criteria of section 408(a) of the Act because: (a) Plan participants will be able to invest in ''equity'' interests of the Crown REIT (i.e. the Shares), which will allow them to share in the growth of their employer's business; (b) no Plan participant will be able to invest more than 25 percent of his or her Account in the Shares, so that an Account's assets will not be unduly concentrated in Shares; (c) compliance with the terms and conditions of the proposed exemption, including the 25 percent limitation, will be monitored by an independent Plan fiduciary (i.e. PNC); (d) the Shares will be acquired and sold for cash by the Accounts; (e) the acquisition and disposition of the Shares will occur on the NYSE, except to the extent that such transactions can be ''netted'' between the Accounts to avoid brokerage commissions and other transaction costs; (f) all transactions involving the Shares will be either (i) executed on the open market at the then-current NYSE prices, or (ii) ''netted'' between the Accounts using the NYSE closing price for the Shares on the date of the transaction, as determined by PNC, as the Plan's independent fiduciary; (g) Plan participants will decide whether or not to invest their Account balances in the Shares, and how much of their Account balances to invest in or transfer from such Shares (subject to the 25 percent limit required herein), and will receive quarterly financial statements and annual reports of the issuer just as any other shareholder; and (h) PNC, as the Plan's independent fiduciary, has determined that it would be appropriate for Crown to add the Shares as an investment option for the Plan's participants to complement other investment options as part of an overall, well-diversified portfolio, but is not providing any recommendations or investment advice to Plan participants in connection with their proposed investments in the Shares.

FOR FURTHER INFORMATION CONTACT: Mr. E.F. Williams of the Department, telephone (202) 219–8194. (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 of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption 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) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional 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

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 26th day of September, 1997.

Ivan Strasfeld,

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

[FR Doc. 97–26072 Filed 10–1–97; 8:45 am]

BILLING CODE 4510–29–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97–142]

National Environmental Policy Act; X–33 Program: Vehicle Design and Flight Demonstration

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of the final environmental impact statement (FEIS) for the X–33 Advanced Technology Demonstrator Vehicle program.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (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 policy and procedures (14 CFR Part 1216 Subpart 1216.3), NASA has prepared and issued an FEIS for continuation of Phase II of the X–33 Program, which involves the development and demonstration of the X–33 test vehicle. The FEIS addresses environmental issues associated with the testing of the X–33 technology demonstrator spaceplane, and preparation of the flight operations (launch) and landing sites. The purpose of the proposed test program is to demonstrate the feasibility of technology which could result in commercially viable Reusable Launch Vehicles (RLVs).

The reasonable alternative launch sites are located within Edwards Air Force Base (AFB) near Lancaster, California. Reasonable alternative landing sites evaluated for segments of the flight test activities are located at Silurian Lake, near Baker, California; China Lake Naval Air Weapon Station, near Ridgecrest, California; Dugway Proving Ground, near Tooele, Utah; Grant County Airport, Moses Lake, Washington; and Malmstrom AFB, Great Falls, Montana. NASA's preferred launch site is the Haystack Butte site at Edwards AFB. The preferred landing sites are at Silurian Lake, Dugway Proving Ground, and Malmstrom AFB.

NASA is the lead agency in the preparation of the environmental impact statement. The U.S. Department of Defense; the U.S. Department of the Interior, Bureau of Land Management; and the U.S. Department of Transportation, Federal Aviation Administration are acting as cooperating agencies.

DATE: NASA will take no final action on the proposed Phase II of the X–33 Program before November 3, 1997 or 30 days from the date of publication in the **Federal Register** of the U.S. Environmental Protection Agency's notice of availability of the X–33 FEIS, whichever is later.

ADDRESSES: The FEIS may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street SW, Washington, DC 20546.

(b) NASA, Marshall Space Flight Center, Library, Building 4200, Huntsville, AL 35812.

(c) NASA, Dryden Flight Research Center, Library, Building 4800, Room 2149, Edwards AFB, CA 93523.

(d) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818–354–5179).

(e) NASA, Spaceport USA, Room 2001, John F. Kennedy Space Center, FL 32899. Please call Lisa Fowler beforehand at 407–867–2468 so that arrangements can be made.

(f) Kern County Library, Boron Branch, 27070 Highway 5, Boron, CA 93516.

(g) Kern County Library, Ridgecrest Branch, 131 East Las Flores Street, Ridgecrest, CA 93555.

(h) Los Angeles County Library, Lancaster Branch, 1150 West Avenue J, Lancaster, CA 93524.

(i) Palmdale City Library, 700 East Palmdale Boulevard, Palmdale, CA 93550.

(j) San Bernadino County Library, Barstow Branch, 304 East Buena Vista, Barstow, CA 92311.

(k) Great Falls Public Library, 301 2nd Avenue North, Great Falls, MT 59401.

(l) Moses Lake Library, 418 East 5th Street, Moses Lake, WA 98837.

(m) Dugway Proving Ground Library, 5124 Kisstler Avenue, Dugway, UT 84022.

(n) Tooele Library, 47 East Vine Street, Tooele, UT 84074.

(o) Salt Lake City Library, 209 East 500 South, Business/Science Department, Salt Lake City, UT 84111.

In addition, the FEIS may be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(p) NASA, Ames Research Center, Moffett Field, CA 94035 (650–604–4190).

(q) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–0730).

(r) NASA, Johnson Space Center, Houston, TX 77058 (281–483–8612).

(s) NASA, Langley Research Center, Hampton, VA 23665 (757–864–2497).

(t) NASA, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2222).

(u) NASA, Stennis Space Center, MS 39529 (601–688–2164).

Limited copies of the FEIS are available, on a first request basis, by contacting Dr. Rebecca McCaleb at the address, telephone number, or electronic mail address provided below.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca C. McCaleb, NASA, Marshall Space Flight Center, AE01/ Building 4201, Marshall Space Flight Center, AL 35812; telephone 205–544–4367; electronic mail (X33EIS@msfc.nasa.gov).

SUPPLEMENTARY INFORMATION: The X–33 test vehicle is planned as an approximately one-half scale reusable spaceplane. The vehicle would launch vertically and land horizontally. The X–33 vehicle would consist of a lifting body airframe with two cryogenic liquid propellant tanks (liquid hydrogen (LH2) and liquid oxygen (LOX)) placed within the aeroshell, and would use two linear aerospike main engines. Water would be the primary product of the LOX/LH2 combustion. The entire spaceplane (with all fuel tanks and engines) would launch and land as a single unit.

During the landing sequence, the spaceplane would be unpowered. Flight tests would involve speeds of up to Mach 15 and altitudes up to approximately 75,800 meters (250,000 feet). None of the X–33 test flights would achieve Earth orbit. Ground operations and servicing (*e.g.*, checkout, refueling, etc.) would be conducted with ''aircraft like'' procedures and systems. After each test flight, the X–33 would be ferried back to the flight operations site by a Boeing 747 aircraft in a manner similar to that used for the transport of Space Shuttle orbiters. The test program is currently baselined for a combined total of 15 flights.

Reasonable alternatives considered for this proposed action include:

- Flight operations (launch) sites:

(a) Edwards Air Force Base, California, Space Port 2000 site, and

(b) Edwards Air Force Base, California, Haystack Butte site;

- Short-range landing sites:

(a) Armitage Airfield, China Lake Naval Air Weapons Station, California, and

(b) Silurian Lake, a dry lake bed, north of Baker, California;

- Mid-range landing sites:

(a) Michael Army Air Field, Dugway Proving Ground, Utah;

- Long-range landing sites (may serve as an alternative mid-range landing site):

(a) Malmstrom Air Force Base, Great Falls Montana, and,

(b) Grant County Airport, Moses Lake, Washington; and,—''No action.'' The ''no action'' alternative (*i.e.*, absence of the X–33 Program) would mean that the RLV Program, as planned could not proceed.

NASA's preferred launch site is the Haystack Butte site at Edwards AFB. The preferred landing sites are at Silurian Lake (short-range), Dugway Proving Ground (mid-range), and Malmstrom AFB (long-range). Based on the preferred set of landing sites, NASA analyzed three potentially reasonable flight test options:

(a) A baseline plan involving all three landing sites,

(b) A plan involving only Silurian Lake and Malmstrom AFB, and

(c) An option only involving Dugway Proving Ground and Malmstron AFB.

Comments on the draft environmental impact statement were solicited from Federal, State and local agencies, organizations, and the general public through: (a) notices published in the **Federal Register**—NASA notice on July 3, 1997 (62 FR 36081), and U.S. Environmental Protection Agency notice on July 3, 1997 (62 FR 36062; (b) notices in newspapers of general circulation in areas potentially subject to environmental impacts and (c) a series of public participation meetings. Comments received have been addressed in the FEIS.

Benita A. Cooper,

Associate Administrator for Management Systems and Facilities.

[FR Doc. 97–26130 Filed 10–1–97; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COUNTERINTELLIGENCE CENTER

Privacy Act of 1974; Establishment of a New System of Records

AGENCY: National Counterintelligence Center (NACIC).

ACTION: Establishment of Privacy Act system of records including statement of routine uses and detailed description of system.

SUMMARY: On February 27, 1997, the National Counterintelligence Center (NACIC) published for public comment a notice for the establishment of a new Privacy Act system of records. It was provided in that notice that the system of records would become effective without further notice 40 days after publication unless modified by a subsequent notice in order to incorporate comments received from the public.

Although no comments were received from members of the public, reviews internally and by representatives of the Department of Justice approved the ''routine uses'' as published but otherwise suggested several clarifications to the descriptions set forth in the sections entitled ''Categories of records in the system'' and ''Exemptions claimed for the system.'' Inasmuch as the Privacy Act requires only that the portion of the system description which describes the ''routine uses'' of a system be published