all excise taxes applicable under section 4975(a) of the Code that are due by reason of certain prior prohibited lease transactions.

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 April 4, 1996 at 61 FR 15142.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

James Flynn & Associates, Ltd. Pension Plan (the Plan), Located in Scottsdale, Arizona

[Prohibited Transaction Exemption 96–42; Exemption Application No. D–10164]

Exemption

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: (1) the transfer of a parcel of real property (Lot 1) to the Plan by James T. and Britt Marie Flynn (the Flynns), disqualified persons with respect to the Plan, together with a cash payment by the Flynns to the Plan of $29,000, and (2) the transfer of a parcel of real property (Lot 2) by the Plan to the Flynns, provided the following conditions are satisfied: (a) the Plan receives not less than the fair market value of Lot 2 as of the date of the transfers; (b) the fair market values of Lots 1 and 2 are determined by a qualified, independent appraiser; and (c) the Flynns are the only participants in the Plan to be affected by the transactions, and they both desire that the transactions be consummated.[4]

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 April 4, 1996 at 61 FR 15144.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Pierre W. Mornell, M.D., A Sole Proprietorship, Defined Benefit Plan (the Plan), Located in Mill Valley, California

[Prohibited Transaction Exemption 96–43; Exemption Application No. D–10170]

Exemption

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 sale of certain unimproved real property located in Mill Valley, California (the Property) by the Plan to Pierre W. Mornell and Linda C. Mornell, parties in interest with respect to the Plan; provided that the following conditions are satisfied:

(A) All terms and conditions of the transaction are no less favorable to the Plan than those which the Plan could obtain in an arm's-length transaction with an unrelated party;

(B) The Plan receives a cash purchase price for the Property in the amount of the fair market value of the Property; and

(C) The Plan does not incur any expenses or suffer any loss with respect to the transaction.

For a more complete statement of the facts and representations supporting this exemption, refer to the notice of proposed exemption published on March 22, 1996 at 61 FR 11894.

FOR FURTHER INFORMATION CONTACT: Ronald Willett 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, D.C., this 20th day of May, 1996.

Ivan Strasfeld,

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

[FR Doc. 96–12984 Filed 5–22–96; 8:45 am]

BILLING CODE 4510–29–P

[4] Since Mr. Flynn is the sole stockholder of JFA and the Flynns are the only participants in the Plan, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3–3 (b) and (c). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

Advisory Council on Employee Welfare and Pension Benefits Plans; Full Council Meeting Notice

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a full council meeting of the Advisory Council on Employee Welfare and pension Benefit Plans will be held on June 19, 1996, in Room N3437 C&D, U.S. Department of Labor building, Third and Constitution Avenue NW., Washington, D.C. 20210.

The purpose of the meeting, which will be from 3:30 until 4:30 p.m., is to hear progress being made by the three working groups of the council.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before May 27, 1996, to Sharon Morrissey, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue NW., Washington, D.C. 20210. Individuals or representatives or organizations wishing to address the Advisory Council should forward their request to the Acting Executive Secretary of telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by May 27 at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Acting Executive Secretary of the

Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 27, 1996.

Signed at Washington, DC this 20th day of May, 1996.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96–13009 Filed 5–22–96; 8:45 am]

BILLING CODE 4510–29–M

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the Federal Register. Final decisions on these petitions are based upon the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. MSHA has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT: Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Contact Barbara Barron at 703–235–1910.

Dated: May 14, 1996.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M–93–024–C.
FR Notice: 58 FR 13805.
Petitioner: Peabody Coal Company.
Reg Affected: 30 CFR 77.900.
Summary of Findings: Petitioner's proposal to use a magnetic motor starter instead of tripping a circuit breaker for ground phase protection and undervoltage protection, use a circuit breaker for short circuit protection, and use the magnetic motor starter and circuit breaker for overload protection for serving portable or mobile phase alternating current equipment considered acceptable alternative method. Granted Hawthorn Mine with conditions.

Docket No.: M–93–087–C.
FR Notice: 58 FR 39236.
Petitioner: Neumeister Coal Company.
Reg Affected: 30 CFR 75.360(b)(5).
Summary of Findings: Petitioner's proposal to examine each seal for physical damage from the slope gunboat during the preshift examination after an air quantity reading is taken in by the intake portal, to test for the quantity and quality of air at the intake air split locations off the slope in the gangway portion of the working section and physically examine the entire length of the slope once a month considered acceptable alternative method. Granted for No. 2 Slope Mine with conditions for examinations of seals in the intake air haulage slope of this mine.

Docket No.: M–93–089–C.
FR Notice: 58 FR 39236.
Petitioner: Neumeister Coal Company.
Reg Affected: 30 CFR 75.1002–1(a).
Summary of Findings: Petitioner's proposal to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation anytime the methane concentration at the equipment reaches 0.25 percent, either during operation or a preshift examination considered acceptable alternative method. Granted for No. 2 Slope Mine with conditions for the use of nonpermissible electric drags and associated nonpermissible electric components located within 150 feet from pillar workings.

Docket No.: M–93–090–C.
FR Notice: 58 FR 39236.
Petitioner: Neumeister Coal Company.
Reg Affected: 30 CFR 75.1100–2(a)(2).
Summary of Findings: Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for No. 2 Slope Mine with conditions for firefighting equipment in the working section.

Docket No.: M–93–091–C.
FR Notice: 58 FR 39236.
Petitioner: Neumeister Coal Company.
Reg Affected: 30 CFR 75.1200 (d), (h), and (i).
Summary of Findings: Petitioner's proposal to use cross-sections instead of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000 feet intervals of advance from the intake slope and to limit the mapping of mine workings above and below to those present within 100 feet of the vein being mined except when veins are interconnected to other veins beyond the 100 feet limit through rock tunnels considered acceptable alternative method. Granted for No. 2 Slope Mine with conditions for the use of cross-sections, in lieu of contour lines, limiting the mapping of mines above or below this mine to those within 100 feet of the vein being mined.

Docket No.: M–93–092–C.
FR Notice: 58 FR 39236.
Petitioner: Neumeister Coal Company.
Reg Affected: 30 CFR 75.1202–1(a).
Summary of Findings: Petitioner's proposal to revise and supplement mine maps on an annual basis instead of the required 6 month interval and to update maps daily by hand notations considered acceptable alternative method. Granted for No. 2 Slope Mine with conditions for annual revisions and supplements of the mine map.

Docket No.: M–93–099–C.
FR Notice: 58 FR 39237.
Petitioner: E & E Fuels Coal Company.
Reg Affected: 30 CFR 75.1100–2(a)(2).
Summary of Findings: Petitioner's proposal to use only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage are not practical considered acceptable alternative method. Granted for Orchard Slope Mine with conditions for firefighting equipment in the working section.

Docket No.: M–93–100–C.
FR Notice: 58 FR 39237.
Petitioner: E & E Fuels Coal Company.
Reg Affected: 30 CFR 75.1200 (d), (h), and (i).
Summary of Findings: Petitioner's proposal to use cross-sections instead of contour lines through the intake slope, at locations of rock tunnel connections between veins, and at 1,000 feet