

any rights, claims, or causes of action in connection as a result of BNYMC's ownership of the Securities, if such amounts are in excess of the sum of:

(1) The purchase price paid for the Securities by BNYMC; and

(2) The interest due on the Securities from and after the date BNYMC purchased the Securities from the Cash Collateral Fund, determined at the last-published interest rate on the Securities preceding Lehman's bankruptcy filing (after deducting all reasonable expenses incurred in connection with the recovery);

(h) BNY Mellon and its affiliates, as applicable, will maintain, or cause to be maintained, for a period of six (6) years from the date of any of covered transaction such records as are necessary to determine whether the conditions of this exemption have been met.

#### Notice to Interested Persons

The persons who may be interested in the publication in the **Federal Register** of the Notice of Proposed Exemption (the Notice) include each of the investors with a direct interest in the Cash Collateral Fund.

It is represented that each of these interested persons will be notified of the publication of the Notice by personal or express delivery, within fifteen (15) calendar days of publication of the Notice in the **Federal Register**. Such mailing will contain a copy of the Notice, as it appears in the **Federal Register** on the date of publication, plus a copy of the Supplemental Statement, as required, pursuant to 29 CFR 2570.43(b)(2), which will advise all interested persons of their right to comment and to request a hearing.

Any written comments and/or requests for a hearing must be received by the Department from interested persons within 45 days of the publication of this proposed exemption in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angelena C. Le Blanc of the Department, telephone (202) 693-8540. (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 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 exemption, 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 exemption, 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 16th day of July 2009.

**Ivan Strasfeld,**

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

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Brookwood-Sago Mine Safety Grants

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice, change in the grant application deadline.

**SUMMARY:** On June 29, 2009, the U.S. Department of Labor, Mine Safety and Health Administration (MSHA), announced it was making \$500,000 available in grant funds for educational and training programs to help identify,

avoid, and prevent unsafe working conditions in and around mines. 74 FR 31049-31051. This notice advised that the solicitation for grant applications would be available June 30, 2009, on the *Grants.gov* Web site. The closing date for receipt of the grant applications was July 31, 2009. Because of administrative limitations associated with the *Grants.gov* Web site, MSHA is extending the deadline for receipt of grant applications for the Brookwood-Sago Mine Safety Grants to August 1, 2009.

**DATES:** The closing date for submitting grant applications will be August 1, 2009 (no later than 11:59 p.m. EDST). MSHA will award grants on or before September 30, 2009.

**ADDRESSES:** Applications for grants submitted under this competition must be submitted electronically using the Government-wide site at <http://www.grants.gov>. If applying online poses a hardship to any applicant, the MSHA Directorate of Educational Policy and Development will provide assistance to ensure that applications can be submitted online by the closing date. MSHA's Web page at <http://www.msha.gov> is a valuable source of background information on Brookwood-Sago Safety Grants.

**FOR FURTHER INFORMATION CONTACT:** Any questions regarding this solicitation for grant applications (SGA 09-3BS) should be directed to Robert Glatter at [glatter.robert@dol.gov](mailto:glatter.robert@dol.gov) or at 202-693-9570 (this is not a toll-free number) or the Grant Officer, Darrell A. Cooper at [cooper.darrell@dol.gov](mailto:cooper.darrell@dol.gov) or at 202-693-9831 (this is not a toll-free number).

**Authority:** 30 U.S.C. 965.

**Michael A. Davis,**

*Deputy Assistant Secretary for Operations,  
Mine Safety and Health.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Solicitation for Grant Applications; National Farmworker Jobs Program for Program Year 2009

**AGENCY:** U.S. Department of Labor (Department or DOL), Employment and Training Administration (ETA).

**ACTION:** Announcement of a Program Year (PY) 2009 grant competition for the Arkansas, Hawaii, Indiana, Maine, and Nebraska service delivery areas for operating the National Farmworker Jobs Program (NFJP) under section 167 of the Workforce Investment Act of 1998