

regarding the election process. Arthur Andersen explains that in this context, the word, "assist," is more accurate. The Department concurs.

Eighth, the condition contained in Section II(i)(9) (renumbered in the final exemption as (i)(10)) on page 14782 of the Notice states that the Independent Fiduciary is responsible for "monitoring the Bank's efforts to dispose of the Properties during the liquidation of the Fund." Arthur Andersen suggests modifying this phrase to read: "monitoring, by attending the Bank's Trust Real Estate Investment Committee's quarterly meetings, the Bank's efforts to dispose of the Properties during the liquidation of the Fund." Arthur Andersen states that the additional language more accurately reflects its duties under the Agreement, as amended. The Department concurs.

In addition, the condition contained in Section II(o) on page 14782 of Notice states that "[t]he Independent Fiduciary is responsible for monitoring compliance with the terms and conditions of the exemption at all times." Arthur Andersen suggests deleting the word, "monitoring," and inserting after the words, "responsible for," the following language: "taking reasonable steps consistent with its duties and responsibilities hereunder to monitor." In this regard, Arthur Andersen explains that it would not have an affirmative obligation to engage in additional activities to determine compliance beyond participation in the quarterly meetings of NationsBank's Trust Real Estate Investment Committee. Arthur Andersen believes that it must act reasonably within the scope of its defined role, and to the extent it determines there is non-compliance, it must take appropriate action.

Arthur Andersen represents that notwithstanding its comments regarding its responsibilities under the conditions contained in Sections II(i)(9) and (o) of the Notice, Arthur Andersen will be responsible for obtaining the information necessary to execute its duties as follows: (a) To approve, in advance of any sales of the Properties during the period in which the Standby Trust owns Units in the Fund, the reasonableness and propriety of such sales; and (b) to approve, in advance of the payments to Plans under Option 2 following the second anniversary of the Settlement Valuation Date, the reasonableness and propriety of the value of the Fund Units pursuant to Option 2, using procedures parallel to those used in reviewing and approving the reasonableness of the Unit Purchase Price. The Department concurs.

Ninth, the definition in Section II(c)(2) (renumbered in the final exemption as Section III(c)(2)) on page 14782 of the Notice states that "[a]ny officer or director of the Independent Fiduciary" is defined as an Affiliate of the Independent Fiduciary. Arthur Andersen requests that the parenthetical "(where the Independent Fiduciary is other than a partnership)" be appended to the end of the language quoted above. Arthur Andersen explains that the change would clarify that Section III(c)(2) is not intended to apply to a partnership. The Department concurs.

Tenth, the definition in Section II(c)(3) (renumbered in the final exemption as Section III(c)(3)) on page 14782 of the Notice defines Affiliate of the Independent Fiduciary to include "[a]ny partner in the Independent Fiduciary, or any other related individual, with the authority to make, or who actually makes, fiduciary decisions which are within the scope of the Independent Fiduciary's duties and responsibilities under this exemption, or who holds a five percent (5%) or greater interest in the Independent Fiduciary." Arthur Andersen suggests that the italicized phrase above be deleted. Arthur Andersen explains that section (d)(7) of the definitions, already reaches persons who are not partners in the Independent Fiduciary but nevertheless act in a fiduciary capacity. The Department concurs.

After giving full consideration to the record, including the comments by commentators, the Department has determined to grant the exemption as described herein. In this regard, the comments submitted to the Department have been included as part of the public record of the exemption application. The complete application file, including all supplemental submissions received by the Department is made available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, Room N-5507, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption published refer to the notice of proposed exemption published Monday March 20, 1995, at 60 FR 14781.

FOR FURTHER INFORMATION CONTACT: Eric Berger of the Department, telephone (202) 219-8971 (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 exemptions 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) These exemptions are 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 these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 25th day of May 1995.

Ivan Strasfeld,

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

[FR Doc. 95-13300 Filed 5-31-95; 8:45 am]

BILLING CODE 4510-29-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Notice of Submission of Proposed Information Collections to OMB

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed information collections submitted to OMB for approval.

SUMMARY: The National Archives and Records Administration (NARA) is giving notice that the proposed collections of information described in this notice have been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act and 5 CFR part 1320.

Public comment is invited on these collections.

DATES: Comments should be submitted by July 17, 1995.

ADDRESSES: Copies of the proposed information collections and supporting documentation can be obtained from the Policy and Planning Division (PIRM-POL), 8601 Adelphi Road, Room 3200, College Park, MD 20740-6001. Telephone requests may be made to (301) 713-6730, extension 226.

Written comments should be sent to Director, Policy and Planning Division (PIRM-POL), National Archives and Records Administration, 8601 Adelphi Road, Room 3200, College Park, MD 20740-6001. A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka or Nancy Allard at (301) 713-6730.

The following proposed information collections have been submitted to OMB:

1. *Statistical research in archival records containing personal information.*

Description: The information collection, which is contained in 36 CFR 1256.4, is a written request for access to archival records that are restricted because they contain highly personal information. The access must be for the purpose of conducting biomedical research.

Purpose: The information is used to evaluate whether the research proposal meets the conditions imposed by NARA on access to restricted archival records containing highly personal information. Frequency of response: On occasion. Number of respondents: 1. Reporting hours per response: 7. Annual reporting burden hours: 7.

2. *NARA Class Evaluation Forms (NA Forms 2019A, 2019B, 2019C, and 2019D).*

Description: The information collection is an evaluation form completed by participants in training courses and workshops that NARA conducts on archival and records management topics and on use of the **Federal Register**. The version of the form used depends on the length and format of a class.

Purpose: The information collection will help NARA to assess customer satisfaction with the course content and delivery, and to correct problems with classes to ensure that future classes meet the customers' needs.

Frequency of response: On occasion. Number of respondents: 4,850.

Reporting hours per response: 5 minutes for NA Forms 2019A, 2019B, and 2019C, which are used in most classes. 10 minutes for NA Form 2019D, which is used for certain multi-day classes.

Annual reporting burden hours: 509 hours.

3. *Application and Permit for Use of Space in Presidential Library and Grounds (NA Form 16011).*

Description: The information collection is an application form completed by organizations that want to hold meetings or other activities at a Presidential Library. When approved, the form also serves as the permit for the activity.

Purpose: The information is used to determine whether the proposed use will meet the criteria specified in 36 CFR 1280.42 and to schedule the dates.

Frequency of response: On occasion. Most respondents request use of the library space for a specific one-time event.

Number of respondents: 1,000.

Reporting hours per response: 20 minutes.

Annual reporting burden hours: 334 hours.

Dated: May 23, 1995.

Rudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 95-13378 Filed 5-31-95; 8:45 am]

BILLING CODE 7515-01-P

NUCLEAR REGULATORY COMMISSION

All Licensees; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Enforcement, has issued a decision concerning the Petition filed by Mr. Thomas J. Saporito, Jr., (Petitioner) on March 8, 1995. The Petition requested that the NRC issue a generic letter of instruction to all licensees requiring them to review their station operating procedures to determine whether those procedures include any restrictions that would prevent or dissuade a licensee employee from bringing perceived safety concerns directly to the NRC without following the normal chain of command. The Petition requests that each licensee be required to report to the Commission, under oath or affirmation, that the review has been completed, that its employees are free to bring concerns to the NRC without following the normal chain of command, and that this information has been communicated to all of its employees.

Based on a review of Petitioner's request and the Secretary of Labor's Decision and Remand Order of June 3, 1994 and Order of February 16, 1995, the Director, Office of Enforcement, has denied this Petition. The reasons for the denial are explained in the "Director's Decision under 10 CFR 2.206" (DD-95-08) which is available for public inspection in the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555.

A copy of this Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission on its own motion institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 25th day of May 1995.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 95-13356 Filed 5-31-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-606]

Arkansas Tech University; Notice of Withdrawal of Application for Construction Permit and Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Arkansas Tech University (the applicant) to withdraw its November 13, 1989, application for issuance of a construction permit and subsequently a facility operating license for a non-power reactor for educational, training, and research purposes on the campus of the applicant in Russellville, Arkansas.

The Commission had previously issued a Notice of Proposed Issuance of Construction Permit and Facility Operating License published in the **Federal Register** on November 13, 1990 (55 FR 47408). However, by letter dated April 10, 1995, the applicant withdrew the application.

For further details with respect to this action, see the application for construction permit and facility operating license dated November 13, 1989, and the letter from the applicant dated April 10, 1995, which withdrew the application. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.