

Dated: August 23, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95-21371 Filed 8-28-95; 8:45 am]

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Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95-71; Exemption Application No. D-09582, et al.]

Grant of Individual Exemptions; Retirement Plan for Employees of United Jewish Appeal-Federation of Jewish Philanthropies of New York, Inc. and Affiliated Agencies and Institutions (the Plan), 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.

Retirement Plan for Employees of United Jewish Appeal-Federation of Jewish Philanthropies of New York, Inc. and Affiliated Agencies and Institutions (the Plan) Located in New York, New York

[Prohibited Transaction Exemption 95-71; Exemption Application No. D-09582]

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 effective May 29, 1990, to the past purchase and sale of certain securities (the Securities) on May 29, 1990, between the Plan and the endowment fund (the Fund) of the United Jewish Appeal-Federation of Jewish Philanthropies of New York, Inc. (the Federation), a sponsor of the Plan and a party in interest with respect to the Plan; provided that the following conditions are satisfied:

- (a) The transfer of the Securities was a one-time cash transaction;
- (b) The transaction was at fair market value as determined by the closing prices on May 25, 1990, on the New York Stock Exchange (NYSE) and the American Stock Exchange (AMEX);
- (c) The Plan paid no commissions with respect to the transaction;
- (d) The Federation determined upon consultation with Delaware Investment Advisors to engage in the transaction;
- (e) The Securities transferred from the Fund to the Plan were all listed on either the NYSE or AMEX, and constituted exactly a 50% pro rata share of all the securities then owned by the Fund; and
- (f) Over a three plan year period, the Federation will contribute \$513,009.39 to the Plan to make up the loss sustained by the Plan when the Securities were sold out of the Plan portfolio.

EFFECTIVE DATE: This exemption will be effective as of May 29, 1990.

For a more complete statement of facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 29, 1995 at 60 FR 33860/33861.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department at (202) 219-8883. (This is not a toll-free number.)

Apartment Laundries, Inc. Profit Sharing Plan (the Plan), Located in Tulsa, Oklahoma

[Prohibited Transaction Exemption 95-72; Application No.: D-09835]

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 lease (the Lease) of improved property (the Property) by the individual account of James L. Sharp (the Account) in the Plan to Apartment Laundries, a party in interest with respect to the Plan provided that the following conditions are met: (1) the terms of the Lease are and will remain at least as favorable as the Plan could obtain in an arm's length transaction with an unrelated party; (2) the Property's fair market rental value has been and will continue to be determined on an annual basis by a qualified, independent appraiser; and (3) the fair market value of the Property, as determined by a qualified, independent appraiser, represents no more than 25% of value of the assets in the Account.

For a more complete statement of the facts and representations supporting this exemption, refer to the notice of proposed exemption published on July 12, 1995 at 60 FR 35942.

FOR FURTHER INFORMATION CONTACT: Allison Padams, of the Department, telephone (202) 219-8971. (This is not a toll-free number.)

General Motors Hourly-Rate Employees Pension Plan, General Motors Retirement Program for Salaried Employees (the Salaried Plan), Saturn Individual Retirement Plan for Represented Team Members, Saturn Personal Choices Retirement Plan for Non-Represented Team Members, and Employees' Retirement Plan for GMAC Mortgage Corporation (collectively, the Plans) Located in New York, New York

[Prohibited Transaction Exemption 95-73; Exemption Application Nos. D-09859 through D-09863]

Exemption

The restrictions of sections 406(a) 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 (D) of the Code, shall not apply, effective April 9, 1994, to the acquisition by the Plans of limited partnership interests (the Interests) in APA Excelsior III, L.P. from Metropolitan Life Insurance Company (Metropolitan), a party in interest with respect to the Plans; provided that the following conditions are satisfied:

(A) All terms and conditions of the transaction were at least as favorable to the Plans as those which the Plans could obtain in an arm's-length transaction with an unrelated party;

(B) Metropolitan is not, and has not been, a fiduciary with respect to any assets of the Plans involved in the transaction;

(C) The transaction was a one-time transaction for cash in which the purchase price did not exceed the fair market value of the Interests;

(D) The methodology for determining the fair market value of the Interests was in accordance with standards maintained by professional venture capital valuation specialists for the valuation of limited partnership interests in venture capital partnerships; and

(E) Metropolitan did not participate in the Plans' determination of the fair market value of the Interests.

EFFECTIVE DATE: This exemption is effective as of April 9, 1994.

For a more complete statement of the facts and representations supporting this exemption, refer to the notice of proposed exemption published on June 29, 1995 at 60 FR 33861.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

First and Farmers Bank of Somerset, Inc. (the Bank) Located in Somerset, Kentucky

[Prohibited Transaction Exemption 95-74; Application Numbers D-09921 through D-09926]

Exemption

The restrictions of sections 406(a), 406(b)(1) and 406(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, as of April 25, 1995, to the cash sale of certain collateralized mortgage obligations (CMOs) held by six employee benefit plans for which the Bank acts as trustee (the Plans) to the Bank, a party in interest with respect to the Plans.

This exemption is subject to the following conditions:

(1) Each sale was a one-time transaction for cash;

(2) Each Plan received an amount that was equal to the greater of: (a) the outstanding principal balance for each CMO owned by the Plans, plus accrued but unpaid interest, at the time of the sale; (b) the amortized cost for each CMO owned by the Plans, plus accrued but unpaid interest, as determined by the Bank on the date of the sale; or (c) the fair market value of each CMO owned by the Plans as determined by the Bank on the basis of reasonable inquiry from at least three sources that are broker-dealers or pricing services independent of the Bank at the time of the sale;

(3) The Plans did not pay any commissions or other expenses with respect to the sale;

(4) The Bank, as trustee of the Plans, determined that the sale of the CMOs was in the best interests of each of the Plans and their participants and beneficiaries at the time of the transaction;

(5) The Bank took all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the transactions; and

(6) Each Plan received a reasonable rate of return on the CMOs during the period of time that it held the CMOs.

EFFECTIVE DATE: This exemption is effective as of April 25, 1995.

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 Notice published on June 29, 1995, at 60 FR 33864.

FOR FURTHER INFORMATION CONTACT: Mr. E. F. Williams of the Department, telephone (202) 219-8194. (This is not a toll-free number.)

Construction Laborers Pension Trust for Southern California (the Trust) Located in El Monte, California

[Prohibited Transaction Exemption 95-75; Application No. D-09932]

Exemption

The restrictions of section 406(a) 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 (D) of the Code, shall not apply, effective December 22, 1989, to the leasing (the Lease) of space in a commercial office building owned by 4401 Santa Anita Corporation (the Corporation), a corporation that is wholly-owned by the Trust, to American Benefit Plan Administrators,

Inc., a party in interest with respect to the Trust.

This exemption is conditioned on the following requirements: (1) The terms of all such leasing arrangements have been, and will remain, at least as favorable to the Trust as those obtainable in an arm's length transaction with an unrelated party; (2) an independent, qualified fiduciary determined, at the Lease's inception, that the Lease was in the best interests of the Trust and its participants and beneficiaries; (3) an independent, qualified fiduciary has monitored and will continue to monitor the Lease for the Trust and the terms and conditions of the exemption; and (4) the rental charged by, and paid to, the Corporation under the Lease has been, and will continue to be, the fair market rental value of the premises as determined by an independent, qualified appraiser.

EFFECTIVE DATE: This exemption is effective as of December 22, 1989.

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 May 22, 1995 at 60 FR 27125.

FOR FURTHER INFORMATION CONTACT: Mr. E. F. Williams of the Department, telephone (202) 219-8194. (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 are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, D.C., this 24th day of August, 1995.

Ivan Strasfeld,

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

[FR Doc. 95-21392 Filed 8-28-95; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95-078]

NASA Advisory Council; Life and Microgravity Sciences and Applications Advisory Committee; Aerospace Medicine and Occupational Health Advisory Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Aerospace Medicine and Occupational Health Advisory Subcommittee.

DATES: September 27, 1995, 8:30 a.m. to 5:30 p.m.; and September 28, 1995, 8:30 a.m. to 12:30 p.m..

ADDRESSES: Room MIC 6 (HQ6H46), NASA Headquarters, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Earl Ferguson, Code UO, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-4538.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public on

Thursday, September 28, 1995, from 11:00 a.m. to 11:30 a.m. in accordance with 5 U.S.C. 522b (c)(6), to allow for discussion on qualifications of individuals being considered for membership to the Committee. The remainder of the meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Mir 18 Medical Operations
- Medical Plan for Monitoring, Normative Data, and Countermeasures
- Medical Requirements Process
- Human Research Issues
- Life Sciences Research Institute
- Discussin of Long Range Research Requirements
- Discussion of Committee Communications
- Occupational Health and Aviation Health Center Variances, Future Considerations
- Discussion of Action Items
- Summary of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register

Dated: August 23, 1995.

Danalee Green,

Chief, Management Controls Office, National Aeronautics and Space Administration.

[FR Doc. 95-21416 Filed 8-28-95; 8:45 am]

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NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: September 15, 1995.

Place: Room 375, National Science Foundation, 4201 Wilson Boulevard Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Tony Centodocati, Program Director, SBIR Office, (703) 306-1390 or John Van Rosendale, CISE, (703) 306-1962, National Science Foundation, 4201 Wilson Boulevard Arlington, VA 22230

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a

proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 24, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21428 Filed 8-28-95; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-321 and 50-366]

Georgia Power Co., et al.; Partial Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Georgia Power Company, et al. (the licensee), to withdraw a proposed revision to the local power range monitor (LPRM) calibration frequency which was included in its February 25, 1994, application for proposed amendments to Facility Operating License Nos. DRP-57 and NPR-5 for the Hatch Nuclear Plant, Unit Nos. 1 and 2, located in Appling County, Georgia.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on August 18, 1995 (59 FR 42607).

The amendments, which were issued March 3, 1995, replaced the previous Technical Specifications and associated Bases with a set based on the new Boiling Water Reactor (BWR) Owners Group Standard Technical Specifications, NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR/4." However, the increase of the LPRM calibration frequency could not be approved without further justification because it was outside the scope of the conversion to NUREG-1433.

By letter dated August 7, 1995, the licensee requested that the LPRM revision be withdrawn, and stated that it would pursue the change as a separate issue.

For further details with respect to this action, see (1) the application for amendments dated February 25, 1995, as supplemented by letters dated July 8, August 8 and 31, September 23, October 19, and November 1, 1994, and January 19, 1995 (two letters), (2) Amendments 195 and 135 to Facility Operating Licenses DPR-57 and NPF-5 dated