

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.

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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.