

country. We at ITAA and many of our members have read with great interest your release of Tuesday October 25, 1994, "Travel Agent Trade Association Agrees To End Anticompetitive Practices" as well as the "Complaint" the "Stipulation" the proposed "Final Judgment" and the "Competitive Impact Statement".

In accordance with the Section V of the Competitive Impact Statement on behalf of this association and our members we would like to register our comments as the Final Judgment when implemented will have a great effect upon many, if not all, of our members.

The Final judgment should be modified as follows:

1. ARTA should agree not to lobby or foster legislation in any state that would discriminate in any way against non-ARTA travel agencies.

2. ARTA should agree not to use the press to discriminate against non-ARTA travel agencies.

3. ARTA should agree not to use the press to cause suppliers of travel not to want to work with non-ARTA travel agencies.

Thank you for your time and trouble and if you have any questions with regard to these proposed modifications please contact me directly.

Sincerely,

Alan A. Benjamin

[FR Doc. 95-4800 Filed 2-27-95; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities that have submitted attestations (Form ETA 9029 and explanatory statements) to one of four Regional Offices of DOL (Boston, Chicago, Dallas and Seattle) for the

purpose of employing nonimmigrant alien nurses. A decision has been made on these organizations' attestations and they are on file with DOL.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N-4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, Department of Labor. The addresses of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process

Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202-219-5263 (this is not a toll-free number).

Regarding the Complaint Process

Questions regarding the complaint process for the H-1A nurse attestation program will be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-219-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign

nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR parts 655, subpart D, and 29 CFR part 504 (January 6, 1994). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing and those which have been rejected.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staff. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities chief executive officer also are listed to aid public inquiries. In addition, attestations and explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under the attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 14th day of February 1995.

John M. Robinson,

Deputy Assistant Secretary, Employment and Training Administration.

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS

[FORM ETA-9029]

| CEO-Name/Facility name/Address | State | Action date |
|---|-------|-------------|
| ETA REGION 1 01/02/95 TO 01/08/95 | | |
| Maria Lapid, Abbott Manor Convalescent Center, 810 Central Ave., Plainfield, NJ 07060, 201-757-0696 ETA CONTROL NUMBER—1/216641 ACTION—ACCEPTED | NJ | 01/05/95 |
| Martha R. Zeltner, Cranford Hall Nursing Home, 600 Lincoln Park East, Cranford, NJ 07016, 908-276-7100 ETA CONTROL NUMBER—1/216771 ACTION—ACCEPTED | NJ | 01/06/95 |
| Maria Lapid, Green Acres Manor, 1931 Lakewood Road (Route 9), Toms River, NJ 08755, 201-286-2323 | NJ | 01/06/95 |

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS—Continued
[FORM ETA-9029]

| CEO-Name/Facility name/Address | State | Action date |
|--|-------|-------------|
| ETA CONTROL NUMBER—1/216639 ACTION—ACCEPTED Thomas Bejgrowicz, Harbor View Health Care Center, 178-198 Ogden Avenue, Jersey City, NJ 07307, 201-963-1800. | NJ | 01/05/95 |
| ETA CONTROL NUMBER—1/216596 ACTION—ACCEPTED Karen Lentine, Maple Glen/Fair Lawn Nursing Ctr., 105 Saddle River Road, Fair Lawn, NJ 07410, 201-797-9522 | NJ | 01/05/95 |
| ETA CONTROL NUMBER—1/216598 ACTION—ACCEPTED Isaac Schwartz, B&H Staffing, Inc., 239 Havemeyer Street, Brooklyn, NY 11211, 718-599-2227 | NY | 01/05/95 |
| ETA CONTROL NUMBER—1/216612 ACTION—ACCEPTED Gilbert Preira, Daughters of Jacob Geriatric Ctr., 1160 Teller Avenue, Bronx, NY 10456, 718-293-1500 | NY | 01/05/95 |
| ETA CONTROL NUMBER—1/216637 ACTION—ACCEPTED | | |
| ETA REGION 1 01/16/95 TO 01/22/95 | | |
| Marnya P. Borgstrom, Yale New Haven Hospital, Inc., Human Res., Recruitment & Staffing, 20 York Street, New Haven, CT 06504, 203-785-2291. | CT | 01/19/95 |
| ETA CONTROL NUMBER—1/217030 ACTION—ACCEPTED Lee Hoffman, All Care Visiting Nurses of Lynn, 16 City Hall Square, Lynn, MA 01901, 598-2454 | MA | 01/19/95 |
| ETA CONTROL NUMBER—1/216837 ACTION—ACCEPTED Trifonia Floro, HPN Staffing Services, Inc., 95-20 63rd Road, Suite 12, Rego Park, NY 11374, 718-997-1080 | NY | 01/19/95 |
| ETA CONTROL NUMBER—1/216920 ACTION—ACCEPTED Rhetta Felton, Kings Highway Surgi-Center, 3131 Kings Highway, Brooklyn, NY 11234, 718-258-8777 | NY | 01/19/95 |
| ETA CONTROL NUMBER—1/217031 ACTION—ACCEPTED Krishin Bhatia, Victory Memorial Hospital, 699 92nd Street, Brooklyn, NY 11228-3625, 718-567-1286 | NY | 01/19/95 |
| ETA CONTROL NUMBER—1/216852 ACTION—ACCEPTED | | |
| ETA REGION 10 01/02/95 TO 01/08/95 | | |
| Marietta F. Subbert, Nurses 'R' Special, 3400 W. 6th Street Suite 302, Los Angeles, CA 90020, 213-383-7384 | CA | 01/06/95 |
| ETA CONTROL NUMBER—10/206032 ACTION—ACCEPTED Robert E. Murray, Robert E. Murray, 13962 Holt Avenue, Santa Ana, CA 82705, 714-567-7140 | CA | 01/05/95 |
| ETA CONTROL NUMBER—10/206112 ACTION—ACCEPTED | | |
| ETA REGION 5 01/09/95 TO 01/15/95 | | |
| Herman Katz, Heritage Nursing Center, Inc., P.O. Box 6179 1315 Curt Drive, Champaign, IL 61826-6179, 217-352-5707. | IL | 01/13/95 |
| ETA CONTROL NUMBER—5/235713 ACTION—ACCEPTED Mary Niederhauser, Westside Community Hospital, Inc., d/b/a Sacred Heart Hospital 3240, West Franklin Boulevard, Chicago, IL 60624, 312-722-3020. | IL | 01/13/95 |
| ETA CONTROL NUMBER—5/235717 ACTION—ACCEPTED | | |
| ETA REGION 5 01/16/95 TO 01/22/95 | | |
| Patricia H. Decker, Medical Express, Inc. 1650 38th Street, Boulder, CO 80301, 303-449-7470 | CO | 01/17/95 |
| ETA CONTROL NUMBER—5/235737 ACTION—ACCEPTED Joseph Liberman, Westwood Manor, Inc., 2444 W. Touhy, Chicago, IL 60645, 312-274-7705 | IL | 01/17/95 |
| ETA CONTROL NUMBER—5/235733 ACTION—ACCEPTED | | |
| ETA REGION 5 01/23/95 TO 01/29/95 | | |
| Sheila Bogen, Amboy Rehabilitation & Nursing Ctr., 15 Wasson Road, Amboy, IL 61310, 815-857-2550 | IL | 01/25/95 |
| ETA CONTROL NUMBER—5/236440 ACTION—ACCEPTED Lois Rubon, Brentwood North Nursing & Rehab., ATTN: Sheldon Novoselsky 3705, Deerfield Road, Riverwoods, IL 60015, 708-459-1200. | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236421 ACTION—ACCEPTED Sheila Bogen, Carrington Care Center, LTD., 759 Kane Street, South Elgin, IL 60177, 708-697-3310 | IL | 01/25/95 |
| ETA CONTROL NUMBER—5/236442 ACTION—ACCEPTED Judy Pitzele, Glenview Terrace Nursing Center, ATTN: Mark Hollander 1511, Greenwood Road, Glenview, IL 60025, 708-729-9090. | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236403 ACTION—ACCEPTED R. Bryan Livings, Lake Park Center, 919 Washington Park, Waukegan, IL 60085, 708-623-9100 | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236417 ACTION—ACCEPTED James Samatas, Lexington Hlth Care of Lake Zurich, 900 S. Rand Road, Lake Zurich, IL 60047, 708-726-1200 | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236420 ACTION—ACCEPTED Susan Simonsen, Lydia Healthcare Center, 13901 South Lydia, Robbins, IL 60472, 708-385-8700 | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236405 ACTION—ACCEPTED James Samatas, Merit Home Health Care, Inc., d/b/a Merit Private Care Services, 1300 S. Main Street, Lombard, IL 60148, 708-620-2644. | IL | 01/25/95 |

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS—Continued
[FORM ETA-9029]

| CEO-Name/Facility name/Address | State | Action date |
|--|-------|-------------|
| ETA CONTROL NUMBER—5/236444 ACTION—ACCEPTED James Samatas, Merit Home Health Care, Inc., d/b/a Merit Private Care Services, 1300 S. Main Street, Lombard, IL 60148, 708-620-2644. | IL | 01/25/95 |
| ETA CONTROL NUMBER—5/236446 ACTION—ACCEPTED Sheila Bogen, Ottawa Pavilion Ltd., 800 E. Center Street, Ottawa, IL 61350, 815-434-7144 | IL | 01/25/95 |
| ETA CONTROL NUMBER—5/236441 ACTION—ACCEPTED Tamara Abell, Plum Grove of Palatine, Limited, 24 South Plum Grove Road, Palatine, IL 60067, 708-358-0311 | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236404 ACTION—ACCEPTED Mrs. Samuel Brandman, Village Nursing Home, 9000 S. Lavergne Avenue, Skokie, IL 60077, 708-679-2322 | IL | 01/23/95 |
| ETA CONTROL NUMBER—5/236406 ACTION—ACCEPTED Carmen Colandrea, Bryant Woods Inn, Inc., 10461 Waterfowl Terrace, Columbia, MD 21044-2463, 410-995-1100 . | MD | 01/25/95 |
| ETA CONTROL NUMBER—5/236448 ACTION—ACCEPTED Carrie Maurer, Presbyterian Village Redford, 17383 Garfield, Redford, MI 48240, 313-531-6874 | MI | 01/23/95 |
| ETA CONTROL NUMBER—5/236419 ACTION—ACCEPTED John Quirk, General Healthcare Resources, Inc., 525 Plymouth Road Suite 308, Plymouth Meeting, PA 19462, 610-834-1122. | PA | 01/25/95 |
| ETA CONTROL NUMBER—5/236447 ACTION—ACCEPTED | | |

ETA REGION 6
01/02/95 TO 01/08/95

| | | |
|--|----|----------|
| Ms. Ross Hooper, Crittenden Memorial Hospital, 200 Tyler St. P.O. Box 2248, West Memphis, AR 72301, 501-732-7740. | AR | 01/04/95 |
| ETA CONTROL NUMBER—6/223878 ACTION—ACCEPTED Ms. Debra Turiciano, National Medical Care, Inc., 641 Harkle Road, Santa Fe, NM 87501, 505-982-9427 | NM | 01/04/95 |
| ETA CONTROL NUMBER—6/223893 ACTION—ACCEPTED Mr. Joseph Oddis, Spartanburg Reg. Medical Center, 101 East Wood Street, Spartanburg, SC 29303, 803-560-6937. | SC | 01/05/95 |
| ETA CONTROL NUMBER—6/224032 ACTION—ACCEPTED Arel Malixi, Bellaire Physical Therapy Center, 8282 Bellaire, Ste. 124, Houston, TX 77036, 713-981-5200 | TX | 01/04/95 |
| ETA CONTROL NUMBER—6/224001 ACTION—ACCEPTED Mr. J. Lindsey Bradley, Sr., Mother Frances Hospital, 800 East Dawson, Tyler, TX 75701, 903-531-4476 | TX | 01/05/95 |
| ETA CONTROL NUMBER—6/224004 ACTION—ACCEPTED W. Taft Martin, Reitement Care Center of Hempstead, 1111 San Antonio Street, Hempstead, TX 77445, 409-826-3382. | TX | 01/04/95 |
| ETA CONTROL NUMBER—6/223894 ACTION—ACCEPTED Mr. David W. Cottey, Silsbee Doctors Hospital, P.O. Box 1208 Hwy 418, Silsbee, TX 77656, 409-385-1531 | TX | 01/05/95 |
| ETA CONTROL NUMBER—6/224118 ACTION—ACCEPTED Ms. Judi H. Guthrie, Warm Springs Rehab Hosp., P. O. Box 58, Gonzales, TX 78629, 210-672-6592 | TX | 01/05/95 |
| ETA CONTROL NUMBER—6/224150 ACTION—ACCEPTED | | |

ETA REGION 6
01/09/95 TO 01/15/95

| | | |
|---|----|----------|
| Mr. Jeff Mukamal, Brookshire Nursing Center, 300 Meadow Land Drive, Hillsborough, NC 27278, 919-644-6714 | NC | 01/10/95 |
| ETA CONTROL NUMBER—6/224242 ACTION—ACCEPTED Ms. Magdeline Ulrich Allen, Always Caring Home Care, 1302 Montana, Suite A, El Paso, TX 79902, 915-545-4663 | TX | 01/10/95 |
| ETA CONTROL NUMBER—6/224247 ACTION—ACCEPTED Mr. Gary L. Whatley, Memorial Medical Ctr of East TX, P.O. Box 1447 1201 Frank, Lufkin, TX 75902-1447, 409-639-7789. | TX | 01/10/95 |
| ETA CONTROL NUMBER—6/224243 ACTION—ACCEPTED | | |

ETA REGION 6
01/16/95 TO 01/22/95

| | | |
|---|----|----------|
| Dr. Marion G.L. Faldas, AVHFHE Biomedical Research, 400 NE 100 St, Miami Shores, FL 33137, 305-751-1811 ... | FL | 01/19/95 |
| ETA CONTROL NUMBER—6/224378 ACTION—ACCEPTED Mr. John Hymans, Eagle Crest, 2802 Parental Home Road, Jacksonville, FL 32216, 904-721-0088 | FL | 01/19/95 |
| ETA CONTROL NUMBER—6/224377 ACTION—ACCEPTED Ms. Alice Dessasau, The Ambrosia Home, 1709 Taliaferro Avenue, Tampa, FL 33602, 813-223-4623 | FL | 01/19/95 |
| ETA CONTROL NUMBER—6/224423 ACTION—ACCEPTED H.J. Blessitt, South Sunflower County Hospital, 121 East Baker Street, Indianola, MS 38751, 601-887-5235 | MS | 01/19/95 |
| ETA CONTROL NUMBER—6/224564 ACTION—ACCEPTED Mr. Robert B. Evans, East Texas Medical Center, 1000 S. Beckham, Tyler, TX 75701, 903-531-8016 | TX | 01/20/95 |
| ETA CONTROL NUMBER—6/224565 ACTION—ACCEPTED Mr. Alan D. Holmes, Frio Hospital, 320 Berry Ranch Road, Pearsall, TX 78061, 210-334-3617 | TX | 01/20/95 |
| ETA CONTROL NUMBER—6/225017 ACTION—ACCEPTED Mr. Stephen Cutshaw, MeadowGreen Restorative Care Cntr., 8383 Meadow Road, Dallas, TX 75231, 214-369-7811. | TX | 01/20/95 |

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS—Continued
[FORM ETA-9029]

| CEO-Name/Facility name/Address | State | Action date |
|---|-------|-------------|
| ETA CONTROL NUMBER—6/224424 ACTION—ACCEPTED | | |

ETA REGION 6
01/23/95 TO 01/29/95

| | | |
|---|----|----------|
| Ms. Nori-Ann de la Cruz, Argus Home Health Care, Inc., P.O. Box 280213, Tampa, FL 33682-0213, 813-971-9416 ETA CONTROL NUMBER—6/224686 ACTION—ACCEPTED | FL | 01/26/95 |
| Ms. Margaret Brock, Calhoun Liberty Hospital Assoc., 424 Burns Avenue, Blountstown, FL 32424, 904-674-5411 ... ETA CONTROL NUMBER—6/224785 ACTION—ACCEPTED | FL | 01/26/95 |
| Ms. Barbara Dotson, De Bary Manor, 60 North Highway 1792 P.O. Box 248, De Bary, FL 32713, 407-668-4426 ETA CONTROL NUMBER—6/224683 ACTION—ACCEPTED | FL | 01/26/95 |
| Mr. Patrick T. DeBellis, DeBellis Associates, Inc., 400 S. Federal Highway Suite 411, Boynton Beach, FL 33435, 407-735-3706. ETA CONTROL NUMBER—6/224584 ACTION—ACCEPTED | FL | 01/25/95 |
| Ms. Samira K. Beckwith, Hope Hospice, 8290 College Pky., Fort Myers, FL 33919, 813-482-4673 ETA CONTROL NUMBER—6/224728 ACTION—ACCEPTED | FL | 01/26/95 |
| Ms. Rosemary Wedderspoon, IHS at Greenbriar, 9820 N. Kendall Drive, Miami, FL 33176, 305-271-6311 ETA CONTROL NUMBER—6/224682 ACTION—ACCEPTED | FL | 01/26/95 |
| Mr. Victor J. Maya, Kendall Regional Medical Center, 11750 Bird Road, Miami, FL 33175, 305-233-3000 ETA CONTROL NUMBER—6/224681 ACTION—ACCEPTED | FL | 01/26/95 |
| Jackie Dykes, Landmark Health Care, Inc., 1510 Crozier Street, Blountstown, FL 32424, 904-674-5464 ETA CONTROL NUMBER—6/224729 ACTION—ACCEPTED | FL | 01/26/95 |
| Ms. Lynette Goux, Pontchartrain Health Care, 1401 Highway 190 P.O. Box 338, Mandeville, LA 70470-0338, 504- 626-8581. ETA CONTROL NUMBER—6/224656 ACTION—ACCEPTED | LA | 01/26/95 |
| Corazon Aquino, Clover Health Resources, Inc., 601 North Oak Avenue, Ruleville, MS 38771, 601-756-2748 ETA CONTROL NUMBER—6/224653 ACTION—ACCEPTED | MS | 01/26/95 |
| Mr. Robert Greer, Heritage House Nursing Center, 3103 Wisconsin Ave., Vicksburg, MS 39180, 601-638-1514 ETA CONTROL NUMBER—6/224684 ACTION—ACCEPTED | MS | 01/26/95 |
| Ms. Marsha W. Kaufman, Aston Park Health Care Center, Inc., 163 Stratford Court HSI: Attn: Bea, Harford, Win- ston-Salem, NC 27103, 704-253-4437. ETA CONTROL NUMBER—6/224652 ACTION—ACCEPTED | NC | 01/26/95 |
| Mr. Nedro G. Parker, Allied Health Network, Inc., 4506 La Branch, Houston, TX 77004-4925, 713-522-6661 ETA CONTROL NUMBER—6/224621 ACTION—ACCEPTED | TX | 01/25/95 |
| Sister Electa, Bethania Regional Health Care Ctr., 1600 11th Street, Wichita Falls, TX 76301, 817-720-0268 ETA CONTROL NUMBER—6/224563 ACTION—ACCEPTED | TX | 01/25/95 |
| Mr. Tim Schnider, Denton Good Samaritan Village, 2500 Hinkle Drive, Denton, TX 75201, 817-383-2651 ETA CONTROL NUMBER—6/224655 ACTION—ACCEPTED | TX | 01/26/95 |
| Ms. Connie Biffle, Gracy Woods Nursing Center, 12021 Metric Blvd., Austin, TX 78758, 512-339-7587 ETA CONTROL NUMBER—6/224786 ACTION—ACCEPTED | TX | 01/26/95 |
| Mr. Gary Light, JF Medical, 1401 9th Street, Lubbock, TX 79401, 806-747-7445 ETA CONTROL NUMBER—6/224620 ACTION—ACCEPTED | TX | 01/25/95 |
| Mr. Steve Rush, The Traymore Nursing Center, 7500 Lemmon Ave., Dallas, TX 75209, 214-358-3131 ETA CONTROL NUMBER—6/224787 ACTION—ACCEPTED | TX | 01/26/95 |
| Ms. Emeline C. Gonzales, US 59 PT Specialist, Inc., 6776 SW Freeway, Ste. 557, Houston, TX 77074, 713-783- 8484. ETA CONTROL NUMBER—6/224590 ACTION—ACCEPTED | TX | 01/25/95 |

ETA REGION 6
01/30/95 TO 02/05/95

| | | |
|---|----|----------|
| Ms. Lottie Tennant, Healthy Lifestyles, Inc., 1304 N. 18th Street, Monroe, LA 71201, 318-387-4878 ETA CONTROL NUMBER—6/224949 ACTION—ACCEPTED | LA | 02/01/95 |
| Ms. Julia George, Starmount Villa, 109 South Holden Road, Greensboro, NC 27407, 910-292-5390 ETA CONTROL NUMBER—6/224788 ACTION—ACCEPTED | NC | 02/01/95 |
| Mr. Ray White, P.H.E.O. Medical Center, Inc., 1400 18th Avenue South, Nashville, TN 37212-2893, 615-383-4715 ETA CONTROL NUMBER—6/224843 ACTION—ACCEPTED | TN | 02/01/95 |
| Kendall Turton, St. Joseph Hospital, 2801 Franciscan Drive, Bryan, TX 77802, 409-776-2515 ETA CONTROL NUMBER—6/224879 ACTION—ACCEPTED | TX | 02/01/95 |

[FR Doc. 95-4887 Filed 2-27-95; 8:45 am]

BILLING CODE 4510-30-P

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95-14; Exemption Application No. D-09743, et al.]

Grant of Individual Exemptions; Sammons Enterprises, Inc. Employee Stock Ownership Trust, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Sammons Enterprises, Inc., Employee Stock Ownership Trust (the Trust), Located in Dallas, TX; [Prohibited Transaction Exemption 95-14; Exemption Application No. D-09743]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale (the Sale) by certain accounts (the Prior Plan Accounts) in the Trust of certain limited partnership interests (the Limited Partnership Interests) and an undivided interest in certain real property (the Property Interest; collectively, the Interests) to Otter, Inc., a party in interest with respect to the Trust.

This exemption is conditioned upon the following requirements: (1) All terms and conditions of the Sale are at least as favorable to the Prior Plan Accounts as those obtainable in an arm's length transaction; (2) the Sale is a one-time cash transaction; (3) the Prior Plan Accounts are not required to pay any commissions, costs or other expenses in connection with the Sale; (4) the Prior Plan Accounts receive a sales price equal to the greater of: (a) the fair market value of the Interests as determined by qualified, independent appraisers; or (b) the Prior Plan Accounts' aggregate costs of acquiring and holding the Interests; (5) Churchill Management Corporation (Churchill) determines that the Sale is appropriate for the Prior Plan Accounts and is in the best interests of the Prior Plan Accounts and their participants and beneficiaries; (6) the Prior Plan Accounts, prior to the Sale, obtain the written consent of the general partner of each of the limited partnerships involved with respect to the sale of the Limited Partnership Interests; and (7) the other partners of such limited partnerships, as per the limited partnership agreements, are given the right of first refusal with respect to the Limited Partnership Interests.

Written Comments: In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments on the proposed exemption within forty-five days from the date of publication of

the Notice in the **Federal Register**. All written comments were to have been received by the Department by January 12, 1995. The Department received two written comments and no requests for a hearing.

The first comment was submitted on behalf of Texas Commerce Bank, N.A., the trustee of the Trust (the Trustee). The Trustee states that Churchill is the investment manager with respect to the assets of the Prior Plan Accounts. As such, the Trustee does not have the sole investment discretion with respect to the assets of the Prior Plan Accounts. As a result, the following changes must be made to the Notice:

(1) The references to "the trustee of the Trust" or "Trustee" found in Condition #5 of the Notice, the entire second paragraph of Representation #3 and subsection (e) of Representation #7 of the Summary of Facts and Representations (the Summary) should be replaced with "Churchill."

(2) The third sentence of Representation #2 of the Summary is stricken and replaced with "Churchill, as investment manager, has discretion with respect to the assets of the Prior Plan Accounts. The Trustee has investment discretion with respect to all remaining assets of the Trust."

The Department concurs with the proposed modifications and, accordingly, amends the language of the Notice.

The second comment was submitted on behalf of the applicants. The issues addressed in the comment and the Department's responses are summarized as follows:

(1) The first sentence of Representation #1 of the Summary names the sponsored plan as the "Sammons Employee Stock Ownership Plan." The correct name of such plan is the "Sammons Enterprises, Inc. Employee Stock Ownership Plan."

(2) The third sentence of the first paragraph of Representation #3 of the Summary states that, effective 1991, the TMIS Plan merged into the Plan. The correct year of such merger is 1989.

(3) The first sentence of the first paragraph of Representation #4 of the Summary states that the Plan has a 14.5 percent Class B interest in Sunbelt City, Ltd. The correct name of such partnership is "Sunbelt Oklahoma City, Ltd."

(4) The first sentence of the third paragraph of Representation #4 should be revised as follows: "Annual valuations of interests in both partnerships are furnished to investors by Churchill Management Corporation (Churchill), the investment adviser to the Prior Plan Accounts and for most of