

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, D.C., this 23rd day of October, 1997.

Ivan Strasfeld,

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

[FR Doc. 97-28593 Filed 10-28-97; 8:45 am]

BILLING CODE 4510-29-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

October 23, 1997.

TIME AND DATE: 10:00 a.m., Thursday, October 30, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Secretary of Labor v. Berwind Natural Resources Corp., et al.*, Docket Nos. KENT 94-574, etc. (Issues include whether the judge correctly determined that to qualify as an "operator" under the Mine Act an entity must directly or indirectly substantially participate in the operation, control, or supervision of the day-to-day operations of the mine, or have authority to do so; correctly rejected the Secretary's claim that the cited parent and its cited subsidiaries constituted a "unitary operator" under the Mine Act; and correctly determined that one of those subsidiaries was an "operator," while the parent and two other subsidiaries were not).

TIME AND DATE: 2:00 p.m., Thursday, October 30, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of a quorum of the Commission that the Commission consider and act upon the following in closed session:

1. *Secretary of Labor v. Berwind Natural Resources Corp., et al.*, Docket Nos. KENT 94-574-R, etc. (See oral argument listing, *supra*, for issues).

TIME AND DATE: 10:00 a.m., Thursday, November 6, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission shall consider and act upon the following:

1. *Secretary of Labor v. Gouverneur Talc Co.*, Docket No. YORK 95-70-M (Issues include whether the judge erred in determining that the operator did not violate 30 C.F.R. § 57.4362, which requires that, following evacuation of a mine in a fire emergency, only persons wearing and trained in the use of mine rescue apparatus shall participate in rescue and firefighting operations in advance of the fresh air base).

TIME AND DATE: 10:00 a.m., Thursday, November 13, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Secretary of Labor v. Extra Energy, Inc.*, Docket No. WEVA 96-13 (Issues include whether the judge erred in finding that the Secretary properly cited the operator for its independent contractor's violation of 30 C.F.R. § 77.404(a)'s requirement that mobile equipment and machinery be maintained in safe operating condition and properly found that the operator violated 50 C.F.R. § 50.10's requirement that the Mine Safety and Health Administration be notified of accidents).

TIME AND DATE: 2:00 p.m., Thursday, November 13, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of a quorum of the Commission that the Commission consider and act upon the following in closed session:

1. *Secretary of Labor v. Extra Energy, Inc.*, Docket No. WEVA 96-13 (See oral argument listing, *supra*, for issues).

TIME AND DATE: 10:00 a.m., Thursday, November 20, 1997.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission shall consider and act upon the following:

1. *Secretary of Labor v. REB Enterprises, Inc.* Docket No. CENT 95-29-M, etc. (Issues include whether the judge erred in concluding that the

operator's violations of 30 C.F.R. 57.14107(a), 57.14130(g), and 57.14131(a) were not the result of unwarrantable failure based on his refusal to assign any probative weight to hearsay testimony adduced by the Secretary; erred in concluding that two individuals were not personally liable for violations of 30 C.F.R. 57.14130(g); erred in concluding that a violation of 30 C.F.R. 14130(a)(3) was not established because it was not demonstrated that a backhoe unequipped with a seat belt was a "wheel loader" or "wheel tractor" within the meaning of that standard; and erred in dismissing an order on the basis that it alleged a violation of the wrong standard, even though it was amended prior to hearing to allege a violation of the correct standard).

Any person attending oral argument or an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629 / (202) 708-9300 for TDD Relay / 1-800-877-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 97-28711 Filed 10-24-97; 4:03 pm]

BILLING CODE 6735-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces that the Special Emphasis Panel in Chemistry (1191) will be holding panel meetings for the purpose of reviewing proposals submitted to the Faculty Early Career Development (CAREER) Program. In order to review the large volume of proposals, panel meetings will be held on November 13-14, November 17-18, November 20-21, and December 8-9. All meetings will be closed to the public and will be held at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA from 8:30 AM to 5:00 PM each day.

Contact Person: Dr. Margaret A. Cavanaugh, Program Director, Inorganic, Bioinorganic and Organometallic program, Chemistry Division, Room 1055, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1842.

Reason for Closing: The proposals being reviewed 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. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: October 23, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97-28546 Filed 10-28-97; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering: 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 Engineering (#1170).

Date and Time: November 4, 1997/8:30 am-5:00 p.m., November 5, 1997/8:30 am-12:30 p.m.

Place: November 4 and 5, Room 1235, (National Science Board Meeting Room), National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Open.

Contact Person: Dr. Joseph E. Hennessey, Acting Deputy Assistant Director for Engineering, National Science Foundation, Suite 505, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1301.

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

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to Engineering programs and activities.

Agenda: Discussion on issues, opportunities and future directions for the Engineering Directorate; discussion of Engineering Directorate budget situation as well as other items. Reason for Late Notice: Difficulty in arranging an acceptable meeting date for the members.

Dated: October 23, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97-28545 Filed 10-28-97; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. IA 97-070, ASLBP No. 98-734-01-EA]

Atomic Safety and Licensing Board; In the Matter of Magdy Elamir, M.D., Newark, New Jersey; Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately); Notice of Hearing

Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Jerry R. Kline, Dr. Peter S. Lam.
October 23, 1997.

Notice is hereby given that, by Memorandum and Order (Request for Hearing and Stay of Proceeding), dated October 23, 1997, the Atomic Safety and Licensing Board has granted the request of Magdy Elamir, M.D., Newark, New Jersey, for a hearing in the above-titled proceeding. The hearing concerns the Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately) (hereinafter, Superseding Order), issued by the NRC Staff on September 15, 1997 (published at 62 FR 49536 (September 22, 1997)). The parties to the proceeding are Dr. Elamir and the NRC Staff. The issue to be considered at the hearing is whether the Superseding Order should be sustained.

Materials concerning this proceeding are on file at the Commission's Public Document Room, 2120 L St. N.W., Washington, D.C. 20555, and at the Commission's Region I office, 475 Allendale Road, King of Prussia, Pennsylvania 19406-1415.

During the course of this proceeding, the Licensing Board, as necessary, will conduct one or more prehearing conferences and evidentiary hearing sessions. The time and place of these sessions will be announced in Licensing Board Orders. Members of the public are invited to attend any such sessions.

For the Atomic Safety and Licensing Board.

Rockville, Maryland, October 23, 1997.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 97-28621 Filed 10-28-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission or NRC)

is considering issuance of an exemption from certain requirements of its regulations to Florida Power Corporation (the licensee), holder of Facility Operating License No. DPR-72 for operation of the Crystal River Unit 3 Nuclear Generating Plant (CR3) located in Citrus County, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated June 21, 1996 as supplemented November 22, 1996, for exemption from certain requirements of Section III, Paragraph G, "Fire protection of safe shutdown capability," of Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," to Title 10 of the Code of Federal Regulations part 50 (10 CFR part 50). Specifically, the licensee requests an exemption from the requirements of Section III.G.2.c of Appendix R, to allow the use of the existing fire barrier material, Thermo-Lag, with less than 1-hour fire rating, for protecting one train of certain redundant safe shutdown cables located in the auxiliary building elevations 95 and 119, and intermediate building elevation 119.

This environmental assessment does not address the licensee's request relating to the requirements for battery powered lighting in areas for the operation of safe shutdown equipment.

The Need for the Proposed Action

10 CFR part 50, Appendix A, "General Design Criteria for Nuclear Power Plants," Criterion 3 "Fire Protection," specifies that "Structures, systems, and components important to safety shall be designed and located to minimize, consistent with other safety requirements, the probability and effect of fires and explosions." 10 CFR part 50, Appendix R, sets forth the fire protection features required to satisfy the General Design Criterion 3 of the Commission's regulations. Pursuant to 10 CFR part 50, Appendix R, Section III, Paragraph G, design features shall be established that are capable of limiting fire damage so that one train of systems necessary to achieve and maintain hot shutdown conditions is free of fire damage. Specifically, 10 CFR part 50, Appendix R, Paragraph III. G.2.c, in part, requires (if Paragraphs III.G.2.a or b are not applicable) enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating; in addition, fire detectors and an automatic