maintaining the Property, the Employer, or its successors, shall pay in cash the difference to the Plan within 45 days of the sale;

(K) No commissions, expenses, or costs shall be incurred by the Plan from the Sale or the Lease; and

(L) At all times during the Sale and Lease, the fair market value of the Property represents less than 25 percent of the total assets of the Plan.

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 June 4, 1997, at 62 FR 30616.

FOR FURTHER INFORMATION CONTACT: Mr. C. E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Gart Brothers Sporting Goods Company 401(k) Plan (the Plan) Located in Denver, Colorado [Prohibited Transaction Exemption 97–39; Exemption Application No. D–10403]

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) by the Plan of a 5 percent interest (the Interest) in the Hampden Enterprises Limited Partnership (the Partnership) to the Gart Bros. Sporting Goods Company, the sponsor of the Plan (the Employer) and a party in interest with respect to the Plan; provided (1) the terms and conditions of the transaction are at least as favorable to the Plan as those obtainable from unrelated parties, (2) the Sale is a one-time transaction for cash, (3) the Plan pays no commissions nor incurs any other expenses in connection with the transaction, (4) the Plan receives as consideration from the Sale the greater of either (a) the total funds expended by the Plan in acquiring and holding the Interest, less any return of capital realized from its investment in the Interest, or (b) the fair market value of the Interest as determined on the date of the Sale by an independent appraiser, and (5) if the Employer ever receives more from the Interest than it pays the Plan when acquiring the Interest, the Employer will pay the Plan the excess.

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 June 4, 1997, at 62 FR 30618.

FOR FURTHER INFORMATION CONTACT: Mr. C. E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

BP America Inc. Retirement Trust, Located in Cleveland, Ohio; IBM Retirement Plan Trust, Located in Armonk, New York; United States Steel Corporation Plan, Located in Pittsburgh, Pennsylvania; and Retirement Plan of Marathon Oil Company, Located in Findlay, Ohio; (collectively, the Plans) [Prohibited Transaction Exemption No. 97–40; Exemption Application Nos. D–10441 through D–10444]

Exemption

The restrictions of section 406(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 (D) of the Code, shall not apply to (1) the granting to The Industrial Bank of Japan, Limited, New York Branch (IBJ), as the representative of lenders (the Lenders) participating in a credit facility (the Facility), of security interests in limited partnership interests in The Westbrook Real Estate Fund II, L.P. (the Partnership) owned by the Plans with respect to which some of the Lenders are parties in interest; and (2) the agreements by the Plans to honor capital calls made by IBJ in lieu of the Partnership's general partner; provided that (a) the grants and agreements are on terms no less favorable to the Plans than those which the Plans could obtain in arm's-length transactions with unrelated parties; (b) the decisions on behalf of each Plan to invest in the Partnership and to execute such grants and agreements in favor of IBJ are made by a fiduciary which is not included among, and is independent of, the Lenders and IBJ; and (c) with respect to plans that may invest in the Partnership in the future, such plans will have assets of not less than $100 million and not more than 5% of the assets of such plans will be invested in the Partnership.

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 June 4, 1997 at 62 FR 30621.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz 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 25th day of July, 1997.

Ivan Strasfeld,

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

[FR Doc. 97–20242 Filed 7–30–97; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Modification OMB No. 3145–0101; Comment Request; Title of Collection: 1998 Survey of Scientific and Engineering Research Facilities at Colleges and Universities

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 et seq.), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed information collection. This notice describes a modification to the currently cleared collection, NSF Survey of Scientific and Engineering Research Facilities at Colleges and Universities, OMB No. 3145–0101.

FOR FURTHER INFORMATION CONTACT: Call or write Gail A. McHenry for a copy of the collection instrument and instructions at NSF Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd. Suite 245, Arlington, VA. 22230; call (703) 306–1125 x2010; or send email to gmchenry@nsf.gov. Please include OMB No. 3145–0101 with your communication.

SUPPLEMENTARY INFORMATION:

1. Abstract. This survey collects information on the science and engineering (S&E) research facilities at the nation's higher education institution. These modifications to the approved 1998 questionnaire will make the data more useful to Federal agencies and policymakers. The OMB, Health Division, intends to use the aggregate data to establish benchmark guidelines for cost of construction and renovation. Indirect cost rate negotiators will also use these benchmarks for colleges and universities.

2. Proposed Modifications to the OMB-Approved 1998 Survey.

• *Sample size.* We are requesting that the 1998 survey sample be increased from 315 to 365. (This change is requested by NIH, NSF, and OMB.) Expanding the sample size with 50 additional institutions will allow for data to be reported by Carnegie classification, by minority serving institutions and institutions within the EPSCoR States, and to ensure that appropriate representation is made for each state.

• *Additional Information*

• Currently data are collected for the total net assignable square feet (NASF) of animal laboratories. NIH has requested that the survey collect the percent of total animal research NASF assigned to levels of restricted use laboratories. The information is readily available to the institutions and reporting it would be of minimal burden. This request would also serve the need of OMB to identify some of the driving forces behind high cost of some research facilities.

• For more usable data, OMB is requesting that data also be reported by gross square feet (GSF) of space in science and engineering disciplines. Institutions already have that data to calculate the NASF of that project

• *Clarifying Relationship of Data*

• OMB has requested that in addition to collecting the total repair/renovation or new construction costs (including non-fixed equipment over $1 million), that we also collect the *proportion* of repair/renovation or new construction project costs assignable to non-fixed equipment costing over $1 million. These data are readily available to the institutions and reporting these data should add very little burden.

• OMB has requested that in addition to collecting the proportion of construction and repair/renovation cost attributable to institutional funds, that we collect the *percent of institutional funds made up by indirect costs recovered* from federal grants and/or contracts. The question will be posed in two parts: (1) Asking if the institution has ready access to these data; and (2) if data are available, asking the institution to supply that data. This way of posing the question assures minimal burden to the respondent.

• *Discontinuing* the collection of the status of institutions relative to the cap on tax-exempt bonds. This modification was requested by NIH as well as NSF.

3. Use of Information. The purpose of this study is to collect data about status of academic S&E research facilities. The information from this survey will be used by Federal policy makers, planners, and budget analysts in making policy decisions, as well as by academic officials, the S&E establishment, and State agencies that fund universities and colleges.

The NSF will publish a separate report of the findings for Congress; it will also prepare a special report for NIH on the Status of Biomedical Research Facilities and it will also include them in other NSF compilations such as National Patterns of R&D Resources and Science and Engineering Indicators. Special reports will be prepared for other Federal agencies on an as-needed basis. A public release file of collected data in aggregate form will be made available to researchers on the World Wide Web. The results of the survey will help policy makers in decision about the health of academic S&E research, funding, regulations, and reporting guidelines.

4. Expected Respondents. Not-for-Profit institutions, specifically, research organizations/hospitals and academic institutions.

5. Burden on the Public. Much of the proposed modification includes data that are readily available to the respondents; we expect that changes to the questionnaire will cause little or no change in burden hours. A substantial reduction in response burden over 1996 is expected with the improvements in the computer-aided survey: 60% of the institutions are expected to respond through this method in 1998, compared to 40% in 1986.

The Foundation estimates a total annual burden of 8,760 hours. The calculation is *365 institutions*×total annual reporting and recordkeeping burden of *24 hours per respondent.*

Comments Requested

Date: NSF should received written comments on or before September 29, 1997.

Address: Submit written comments to Mrs. McHenry through surface mail (NSF Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd. Suite 245, Arlington, VA 22230); email (gmchenry@nsf.gov); or fax (703–306–0201). Please include OMB No. 3145–0101 with your communication.

Special Areas for Review: NSF especially requests comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility;

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, e.g., permitting electronic submission of responses.

Dated: July 25, 1997.

Gail A. McHenry,

NSF Reports Clearance Officer.

[FR Doc. 97–20099 Filed 7–30–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Environmental Molecular Science Institutes (EMSI): Special Research Opportunity (NSF 97–135); Program Announcement

The National Science Foundation (NSF) Directorate for Mathematical and Physical Sciences and U.S. Department of Energy (DOE) Office of Energy Research (ER) announce a one-time opportunity for support of Environmental Molecular Science Institutes (EMSI) aimed at increasing fundamental understanding of natural and industrial processes and their interaction at the molecular level. NSF and DOE encourage cohesive, interdisciplinary, university-industry group efforts in basic research on fundamental issues that underpin the amelioration of environmental problems caused by societal activities such as