

Appendix A to 29 CFR 1910.7. Submission of pertinent written documents and exhibits shall be made no later than September 10, 1996, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, Room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Copies of the WL application, the laboratory survey reports, and all submitted comments, as received, (Docket No. NRTL-1-93), are available for inspection and duplication at the Docket Office, Room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant (Wyle Laboratories) satisfies the requirements for expansion of its recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with Appendix A to Section 1910.7.

Signed at Washington, D.C. this 8th day of July, 1996.

Joseph A. Dear,

*Assistant Secretary.*

[FR Doc. 96-17779 Filed 7-11-96; 8:45 am]

BILLING CODE 4510-26-M

## **Pension and Welfare Benefits Administration**

**[Prohibited Transaction Exemption 96-50; Exemption Application No. D-10039, et al.]**

### **Grant of Individual Exemptions; San Diego National Bank**

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at

the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

### **Statutory Findings**

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

San Diego National Bank Deferred Savings Plan (the Plan) Located in San Diego, California

[Prohibited Transaction Exemption 96-50; Exemption Application No. D-10039]

### **Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the past acquisition by the Plan of certain stock rights (the Rights) pursuant to a stock rights offering (the Offering) by SDNB Financial Corp., a California corporation (the Parent), which wholly owns and is the parent company of the San Diego National Bank (the Employer), the sponsor of the Plan and a party in interest with respect to the Plan; (2) the past holding of the Rights during the subscription period of the Offering; and (3) the disposition or exercise of the Rights by the Plan; provided the following conditions are

satisfied: (a) The acquisition and holding of the Rights by the Plan occurred in connection with the Offering made available to all shareholders of the common stock of the Parent; (b) all holders of the common stock of the Parent were treated in a like manner, with respect to the Offering, including the Plan; and (c) all decisions regarding holding and disposing of the Rights by the Plan were made in accordance with Plan provisions for individually-directed investment of participant accounts by the individual participant whose account in the Plan received Rights in the Offering, and if no instructions were received the Rights were sold.

**EFFECTIVE DATE:** The effective date of this exemption is May 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. C.E. Beaver of the Department, telephone (202) 219-8881. (This is a toll-free number.)

Puckett Machinery Company Profit Sharing Plan (the Plan), Located in Jackson, Mississippi

[Prohibited Transaction Exemption 96-51; Exemption Application No. D-10149]

### **Exemption**

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)((A) through (E) of the Code shall not apply to the sale (the Sale) of improved real property (the Property) by the Plan to Richard H. Puckett, a party in interest with respect to the Plan provided that: (a) The Sale is a one time transaction for cash; (b) the Plan will receive the greater of \$315,000 or the fair market value of the Property at the time of the Sale; (c) the Property has been appraised by an independent and qualified real estate appraiser; (d) the Plan will pay no fees or commissions associated with the Sale; and (e) the terms and conditions of the Sale are at least as favorable as those obtainable with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 4, 1996 at 61 FR 15143.

**FOR FURTHER INFORMATION CONTACT:** Allison Padams of the Department, telephone (202) 219-8971. (This is not a toll-free number.)

First Virginia Banks, Inc. Located in Falls Church, Virginia

[Prohibited Transaction Exemption 96-52; Application Nos. D-10175 thru D-10177]

## Exemption

### Section I—Transactions

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the following transactions provided that all of the conditions set forth in Section II below are met:

(a) The cash sale on December 23, 1994 of certain variable rate certificates of deposit (CDs) issued by Merrill Lynch National Bank, Salt Lake City, Utah (the Merrill Lynch CDs) by forty (40) employee benefit plans, Keogh plans and individual retirement accounts (IRAs), for which First Knoxville Bank in Knoxville, Tennessee (the Bank) serves as a fiduciary, to First Virginia Banks, Inc. (First Virginia), a party in interest or disqualified person with respect to such plans and IRAs;

(b) The cash sale on various dates during 1995 of certain fixed rate CDs issued by various unrelated financial institutions (the Fixed Rate CDs) by eighteen (18) employee benefit plans, Keogh plans and IRAs, for which the Bank serves as a fiduciary to First Virginia, a party in interest or disqualified person with respect to such plans and IRAs; and

(c) The proposed cash sale of certain additional fixed rate CDs issued by various unrelated financial institutions (the Additional Fixed Rate CDs) by approximately twenty-one (21) employee benefit plans, Keogh plans and IRAs, for which the Bank serves as a fiduciary, to First Virginia, a party in interest or disqualified person with respect to such plans and IRAs.

### Section II—Conditions

(a) Each sale is a one-time transaction for cash;

(b) Each plan or IRA (hereafter referred to as "Plan") receives an amount which is equal to the greater of (i) the face amount of the CDs owned by the Plan, plus accrued but unpaid interest, at the time of sale, or (ii) the fair market value of the CDs owned by the Plan as determined by an independent, qualified appraiser at the time of the sale;

(c) The Plans do not pay any commissions or other expenses with respect to the sale of such CDs;

(d) The Bank, as trustee of the Plans, determines that the sale of the CDs is in

the best interests of each Plan and its participants and beneficiaries at the time of the transaction;

(e) The Bank takes all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the transactions;

(f) Each Plan receives a reasonable rate of interest on the CDs during the period of time such CDs are held by the Plan;

(g) The Bank or an affiliate maintains for a period of six years the records necessary to enable the persons described below in paragraph (h) to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Bank or affiliate, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest other than the Bank or affiliate shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975 (a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (h) below; and

(h)(1) Except as provided below in paragraph (h)(2) and notwithstanding any provisions of section 504(a)(2) of the Act, the records referred to in paragraph (g) are unconditionally available at their customary location for examination during normal business hours by—

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(ii) Any fiduciary of the Client Plans who has authority to acquire or dispose of shares of the Funds owned by the Client Plans, or any duly authorized employee or representative of such fiduciary, and

(iii) Any participant or beneficiary of the Client Plans or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in paragraph (h)(1) (ii) and (iii) shall be authorized to examine trade secrets of the Bank, or commercial or financial information which is privileged or confidential.

**EFFECTIVE DATE:** This exemption is effective as of December 23, 1994, for the transactions described in Section I(a) above, and the various appropriate sale dates in 1995 for the transactions described above in Section I(b).

For a more complete statement of the facts and representations supporting the Department's decision to grant this

exemption, refer to the notice of proposed exemption published on April 25, 1996, at 61 FR 18430.

**FOR FURTHER INFORMATION CONTACT:** Mr. E.F. Williams of the Department, telephone (202) 219-8194. (This is not a toll-free number.)

AmSouth Bancorporation Thrift Plan (the Plan) Located in Birmingham, Alabama

[Prohibited Transaction Exemption 96-53; Exemption Application No. D-10185]

## Exemption

The restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale (the Sale) of Guaranteed Investment Contract No. 62531 and Guaranteed Investment Contract No. 62651 (collectively, GICs), both issued by Confederation Life Insurance of Atlanta, Georgia, by the Plan to AmSouth Bancorporation, a Delaware corporation, the sponsor of the Plan and a party in interest with respect to the Plan; provided that (1) The Sale is a one-time transaction for cash; (2) the Plan experiences no losses nor incurs any expenses from the Sale; and (3) the Plan receives as consideration from the Sale an amount, as expressed in paragraph No. 4 of the Notice of Proposed Exemption, that is equal to the total amount expended by the Plan when acquiring the GICs plus all interest earnings occurring under the terms of the GICs until the date of the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 6, 1996, at 61 FR 20283.

**COMMENTS:** The Department received two written comments, both of which were in favor of granting the proposed exemption. Accordingly, after giving full consideration to the entire record, the Department has determined to grant the exemption.

**FOR FURTHER INFORMATION CONTACT:** Mr. C.E. Beaver 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 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 accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 9th day of July, 1996.

Ivan Strasfeld,

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

[FR Doc. 96-17806 Filed 7-11-96; 8:45 am]

BILLING CODE 4510-29-P

## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting; Meeting of the Corporation's Board of Directors

**TIME AND DATES:** The Legal Services Corporation Board of Directors will meet on July 20, 1996. The meeting will begin at 9:00 a.m. and continue until conclusion of the Board's agenda.

**LOCATION:** Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336-8800.

**STATUS OF MEETING:** Open, except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the closed session, the Board may be briefed by management on internal operational and personnel matters and by the Corporation's Inspector General on activities of the Office of Inspector General. In addition, the 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 will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. section 552b(c) (10)] and the corresponding regulation of the Legal Services Corporation [45 CFR section 1622.5(h)].<sup>1</sup> A copy of the General Counsel's Certification, that the closing is authorized by law, will be posted for public inspection at the Corporation's headquarters, located at 750 First Street NE., Washington, DC 20002, in its 11th floor reception area, and will also be available upon request.

#### MATTERS TO BE CONSIDERED:

##### Open Session

1. Approval of Agenda.
2. Approval of Minutes of May 20, 1996, meeting.
3. Approval of Minutes of May 20, 1996, executive session.
4. Chairman's and Members' Reports.
5. President's Report.
6. Inspector General's Report and presentation on the Office of Inspector General's technology project.
7. Consider and act on Board's Operations and Regulations Committee Report.
  - a. Internal personnel policies of the Corporation.
  - b. Implementation of Pub. L. 104-134 (H.R. 3019) by the adoption of interim regulations on:
    - (1) priorities in the allocation of resources.
    - (2) disclosure of plaintiff identity and statement of facts.
    - (3) class actions.
    - (4) solicitation of clients by grantees.
    - (5) use of funds from sources other than the Corporation.
    - (6) redistricting activities.
    - (7) legal assistance to aliens.
    - (8) representation in certain eviction proceedings.
    - (9) subgrants, fees and dues.
    - (10) applying federal waste, fraud and abuse law to LSC funds,
    - (11) grantees' participation in litigation on behalf of prisoners.
    - (12) grantees' involvement in challenges to welfare reform.
    - (13) lobbying and certain other activities by grantees.
    - (14) fee-generating cases.
    - (15) grantees' collection of attorneys' fees.
8. Consider and act on the report of the Board's Finance Committee, including the adoption of an FY '98 budget mark.

##### Closed Session

9. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

<sup>1</sup> Briefings do not constitute "meetings," as defined by the Government in the Sunshine Act. Notice of briefings is here provided as a courtesy to the public.

10. Inspector General's briefing of the Board on activities of LSC's Office of Inspector General.
11. Management's briefing of the Board on internal operations and personnel matters.

##### Open Session

12. Schedule board and committee meetings through October 1996.
13. Public comment.
14. Consider and act on other business.

#### CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, General Counsel,  
(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 should contact Barbara Asante, at (202) 336-8800.

Victor M. Fortuno,  
*General Counsel.*

Dated: July 10, 1996.

[FR Doc. 96-17953 Filed 7-10-96; 3:21 pm]

BILLING CODE 7050-01-P

### Sunshine Act Meeting; Meeting of the Board of Directors' Operations and Regulations Committee

**TIME AND DATE:** The Operations and Regulations Committee of the Legal Services Corporation's Board of Directors will meet on July 19, 1996, at 8:00 a.m.

**LOCATION:** Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336-8800.

**STATUS OF MEETING:** Open.

#### MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Report on Phase II of staff and OPM recommendations relating to internal personnel policies of the Corporation.
3. Consider and act on implementation of Pub. L. 104-134 (H.R. 3019) by the adoption of interim regulations on:
  - a. priorities in the allocation of resources.
  - b. disclosure of plaintiff identity and statement of facts.
  - c. class actions.
  - d. solicitation of clients by grantees.
  - e. use of funds from sources other than the Corporation.
  - f. redistricting activities.
  - g. legal assistance to aliens.
  - h. representation in certain eviction proceedings.
  - i. subgrants, fees and dues.
  - j. applying federal waste, fraud and abuse law to LSC funds,
  - k. grantees' participation in litigation on behalf of prisoners.
  - l. grantees' involvement in challenges to welfare reform.
  - m. lobbying and certain other activities by grantees.