

*Written Comments* The Department received one written comment from the representative of the applicant. The comment pertains to the applicant's original submission of two appraisals of the Property, one for \$90,000 and the other for \$120,000. Because of the significant disparity between the appraisals, the Department determined that the average of the two, \$105,000, most appropriately represented the fair market value of the Property. The commentator proposes that the applicant update both appraisals as of the transfer date and suggests that the fair market value of the Property should be the average of the two appraisals. The Department is of the view that in this instance, this method of valuation is appropriate and is hereby adopted for purposes of this exemption. Accordingly, the language of condition (c) of the exemption is hereby changed from "The Account receives the greater of the fair market value of the Property as of the date of sale or \$105,000," to "The Account receives an amount equal to the average of the two updated appraisals of the Property as of the date of Sale."

**FOR FURTHER INFORMATION CONTACT:** Mr. James Scott Frazier of the Department, telephone (202) 219-8881. (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) 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, D.C., this 2nd day of April, 1998.

#### **Ivan Strasfeld,**

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

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## **NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

### **Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency proposes to request extension of a currently approved information collection using an application that is submitted to a Presidential library to request the use of space in the library for a privately sponsored activity. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be received on or before June 8, 1998 to be assured of consideration.

**ADDRESSES:** Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 3200, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740-6001; or faxed to 301-713-6913; or electronically mailed to [tamee.fechhelm@arch2.nara.gov](mailto:tamee.fechhelm@arch2.nara.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-713-6730, or fax number 301-713-6913.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information

collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

*Title:* Application and Permit for Use of Space in Presidential Library and Grounds.

*OMB number:* 3095-0024.

*Agency form number:* NA Form 16011.

*Type of review:* Regular.

*Affected public:* Private organizations.

*Estimated number of respondents:* 1,000.

*Estimated time per response:* 20 minutes.

*Frequency of response:* On occasion.

*Estimated total annual burden hours:* 334 hours.

*Abstract:* The information collection is prescribed by 36 CFR 1280.42. The application is submitted to a Presidential library to request the use of space in the library for a privately sponsored activity. NARA uses the information to determine whether use will meet the criteria in 36 CFR 1280.42 and to schedule the date.

Dated: March 30, 1998.

#### **L. Reynolds Cahoon,**

*Assistant Archivist for Human Resources and Information Services.*

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## **DEPARTMENT OF TRANSPORTATION**

### **National Transportation Safety Board**

#### **Sunshine Act Meeting**

**TIME AND DATE:** 9:30 a.m., Tuesday, April 14, 1998.

**PLACE:** NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

**STATUS:** Open.

#### **MATTERS TO BE CONSIDERED:**

6743D Marine Accident Report—Fire on Board the Panamanian Passenger Ship Universe Explorer in the