

fee discussed above. TCW maintains that because there is no such fee, there is no reason to change its form or limit it. A Participant is, as noted above, already completely free to decide whether to begin or to discontinue investments under the Program.

The last three recommendations do not appear to be otherwise discussed in the comment letter. TCW's general response to these recommendations is that they will likely add unnecessary expense to the Program without any corresponding benefit. To the extent that these recommendations arise from the Commenter's misunderstanding of the fee arrangement and other aspects of the Program, they should be rejected by the Department on that basis.

Specifically, it is not clear to TCW exactly how an auditing firm would perform an audit to verify independence; as a practical matter, because the independence of the Experts is central to the Program and this exemption, TCW would have every incentive to ensure that independence is maintained. Similarly, if the Department wishes to audit the Program, or to monitor compliance with the conditions of the exemption, it will exercise its statutory powers under section 504 of the Act. Alternatively, the Department can access the relevant records pursuant to Condition V of Section II of the Notice and of this exemption. Imposing an additional requirement that the names of the plan sponsors who have selected the Program be submitted to the Department along with the signed disclosure forms may act as a deterrent to the plan sponsors' selection of the Program. Furthermore, TCW is fully committed to complying with the substantive disclosures requirement contained in the Notice and in this exemption because such a requirement will provide meaningful information to the Plan Participants and fiduciaries. TCW states that imposing additional requirements would be detrimental to the Program while offering no additional protection to the Participants.

The Department has considered the comments and the responses set forth by TCW and has determined that no modification of this exemption is necessary regarding the points raised by the Commenter. With respect to the recommendations of the Commenter, the Department notes that each exemption is subject to the explicit condition that the material facts and representations submitted in support of an application are true and accurate. The exemption application contains the representations of the applicant. Many such representations are reflected in the terms and conditions of the exemption.

These terms and conditions provide for the independence of the Experts and the disclosures to be provided by TCW. Thus, to the extent that TCW does not comply with the terms and conditions of the exemption, the exemption would be void.

After giving full consideration to the entire record, including the written comments, the Department has decided to grant the exemption subject to the modifications or clarifications described above. The two comment letters have been included as part of the public record of the exemption application. The complete exemption file is available for public inspection in the Public Disclosure Room of the Pension and Benefits Administration, Room N-5638, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington DC 20210.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan, U.S. Department of Labor, telephone (202) 219-8883. (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 are true and complete and accurately describe all material terms of the transaction which is the subject of

the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, D.C., this 30th day of October, 1997.

Ivan Strasfeld,

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

[FR Doc. 97-29175 Filed 11-3-97; 8:45 am]

BILLING CODE 4510-29-P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

Sunshine Act Meeting of the Board of Directors

CORRECTION: As published on Oct. 28, 1997 (62 FR 55833), the agenda for the meeting scheduled for Nov. 15, 1997, is incorrect. The publication is corrected as follows:

9. Consider and act on the report of the Ad Hoc Committee on Performance Reviews of the President and Inspector General.

a. Consider and act on procedural matters, including personal performance plans for the President and the Inspector General, written submissions prior to interviews, and interview protocols.

Dated: October 31, 1997

Victor M. Fortuno,
General Counsel.

[FR Doc. 97-29280 Filed 10-31-97; 12:50 pm]

BILLING CODE 7050-01-P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Notice of Availability

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Notice of availability of the *Procurement Regulatory Activity Report, Number 14.*

SUMMARY: Subsections 25(g) (1) and (2) of the Office of Federal Procurement Policy (OFPP) Act, as amended by Pub. L. 100-679, codified at 41 U.S.C. 421(g), require the Administrator for Federal Procurement Policy to publish a report within six months after the date of

enactment and every six months thereafter relating to the development of procurement regulations.

Accordingly, OFPP has prepared this report, which is designed to satisfy all aspects of subsections 25(g) (1) and (2) of the OFPP Act, and includes information on the status of each regulation; a description of those regulations required by statute; a description of the methods by which public comment was sought; regulations, policies, procedures, and forms under review by the OFPP; whether the regulations have paperwork requirements; the progress made in promulgating and implementing the Federal Acquisition Regulation; and such other matters as the Administrator determines to be useful.

ADDRESSES: Those persons interested in obtaining a copy of the Procurement Regulatory Activity Report may contact the Executive Office of the President Publications Service, Room 2200, 725 17th Street, NW, Washington, DC 20503, or call 202-395-7332.

ADDITIONAL INFORMATION: For additional information write the Office of Federal Procurement Policy, 725 17th Street, NW, Washington, DC 20503 or call 202-395-6803.

Allan E. Brown,

Acting Administrator.

[FR Doc. 97-29157 Filed 11-3-97; 8:45 am]

BILLING CODE 3110-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing on Trans World Airlines (TWA) Flight 800 Accident

In connection with its investigation of the accident involving Trans World Airlines (TWA) flight 800, a Boeing 747-100, N93119, in the Atlantic Ocean near East Moriches, NY, July 17, 1996, the National Transportation Safety Board will convene a public hearing beginning at 9:00 a.m., on Monday, December 8, 1997, at the Baltimore Convention Center, Halls A and B, One West Pratt Street, Baltimore, MD. For more information, contact Shelly Hazle, Office of Public Affairs, Washington, D.C. 20594, telephone (202) 314-6100.

Dated: October 30, 1997.

Ray Smith,

Alternate Federal Register Liaison Officer.

[FR Doc. 97-29145 Filed 11-3-97; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; Crystal River Nuclear Generating Plant Unit 3, Exemption

I.

Florida Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-72, which authorizes operation of the Crystal River Nuclear Generating Plant Unit 3 (CR3). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility is of a pressurized water reactor type and is located in Citrus County, Florida.

II.

In its letter dated June 21, as supplemented November 22, 1996, the licensee requested an exemption from the Commission's regulations.

Title 10 of the *Code of Federal Regulations*, 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 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 fire suppression system shall be installed in the fire area.

The current CR3 design includes Thermo-Lag fire barriers which do not provide the level of fire resistance required by NRC regulations. As part of its program for resolving Thermo-Lag issues, the licensee has determined that the Thermo-Lag material used as a fire barrier for the protection of certain safe shutdown cables located in certain elevations of the auxiliary and intermediate buildings does not qualify

as 1-hour fire rated barriers. In lieu of upgrading the existing Thermo-Lag fire barriers to satisfy the 1-hour fire rating requirement, the licensee proposes to implement an enhanced automatic fire suppression system coverage for these specific fire zones. The licensee indicates that its proposed enhanced automatic fire suppression system coverage coupled with the existing Thermo-Lag barriers and other defense-in-depth features will ensure that one train of equipment necessary to achieve hot shutdown remains free of fire damage. An exemption from 10 CFR Part 50, Appendix R, Section III, Paragraph G.2.c., is required to allow the use of the existing Thermo-Lag material that has less than a 1-hour fire rating, for the specific cables and equipment located in certain elevations of the auxiliary and intermediate buildings. By letter dated June 21, as supplemented November 22, 1996, the licensee submitted the exemption request.

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

III.

Discussion

The exemption request is for the following fire zones: auxiliary building fire area AB-95-3B and G, AB-119-6A (elevations 95 and 119) and the intermediate building fire area IB-119-201A (elevation 119). Automatic sprinkler protection and automatic fire detection designed and installed in accordance with the applicable National Fire Protection Association (NFPA) codes and standards are provided in these fire zones. The licensee, in its response to the U.S. Nuclear Regulatory Commission (NRC) staff's request for additional information (RAI) dated September 24, 1996, identified no significant deviations from the applicable NFPA codes and standards that would adversely affect system performance. The licensee has proposed upgrading the existing automatic sprinkler protection in each of these zones to compensate for the existing Thermo-Lag fire barriers. The licensee has determined that the existing Thermo-Lag fire barriers, coupled with the enhanced sprinkler protection and administrative controls, provide an adequate level of fire protection. The staff's evaluation of the licensee's exemption request is discussed below.