (b)(1) to read as follows:

§ 2430.2 Proceedings affected; eligibility for award.

(a) The provisions of this part apply to unfair labor practice proceedings pending on complaint against a labor organization at any time since October 1, 1981.

(b)(1) Applicants eligible to receive an award in proceedings conducted by the Authority are any partnership, corporation, association, or public or private organization with a net worth of not more than \$5 million (\$7 million in cases involving adversary adjudications pending on or commenced on or after August 5, 1985) and not more than 500 employees.

Dated: September 17, 1986.

Jerry L. Calhoun,
Chairman.

Henry B. Frazier III,
Member.

Jean McKee,
Member.

John C. Miller,
General Counsel.

Roy M. Brewer,
Chairman, FSIP.

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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Parts 2422, 2423, and 2429

Processing of Cases; Miscellaneous and General Requirements

AGENCY: Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority.

ACTION: Proposed rules; request for comments.

SUMMARY: Changes are proposed in sections of Parts 2422, 2423, and 2429. These changes concern (1) computation of time for filing papers (§ 2429.21), and (2) the place and methods of filing (§ 2429.24).

Computation of time for filing papers: Section 2429.21 of the regulations of the Federal Labor Relations Authority provides that a document which is filed with the Authority, the General Counsel of the Authority, a Regional Director, or an Administrative Law Judge must be received by the Authority or an officer or agent designated to receive the document before the close of business on the last day of the time limit applicable to the filing to be considered timely filed. Since the date of receipt of a document is often out of the control of the filing party, the Authority and the General Counsel propose to amend § 2429.21 to provide that, for all documents except unfair labor practice charges under § 2423.6 of this subchapter, a representation petition under § 2422.2 of this subchapter and a request for an extension of time pursuant to § 2429.23(a) of this part, if a document is submitted by mail, the date of filing shall be the date of mailing as indicated by the postmark date. If no postmark date is evident, the document shall be presumed to have been mailed 5 days prior to receipt. As proposed, § 2429.21 will also provide that documents shall be filed with the Authority in accordance with § 2429.24, which as modified in a manner discussed in the next section, would provide a specific filing address. Sections 2422.2 and 2423.6 have been proposed to specify that date of receipt remains the filing date for filing of unfair labor practice charges and representation petitions.

Place and methods of filing: Section 2429.24(a) provides that documents filed with the Authority pursuant to Subchapter C shall be filed at the address set forth in Appendix A. To supply more information concerning the filing of documents, the Authority proposes to revise § 2429.24(a) to provide a specific address, including a

room number, and specific hours during which documents may be filed. Section 2429.24(e) provides that all documents filed with the Authority must be filed by certified mail or in person. Consistent with the proposed revision concerning the computation of time for filing papers in § 2429.21 (discussed above), the Authority and the General Counsel propose to revise § 2429.24(e) to provide that documents may be filed by mail, including regular and express mail, or in person.

DATE: Comments must be received on or by October 23, 1986.

ADDRESS: Comments should be addressed to Harold D. Kessler, Director of Case Management, Federal Labor Relations Authority, 500 C Street SW., Washington, DC 20424.

FOR FURTHER INFORMATION CONTACT:

Harold D. Kessler, (202) 382-0715.
David L. Feder, Office of the General Counsel, Federal Labor Relations Authority, (202) 382-0834.

SUPPLEMENTARY INFORMATION:

Computation of time for filing papers: Section 2429.21 of the regulations of the Federal Labor Relations Authority sets forth general requirements applicable to the computation of time for filing papers with the Authority, the General Counsel of the Authority, an Administrative Law Judge, and Regional Directors of the Authority. It provides that when the filing of any paper is required, the document must be received by the Authority or the agent or officer designated to receive such matter before the close of business on the last day of the time limit for such filing or extension of time that may have been granted. For unfair labor practice charges, representation petitions and extensions of time, the date of receipt will continue to be considered the filing date. Since the date on which a mailed document is received is not within the control of the filing party, the Authority and the General Counsel propose to revise § 2429.21 to provide that if other documents are submitted by mail, the date of filing shall be the date of mailing as indicated by the postmark date. If no postmark date is evident on the document, a 5-day mailing period will be presumed. In addition, for documents filed with the Authority, it is proposed to revise § 2429.21 to provide that filings shall be in accordance with § 2429.24. Proposed revisions in § 2429.24 are discussed below.

Place and methods filing: Two changes are proposed in § 2429.24, which governs the place and methods of filing documents with the Authority, the General Counsel, Regional Directors,

and Administrative Law Judges. First, to clarify the place and hours during which filings with the Authority may be made, it is proposed to revise § 2429.24(a) to specify that documents must be filed with the Director of Case Management, in Room 213 of the Federal Labor Relations Authority, 500 C Street SW., Washington, DC 20424, between the hours of 8 a.m. and 5 p.m. The addresses for filings with the General Counsel, Regional Directors, and Administrative Law Judges are not changed. Second, consistent with the proposed change in § 2429.21 concerning the computation of time for filing papers (discussed above), the Authority and the General Counsel propose to revise § 2429.24(e). That section currently provides that documents must be filed by certified mail or in person. As revised, filings could be made by mail (including regular, certified, and express mail) or in person.

List of Subjects in 5 CFR Parts 2422, 2423, and 2429

Administrative practice and procedure, Government employees, Labor-management relations.

For the reasons set out in the preamble, 5 CFR is proposed to be amended as follows:

PART 2422—REPRESENTATION PROCEEDINGS

1. The authority citation for Part 2422 continues to read as follows:

Authority: 5 U.S.C. 7134.

2. It is proposed to amend 5 CFR Part 2422 by adding § 2422.2(e)(4) to read as follows:

§ 2422.2 Contents of petition; procedures for consolidation of existing exclusively recognized units; filing and service of petition; challenges to petition.

* * * * *

(e) * * *

(4) A petition will be deemed to be filed when it is received by the appropriate Regional Director in accordance with the requirements in paragraph (e) (1), (2), and (3) of this section.

* * * * *

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

1. The authority citation for Part 2423 continues to read as follows:

Authority: 5 U.S.C. 7134.

2. It is proposed to amend 5 CFR Part 2423 by adding § 2423.6(c) to read as follows:

§ 2423.6 Filing and service of copies.

(c) A change will be deemed to be filed when it is received by the appropriate Regional Director in accordance with the requirements in paragraph (a) of this section.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

1. The authority citation for Part 2429 continues to read as follows:

Authority: 5 U.S.C. 7134.

2. It is proposed to amend 5 CFR Part 2429 by revising § 2429.21 to read as follows:

§ 2429.21 Computation of time for filing papers.

(a) In computing any period of time prescribed by or allowed by this subchapter, except in agreement bar situations described in § 2422.3 (c) and (d) of this subchapter, and except as to the filing of exceptions to an arbitrator's award under § 2425.1 of this subchapter, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. *Provided, however,* in agreement bar situations described in § 2422.3 (c) and (d), if the 60th day prior to the expiration date of an agreement falls on Saturday, Sunday, or a Federal legal holiday, a petition, to be timely, must be filed by the close of business on the last official workday preceding the 60th day. When the period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations.

(b) Except when filing an unfair labor practice charge pursuant to § 2423.6 of this subchapter, a representation petition pursuant to § 2422.2 of this subchapter, and a request for an extension of time pursuant to § 2429.23(a) of this part, when this subchapter requires the filing of any paper with the Authority, the General Counsel, a Regional Director, or an Administrative Law Judge, the date of filing shall be determined by the date of mailing indicated by the postmark date. If no postmark date is evident on the mailing, it shall be presumed to have been mailed 5 days prior to receipt. If the filing is by personal delivery, it shall be considered filed on the date it is received by the Authority or the officer

or agent designated to receive such matter.

(c) All documents filed or required to be filed with the Authority shall be filed in accordance with § 2429.24(a) of this subchapter.

3. It is proposed to amend 5 CFR Part 2429 by revising § 2429.23(a) to read as follows:

§ 2429.23 Extensions; waiver.

(a) Except as provided in paragraph (d) of this section, and notwithstanding § 2429.21(b) of this subchapter, the Authority or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

4. It is proposed to amend 5 CFR Part 2429 by revising § 2429.24 (a) and (e) to read as follows:

§ 2429.24 Place and method of filing; acknowledgment.

(a) All documents filed or required to be filed with the Authority pursuant to this subchapter shall be filed with the Director of Case Management, Federal Labor Relations Authority, Room 213 (Docket Room), 500 C Street SW., Washington, DC 20424 (telephone FTS 382-0748; Commercial (202) 382-0748) between 8 a.m. and 5 p.m., Monday through Friday (except Federal holidays). Documents hand-delivered for filing must be presented in Room 213 not later than 5 p.m. to be accepted for filing on that day.

(e) All documents filed pursuant to this section shall be filed in person or by mail.

Dated: September 17, 1986.

Jerry L. Calhoun,

Chairman.

Henry B. Frazier III,

Member.

Jean McKee,

Member.

John C. Miller,

General Counsel.

[FR Doc. 86-21463 Filed 9-22-86; 8:45 am]

BILLING CODE 6727-01-M

5 CFR Part 2423**Unfair Labor Practice Proceedings**

AGENCY: Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority.

ACTION: Proposed rules; request for comments.

SUMMARY: Changes are proposed in one section of Part 2423. This change concerns a requirement to exchange proposed witness lists and documentary evidence prior to the opening of an unfair labor practice hearing (§ 2423.14).

Amendment to § 2423.14 of the regulations is proposed to require parties in an unfair labor practice case to exchange proposed witness lists, excluding adverse witnesses, and copies of documentary evidence, with an index, not less than ten (10) days prior to the opening of a hearing. The requirement would not preclude a party from calling a witness or introducing an exhibit, if the existence of the witness or exhibit was not known or the exhibit was not available more than ten (10) days prior to the hearing.

DATE: Comments must be received by October 23, 1986.

ADDRESS: Comments should be addressed to David L. Feder, Assistant General Counsel, Office of the General Counsel, Federal Labor Relations Authority, 500 C Street SW., Washington, DC 20424.

FOR FURTHER INFORMATION CONTACT: David L. Feder, (202) 382-0834.

SUPPLEMENTARY INFORMATION: The proposed amendment to § 2423.14 of the regulations includes a requirement that all parties to an unfair labor practice hearing will exchange proposed witness lists, excluding adverse witnesses, and copies of documents, with an index, intended to be offered into evidence at the hearing not less than ten (10) days prior to the opening of the hearing. This requirement will be applicable to all parties. This requirement would not preclude a party from calling a witness or introducing an exhibit, if the existence of the witness or exhibit was not known or the exhibit was not available more than ten (10) days prior to the hearing. It is anticipated that the exchange of proposed witness lists and documentary evidence will afford the parties an opportunity to review all such documentation prior to the commencement of the hearing and thus facilitate the introduction of evidence at the hearing.