

## Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act shall not apply to the purchase by the Plan of certain unimproved real property (the Property) from the Alaska Construction & General Laborers 942 Building Association, Inc. (the Building Association), an entity owned by Local 942, Laborers International Union of North America, a party in interest with respect to the Plan, provided that the following conditions are satisfied:

(a) The terms and conditions of the proposed transaction are no less favorable to the Plan than those which the Plan would receive in an arm's length transaction with an unrelated party.

(b) The purchase of the Property is a one-time transaction for cash.

(c) The Plan does not pay any real estate commissions, fees, or other similar expenses to any party as a result of the proposed transaction.

(d) The Plan purchases the Property from the Building Association for the lesser of (1) \$62,791 or (2) the fair market value of the Property as determined on the date of such transaction by a qualified, independent appraiser.

(e) The proposed transaction is consummated only after an independent fiduciary (1) determines that proceeding with the transaction is in the best interests of the Plan and its participants and beneficiaries and (2) negotiates the relevant terms and conditions of such transaction.

(f) The independent fiduciary calculates, on the date of the transaction (using the applicable certificate of deposit rate in effect), the amount of interest owed to the Plan based upon its earnest money deposit for the Property.

(g) On the date of the transaction, the Plan's legal counsel pays all interest owed the Plan resulting from counsel's placement of the Plan's earnest money deposit for the Property in a non-interest bearing account.

(h) The independent fiduciary monitors the proposed transaction on behalf of the Plan to ensure compliance with the agreed upon terms.

## Written Comments

In the notice of proposed exemption, the Department invited all interested persons to submit written comments and requests for a hearing with respect to the proposed exemption within (60) sixty days of the publication of the notice of pendency in the **Federal Register** on August 28, 2009. All comments and requests for a hearing were due by October 27, 2009.

During the comment period, the Department received one written comment from a Plan participant, who expressed approval of the proposed exemption, and no requests for a public hearing. The Department also received four telephone inquiries from participants concerning the substance of the proposed transaction and the effect the exemption might have on the participants' benefits.

Accordingly, the Department has considered the entire record and has determined to grant the exemption. 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 August 28, 2009 at 74 FR 44396.

*For Further Information Contact:* Ms. Jan D. Broady of the Department, telephone (202) 693-8556. (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 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) This exemption is 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 this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 10th day of November 2009.

**Ivan Strasfeld,**

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

[FR Doc. E9-27405 Filed 11-13-09; 8:45 am]

**BILLING CODE 4510-29-P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Sunshine Act; Notice of Agency Meeting

**TIME AND DATE:** 10 a.m., Thursday, November 19, 2009.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. NCUA's 2010/2011 Operating Budget.
2. NCUA's Overhead Transfer Rate.
3. NCUA's Operating Fee Scale.
4. Proposed Rule—Parts 704 and 747 of NCUA's Rules and Regulations, Corporate Credit Unions.
5. Final Rule—Parts 701 and 741 of NCUA's Rules and Regulations, National Credit Union Share Insurance Fund Premium and One Percent Deposit.
6. Insurance Fund Report.

**RECESS:** 11:15 a.m.

**TIME AND DATE:** 11:30 a.m., Thursday, November 19, 2009.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Creditor Claim Appeals (2). Closed pursuant to Exemption (6).
2. Consideration of Supervisory Activities. Closed pursuant to Exemptions (8), (9)(A)(ii) and 9(B).
3. Personnel. Closed pursuant to Exemptions (2) and (6).

#### FOR FURTHER INFORMATION CONTACT:

Mary Rupp, Secretary of the Board, Telephone: 703-518-6304.

**Mary Rupp,**

*Secretary of the Board.*

[FR Doc. E9-27591 Filed 11-12-09; 4:15 pm]

**BILLING CODE P**

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-

463 as amended), the National Science Foundation announces the following meeting:

*Name:* Site visit review of the Materials Research Science and Engineering Center (MRSEC) at New York University by NSF Division of Materials Research (DMR) #1203.

*Dates and Times:*

Sunday, December 6, 2009 7 p.m.–9 p.m.

Monday, December 7, 2009 8 a.m.–4 p.m.

*Place:* New York University, New York, NY.

*Type of Meeting:* Part-open.

*Contact Person:* Dr. William Brittain, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–5039.

*Purpose of Meeting:* To provide advice and recommendations concerning progress of the MRSEC at New York University.

*Agenda:*

**Sunday, December 6, 2009**

7 p.m.–9 p.m. Closed—Executive Session.

**Monday, December 7, 2009**

8 a.m.–2 p.m. Open—Review of New York Univ MRSEC.

2 p.m.–4 p.m. Closed—Executive Session.

*Reason for Closing:* The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 10, 2009.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E9–27391 Filed 11–13–09; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Cyberinfrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Cyberinfrastructure (25150).

*Date and Time:*

December 2, 2009, 11 a.m.–5 p.m.

December 3, 2009, 11 a.m.–1 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 1235, Arlington, VA 22230.

*Type of Meeting:* Open.

*Contact Person:* Kristen Oberright, Office of the Director, Office of Cyberinfrastructure (OD/OCI), National Science Foundation, 4201 Wilson Blvd., Suite 1145, Arlington, VA 22230, Telephone: 703–292–8970.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To advise NSF on the impact of its policies, programs and activities on the CI community. To provide advice to the Director/NSF on issues related to long-range planning, and to form ad hoc subcommittees to carry out needed studies and tasks.

*Agenda:* Report from the Director. Discussion of CI research initiatives, education, diversity, workforce issues in CI and long-range funding outlook.

Dated: November 10, 2009.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. E9–27392 Filed 11–13–09; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Subcommittee on Facilities of the Committee on Strategy and Budget, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

**DATE AND TIME:** Thursday, November 19, 2009 from 3 p.m. to 4 p.m.

**SUBJECT MATTER:** Chairman's Remarks, Discussion of NSF Portfolio Review Materials, December NSB Meeting, and Next Steps.

**STATUS:** Open.

**PLACE:** This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Room 130 will be held available to the public to listen to this teleconference meeting.

Please refer to the National Science Board Web site (<http://www.nsf.gov/nsb>) for information or schedule updates, or contact: Elizabeth Strickland, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

**Ann Ferrante,**

*Technical Writer/Editor.*

[FR Doc. E9–27580 Filed 11–12–09; 4:15 pm]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2009–0499; Docket No. 030–22168]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 06–20971–01, for Unrestricted Release of the Eastern Connecticut State University's Facility in Willimantic, CT

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

#### FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Senior Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337–5040; fax number (610) 337–5269; or by e-mail: [elizabeth.ullrich@nrc.gov](mailto:elizabeth.ullrich@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 06–20971–01. This license is held by Eastern Connecticut State University (the Licensee), for its campus located in Willimantic, Connecticut. Issuance of the amendment would authorize release of two campus facilities, Goddard Hall and the Media Center, for unrestricted use. The Licensee requested this action in a letter dated May 18, 2009. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

##### II. Environmental Assessment

###### Identification of Proposed Action

The proposed action would approve the Licensee's May 18, 2009, license amendment request, resulting in release of Goddard Hall and the Media Center for unrestricted use. License No. 06–20971–01 was issued on March 18, 1986, pursuant to 10 CFR part 30, and has been amended periodically since