

participants whose vested interests exceed \$5,000;

(g) The Warrants have been and will continue to be valued annually on the 31st of December by an independent, qualified, appraiser;

(h) The value of the Warrants will be determined by using the highest value determined by an independent, qualified, appraiser between December 31, 2002 and the most recent valuation date prior to the date of the distribution; and

(i) An independent fiduciary will monitor the Cancellation Payments, and confirm the valuation of the Warrants;

(j) Lodgian is required to purchase the Warrants upon request by a Plan participant provided that on the day of the request the price of the New Lodgian Stock is greater than the exercise price of the Warrants; and

(k) If the Warrants are listed on an established trading market, Lodgian is not required to purchase the Warrants from the Plan.

**Notice to Interested Persons:** Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by Lodgian and Department within 15 days of the date of publication in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of the notice in the **Federal Register**.

**For Further Information Contact:**

Khalif Ford of the Department, telephone (202) 693-8563 (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 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 24th day of September, 2003.

**Ivan Straszfeld,**

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

[FR Doc. 03-24595 Filed 9-26-03; 8:45 am]

**BILLING CODE 4510-29-P**

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## MARINE MAMMAL COMMISSION

### Sunshine Act Notice

**TIME AND DATE:** The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will meet to discuss Commission administrative matters on Monday, 20 October, 2003, from 8:30 a.m. to 5 p.m. The Commission will meet in executive session on Tuesday, 21 October, 2003 from 8:30 a.m. to 12 p.m. Sessions of the Commission and the Committee's Annual Meeting related to marine mammal conservation will be held on Tuesday, 21 October, 2003, from 1 p.m. to 5:30 p.m., on Wednesday, 22 October, 2003, from 8:15 a.m. to 5:30 p.m., and on Thursday, 22 October, 2003, from 8:15 a.m. to 1 p.m.

**PLACE:** The Newport Harbor Hotel and Marina, 49 America's Cup Avenue, Newport, Rhode Island 02840; telephone (401) 847-9000; fax (401) 849-6380.

**STATUS:** The executive session will be closed to the public. At it, matters relating to international negotiations in process, personnel, and the budget of the Commission will be discussed. All other portions of the meeting will be

open to public observation. Public participation will be allowed as time permits and as determined to be desirable by the Chairman.

**MATTERS TO BE CONSIDERED:** The Commission and Committee will meet to discuss a broad range of marine mammal matters. While subject to change, major issues that the Commission plans to consider at the meeting are the status of large whales along the U.S. North Atlantic coast, including ongoing and planned research, the Atlantic Large Whale Take Reduction Plan, and ship collisions with North Atlantic right whales; the status of bottlenose dolphins along the U.S. East Coast; issues related to interactions between marine mammals and fisheries; a review of take reduction teams; issues related to strandings of marine mammals; issues related to marine mammal permits; and other matters. A more detailed agenda can be found on the Commission's Web site, <http://www.mmc.gov>.

**FOR FURTHER INFORMATION CONTACT:** David Cottingham, Executive Director, Marine Mammal Commission, 4340 East-West Highway, Room 905, Bethesda, MD 20814, (301) 504-0087.

Dated: September 25, 2003.

**David Cottingham,**

*Executive Director.*

[FR Doc. 03-24672 Filed 9-25-03; 10:09 am]

**BILLING CODE 6820-31-M**

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03-116)]

### Notice of Prospective Patent License

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

**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that Regenotech, Inc., of Sugar Land, TX, has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent No. 6,485,963, "Growth Stimulation of Biological Cells and Tissue by Electromagnetic Fields and Uses Thereof; U.S. Patent No. 5,153,132, entitled "Three-Dimensional Co-Culture Process;" U.S. Patent No. 5,153,133, entitled "Method for Culturing Mammalian Cells in a Horizontally Rotated Bioreactor;" U.S. Patent No. 5,155,034, entitled "Three-Dimensional Cell to Tissue Assembly Process;" U.S. Patent No. 5,155,035, entitled "Method for Culturing Mammalian Cells in a