

satisfies the conditions specified in the class exemption.

### Written Comments and Requests for Hearing

All interested persons are invited to submit written comments or requests for a public hearing on the proposed amendment to the address or the fax number noted above within the time period set forth above. All comments received will be made a part of the record of this proceeding and will be available for public inspection.

### Proposed Amendment

Under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR 2570, subpart B (55 FR 32836, August 10, 1990), the Department proposes to amend PTE 96-62 as set forth below:

(1) Section I(a) is amended to read "The transaction is substantially similar (as defined in section IV(a) to transactions described in: (a) At least two individual exemptions that were granted by the Department, and provided relief from the same restriction, within the 60-month period ending on the date of filing of the written submission referred to in section III(a); or (b) one individual exemption that was granted by the Department, and provided relief from the same restriction, within the 120-month period ending on the date of filing the written submission referred to in section III(a), and at least one Authorized Transaction (as defined in section IV(g));"

(2) Section II(a) is amended to read "The transaction is substantially similar (as defined in section IV(a) to transactions described in: (a) At least two individual exemptions that were granted by the Department, and provided relief from the same restriction, within the 60-month period ending on the date of filing of the written submission referred to in section III(a); or (b) one individual exemption that was granted by the Department, and provided relief from the same restriction, within the 120-month period ending on the date of filing the written submission referred to in section III(a), and at least one Authorized Transaction (as defined in section IV(g));"

(3) Section III(a)(4) is amended to read "a comparison of the proposed transaction to at least two substantially similar transactions which were the subject of individual exemptions granted by the Department, or an individual exemption granted by the Department and an Authorized Transaction, and an explanation as to why any differences should not be

considered material for purposes of this exemption;"

(4) Section IV(b)(6) is amended to read "the Federal Register citations for the prior exemption(s) and/or the final authorization number of the Authorized Transaction (including the related Federal Register citations for the prior exemptions cited therein) identified by the party as substantially similar to the contemplated transaction."

(5) Section IV(g) is added to read: "The term Authorized Transaction means a transaction that has received final authorization pursuant to PTE 96-62 within a 60-month period ending on the date of the filing of the written submission referred to in section III(a)."

Signed at Washington, DC this 15th day of March 2002.

Ivan L. Strasfeld,

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

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BILLING CODE 4520-29-P

### MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

**The United States Institute for Environmental Conflict Resolution; Agency Information Collection Activities; Extension of Currently Approved Information Collection; Comment Request; Application for the National Roster of Environmental Dispute Resolution and Consensus Building Professionals**

**AGENCY:** Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, U.S. Institute for Environmental Conflict Resolution.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act and supporting regulations, this document announces that the U.S. Institute for Environmental Conflict Resolution (the Institute), part of the Morris K. Udall Foundation, is planning to submit to the Office of Management and Budget (OMB) a request for an extension for the currently approved information collection (ICR), OMB control Number 2010-0030: Application for the National Roster of Environmental Dispute Resolution and Consensus Building Professionals ("National Roster of ECR Practitioners"), currently operating pursuant to Terms of Clearance issued July 29, 1999. Before submitting the extension to OMB for review and

approval, the Institute is soliciting comments regarding the information collection (see section C. below entitled "Questions to Consider in Making Comments"). This document provides information on the continuing need for the Roster of ECR Practitioners Application and the information recorded in the application.

**DATES:** Comments must be submitted on or before May 20, 2002.

**ADDRESSES:** Direct comments and requests for information, including copies of the ICR to: Joan C. Calcagno, Roster Manager: U.S. Institute for Environmental Conflict Resolution, 110 South Church Avenue, Suite 3350, Tucson, Arizona 85701. Fax: 520-670-5530. Phone: 520-670-5299. E-mail: [roster@ecr.gov](mailto:roster@ecr.gov)

**FOR FURTHER INFORMATION CONTACT:** Joan C. Calcagno, Roster Manager: U.S. Institute for Environmental Conflict Resolution, 110 South Church Avenue, Suite 3350, Tucson, Arizona 85701. Fax: 520-670-5530. Phone: 520-670-5299. E-mail: [roster@ecr.gov](mailto:roster@ecr.gov)

### SUPPLEMENTARY INFORMATION:

#### A. Title for the Collection of Information

Application for National Roster of Environmental Dispute Resolution and Consensus Building Professionals ("National Roster of ECR Practitioners").

#### B. Potentially Affected Persons

You are potentially affected by this action if you are a dispute resolution or consensus building professional in the environmental or natural resources field who wishes to be listed on the National Roster of Environmental Dispute Resolution and Consensus Building Professionals.

#### C. Questions To Consider in Making Comments

The U.S. Institute for Environmental Conflict Resolution requests your comments to any of the following questions related to collecting information for the extension of the Application for the National Roster of ECR Practitioners:

(1) Is the continued use of the application ("collection of information") necessary for the proper performance of the functions of the agency, including whether the information has practical utility?

(2) Is the agency's estimate of the time spent completing the application ("burden of the proposed collection of information") accurate, including the validity of the methodology and assumptions used?

(3) Can you suggest ways to enhance the quality, utility, and clarity of the information collected?

(4) Can you suggest 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?

#### D. Abstract

The U.S. Institute for Environmental Conflict Resolution plans to continue collecting information from environmental dispute resolution and consensus building neutral professionals who desire to become members of the National Roster of ECR Practitioners, from which those involved in environmental, natural resource, or public lands disputes may locate providers of neutral services. Responses to the collection of information (the application) are voluntary, but required to obtain a benefit (listing on the National Roster of Environmental Dispute Resolution and Consensus Building Professionals.) An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

#### *Background Information: U.S. Institute for Environmental Conflict Resolution*

The U.S. Institute for Environmental Conflict Resolution was created in 1998 by the Environmental Policy and Conflict Resolution Act (P.L. 105-156). The U. S. Institute is a federal program established by the U. S. Congress to assist parties in resolving environmental, natural resource, and public lands conflicts. The Institute is part of the Morris K. Udall Foundation, an independent federal agency of the executive branch overseen by a board of trustees appointed by the President. The Institute serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance. The Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or to resolve the conflict. In addition, the Institute maintains the National Roster of ECR Practitioners, a roster of qualified facilitators and mediators with

substantial experience in environmental conflict resolution, and can help parties in selecting an appropriate neutral. The Institute accomplishes most of its work by partnering, contracting with, or referral to, experienced practitioners.

#### *The Need for and Use of the Information Collected in the Application for the Roster of ECR Practitioners*

**Roster of ECR Practitioners Application:** The application can be viewed on-line from the Institute's website: [www.ecr.gov](http://www.ecr.gov) (simply register in the system to access and review an application). A hardcopy application may also be obtained from the Institute for those without web access. (see contact information above.)

**Background Information:** The information collected in the application for the National Roster of ECR Practitioners is the basis for an on-line database, searchable by a combination of 10 criteria designed to locate appropriate practitioners by matching desired characteristics with the information in the application. The application was first available in September 1999 and remains available on a continuous basis. The Roster of ECR Practitioners first became operational in February 2000 with 60 members and currently includes over 190 members from 40 states, the District of Columbia, and 2 Canadian provinces. They represent a broad cross-section of 31 different professional backgrounds and a broad distribution of case experience across 39 types of case issues. Each member has documented experience which meets the roster entry criteria, and each has experience as a neutral in some or all of the following: mediation, facilitation, consensus building, process design, conflict assessment, system design, neutral evaluation/fact finding, superfund allocation, and/or regulatory negotiation.

The specific entry criteria and applicable definitions are available from the Institute's web site: [www.ecr.gov](http://www.ecr.gov). Generally stated, the entry criteria require that an applicant has:

(1) Served as the lead neutral in a collaborative process (e.g., mediation, consensus building, conflict assessment) for at least 200 case hours in two to ten environmental cases, and

(2) Accumulated a total of 60 points across three categories: additional case experience and complex case experience; experience as a trainer or trainee; and substantive work/volunteer/educational experience in fields related to Alternative Dispute Resolution/Environmental Conflict

Resolution, such as law, science, public administration.

**Use of the National Roster of ECR Practitioners:** The roster search and referral service is accessible through the Institute. The Institute uses the roster (specifically the information collected in the application) as a resource when making referrals to those searching for neutral ECR professionals with specific experience, backgrounds, or expertise (external referrals). The Institute also uses the roster as a resource when locating appropriate ECR neutral professionals with whom to partner/sub-contract for projects in which the Institute is involved (internal referrals). The roster referral system is enhanced through cooperation with existing programs and networks of environmental dispute-resolution and consensus-building practitioners familiar with the issues in their respective states and regions. Twenty-one EPA ADR Specialists also have direct, electronic access to search the roster. Next, it is anticipated that other federal agencies will gain direct access over the next year. Eventually, the roster will be available to the public through the internet.

Federal agencies are not required to select from the roster. Professionals not on the roster remain fully eligible to serve as ECR practitioners in disputes involving federal agencies. Finally, being listed on the roster does not guarantee additional work for the practitioner.

**Development and Need for the National Roster of ECR Practitioners:** The roster was developed with the support of the Environmental Protection Agency (EPA). Based on a 1997 study concerning the potential of a national roster of qualified practitioners, EPA decided to support the development of such a roster through the Institute.

To develop the project, the EPA and the Institute brought together a work group consisting of EPA dispute resolution professionals and contracting officers, state dispute resolution officials, private dispute resolution practitioners and academics. Informed in part by ideas from this group, the EPA and the Institute proposed roster entry qualifications and draft application, which were published in the **Federal Register** in November 1998. Before the entry criteria and application were finalized, the comments received in response to the **Federal Register** notice were reviewed. Outreach continued through meetings and newsletter articles, as well as individual communications to professional associations, state and federal government agencies, dispute resolution

firms, individual practitioners, professional associations of attorneys, environmental and citizen groups.

The roster was created, and continues to be needed, for several reasons. The use of Alternative Dispute Resolution (ADR) in the environmental and public policy arena has grown markedly over the last two decades. In this context, ADR processes now include techniques ranging from conflict prevention, such as consensus building and facilitation of public policy dialogues, to specific dispute resolution through assisted negotiations and mediation. The number of environmental conflict resolution (ECR) practitioners has grown as the field has gained prominence and professionals from a variety of disciplines have become attracted to its advantages and opportunities.

An essential step in any dispute resolution process occurs when parties select a practitioner. Parties making the selection rightfully expect that the practitioner will be qualified to provide the service sought and has experience and style matched well to the nature of the issues and to the parties. Thus, the Roster of ECR Practitioners is designed to advance the interests of the growing field of dispute resolution, reflect the evolving standards of best practice, and help direct the expenditure of public funds for quality services.

Over the last fifteen years of using ADR, EPA found that parties to a dispute or controversy will generate a list of desired characteristics, such as experience with specific types of issues, cases or disputes, location, and other factors, that will be used in an attempt to identify the right person to assist them. Locating practitioners meeting these criteria can be a "hit-or-miss" experience depending on the resources, available time, and experience of the parties with locating appropriate neutrals.

Although the EPA operates a national service contract that manages major cases through a list of experienced providers, it is limited in scope and membership, and as a consequence it can be burdensome to use for identifying neutrals for small or localized cases. Most other Federal agencies have no vehicle or information available to assist in this important first step to conducting a good dispute resolution process.

More specifically, the National Roster of ECR Practitioners is necessary for the proper performance of the Institute's goals: to resolve Federal environmental disputes in a timely and constructive manner; to increase the appropriate use of environmental conflict resolution; to improve the ability of Federal agencies

and other interested parties to engage in ECR effectively; and to promote collaborative problem-solving and consensus-building during the design and implementation of Federal environmental policies so as to prevent and reduce the incidence of future environmental disputes.

In addition, the U.S. Institute's enabling legislation directs the Institute to work with practitioners located near the conflict whenever practical. Consistent with this mandate, the Institute must be able to identify appropriate experienced dispute resolution and consensus building professionals in an efficient manner.

Finally, the Administrative Dispute Resolution (AADR@) Act of 1996 (5 U.S.C. 571, et. seq.) authorizes the Federal government to contract with dispute resolution professionals (e.g., facilitators or mediators) to assist it and other parties to disputes or issues in controversy in reaching an agreement, settlement, or consensus. The ADR Act authorizes the government to take steps to make identifying and contracting with neutrals easier (cf. 5 U.S.C. 573(c)).

Thus, the goal of the National Roster of ECR Practitioners and the referral system is to improve access to qualified environmental dispute resolution and consensus building professionals for the Institute and others sponsoring or engaging in environmental conflict resolution processes. The roster expedites the identification of appropriate professionals, shortens the time needed to complete contracting documents, and helps refer parties to practitioners, particularly practitioners in the locale of the dispute.

More specifically, the roster and the referral system provide an efficient, credible and user-friendly source from which to systematically identify experienced environmental neutral professionals; increase the use of collaborative processes by providing a useful tool for locating appropriate practitioners; and provide users with a detailed Practitioner Profiles, reflecting information contained in the application, to be used as a helpful first step in the process of selecting an appropriate neutral.

#### **E. Burden Statement**

The application compiles data available from the resumes of dispute resolution and consensus building professionals into a format that is standardized for efficient and fair eligibility review, database searches, and retrievals. A professional needs to complete the form only one time. Once the application is approved, the roster member has continual access to his or

her on-line account to update information, on a voluntary basis. The burden includes time spent to review instructions, review resume information, and enter the information in the form.

*Likely Respondents:* Environmental dispute resolution and consensus building professionals (new respondents); existing roster members (for updating)

*Proposed Frequency of Response:* one, with voluntary updates approximately once per year.

*Estimated Number of New Respondents (first extension year):* 30.

*Estimated Number of Existing Respondents—for updating (first extension year):* 125.

*Estimated Number of New Respondents (per year for succeeding year):* 30.

*Estimated Number of Existing Respondents—for updating (per year for succeeding year):* 125.

#### *Respondent Time Burden Estimates*

*Estimate Time per New Response:* 150 minutes (2.5 hours).

*Estimated Number of Updates (per year):* 1, for 125 existing respondents.

*Estimated Time for Update:* 15 minutes.

*Estimated Total First Extension Year Burden:* 4500 minutes (75 hours) (30 new respondents); 1875 minutes (31.25 hours)(125 updates).

*Estimated Total Subsequent Year Annual Burden:* 4500 minutes (75 hours) (30 new respondents); 1875 minutes (31.25 hours)(125 updates).

*Respondent Cost Burden Estimates (at \$150. per hour)*

#### **No Capital Or Start-Up Costs**

*Estimated Cost per Respondent (first extension year):* \$375 (new respondents); 38 (update).

*Estimated Cost per Respondent (subsequent year):* \$375 (new respondents); 38 (update).

*Estimated Total First Extension Year Burden:* \$11,250 (new respondents); \$4,750 (updates).

*Estimated Total Subsequent Year annual Burden:* \$11,250 (new respondents); \$4,750 (updates).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing

and providing information and transmitting information.

(Authority: 20 U.S.C. Sec. 5601–5609)

Dated the 14th day of March, 2002.

**Christopher L. Helms,**

*Executive Director, Morris K. Udall  
Foundation.*

[FR Doc. 02–6684 Filed 3–19–02; 8:45 am]

BILLING CODE 6820–FN–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 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 May 6, 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 301–713–6852 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, Office of the Secretary (N1-AFU–02–1, 2 items, 1 temporary item). Electronic copies created using electronic mail and word processing of appointment books, daily schedules, and telephone logs of the Secretary of the Air Force, November 1997 to January 2001. Recordkeeping copies of these files are proposed for permanent retention.

2. Department of Defense, Joint Staff and Combatant Commands (N1–218–00–6, 132 items, 59 temporary items). Facilitative records relating to operations, planning, and command and control matters accumulated by the Joint Staff and combatant commands. Included are reports, correspondence, summaries, case files, background papers, drafts, transcripts, publications, minutes of meetings, and other files pertaining to such matters as military readiness, special and regular operations, exercises, plans, codewords, crisis incidents, reconnaissance, surveillance, war games, alerts, strategic weapons failures, space and satellite operations, aerospace, and antiterrorism. Also included are electronic copies of documents created using electronic mail and word processing and electronic systems maintained at combatant commands that feed into systems maintained at higher levels. Recordkeeping copies of such files as operations and readiness policies and reports, directives, lessons learned, crisis incident action books, emergency planning policies and procedures, and publications are proposed for permanent retention.

3. Department of Defense, Joint Staff and Combatant Commands (N1–218–00–7, 51 items, 33 temporary items). Records relating to logistics, supply services, and budget matters accumulated by the Joint Staff and combatant commands. Included are reports, correspondence, case files, background papers, drafts, transcripts, publications, minutes of meetings, and other records pertaining to such matters as routine logistics and mobilization activities, general budget and financial management, payroll, procurement, space management, travel, transportation, and safety and maintenance activities. Also included are electronic copies of documents created using electronic mail and word