by the union as their collective bargaining representative. These offices are approximately twenty-five miles apart. NECA handles the collection and disbursement of benefit funds for the Participants, and their office is in Arlington, TX which is approximately three miles away from the school. IBEW and NECA seek to purchase the Parcels from the Plan and build offices at this location which would be much more convenient for the Participants.

If the exemption is denied, the parties in interest, IBEW and NECA, will not be able to build their buildings next to the Plan facility. This will cause the Plan participants to have to drive approximately twenty-five miles to the IBEW office and three miles to the NECA office in order to conduct business. NECA and IBEW have not indicated any desire to build a new building unless it is next to Plan. The transactions will be in the best interests of the Plan and will also make the school building more accessible to members of the IBEW and NECA for their training needs.

3. On July 26, 2002 an unimproved 11.7 acre of real property (the Land) was conveyed to the Plan by an unrelated third party. Fifty percent of the Land was donated to the Plan and fifty percent was sold to the Plan for $575,000. The Parcels are sections of the Land that the applicant now seeks to sell. Parcel 1 consists of a vacant unimproved parcel of land containing an area of approximately 1.112 acres located at W. Tarrant Road, Grand Prairie, Dallas County, Texas. Parcel 2 consists of a vacant unimproved parcel of land containing an area of approximately 5.383 acres located at W. Tarrant Road, Grand Prairie, Dallas County, Texas. The remaining Land is road accessible and is surplus property for the Plan.

4. The Parcels were appraised on October 13, 2003, by Donald J. Sherwood (Mr. Sherwood), a MAI Certified General Real Estate Appraiser. Mr. Sherwood is independent of the parties to the transactions and is an appraiser with Integra Realty Resources located in Dallas, Texas.

Mr. Sherwood determined the best use and highest value of the Parcels was associated with valuing the Parcels with the so-called direct sales comparison method. Under this method, sales of similar land in the market area are compared to the subject to arrive at an indication of value. In arriving at value conclusions, the tracts are compared as to the rights conveyed, financing terms, sale conditions, market conditions, location, and physical characteristics. Therefore, based on the valuation procedures employed by Mr. Sherwood, he determined that the fair market value of the Parcels was as follows: (i) Parcel 1 = $145,000; and (ii) Parcel 2 = $655,000.

5. The Plan will receive an amount equal to the greater of: (i) $145,000; or (ii) the current fair market value of Parcel 1 as established by an independent, qualified, appraiser updated at the time of the Sale. The Plan also will receive an amount equal to the greater of: (i) $655,000; or (ii) the current fair market value of Parcel 2 as established by an independent, qualified, appraiser updated at the time of the Sale.

6. In summary, the applicant represents that the subject transaction satisfies the statutory criteria contained in section 408(a) of the Act and section 4975(c)(2) of the Code for the following reasons:

(a) The Sale is a one-time transaction for cash;

(b) The Plan does not pay any commissions, costs or other expenses in connection with the Sale;

(c) The Plan will receive an amount equal to the greater of: (i) $145,000; or (ii) the current fair market value of Parcel 1 as established by an independent, qualified, appraiser and updated at the time of the Sale; and the Plan will receive an amount equal to the greater of: (i) $655,000; or (ii) the current fair market value of Parcel 2 as established by an independent, qualified, appraiser and updated at the time of the Sale; and

(d) The terms of the Sales will be no less favorable to the Plan than terms it would have received under similar circumstances in an arm's length negotiation with an unrelated party.

Notice to Interested Persons: Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the applicant and Department within 15 days of the date of publication in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of the notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Khalif Ford of the Department, telephone (202) 693–8540 (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 1st day of November, 2004.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 04–24648 Filed 11–5–04; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposal to Revise Method for Estimation of Monthly Labor Force Statistics for Certain Subnational Areas; Request for Comments

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Request for comments on proposed action.

SUMMARY: The Department of Labor, through the Bureau of Labor Statistics and, specifically, the Local Area Unemployment Statistics (LAUS) program, is responsible for the development and publication of State and local area labor force statistics. In the LAUS program, monthly estimates of the labor force, employment, unemployment, and the unemployment rate for more than 7,000 areas in the Nation are developed and issued. A major program redesign to improve the methodological basis of the LAUS estimates and update the geography and techniques to reflect 2000 Census data was initially funded in FY 2001. After completion of various long-term research projects, the BLS plans to implement improvements to the estimating methods with State and area LAUS estimates for January 2005, to be published in March 2005.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before December 10, 2004.

ADDRESSES: Send comments to Sharon P. Brown, Chief, Division of Local Area Unemployment Statistics, Bureau of Labor Statistics, Room 4675, 2 Massachusetts Avenue NE., Washington DC 20212.

FOR FURTHER INFORMATION CONTACT: Sharon P. Brown, Chief, Division of Local Area Unemployment Statistics, Bureau of Labor Statistics, telephone number 202–691–6390.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Department of Labor, through the Bureau of Labor Statistics, is responsible for the development and publication of State and local area labor force statistics through the Local Area Unemployment Statistics (LAUS) program. Currently, monthly estimates of employment, unemployment, and the unemployment rate are prepared for more than 7,000 areas, including Census regions, Census divisions, all States and the District of Columbia, Puerto Rico, metropolitan and small labor market areas, counties, cities of 25,000 population or more, and all cities and towns in New England regardless of population. In a multi-year, multi-project initiative that began in FY 2001, the following improvements to State and area labor force estimation were identified:

- State time series estimating models with real-time benchmarking to the national monthly employment and unemployment levels that will address long-standing issues related to accuracy and end-of-year revision,
- the extension of model-based estimation to six additional substate areas and the respective balance-of-State areas, and
- two enhanced procedures for developing other substate areas that employ innovative and dynamic estimating methods.

II. Background

A hierarchy of estimation methods is used to produce the State and area labor force estimates, based in large part on the availability and quality of data from the Current Population Survey (CPS), the office measure of the labor force for the nation.

Improved Time Series Models with Real-time Benchmarking. The estimates for States, the District of Columbia, New York City, Los Angeles metropolitan area, and the balances of New York State and California are developed using signal-plus-noise models. These models rely heavily on monthly CPS data, as well as current wage and salary employment estimates and unemployment insurance statistics. The State CPS annual averages of employment and unemployment are used as benchmarks to the model-based estimates at the end of the year. In general, the current method of model estimation and annual benchmarking results in an overestimate of employment and an underestimate of unemployment and the unemployment rate in States as compared to the national CPS estimates. The annual benchmarking approach reintroduces sampling error into the series and results in significant end-of-year revisions in a large number of States, causes economic anomalies that are an artifact of the benchmarking approach, distorts seasonality in the previous year so that analysis is impaired, and often misses shocks to the economy.

To address these serious issues, the improved model-based approach to estimation will ensure that State estimates add to the national estimates of employment and unemployment each month, through real-time benchmarking. In doing so, the benchmark will change from annual State-level estimates of employment and unemployment to monthly national estimates of these measures. In this way, economic shocks will be reflected in the State estimates on a real-time basis, and end-of-year revisions will be significantly smaller.

The improved State models are signal-plus-noise models, where the signal is a bivariate model of the unemployment or the employment level. The same inputs used in the current models are used in the new models. Seasonal adjustment occurs within the new model structure, with the removal of the seasonal component. The proposed models with real-time benchmarking produce reliability measures for the seasonally adjusted and not seasonally adjusted series, and on over-the-month and over-the-year change.

Under real-time benchmarking, a tiered approach to estimation is used. Model-based estimates (using a univariate form) are developed for the nine Census divisions that geographically exhaust the nation. (Census division groupings are currently used to analyze and publish LAUS estimates.) These estimates are controlled to the national levels of employment and unemployment. State model-based estimates are then made and controlled to the Census Division estimates. In this manner, the monthly State employment and unemployment estimates will add to the national levels, precluding differences between the sum of States and the national estimates, and national shocks related to the business cycle or outliers like September 11 will be addressed.

Annual historical benchmarking will still continue for State estimates but would be greatly altered. The updating of model inputs, model reestimation, and incorporation of updated population controls would be performed each year. However, the impact on the historical series of these benchmark activities is considered to be fairly small.

Extending Model-based Estimation to Additional Areas. Currently, monthly labor force estimates for New York City, the balance of New York State, the Los Angeles metropolitan area, and the balance of California are developed using model-based methods. (These models will be updated to the form used for States and described above.) As part of the LAUS improvement efforts, model-based estimation will be extended to the following areas and the respective balance-of-State areas: Chicago metropolitan division, Cleveland metropolitan area, Detroit metropolitan division, Miami metropolitan division, New Orleans metropolitan area, and Seattle-Everett metropolitan division. This will improve the statistical basis of the estimation for these areas, and provide important tools for analysis such as measures of error and seasonally adjusted series.

These area models will follow the form of the Census divisions (univariate), and will be benchmarked to the State employment and unemployment estimates on a real-time basis. As with the State models, seasonally adjusted series will be

produced, along with measures of error for the seasonally adjusted and not seasonally adjusted series, and on over-the-month and over-the-year change.

New and Reentrant Unemployment. There has been a long-standing concern in the LAUS program regarding the estimation of unemployment at the substate level (for areas other than New York City, Los Angeles, and the balances of New York State and California). Of specific concern is the measurement of unemployed new and reentrants to the labor market. The difficulty in estimating new and reentrants led to the use of a proportionate adjustment of area estimates to the State total unemployed as a way of controlling for the underestimate at the area level. The current research has led to a proposal for an improved methodology.

The new methodology incorporates the CPS new and reentrants State data and utilizes improved econometric modeling techniques. The new model follows the basic form of the model created in 1983 and used today, but has been updated and improved. The proposed model uses a stochastic nonlinear estimation process rather than the global linear procedure used currently. A stochastic, or random, coefficient is one whose value is allowed to change over time. In this model, the values of the model coefficients change from month to month as the models are updated with information from current observations.

The model estimates are distributed to each labor market area in the State based on the area's share of the State population. New entrants are distributed based on the area's share of the State 16–19 year old population, and reentrants are distributed based on the area's share of the State 20 years and older population.

The new method of estimation successfully addresses the issue of underestimation and eliminates the need for significant proportionate adjustment of area estimates to the monthly State levels of unemployment.

Residency Adjustment. The underlying concepts and definitions of all labor force data developed by the LAUS program are consistent with those of the Current Population Survey (CPS), including the requirement that measures relate to the place of residence of the labor force participant. Establishment-based data on the number of nonagricultural wage and salary jobs by place of work from the Current Employment Statistics (CES) or the Quarterly Census of Employment and Wages (QCEW) programs is the only current, geographically comprehensive source of information on employment at the substate level, and are a significant input to LAUS estimation. The establishment series differs from the CPS in that the CPS counts employed persons where they reside rather than jobs by place of work. Thus, the establishment-based data must be adjusted to account for multiple-job holding and residency prior to use in LAUS estimation.

The current procedure utilizes a single adjustment ratio for each estimating area, using Decennial census data and March-April average establishment-based data. The Census estimate of all employed residents in an area is divided by the job count. This ratio is then applied each month to the nonfarm wage and salary estimate for the area to produce the resident nonfarm wage and salary employed estimate for the area.

A basic problem with the current Census-based procedure of adjusting for residency was the limited geographic scope for influencing the area's estimate of resident employed and static nature of the approach. Recognizing that labor market areas often are not defined to the point where commutation is zero, and that, in the intercensal period, job growth can and does occur in the areas surrounding the estimating area, a new approach to developing resident employment was considered.

The proposed method postulates that resident employment in an area is a function not only of the relationship between employed residents and jobs in that area, but in other areas within commuting distance. The procedure is more dynamic than the current method insofar as job count changes in commuting areas can affect resident employment. As in the current procedure, however, the commuting ratios themselves are fixed for the intercensal period.

Detailed descriptions of the current and Redesign approaches are available at the above address and at the BLS LAUS Web site *http://www.bls.gov/lau/home.htm.*

Comments submitted in response to this notice will be summarized and included in the Notice of Decision on this proposal.

This notice is a general solicitation of comments from the public.

Signed in Washington, DC., this 29th day of October, 2004.

John M. Galvin,

Associate Commissioner, Office of Employment and Unemployment Statistics, Bureau of Labor Statistics.

[FR Doc. 04–24733 Filed 11–5–04; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Maritime Advisory Committee for Occupational Safety and Health (MACOSH); Notice of meeting.

SUMMARY: The Maritime Advisory Committee for Occupational Safety and Health (MACOSH) was established to advise the Assistant Secretary of Labor for OSHA on issues relating to occupational safety and health in the maritime industries. The purpose of this **Federal Register** notice is to announce the December 2004 meeting of the committee.

DATES: The committee will meet on December 8 through December 9, 2004. On December 7, the MACOSH work groups will meet from 9 a.m. until 4:30 p.m.; on December 8, the full committee will meet from 8 a.m. until approximately 4:30 p.m.; on December 9, the full committee will meet from 8 a.m. until approximately 5 p.m.

ADDRESSES: The committee will meet at the Norfolk Waterside Marriott, 232 East Main Street, Norfolk, Virginia 23510; phone; (757) 628–6473; fax: (202) 628–6452.

Mail comments, views, or statements in response to this notice to Jim Maddux, Director, Office of Maritime, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; phone (202) 693–2086; FAX: (202) 693–1663.

FOR FURTHER INFORMATION CONTACT: For general information about MACOSH and this meeting: Jim Maddux, Director, Office of Maritime, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone: (202) 693–2086. For information about the submission of comments, and requests to speak: Vanessa L. Welch, Office of Maritime, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; Phone: (202) 693–2086. Individuals with disabilities wishing to attend the meeting should contact Vanessa L. Welch at (202) 693–2086 at later than November 17, 2004 to obtain appropriate accommodations.

SUPPLEMENTARY INFORMATION: All MACOSH meetings, including work group meetings, are open to the public. All interested persons are invited to