

Account. Thus, the Condo will not be used by the Hunnicutts after the purchase by the Account.<sup>31</sup> The applicant represents that the Condo is not adjacent to any other property owned by the Hunnicutts.

3. The Property, located at 314 Padgetts Ordinary, Williamsburg, Virginia, was appraised on January 27, 2000 (the Appraisal). The Appraisal was prepared by R. Epes McMurrin, Jr., SRA (Mr. McMurrin), who is an independent Virginia state certified appraiser. Mr. McMurrin is employed with Barker and Associates, Inc., a real estate firm located in Newport News, Virginia. In the Appraisal, Mr. McMurrin states that the Condo consists of 1,686 square feet and contains, among other things, three bedrooms and three baths. The common elements include a storage area, swimming pool, tennis courts, and clubhouse. Mr. McMurrin represents in the Appraisal that the monthly home owners association unit charge for the Condo is \$237 (the Condo Fee). Mr. McMurrin states further that the Condo has been well maintained, has received periodic maintenance, and is in readily marketable condition. Mr. McMurrin relied primarily on the sales comparison approach to value the Condo. Based on an analysis of recent sales of similar properties in the local real estate area, Mr. McMurrin determined that the fair market value of the Property was \$285,000, as of January 27, 2000.

4. The applicant maintains that after the Account acquires the Condo, the Condo will be leased to independent third parties only. The applicant represents that the Condo could yield annual rental income for the Account in the range of \$80,000 to \$85,000. In this regard, the applicant submitted a statement dated November 30, 1999, from Barbara Eddins (Ms. Eddins), Rental Property Manager of Kingsmill Resort, located in Williamsburg, Virginia. Ms. Eddins states that possible rental revenue income for 3 bedroom condominiums in the Padgett's Ordinary area of Kingsmill Resort may be in the range of \$80,000 to \$85,000 during any calendar year. The applicant also represents that after the transaction is consummated, the Account will pay the monthly Condo Fee for the Condo.

5. The applicant now proposes that the Account purchase the Condo from the Hunnicutts in a one-time cash transaction. After the proposed purchase, the Condo will represent approximately 14% of the Account's

total assets. The applicant represents that the proposed transaction would be in the best interest and protective of the Account and the Plan because the Account and the Plan will pay no expenses or commissions associated with the purchase. The Account will pay the Hunnicutts the current fair market value of the Condo, as determined by an independent qualified appraiser at the time of the transaction.

The acquisition of the Condo by the Account will diversify the Account's portfolio, and will enable the Account to realize an annual return of approximately 28 percent (28%) if the Condo can be fully leased throughout the year.

6. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act and section 4975(c)(2) of the Code because:

(a) The proposed purchase of the Condo by the Account will be a one-time cash transaction;

(b) The Account will pay the Hunnicutts the current fair market value for the Condo, as established at the time of the transaction by an independent qualified appraiser;

(c) The Condo will represent approximately 14% of the Account's total assets at the time of the transaction;

(d) The transaction will enable the Account to acquire the Condo, which is expected to be a valuable asset that will yield significant rental income; and

(e) Mr. Hunnicutt is the only participant in the Plan that will be affected by this transaction, and he desires that the transaction be consummated.

#### *Notice to Interested Persons*

Because Mr. Hunnicutt is the only participant in the Plan that will be affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a hearing are due thirty (30) days from the date of publication of this notice in the **Federal Register**.

#### **FOR FURTHER INFORMATION CONTACT:**

Ekaterina A. Uzlyan of the Department at (202) 219-8883. (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 of the Act and/or the Code, including any prohibited transaction 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) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional 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

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 4th day of October, 2000.

**Ivan Strasfeld,**

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

[FR Doc. 00-26028 Filed 10-10-00; 8:45 am]

**BILLING CODE 4510-29-P**

## **MEDICARE PAYMENT ADVISORY COMMISSION**

### **Commission Meeting**

**AGENCY:** Medicare Payment Advisory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Commission will hold its next public meeting on Thursday, October 19, 2000, and Friday, October

<sup>31</sup> The Department notes that this proposed exemption would not permit any leasing of the Condo to, or use of the Condo by, a party in interest with respect to the Plan (e.g., employees of PCC).

20, 2000, at the Ronald Reagan Building, International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC. The meeting is tentatively scheduled to begin at 10 a.m. to October 19, and at 9 a.m. on October 20.

Topics for discussion include: Issues in risk-adjusting payments to Medicare+Choice plans; Medicare MSAs; meeting Medicare+Choice program goals; proposed work plan for regulatory burden study; post-surgical recovery care centers; developing input price indexes for all health care settings; ESRD payment issues; issues in post-acute care, including case-mix changes in skilled nursing facilities, payment policy for speciality psychiatric facilities, and the feasibility of developing clinical indicators for evaluating use; and options to reduce beneficiary coinsurance for hospital outpatient department services.

Agendas will be mailed on October 11, 2000. The final agenda will be available on the Commission's website ([www.MedPAC.gov](http://www.MedPAC.gov)).

**ADDRESSES:** MedPAC's address is: 1730 K Street, NW., Suite 800, Washington, DC 20006. The telephone number is (202) 653-7220.

**FOR FURTHER INFORMATION CONTACT:** Diane Ellison, Office Manager, (202) 653-7220.

**Murray N. Ross,**  
Executive Director.

[FR Doc. 00-25985 Filed 10-10-00; 8:45 am]

**BILLING CODE 6820-BW-M**

## NATIONAL COUNCIL ON DISABILITY

### Advisory Committee Meeting

**AGENCY:** National Council on Disability (NCD).

**SUMMARY:** This notice sets forth the schedule of the forthcoming meeting, in teleconference format, for NCD's Youth Advisory Committee. Notice of this meeting is required under Section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92-463).

*Youth Advisory Committee:* The purpose of NCD's Youth Advisory Committee is to provide input into NCD activities consistent with the values and goals of the Americans with Disabilities Act.

*Date:* November 15, 2000, 4 p.m.-5 p.m. EST.

*Location:* 1331 F Street, NW., Suite 1050, Washington, DC.

*For Youth Advisory Committee Information Contact:* Gerrie Drake Hawkins, Ph.D., Program Specialist, National Council on Disability, 1331 F

Street NW., Suite 1050, Washington, DC 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax), [ghawkins@ncd.gov](mailto:ghawkins@ncd.gov) (e-mail).

*Agency Mission:* The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature or severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on disability issues.

We currently have a membership reflecting our nation's diversity and representing a variety of disabling conditions from across the United States.

*Open Meeting:* This advisory committee meeting, in teleconference format, of the National Council on Disability will be open to the public. However, due to fiscal constraints and staff limitations, a limited number of additional lines will be available. Those interested in joining the meeting should contact the appropriate staff member listed above. Space is limited.

Records will be kept of all Youth Advisory Committee meetings calls and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on October 5, 2000.

**Jeffrey T. Rosen,**

General Counsel and Director of Policy.

[FR Doc. 00-26035 Filed 10-10-00; 8:45 am]

**BILLING CODE 6820-MA-M**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 030-32990; License No. 47-25225-01; EA-00-118]**

### In the Matter of Bass Energy, Inc. Bruceton Mills, West Virginia 26525; Order Imposing Civil Monetary Penalty

#### I

Bass Energy, Inc. (Licensee) is the previous holder of Materials License No. 47-25225-01 originally issued by the Nuclear Regulatory Commission (NRC) on December 15, 1992, and amended on September 2, 1998. The License has subsequently been transferred to another entity. The license authorized

Bass Energy, Inc. to possess and use sealed sources registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation and contained in a Scan Technologies Model 3500 fixed gauging device.

#### II

An investigation of the Licensee's activities was initiated by the NRC Office of Investigations (OI) on November 3, 1999, and an NRC inspection conducted on September 28, 1999. The results of the investigation and inspection revealed that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated June 30, 2000. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the Licensee violated, and the amount of the civil penalty proposed for the violations.

To date, the Licensee has not responded to the Notice or paid the civil penalty. Additionally, telephone calls were initiated on August 16, 18, 25 and 30, and September 1, 2000 by Mr. Mark Lesser, Acting Deputy Director, Division of Nuclear Materials Safety, NRC, Region II, to Mr. Thomas, President of Bass Energy, Inc., and his attorney concerning Bass Energy's intent to respond to the Notice or pay the civil penalty. Mr. Thomas has declined to discuss the matter and his attorney has not returned Mr. Lesser's calls.

#### III

After consideration of the Licensee's failure to respond to the Notice and pay the proposed civil penalty, the NRC staff has determined, that the civil penalty in the amount of \$8,800 for the violations described in the Notice should be imposed.

#### IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, 10 CFR 2.201 and 10 CFR 2.205, *It Is Hereby Ordered That:*

(A) The Licensee pay a civil penalty in the amount of \$8,800 within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time of making payment, the Licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, and