

5. Application of Effective Regulations

In concurrently exercising authority under this Order the Assistant Secretaries shall operate affected programs under regulations currently effective, unless otherwise authorized by the Secretary.

6. Reservation of Authority

a. The submission of reports and recommendations to the President and the Congress concerning the administration of the statutes listed in section 4. is reserved to the Secretary.

b. The authority delegated and the responsibilities assigned to the Director of the Office of Administrative Appeals by Secretary's Order 3-90 are reserved.

7. Redelegation of Authority

The Assistant Secretary for Occupational Safety and Health, the Assistant Secretary for Employment Standards, the Solicitor of Labor, the Chief Financial Officer, and the Assistant Secretary for Administration and Management may redelegate authority delegated by this Order.

8. Effective Dates and Geographic Scope

This Order is effective immediately. The delegations of authority and assignment of responsibilities of this Order expire on December 31, 1995, and have effect only in the Dallas Region, Southwest Division [excluding the State of New Mexico], unless modification of the geographic scope of the pilot program is made. Any such modification must be made by the written agreement of the Assistant Secretary for Occupational Safety and Health and the Assistant Secretary for Employment Standards, after consultation with the Solicitor of Labor, the Chief Financial Officer and the Assistant Secretary for Administration and Management. Such written agreement shall become effective upon approval by the Secretary and proper notice to the public.

9. Report

By August 15, 1995, or such other date established by the Secretary of Labor, the Assistant Secretary for Occupational Safety and Health and the Assistant Secretary for Employment Standards shall, after consultation with the Solicitor of Labor, the Chief Financial Officer, and the Assistant Secretary for Administration and Management, report to the Secretary on the findings of and the conclusions drawn from the pilot program and shall recommend further action for the

Secretary with respect to the pilot program.

Robert B. Reich,
Secretary of Labor.

[FR Doc. 95-1123 Filed 1-17-95; 8:45 am]
BILLING CODE 4510-23-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95-01; Exemption Application No. D-09742, et al.]

Grant of Individual Exemptions; Allied Old English, Inc. Employees' Profit Sharing Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29

CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

- (a) The exemptions are administratively feasible;
- (b) They are in the interests of the plans and their participants and beneficiaries; and
- (c) They are protective of the rights of the participants and beneficiaries of the plans.

Allied Old English, Inc. Employees' Profit Sharing Plan (the Plan) Located in Port Reading, New Jersey

[Prohibited Transaction Exemption 95-01; Application No. D-09742]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and 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 loan (the Loan) of \$600,000 by the Plan to the Harold Ross Trust, a party in interest with respect to the Plan.

This exemption is conditioned upon the following requirements: (a) The terms of the Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party; (b) the Loan does not exceed twenty-five percent of the assets of the Plan at any time during the duration of the Loan; (c) the Loan is secured by a first deed of trust on certain real property (the Property) which has been appraised by an independent, qualified appraiser to ensure that the fair market value of the Property is at least 150 percent of the amount of the Loan; (d) the fair market value of the Property remains at least equal to 150 percent of the outstanding balance of the Loan throughout the duration of the Loan; (e) the independent, qualified fiduciary determines on behalf of the Plan that the Loan is in the best interests of the Plan and protective of the Plan's participants and beneficiaries; and (f) the independent, qualified fiduciary monitors compliance with the terms of the Loan and conditions of the exemption throughout the duration of the transaction, taking any action necessary to safeguard the Plan's interest, including foreclosure on the Property in the event of default.

EFFECTIVE DATE: This exemption is effective as of December 29, 1994.

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 November 14, 1994, at 59 FR 56535.

FOR FURTHER INFORMATION CONTACT: Kathryn Parr of the Department, telephone (202) 219-8971. (This is not a toll-free number.)

Wilson Sporting Goods Co. 401(k) Savings Plan (the Plan) Located in Chicago, Illinois

[Prohibited Transaction Exemption 95-02; Application No. D-09803]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and 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 past interest-free loan to the Plan (the Loan) by Wilson Sporting Goods Co. (the Employer), a party in interest with respect to the Plan, and (2) the Plan's potential repayment of the Loan upon the receipt by the Plan of payments under Guaranteed Investment Contract No. CG01314A3A (the GIC) issued by Executive Life Insurance Company (Executive Life); provided the following conditions are satisfied:

(A) No interest or expenses are paid by the Plan in connection with the transaction;

(B) The Loan will be repaid only out of amounts paid to the Plan by Executive Life, its successors, or any other responsible third party; and

(C) Repayment of the Loan is waived with respect to the amount by which the Loan exceeds GIC proceeds.

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 November 14, 1994 at 59 FR 56550.

EFFECTIVE DATE: This exemption is effective as of April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Virginia J. Miller of the Department, telephone (202) 219-8971. (This is not a toll-free number.)

Erick M. Jansson, IRA (the IRA) Located in Fayetteville, Arkansas

[Prohibited Transaction Exemption 95-03; Exemption Application No. D-09847]

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 proposed sale of an overriding royalty interest in oil and gas (the Interest) by the IRA to Mr. Erick M. Jansson (Mr. Jansson), a disqualified person with respect to the IRA, for \$95,000 in cash, provided:

(a) The IRA pays no commissions or other expenses in connection with the sale;

(b) The fair market value of the Interest is determined by a qualified independent appraiser; and

(c) The IRA receives no less than the fair market value of the Interest on the date of the sale.¹

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 December 5, 1994 at 59 FR 62419.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz 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.

¹ Pursuant to 29 CFR 2510.3-2(d), the IRA is not within the jurisdiction of Title I of the Act. However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

Signed at Washington, DC, this 12th day of January, 1995.

Ivan Strasfeld,

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

[FR Doc. 95-1199 Filed 1-17-95; 8:45 am]

BILLING CODE 4510-29-P

[Application No. D-09787, et al.]

Proposed Exemptions; Boston Cement Masons Local No. 534 Deferred Income Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.