

number of Plan participants contained on a Service Provider's record-keeping system. For subsequent years, Ibbotson will charge to the Service Provider a flat per Plan participant fee for each occurrence of at least 10% growth in Plan participants on its record-keeping system (the Revised Technology Fee). In the second year of operation with a Service Provider, Ibbotson will charge a Service Provider a technology maintenance fee equaling up to 20% of the first year's technology licensing fee plus up to 20% of the Revised Technology Fee.

When a Plan sponsor contracts with Ibbotson to customize the Service to its particular Plan, Ibbotson will charge an Internet customization fee to the Plan or the Plan sponsor. This fee is based on the time spent by Ibbotson personnel in its customization of the Service to a particular Plan. In addition, Ibbotson will charge a flat annual per Plan participant advice fee which may be paid by the Plan, Plan sponsor, the Plan participants or the Service Provider.

Finally, Ibbotson will also offer a Plan investment analysis report to Plan sponsors. This report is separate from the investment analysis advice provided to Plan participants and is optional. Ibbotson will analyze the Plan and its investment options. For those Plan sponsors who elect to receive a Plan investment analysis by Ibbotson, Ibbotson will also charge a Plan investment analysis fee based on a flat dollar amount per year. This fee may be paid by the Plan sponsor or the Service Provider.

12. In summary, it is represented that the proposed transaction will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The participation in the Service will be expressly authorized in writing by an independent fiduciary.

(b) Ibbotson shall provide the independent fiduciary of each Plan with written disclosure describing the Service and all fees and expenses associated with the Service, a written contract for the provision of the Service, a copy of the proposed and final exemption, and summary of annual Plan activity and expense reports.

(c) Ibbotson will furnish the Plan participants with the following: notice that the Service is provided by Ibbotson, an entity that is independent from the Service Provider and the Plan sponsor; and full disclosure about the Service and Ibbotson; and a risk tolerance questionnaire.

(d) Any investment advice given to Plan participants will be based on the Plan participants' responses to the questionnaire and any investment

advice provided only will be implemented at the express direction of the Plan participant.

(e) The total fees paid to Ibbotson and a Service Provider by each Plan participant participating in the Service does not exceed reasonable compensation within the meaning of section 408(b)(2) of the Act.

(f) No portion of any fee or other consideration paid to Ibbotson or in connection with the Service will be shared or received by a Service Provider.

(g) Neither the fees charged nor the compensation received by Ibbotson will be affected by the investment selections of Plan participants.

(h) Participation in the Service will not cause the Plan to pay any additional fees or commissions with respect to acquisitions or dispositions of investments offered under the Plan.

(i) No Service Provider shall own any interest in Ibbotson.

(j) Neither Ibbotson nor any affiliate shall own an interest in a Service Provider.

(k) The annual revenues derived by Ibbotson from any one Service Provider shall not be more than 5% of its annual revenues.

(l) Ibbotson will maintain fiduciary liability insurance in the amount of at least \$5 million.

#### *Notice to Interested Persons*

The Applicant represents that because potentially interested Plan participants and beneficiaries cannot be identified at this time, the only practical means of notifying such Plan participants and beneficiaries of this proposed exemption is by publication in the **Federal Register**. Therefore, comments and requests for a hearing must be received by the Department not later than February 21, 2001.

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

Allison Padams Lavigne, US Department of Labor, (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 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 10th day of January, 2001.

**Ivan Strasfeld,**

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

[FR Doc. 01-1197 Filed 1-19-01; 8:45 am]

**BILLING CODE 4510-29-P**

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## **LEGAL SERVICES CORPORATION**

### **Sunshine Act Meeting of the Board of Directors**

**TIME AND DATE:** The Board of Directors of the Legal Services Corporation will meet on January 27, 2001. The meeting will begin at 10 a.m. and continue until conclusion of the Board's agenda.

**LOCATION:** Embassy Suites Hotel, 300 Tallapoosa Street, Montgomery, AL.

**STATUS OF MEETING:** Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is

or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c) (10)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

**MATTERS TO BE CONSIDERED:**

**Open Session**

1. Approval of agenda.
2. Approval of the minutes of the Board's meeting of November 11, 2000.
3. Approval of the minutes of the Executive Session of the Board's meeting of November 11, 2000.
4. Approval of minutes of the Board's telephonic meeting of November 28, 2000.
5. Scheduled Public Speakers.
6. Chairman's Report.
7. Members' Report.
8. Inspector General's Report.
9. President's Report.
10. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
11. Consider and act on the report of the Board's Operations and Regulations Committee.
12. Consider and act on the report of the Board's Finance Committee.
13. Consider and act on the Board's 2000 Annual Performance Reviews Committee's report on the annual evaluation of the Corporation's President.
14. Consider and act on possible dissolution of the Board's 2000 Annual Performance Reviews Committee.
15. Consider and act on adjustment of the President's salary in light of the increase in Level V of the Executive Schedule specified in 5 U.S.C. § 5316.
16. Presentation by John McKay and Tom McWeeney on Strategic Planning performance measures, including the development of performance indicators/performance measurement instruments and the testing of these instruments in the "real world."
17. Consider and act on the request by the President of LSC for an exception to the Performance/Incentive Awards Policy adopted by the Board on November 20, 1999, so as to allow the making of a cash award—in this instance, The President's Award—to a corporate officer.
18. Election of Board Chair.
19. Election of Vice-Chair.
20. Consider and act on Board committee appointments.
21. Consider and act on proposed changes to the currently scheduled June

2001, September 2001, and November 2001 Board meetings.

22. Consider and act on the Board's meeting schedule, including designation of locations, for calendar year 2002.

**Closed Session**

23. Briefing<sup>1</sup> by the Inspector General on the activities of the Office of Inspector General.

24. Consider and act on the Office of Legal Affairs' report on potential and pending litigation involving LSC.

**Open Session**

25. Consider and act on other business.

26. Public Comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S-S Cushing, at (202) 336-8800.

January 18, 2001.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 01-2003 Filed 1-18-01; 2:50 pm]

**BILLING CODE 7050-01-P**

**LEGAL SERVICES CORPORATION**

**Sunshine Act Meeting; Sunshine Act Meeting of the Board of Directors Finance Committee.**

**TIME AND DATE:** The Finance Committee of the Legal Services Corporation Board of Directors will meet on January 26, 2001. The meeting will begin at 3:15 p.m. and continue until the Committee concludes its agenda.

**LOCATION:** Embassy Suites Hotel, 300 Tallapoosa Street, Montgomery, AL.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda.
2. Consider and act on staff recommendation to change LSC's pension provider.
3. Office of the Inspector General's presentation of the Corporation's FY '00 annual audit.

<sup>1</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

4. Review and adoption of FY '01 operating budget for the Corporation.

5. Review of expenses through November 30, 2000.

6. Consider and act on other business.

7. Public comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel, & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S-S Cushing, at (202) 336-8800.

Dated: January 18, 2001.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel, & Corporate Secretary.*

[FR Doc. 01-2004 Filed 1-18-01; 2:50 pm]

**BILLING CODE 7050-01-P**

**LEGAL SERVICES CORPORATION**

**Sunshine Act Meeting of the Board of Directors Operations & Regulations Committee**

**TIME AND DATE:** The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on January 26, 2001. The meeting will begin at 1:00 p.m. and continue until the Committee concludes its agenda.

**LOCATION:** Embassy Suites Hotel, 300 Tallapoosa Street, Montgomery, AL.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of November 10, 2000.
3. Consider and act on the Property Acquisition and Management Manual.
4. Consider and act on the Interim Report of the Regulations Review Task Force.
5. Consider and act on other business.
6. Public comment.

**CONTACT PERSON FOR INFORMATION:**

Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336-8800.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S-S Cushing, at (202) 336-8800.