

the employer maintaining the plan and their beneficiaries;

(2) This exemption does not extend to transactions prohibited under section 406(a) of the Act;

(3) Before an exemption may be granted under section 408(a) of ERISA and 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(4) If granted, the proposed amendment is applicable to a particular transaction only if the transaction satisfies the conditions specified in the exemption; and

(5) The proposed amendment, if granted, will be supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### Written Comments and Hearing Request

The Department invites all interested persons to submit written comments or requests for a public hearing on the proposed amendment to the address and within the time period set forth above. All comments received will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection at the above address.

#### Proposed Amendment

Under section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990), the Department proposes to amend PTE 86-128 as set forth below:

(1) Section III(a) is amended to read: "The person engaging in the covered transaction is not an administrator of the plan, or an employer any of whose employees are covered by the plan.

(2) Adding to Section III new paragraph (h) to read: "(h) A trustee [other than a nondiscretionary trustee] may only engage in a covered transaction with a plan that has total net assets with a value of at least \$50 million and in the case of a pooled fund, the \$50 million requirement will be met if 50 percent or more of the units of beneficial interest in such pooled fund

are held by plans having total net assets with a value of at least \$50 million.

For purposes of the net asset tests described above, where a group of plans is maintained by a single employer or controlled group of employers, as defined in section 407(d)(7) of the Act, the \$50 million net asset requirement may be met by aggregating the assets of such plans, if the assets are pooled for investment purposes in a single master trust.

(3) Adding to Section III new paragraph (i) to read:

"(i) The trustee (other than a nondiscretionary trustee) engaging in a covered transaction furnishes, at least annually, to the authorizing fiduciary of each plan the following:

(1) The aggregate brokerage commissions, expressed in dollars, paid by the plan to brokerage firms affiliated with the trustee;

(2) The aggregate brokerage commissions, expressed in dollars, paid by the plan to brokerage firms unaffiliated with the trustee;

(3) The average brokerage commissions, expressed as cents per share, paid by the plan to brokerage firms affiliated with the trustee; and

(4) The average brokerage commissions, expressed as cents per share, paid by the plan to brokerage firms unaffiliated with the trustee."

For purposes of this paragraph (i), the words "paid by the plan" shall be construed to mean "paid by the pooled fund" when the trustee engages in covered transactions on behalf of a pooled fund in which the plan participates.

Signed at Washington, DC, this 6th day of May, 2002.

**Ivan L. Strasfeld,**

*Director, Office of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.*

[FR Doc. 02-11662 Filed 5-9-02; 8:45 am]

**BILLING CODE 4520-29-P**

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

##### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records

schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites 1 public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before June 24, 2002. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740-6001. Requests also may be transmitted by FAX to 301-837-3698 or by e-mail to [records.mgt@nara.gov](mailto:records.mgt@nara.gov). Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:** Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: (301) 713-7110. E-mail: [records.mgt@nara.gov](mailto:records.mgt@nara.gov).

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and

authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

#### Schedules Pending

1. Department of the Air Force, Agency-wide (N1-AFU-02-9, 96 items, 96 temporary items). Electronic versions of temporary records relating to developmental engineering, acquisition, contracting, and financial management. Included are electronic copies of documents created using electronic mail and word processing as well as electronic records that supplement or replace paper records already approved for disposal. Records relate to such matters as industrial equipment, supply quality assurance, purchase requests, contract performance, contractor personnel, and the tracking and status of audits.

2. Department of the Air Force, Agency-wide (N1-AFU-02-10, 72 items, 72 temporary items). Electronic

versions of temporary records relating to security and law enforcement, medical matters, chaplain activities, historical and museum programs, and command policy. Included are electronic copies of documents created using electronic mail and word processing as well as electronic records that supplement or replace paper records already approved for disposal. Records relate to such matters as information security activities, facilities security, veterinary services, nursing, dental x-rays, chaplain funds, historical research and reference, museum operations, inspector general administrative reports, inspection checklists, and congressional travel.

3. Department of the Air Force, Agency-wide (N1-AFU-02-11, 73 items, 73 temporary items). Electronic versions of temporary records relating to personnel matters. Included are electronic copies of documents created using electronic mail and word processing as well as electronic records that supplement or replace paper records already approved for disposal. Records relate to such matters as financial disclosure reporting, drug abuse treatment programs, the issuance of passes and other credentials, personnel strength reporting, family support programs, recruitment activities, re-enlistment and retention, and promotion actions.

4. Department of the Air Force, Agency-wide (N1-AFU-02-12, 78 items, 78 temporary items). Electronic versions of temporary records relating to personnel matters. Included are electronic copies of documents created using electronic mail and word processing as well as electronic records that supplement or replace paper records already approved for disposal. Records relate to such matters as overall civilian personnel management policies and procedures, staffing of civilian positions, personnel selection and placement, career development, performance appraisals, position classification, honors and awards, family services programs, and the training of uniformed personnel.

5. Department of Commerce, National Oceanic and Atmospheric Administration (N1-370-02-1, 3 items, 3 temporary items). Records documenting market surveys and statistics relating to fish and the fishery industry. Included are statistical data files, survey operations files, and electronic copies of records created using electronic mail and word processing.

6. Department of Defense, Defense Threat Reduction Agency (N1-374-02-2, 10 items, 5 temporary items).

Administrative correspondence and memorandums, electronic calendars, and an electronic correspondence tracking system accumulated by the Office of the Director. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of speech transcripts, briefing materials, calendars, policy and precedent files, and mission-related chronological files.

7. Department of Energy, Spent Nuclear Fuels Program (N1-434-01-3, 8 items, 8 temporary items). Records relating to offsite storage facilities, the licensing of independent spent fuel storage installations, proposed shipments that never were sent, and the support of spent fuels programs. Also included are electronic copies of documents created using electronic mail and word processing.

8. Department of the Navy, Agency-wide (N1-NU-02-6, 6 items, 4 temporary items). Records relating to the Alcohol and Drug Management Information Tracking System, a database containing information about individuals treated for abuse of drugs or alcohol. Included are source documents, output summary reports, and other output records. Also included are electronic copies of documents created by using electronic mail and word processing. Proposed for permanent retention are the electronic master files and the technical documentation relating to the system.

9. Department of State, Bureau of Political-Military Affairs (N1-59-01-19, 12 items, 8 temporary items). Records of the Office of Contingency Planning and Peacekeeping relating to interagency exercises and the office's weekly activities. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of subject files, regional/country files, political-military plans, and complex contingency operation files.

10. Department of Transportation, Federal Aviation Administration (N1-237-01-2, 10 items, 10 temporary items). Records of the Office of Aviation Medicine relating to the development and implementation of drug and alcohol abuse prevention programs. Included are records relating to such matters as random drug testing, program certifications, the approval of plans, and investigations and inspections. Also included are electronic copies of documents created using electronic mail and word processing.

11. Executive Office of the President, Office of Management and Budget (N1-

51-02-1, 6 items, 2 temporary items). Electronic copies of documents created using word processing relating to legislation. Recordkeeping copies of public and private legislation files are proposed for permanent retention.

12. Federal Reserve System, Board of Governors (N1-82-02-1, 34 items, 33 temporary items). Records relating to Board oversight of Reserve Bank operations and services, including such matters as examinations and reviews of Reserve Banks, financial accounting, currency orders, Reserve Bank budgeting, equipment and facilities acquisition, and human resources activities. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are architectural and engineering plans for Federal Reserve Bank buildings.

Dated: May 6, 2002.

**Michael J. Kurtz,**

*Assistant Archivist for Record Services—  
Washington, DC.*

[FR Doc. 02-11728 Filed 5-9-02; 8:45 am]

BILLING CODE 7515-01-P

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## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.  
**ACTION:** Submission for OMB Review;  
Comment Request.

**SUMMARY:** Under the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** at 67 FR 8563 and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

**DATES:** Comments regarding these information collections are best assured of having their full effect if received by OMB within 30 days of publication in the **Federal Register**.

**ADDRESSES:** Written comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of NSF, including whether the information will have practical utility; (b) the accuracy of

NSF's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Copies of the submission may be obtained by calling (703) 292-7556.

**FOR FURTHER INFORMATION CONTACT:**

Suzanne H. Plimpton, NSF Reports Clearance Officer at (703) 292-7556 or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* National Science Foundation Science Honorary Awards.  
*OMB Control No.:* 3145-0035.

*Abstract:* The National Science Foundation (NSF) administers several honorary awards, among them the President's National Medal of Science, the Alan T. Waterman Award, the NSB Vannevar Bush Award, and the NSB Public Service Award.

*Use of the Information:* The Foundation has the following honorary award programs:

- President's National Medal of Science. Statutory authority for the President's National Medal of Science is contained in 42 U.S.C. 1881 Pub. L. 86-209, which established the award and stated that "(t)he President shall \* \* \* award the Medal on the recommendations received from the National Academy of Sciences or on the basis of such other information and evidence as \* \* \* appropriate."

Subsequently, Executive Order 10961 specified procedures for the Award by establishing a National Medal of Science Committee which would "receive

recommendations made by any other nationally representative scientific or engineering organization." On the basis of these recommendations, the Committee was directed to select its candidates and to forward its recommendations to the President.

In 1962, to comply with these directives, the Committee initiated a solicitation form letter to invite these nominations. In 1979, the Committee initiated a nomination form as an attachment to the solicitation letter. A slightly modified version of the nomination form was used in 1980. The Committee agreed that such a form standardized the nomination format, benefiting the nominator, making the Committee's review process more efficient and permitted better staff work in a shorter period of time. Form NSF-1122 will be used to further standardize the nomination procedures, thus continuing to allow for more effective committee review, and permitting better staff work in a shorter period of time.

The Committee has established the following guidelines for selection of candidates:

1. The total impact of an individual's work on the present state of physical, biological, mathematical, engineering, or social and behavioral sciences is to be the principal criterion.

2. Achievement of an unusually significant nature in relation to the potential effects of such achievement on the development of scientific thought.

3. Unusually distinguished service in the general advancement of science and engineering, when accompanied by substantial contributions to the content of science at some time.

4. Recognition by peers within the scientific community.

5. Contributions to innovation and industry.

6. Influence on education through publications, students.

7. Must be a U.S. citizen or permanent resident who has applied for citizenship.

Nominations remain active for a period of four years, including the year of nomination. After that time, candidates must be renominated with a new nomination package for them to be considered by the Committee.

Nomination forms should be typewritten, single-spaced using a font no smaller than 12 characters per inch. Renominations may be submitted via an updated nomination form.

- Alan T. Waterman Award. Congress established the Alan T. Waterman Award in August 1975 (42 U.S.C. 1881a (Pub. L. 94-86) and authorized NSP to "establish the Alan T. Waterman Award for research or advanced study in any of