

(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 30th day of September, 1998.

**Ivan Strasfeld,**

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

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## NATIONAL CREDIT UNION ADMINISTRATION

### Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union  
Administration (NCUA).

**ACTION:** Request for comment.

**SUMMARY:** The NCUA has submitted the following information collection without changes to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. This collection was published as proposed on July 20, 1998. No comments relating to the information collection were received within the 60 day comment period.

**DATES:** Comments will be accepted until November 5, 1998.

**ADDRESSES:** Interested parties are invited to submit written comments to the NCUA Clearance Officer or OMB Reviewer listed below:

*Clearance Officer:* Mr. James L. Baylen (703) 518-6411, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428, Fax No. 703-518-6433, E-mail: jbaylen@ncua.gov.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Copies of the information collection request, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, James L. Baylen, (703) 518-6411.

**SUPPLEMENTARY INFORMATION:** Proposal for the following collection of information:

*OMB Number:* 3133-0011.

*Form Number:* NCUA 9600.

*Type of Review:* Extension of a currently approved collection.

*Title:* Application for Insurance of Accounts State-Chartered Credit Unions.

*Description:* Section 201 of the Federal Credit Union Act (12 U.S.C. 1781) requires state-chartered credit unions desiring federal insurance to submit an application. The requirement also applies to federal credit unions converting to state charters and desiring federal insurance.

*Respondents:* State-chartered credit unions and federal credit unions converting to state charter that desire federal insurance of member accounts.

*Estimated No. of Respondents/Recordkeepers:* 61.

*Estimated Burden Hours Per Response:* 4.5 hours.

*Frequency of Response:* Other. As required.

*Estimated Total Annual Burden Hours:* 268.

*Estimated Total Annual Cost:* N/A.

**Becky Baker,**

*Secretary of the Board.*

[FR Doc. 98-26772 Filed 10-5-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

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

### Southern Nuclear Operating Co. Inc., et al.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-57 and NFP-5 issued to Southern Nuclear Operating Company, Inc., et al. (the licensee) for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2, located in Appling County, Georgia.

The proposed amendments would revise the Technical Specifications to accommodate an increase in maximum licensed thermal power level from 2558 megawatts thermal (MWt) to 2736 MWt.

The licensee submitted the proposed changes by letter dated August 8, 1997. In processing this request, the staff recognized on September 29, 1998, it inadvertently failed to publish a notice of proposed issuance of the amendments in the **Federal Register**. In the August 8, 1997, original application, the licensee requested that the proposed amendments be issued prior to startup from the fall 1998 refueling outage on Unit 2. Startup from the refueling outage is presently scheduled for October 18, 1998.

Upon being informed by the staff that a notice of proposed issuance of amendments inadvertently was not published, the licensee requested, by letter dated September 30, 1998, that the proposed amendments be processed on an exigent basis.

The need for exigency is based on the fact that the licensee would be required to postpone changes to procedures, instrumentation, and setpoints on Unit 2 until after startup and power ascension of the plant if the amendments were not issued prior to restart. The licensee would then be required to implement these changes while online which would increase the possibility of a plant scram and introduce a potential for unnecessary transients on the plant.