

is an affiliate of Goldman subject to regulation in Australia by the ASIC, Goldman, Sachs & Co. Bank or any broker-dealer or bank, now or in the future, that is an affiliate of Goldman subject to regulation in Switzerland by the Swiss Federal Banking Commission.

(c) The term "Borrower" includes Goldman, the U.S. Broker-Dealers, and the Foreign Borrowers.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on July 3, 2002 at 67 FR 44633.

**EFFECTIVE DATE:** This exemption is effective as of March 22, 2002.

**FOR FURTHER INFORMATION CONTACT:** Karen E. Lloyd, U.S. Department of Labor, telephone (202) 693-8540. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional 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; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 29th day of August, 2002.

**Ivan Strasfeld,**

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

[FR Doc. 02-22540 Filed 9-3-02; 8:45 am]

**BILLING CODE 4510-29-P**

## MERIT SYSTEMS PROTECTION BOARD

### Agency Information Collection Activities; Proposed Collection

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

**SUMMARY:** The Merit Systems Protection Board (MSPB) intends to request approval of a revised information collection from the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 and 3507). The currently approved information collection is the MSPB Appeal Form, Optional Form 283 (OMB Control Number 3124-0009). That form has been revised to produce the MSPB Appeal Forms Package, MSPB Form 185. At this time, the MSPB is requesting public comments on the MSPB Appeal Forms Package, which is available for review on the MSPB Web site at <http://www.mspb.gov> on the "What's New" page.

**DATES:** Comments must be received on or before November 4, 2002.

**ADDRESSES:** Submit comments to the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M St., NW., Washington, DC 20419. Because of possible mail delays, respondents are encouraged to submit comments by e-mail to [mspb@mspb.gov](mailto:mspb@mspb.gov) or by facsimile transmittal to (202) 653-7130.

**FOR FURTHER INFORMATION CONTACT:** Office of the Clerk of the Board, 1615 M Street, NW., Washington, DC 20419; telephone (202) 653-7200; facsimile (202) 653-7130; e-mail to [mspb@mspb.gov](mailto:mspb@mspb.gov). Persons without Internet access may request a paper copy of the MSPB Appeals Forms Package from the Office of the Clerk.

**SUPPLEMENTARY INFORMATION:** The current version of the MSPB Appeal Form was approved by OMB, in accordance with the requirements of the Paperwork Reduction Act, in October 1994. Since that time, the MSPB has obtained extensions of OMB approval several times; the current approval expires on December 31, 2003. (Minor revisions updating the Instructions for

the Appeal Form to reflect changes in the Board's regulations were made when the form was reprinted in November 2000.)

While a number of changes were made in the October 1994 revision to update and improve the Appeal Form, it has not undergone a major revision since 1989, when it was revised to reflect enactment of the Whistleblower Protection Act (WPA). The WPA authorized a new kind of appeal—the Individual Right of Action (IRA) appeal—which a whistleblower can file with the Board after first complaining to the Office of Special Counsel and exhausting the procedures of that office. The WPA also authorized the Board to grant requests for stays of agency actions allegedly based on whistleblowing. The enactment of the WPA necessitated revisions to the Board's regulations to require the submission of information the Board needs to adjudicate whistleblower appeals and stay requests. Following the issuance of those regulations, the Appeal Form was revised to include questions asking for the required information.

Since the WPA was enacted in 1989, both the Uniformed Services Employment and Reemployment Rights Act (USERRA), in 1994, and the Veterans Employment Opportunities Act (VEOA), in 1998, have extended the Board's jurisdiction to new appealable matters. The USERRA permits a person covered by that Act to raise a claim before either the Board or the Secretary of Labor that an agency has failed or refused to provide an employment or reemployment right or benefit to which the person is entitled under the Act. The VEOA permits a preference eligible to file a complaint with the Secretary of Labor alleging that an agency has violated a law or regulation relating to veterans' preference and to subsequently file an appeal with the Board if the Secretary does not resolve the matter within 60 days. The enactment of these laws necessitated revisions to the Board's regulations to require the submission of information the Board needs to adjudicate USERRA and VEOA appeals. While the USERRA and VEOA regulations were subsequently issued, the Appeal Form has not previously been revised to include questions asking for the required information. (In the revisions to the Instructions in November 2000, certain references to USERRA and VEOA were added.)

The revised MSPB Appeal Forms Package incorporates new questions to solicit the information required for USERRA and VEOA appeals. It also adds questions related to other changes

in law and regulation. It now includes questions asking whether an appellant in a mixed case is requesting compensatory damages (authorized by the Civil Rights Act of 1991) and whether an appellant in a whistleblower case is requesting consequential damages (authorized by the 1994 MSPB reauthorization Act). Reflecting an amendment to the Board's regulations, it includes a question asking whether an appellant and agency agreed to submit their dispute to an alternative dispute resolution (ADR) process before the appeal was filed.

In addition to updating the Appeal Form to reflect these changes in law and regulation, the MSPB performed a thorough review of the form to determine whether other improvements could be made. As a result, the Appeal Forms Package now includes a specific form to ask for the information needed for retirement appeals and a form in which an appellant may raise a claim that an appealed action was the result of a prohibited personnel practice. The questions in the current form dealing with reduction-in-force (RIF) actions have been deleted because the details requested by those questions are provided in the agency file. In addition, certain modifications have been made to questions in the current form, such as providing a list of the most commonly appealed personnel actions, and there has been some combining and rearranging of questions. Finally, the Appeal Forms Package includes considerably more detailed instructions to help an appellant determine whether the Board has jurisdiction over the matter being appealed and what information must be provided.

As a result of these revisions, the Appeal Forms Package now includes questions asking for information required by all of the Board's regulations governing the content of an appeal: 5 CFR 1201.24 for appeals generally, 5 CFR 1201.153 for mixed case appeals, 5 CFR 1208.13 for USERRA appeals, 5 CFR 1208.23 for VEOA appeals, and 5 CFR 1209.6 for

whistleblower appeals. It also includes questions asking for the information required for whistleblower stay requests by 5 CFR 1209.9. In addition, it includes questions that allow an appellant to raise affirmative defenses as provided by 5 CFR 1201.24(b), 1201.56(b) and (c), and 1201.151. In accordance with 5 CFR 1201.3(c), it retains questions from the current form to determine whether an appellant has raised the same matter under a negotiated grievance procedure provided by a collective bargaining agreement.

Given the comprehensive nature of the additions and revisions to the current Appeal Form, the MSPB determined that it should no longer be maintained as a lengthy single form. Instead, it has been converted to a package of forms from which an appellant (or appellant's representative) can select the forms needed for the appellant's particular appeal. Each appeal will consist of at least two forms, Form 185-1 plus one other form, and many appellants will find that only those two forms are needed to file a complete appeal.

Based on FY 2001 data, about 69 percent of appeals involve appealable personnel actions. Such appeals would be filed using Forms 185-1 and 185-2. Another 26 percent of appeals involve retirement decisions or actions, which would be filed using Forms 185-1 and 185-3. In these personnel action and retirement appeals, additional appropriate forms would be attached if the appellant raises a claim of harmful procedural error, discrimination, a prohibited personnel practice, etc. The remaining 5 percent of appeals are IRA, USERRA, and VEOA appeals, which would be filed using Form 185-1 with Form 185-5, 185-7, or 185-8, respectively. The MSPB hopes that the Appeal Forms Package will prove more useful to appellants and their representatives than the current form and that it will result in more appeals being filed on the MSPB-provided forms.

The General Services Administration (GSA) removed the MSPB Appeal Form

from its Standard Form (SF) and Optional Form (OF) system several years ago because of insufficient demand. Therefore, the OF number assigned by GSA to the Appeal Form has not been retained for the Appeal Forms Package. Instead, the package has been assigned an MSPB form number, 185, and the individual forms in the package are numbered sequentially as 185-1, 185-2, etc.

In revising the current Appeal Form to create the Appeal Forms Package, the MSPB's intent was both to update and improve the form and to create a template on which an electronic appeal process could be based. The Board intends to contract for the development of a web-based application (e-Appeal) based on the Appeal Forms Package. As planned, e-Appeal will go beyond simply filling in forms on-line and transmitting them electronically to the MSPB. The process will be similar to that used in popular tax preparation software, where the user answers questions posed in an interview format and those answers are then assembled into an electronic form for transmission. This approach is especially well suited to MSPB appeals because of the need to collect different kinds of information for different types of appealable matters. Just as an appellant will need to complete and submit only the paper forms in the Appeal Forms Package that apply to his or her particular appeal, so an appellant using e-Appeal will be presented only with the questions that apply to his or her appeal.

In accordance with the requirements of the Paperwork Reduction Act of 1995, the MSPB is soliciting comments on the public reporting burden for this information collection. The reporting burden is estimated to vary from 20 minutes to one hour per response, with an average of 30 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual no. of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201, 1208, and 1209 .....	6,300	1	6,300	.5	3,150

The estimate of 6,300 for "Annual Number of Respondents" is based on the number of appeals processed by the Board in FY 2001. It should be noted,

however, that not all appellants choose to use the MSPB-provided form to file their appeals, so this number represents that maximum number of respondents,

assuming that every appellant uses the forms in the Appeal Forms Package. The estimate for "Hours per Response (average)" recognizes that most

appellants will need to complete only a few (minimum, two) of the forms in the package.

In addition, the MSPB invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of MSPB's functions, including whether the information will have practical utility; (2) the accuracy of MSPB's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Dated: August 28, 2002.

**Shannon McCarthy,**

*Deputy Clerk of the Board.*

[FR Doc. 02-22460 Filed 9-3-02; 8:45 am]

BILLING CODE 7400-01-P

---

## NATIONAL COUNCIL ON DISABILITY

### International Watch Advisory Committee Meeting/Teleconference

*Time and Date:* 12 p.m., EDT, September 26, 2002.

*Place:* National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC.

*Agency:* National Council on Disability (NCD).

*Status:* All parts of these meetings will be open to the public. Those interested in participating in either the meeting or the conference call should contact the appropriate staff member listed below. Due to limited resources, only a few telephone lines will be available for the conference call.

*Agenda:* Roll call, announcements, overview of accomplishments, planning for FY 2003, reports, new business, adjournment.

*Contact Person for More Information:* Joan Durocher, Attorney/Advisor and Designated Federal Official, National Council on Disability, 1331 F Street NW., Suite 850, Washington, DC 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax), [jdurocher@ncd.gov](mailto:jdurocher@ncd.gov) (e-mail).

*International Watch Advisory Committee Mission:* The purpose of NCD's International Watch is to share information on international disability issues and to advise NCD's International Team on developing policy proposals that will advocate for a foreign policy that is consistent with the values and

goals of the Americans with Disabilities Act.

Dated: August 28, 2002.

**Ethel D. Briggs,**

*Executive Director.*

[FR Doc. 02-22405 Filed 9-3-02; 8:45 am]

BILLING CODE 6820-MA-P

---

## NATIONAL WOMEN'S BUSINESS COUNCIL

### Public Meeting

In accordance with 15 U.S.C.—7106(b) the National Women's Business Council (NWBC) announces a forthcoming meeting. The meeting will cover action items worked on by NWBC and future projects, including, but not limited to procurement, access to capital and training. The meeting will be held September 17, 2002 at the U.S. Small Business Administration located at 409 3rd Street, SW., Washington, DC in the Eisenhower Conference Room—A, 2nd Floor from 9 a.m. to 2 p.m.

Anyone wishing to make an oral presentation to the Board must contact Gilda Presley, in writing by letter or fax no later than September 12, 2002 in order to be included on the agenda. For further information, please write or call Gilda Presley, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416. Telephone number (202) 205-3850, Fax number (202) 205-6825.

**Kimberly Mace,**

*Committee Management Specialist.*

[FR Doc. 02-22650 Filed 8-30-02; 3:10 pm]

BILLING CODE 6820-AB-P

---

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it

displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR Part 9, Public Records.

3. *The form number if applicable:* N/A.

4. *How often the collection is required:* On occasion.

5. *Who will be required or asked to report:* Individuals requesting access to records under the Freedom of Information or Privacy Acts, or to records that are already publicly available in the NRC's Public Document Room.

6. *An estimate of the number of responses:* 11,272.

7. *The estimated number of annual respondents:* 11,272.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 2,832.

9. *An indication of whether section 3507(d), Pub. L. 104-13 applies:* N/A.

10. *Abstract:* 10 CFR part 9 establishes information collection requirements for individuals making requests for records under the Freedom of Information Act (FOIA) or Privacy Act (PA). It also contains requests to waive or reduce fees for searching for and reproducing records in response to FOIA requests; and requests for expedited processing of requests. The information required from the public is necessary to identify the records they are requesting; to justify requests for waivers or reductions in searching or copying fees; or to justify expedited processing.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by October 4, 2002. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Bryon Allen, Office of Information and Regulatory Affairs (3150-0043), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.