

each calendar quarter, is a summary of these employer (micro-level) data by industry at the county level. Similar data for Federal Government employees covered by the Unemployment Compensation for Federal Employees (UCFE) Program are also included in each State report. These data are submitted by all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands to the Bureau of Labor Statistics (BLS) which then summarizes these macro-level data to produce totals for the States and the Nation. The ES-202 Report provides a virtual census of nonagricultural employees and their wages, with about 47 percent of the workers in agriculture covered as well.

As part of the ES-202 Program, the States also send micro-level employment and wages data, supplemented with the names and addresses of employers, to BLS. These States' data are used to create a BLS sampling frame, known as the Business Establishment List. This file represents one of the best sources of detailed industrial and geographical data on employers and is used as the sampling frame for most BLS surveys. The Business Establishment List includes the individual employer employment and wages data along with associated business identification information that is maintained by each State to administer the UI program as well as the UCFE program.

For employers having only a single physical location (worksites) in the State and, thus, operating under a single assigned industrial and geographical code, the data from the States' UI accounting file are sufficient for statistical purposes. Such data, however, are inadequate for statistical purposes for those employers having multiple establishments or engaged in different industrial activities within the State. In such cases, the employer's Quarterly Contributions Report may reflect only Statewide employment and wages and is not disaggregated by establishment or worksite. Although this level of data is sufficient for many purposes of the UI Program, more detailed information is required to create a sampling frame and meet the needs of several ongoing Federal/State statistical programs. As a result of the Multiple Worksite Report, improved establishment business identification data elements have been incorporated into and maintained on the Business Establishment List. Establishment identification data elements in the Business Establishment List include a physical location address, secondary name (division, trade name, subsidiary, etc.), and reporting unit description

(store number, plant name or number, etc.) for each worksite of multi-establishment employers.

Employers with more than one establishment reporting under the same U.I. account number within a State are requested to complete the Multiple Worksite Report if the sum of the employment in all of their secondary establishments is 10 or greater. The primary worksite is defined as the establishment with the greatest number of employees. Upon receipt of the first Multiple Worksite Report form, each employer is requested to supply business location identification information. Thereafter, this reported information is computer-printed on the Multiple Worksite Report each quarter. The employer is requested to verify the accuracy of this business identification information and provide only the employment and wages for each worksite for that quarter. By using a standardized form, the reporting burden on many large employers, especially those engaged in multiple economic activities at various locations across numerous States, has been reduced.

Comparable to the Multiple Worksite Report, the function of the Report of Federal Employment and Wages is to collect employment and wage data for each installation of a federal agency. The Report of Federal Employment and Wage aids in the development and maintenance of business identification information by installation. The Report of Federal Employment and Wages was modeled after the Multiple Worksite Report and is used only to collect data from Federal agencies covered by the UCFE program.

## II. Current Actions

No other standardized report is available to collect current establishment-level employment and wages data by SESAs for statistical purposes each quarter. Also, no other standardized report currently is available to collect installation-level Federal employment and wages data by SESAs for statistical purposes.

The Bureau of Labor Statistics has taken steps to help reduce employer reporting burden by developing a standardized format for employers to use to send these data to the States in an electronic medium. The Bureau also established an Electronic Data Interchange (EDI) Collection Center to improve and expedite the Multiple Worksite Report collection process. Employers who complete the Multiple Worksite Report for multi-location businesses can now submit employment and wages information on any electronic medium (tape, cartridge,

diskette, or computer-to-computer) directly to the data collection center, in lieu of each State agency. The data collection center then distributes the appropriate data to each State.

*Type of Review:* Extension of currently approved collection.

*Agency:* Bureau of Labor Statistics.

*Title:* Multiple Worksite Report (MWR) and Report of Federal Employment and Wages (RFEW).

*OMB Number:* 1220-0134.

*Frequency:* Quarterly.

*Affected Public:* Business or other for-profit institutions, not for-profit institutions, Federal Government, and State, local or tribunal government.

*Number of Respondents:* 117,911.

*Estimated Time Per Response:* 22.2 minutes.

*Total Burden Hours:* 174,508 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they also will become a matter of public record.

Signed at Washington, DC, this 5th day of December, 1995.

W. Stuart Rust, Jr.,

*Acting Chief, Division of Management Systems, Bureau of Labor Statistics.*

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## Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95-108, Exemption Application No. D-09973, et al.]

### Grant of Individual Exemptions; Kay Aiden, Inc. Money Purchase Plan (the 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.

Kay Alden, Inc. Money Purchase Plan (the Plan), Located in Chicago, Illinois; Exemption

[Prohibited Transaction Exemption 95-108; Exemption Application No. D-09973]

The restrictions of sections 406(a), 406(b)(1) and 406(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 purchase of real property (the Purchase) by the Plan from Mr. Vernon Nelson (Nelson), a party in interest with respect to the Plan provided that: (a) The Purchase is a one time transaction for cash; (b) the Plan will pay no more than fair market value for the Property, as determined by an independent qualified real estate appraiser at the time of the transaction; (c) the fair market value of the Property represents no more than 25% of the value of the Plan's assets; (d) the Plan's interests with respect to the Purchase are represented by two independent fiduciaries; (e) the Plan will pay no fees or commissions associated with the

Purchase; and (f) all terms and conditions of the Purchase are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

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 October 17, 1995 at 60 FR 53805.

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

Rea Magnet Wire Company, Inc. Employees' Retirement Savings Plan and Rea Magnet Wire Company, Inc. Union Employees' Retirement Savings Plan (together, the Plans) Located in Fort Wayne, Indiana; Exemption

[Prohibited Transaction Exemption 95-109; Exemption Application Nos. D-10075 and D-10076]

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 proposed sale by the Plans of two guaranteed investment contracts (the GICs) of Confederation Life Insurance Company (CL) to Rea Magnet Wire Company, Inc. (Rea), a party in interest with respect to the Plans, provided the following conditions are satisfied: a) the sale is a one-time transaction for cash; b) the Plans will receive no less than the fair market value of the GICs as of the date of the sale; and c) the purchase price will be not less than the GICs' accumulated book values at their maturity date (defined as total deposits plus interest accrued but unpaid at the GICs' stated rates of interest through the date of maturity, less withdrawals) plus interest from the date of maturity through the date of the sale at the rate then being earned under the Plans' "GIC/Stable Value Fund".

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 September 25, 1995 at 60 FR 49426.

**FOR FURTHER INFORMATION CONTACT:** Gary H. Lefkowitz of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

Profit Sharing Plan of NEBCO, Inc. Located in Lincoln, Nebraska; Exemption

[Prohibited Transaction Exemption 95-110; Exemption Application No. D-10096]

The restrictions of sections 406(a) and 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 extensions of credit in the form of guarantees and advances of funds (the Advances) to the Plan by NEBCO, Inc. (the Employer), the sponsor of the Plan, with respect to the Guaranteed Investment Contract No. 64238 (the GIC) issued by Confederation Life Insurance Company of Canada (Confederation); and (2) the repayment of the Advances by the Plan to the Employer; provided that the following conditions are satisfied: (a) All terms and conditions of the transactions are no less favorable to the Plan than those which the Plan would receive in arm's length transactions; (b) No interest payments or expenses will be incurred by the Plan with respect to the transactions; (c) Repayment of the Advances will be restricted to proceeds from the GIC (GIC Proceeds); (d) Repayment of Advances will be waived by the Employer to the extent that Advances exceed the GIC Proceeds; and (e) All unpaid principal and earned interest of the GIC will be completely paid by the Advances to the Plan by March 15, 2000.

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 October 6, 1995, at 60 FR 52419.

**FOR FURTHER INFORMATION CONTACT:** Mr. C.E. Beaver of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

Profit Sharing Plan of Constructors, Inc. (the Plan) Located in Lincoln, Nebraska; Exemption

[Prohibited Transaction Exemption 95-111; Exemption Application No. D-10097]

The restrictions of sections 406(a) and 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 extensions of credit in the form of guarantees and advances of funds (the Advances) to the Plan by Constructors, Inc. (the Employer), the sponsor of the Plan, with respect to the Guaranteed Investment Contract No. 64238 (the GIC) issued by Confederation Life Insurance Company of Canada (Confederation); and (2) the repayment of the Advances by the Plan to the Employer; provided that the following conditions are satisfied: (a) All terms and conditions of the transactions are no less favorable to

the Plan than those which the Plan would receive in arm's length transactions; (b) No interest payments or expenses will be incurred by the Plan with respect to the transactions; (c) Repayment of the Advances will be restricted to proceeds from the GIC (GIC Proceeds); (d) Repayment of Advances will be waived by the Employer to the Extent that Advances exceed the GIC Proceeds; and (e) All unpaid principal and earned interest of the GIC will be completely paid by the Advances to the Plan by March 15, 2000.

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 October 6, 1995, at 60 FR 52421.

**FOR FURTHER INFORMATION CONTACT:** Mr. C. E. Beaver of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

Universal Surety Company Profit Sharing Plan (the Plan) Located in Lincoln, Nebraska; Exemption

[Prohibited Transaction Exemption 95-112; Exemption Application No. D-10098]

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the extensions of credit in the form of guarantees and advances of funds (the Advances) to the Plan by Universal Surety Company (the Employer), the sponsor of the Plan, with respect to the Guaranteed Investment Contract No. 64238 (the GIC) issued by Confederation Life Insurance Company of Canada (Confederation); and (2) the repayment of the Advances by the Plan to the Employer; provided that the following conditions are satisfied: (a) All terms and conditions of the transactions are no less favorable to the Plan than those which the Plan would receive in arm's length transactions; (b) No interest payments or expenses will be incurred by the Plan with respect to the transactions; (c) Repayment of the Advances will be restricted to proceeds from the GIC (GIC Proceeds); (d) Repayment of Advances will be waived by the Employer to the Extent that Advances exceed the GIC Proceeds; and (e) All unpaid principal and earned interest of the GIC will be completely paid by the Advances to the Plan by March 15, 2000.

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 October 6, 1995, at 60 FR 52422.

**FOR FURTHER INFORMATION CONTACT:** Mr. C. E. Beaver of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

Constructors, Inc. 401(k) Plan (the Plan) Located in Lincoln, Nebraska; Exemption

[Prohibited Transaction Exemption 95-113; Exemption Application No. D-10099]

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the extensions of credit in the form of guarantees and advances of funds (the Advances) to the Plan by Constructors, Inc. (the Employer), the sponsor of the Plan, with respect to the Guaranteed Investment Contract No. 64238 (the GIC) issued by Confederation Life Insurance Company of Canada (Confederation); and (2) the repayment of the Advances by the Plan to the Employer; provided that the following conditions are satisfied: (a) All terms and conditions of the transactions are no less favorable to the Plan than those which the Plan would receive in arm's length transactions; (b) No interest payments or expenses will be incurred by the Plan with respect to the transactions; (c) Repayment of the Advances will be restricted to proceeds from the GIC (GIC Proceeds); (d) Repayment of Advances will be waived by the Employer to the Extent that Advances exceed the GIC Proceeds; and (e) All unpaid principal and earned interest of the GIC will be completely paid by the Advances to the Plan by March 15, 2000.

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 October 6, 1995, at 60 FR 52424.

**FOR FURTHER INFORMATION CONTACT:** Mr. C.E. Beaver 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 are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, D.C., this 5th day of December, 1995.

Ivan Strasfeld,

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

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[Application Nos. D-09969 and D-09970]

**Proposed Exemptions; Timberland Investment Group, Inc. (Timberland) and Wachovia Bank of Georgia, N.A. (the Investment Manager)**

**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).