

settlement. Enhancements may be included as part of the settlement without an independent appraisal. In deciding whether to approve the release of a claim in exchange for enhancements, the authorizing fiduciary shall take into account all aspects of the settlement, including the cash or other assets to be received by the plan, the solvency of the party in interest, and the best interests of the class of participants harmed by the acts that are the subject of the plan's claims;

(4) The authorizing fiduciary, or another independent fiduciary, acts on behalf of the plan and its participants and beneficiaries for all purposes related to any property, including employer securities as defined by section 407(d)(1) of the Act, received by the plan from the employer as part of the settlement. The authorizing fiduciary or another independent fiduciary continues to act on behalf of the plan and its participants and beneficiaries for the period that the plan holds the property, including employer securities, received from the employer as part of the settlement. The authorizing fiduciary or another independent fiduciary shall have sole responsibility relating to the acquisition, holding, disposition, ongoing management, and where appropriate, exercise of all ownership rights, including the right to vote securities, unless the plan is a participant-directed individual account plan and the authorizing fiduciary allows the participants and beneficiaries to exercise control over the securities allocated to their accounts;

(j) The plan does not pay any commissions in connection with the acquisition of the assets;

(k) The authorizing fiduciary acting on behalf of the plan has acknowledged in writing that it is a fiduciary with respect to the settlement of the litigation on behalf of the plan;

(l) The plan fiduciary maintains or causes to be maintained for a period of six years the records necessary to enable the persons described below in paragraph (m) to determine whether the conditions of this exemption have been met, including documents evidencing the steps taken to satisfy section II (c), such as correspondence with attorneys or experts consulted in order to evaluate the plan's claims, except that:

(1) if the records necessary to enable the persons described in paragraph (m) to determine whether the conditions of the exemption have been met are lost or destroyed, due to circumstances beyond the control of the plan fiduciary, then no prohibited transaction will be considered to have occurred solely on

the basis of the unavailability of those records; and

(2) No party in interest, other than the plan fiduciary responsible for record-keeping, shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975(a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (m) below;

(m)(1) Except as provided below in paragraph (m)(2) and notwithstanding any provisions of section 504(a)(2) and (b) of the Act, the records referred to in paragraph (l) are unconditionally available at their customary location for examination during normal business hours by—

(A) any duly authorized employee or representative of the Department or the Internal Revenue Service;

(B) any fiduciary of the plan or any duly authorized employee or representative of such fiduciary;

(C) any contributing employer and any employee organization whose members are covered by the plan, or any authorized employee or representative of these entities; or

(D) any participant or beneficiary of the plan or the duly authorized employee or representative of such participant or beneficiary.

(2) Nothing in this exemption supersedes any restriction on the disclosure of trade secrets or other commercial or financial information which is privileged or confidential and this exemption does not authorize any of the persons described in paragraph (m)(1)(B)–(D) to examine trade secrets or such commercial or financial information. Similarly, nothing in this exemption requires the disclosure of information to the persons described in paragraph (m)(1)(A)–(D) which is offered to the authorizing fiduciary by a party to the settlement negotiations conditioned on the maintenance of its confidentiality, provided that: (1) the Fiduciary makes a written determination that the information would likely assist the Fiduciary in carrying out its responsibilities on behalf of the plan; and (2) a decision of a court or an opinion of an attorney, having no relationship to any of the parties involved in the claims other than the plan, confirms that the proffered information likely cannot be obtained unconditionally by seeking discovery through the court, or cannot be obtained in a timely fashion.

#### *Section III. Definitions*

For purposes of this exemption, the terms “employee benefit plan” and

“plan” refer to an employee benefit plan described in section 3(3) of ERISA and/or a plan described in section 4975(e)(1) of the Code.

For purposes of this exemption, the term “employer security” refers to employer securities described in section 407(d)(1) of ERISA.

#### **IV. Effective Dates**

This amendment to the class exemption is effective for settlements occurring on or after the date of publication of the final exemption in the **Federal Register**. For settlements occurring before the date of publication of the final exemption in the **Federal Register**, see the original grant of the Class Exemption for Release of Claims and Extensions of Credit in Connection with Litigation, 68 FR 75632 (Dec. 31, 2003).

Signed at Washington, DC this 10th day of June, 2010.

**Ivan L. Strasfeld,**

*Director, Office of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

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## **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**[Notice (10–066)]**

### **NASA Advisory Council; Science Committee; Astrophysics Subcommittee; Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

**DATES:** Wednesday, July 7, 8:30 a.m. to 5 p.m., and Thursday, July 8, 2010, 8:30 a.m. to 4 p.m. Eastern Daylight Time.

**ADDRESSES:** NASA Headquarters, 300 E Street, SW., Room 3H46, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4452, fax (202) 358–4118, or [mnorris@nasa.gov](mailto:mnorris@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

- Astrophysics Division Update
- Ethics Briefing
- Government Performance and Results Act Discussion
- Update of Flight Missions

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship can provide identifying information 3 working days in advance by contacting Marian Norris via e-mail at [mnorris@nasa.gov](mailto:mnorris@nasa.gov) or by telephone at (202) 358-4452.

Dated: June 9, 2010.

**P. Diane Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space Administration.*

[FR Doc. 2010-14410 Filed 6-14-10; 8:45 am]

**BILLING CODE P**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (10-065)]

**NASA Advisory Council; Ad-Hoc Task Force on Planetary Defense; Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the Ad-Hoc Task Force on Planetary Defense of the NASA Advisory Council.

**DATES:** Thursday, July 8, 2010, 8:30 a.m.–5:30 p.m., and Friday, July 9, 2010,

8 a.m.–12:45 p.m. (all times are Mountain Daylight Savings Time).

**ADDRESSES:** Millennium Harvest House, 1345 28th Street, Boulder, Colorado 80302 (room will be posted in hotel lobby).

**FOR FURTHER INFORMATION CONTACT:** Ms. Jane Parham, Exploration Systems Mission Directorate, National Aeronautics and Space Administration Headquarters, Washington, DC 20546, (202) 358-1715; [jane.parham@nasa.gov](mailto:jane.parham@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The agenda topics for the meeting will include:

- Work plan and timeline.
- Report on fact-finding meetings.
- Asteroid detection, warning, response, and concepts for deflection.
- International coordination on planetary defense against asteroids.

The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be required to sign a register when they enter the meeting room.

For questions, please call Ms. Jane Parham, at (202) 358-1715.

Dated: June 9, 2010.

**P. Diane Rausch,**

*Advisory Committee Management Officer,  
National Aeronautics and Space Administration.*

[FR Doc. 2010-14408 Filed 6-14-10; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (10-064)]

**National Environmental Policy Act; Scientific Balloon Program**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of availability and request for comments on the Draft Programmatic Environmental Assessment (PEA) and Draft Finding of No Significant Impact (FONSI) for NASA's Scientific Balloon Program.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and NASA NEPA policy and procedures (14 CFR Part 1216, Subpart 1216.3), NASA has prepared a Draft PEA that analyzes scientific balloon launch and flight operations originating from NASA's

Columbia Scientific Balloon Facilities (CSBF) in Fort Sumner, New Mexico and Palestine, Texas. NASA has launched and monitored the flights of balloons from these locations for over 25 years. NASA is not proposing to change the launch locations and is only proposing to increase the number of scientific balloons launched each year. Balloon flights originating from CSBF Fort Sumner would increase from 15 to 25 annually; balloons launched from CSBF Palestine would continue at approximately 6 per year. The No Action Alternative, under which balloon launch and flight operations would not increase, is also analyzed in detail in the Draft PEA.

In accordance with its NEPA procedures, NASA has also prepared a Draft FONSI that preliminarily concludes that an Environmental Impact Statement is not needed for the proposal.

**DATES:** Interested parties are invited to submit comments on the draft PEA and the draft FONSI, preferably in writing, no later than 30 days from the date of publication of this notice in the **Federal Register**.

**ADDRESSES:** Comments submitted via mail should be addressed to: Joshua A. Bundick, NEPA Program Manager, Scientific Balloon Program, NASA Goddard Space Flight Center's Wallops Flight Facility, Wallops Island, VA 23337. Comments also may be submitted via electronic mail to: [wff-nepa@lists.nasa.gov](mailto:wff-nepa@lists.nasa.gov).

The Draft PEA and Draft FONSI may be viewed at the following locations:

- (a) Fort Sumner Public Library, 235 West Sumner Avenue, Fort Sumner, New Mexico 88119 (575-355-2832).
- (b) Palestine Public Library, 1101 North Cedar Street, Palestine, Texas 75801 (903-729-4121).

- (c) NASA Headquarters Library, Room 1J20, 300 E Street, SW., Washington, DC 20546-0001 (202-358-0168).

The Draft PEA and Draft FONSI are also available on the internet in Adobe® portable document format at the following address: [http://sites.wff.nasa.gov/code250/BPO\\_PEA.php](http://sites.wff.nasa.gov/code250/BPO_PEA.php). Limited hard copies of the Draft PEA and Draft FONSI are available, on a first request basis, by contacting Joshua Bundick at the address or telephone number indicated below.

**FOR FURTHER INFORMATION CONTACT:** Joshua Bundick, NEPA Program Manager, NASA Goddard Space Flight Center's Wallops Flight Facility; telephone 757-824-2319; or electronic mail at [Joshua.A.Bundick@nasa.gov](mailto:Joshua.A.Bundick@nasa.gov). Additional information about the