principal amount of the GIC plus interest at the stated contract interest rate of 8.47 percent per annum through December 31, 1994, and thereafter, at the quarterly interest rate earned by the Plan's investment in a diversified Guaranteed Investment Contract fund (the Stable Return Fund) managed by Norwest Corporation.[19] If the conservatorship and rehabilitation of Confederation extends beyond March 14, 2000, the Employer represents that it will make Advances on March 15, 2000, to satisfy any remaining guaranteed amount so that the Plan has complete recovery of the principal amount of the GIC and the earned interest as guaranteed by the Employer.

The applicant represents that Advances will be made only if and when needed by the Plan to satisfy liquidity requirements created by withdrawals such as benefit payments and hardship withdrawals, or transfer requests from participants.[20] Repayment of Advances will be restricted to GIC Proceeds, which are defined by the applicant to consist of cash proceeds obtained by the Plan from Confederation or any successor to Confederation, or from state guaranty funds, or any other third-party making payments with respect to the obligations of Confederation under the GIC. The final Advance will be made by the Employer on March 15, 2000, to ensure that the Plan will have received the principal amount of the GIC and the earned interest as guaranteed by the Employer. The terms of the Advances will be evidenced in a written agreement by and between the Plan and the Employer.

The applicant represents that the proposed transactions will protect the integrity of the Plan as well as protect the participants and beneficiaries of the Plan from any losses that might arise from the GIC if Confederation does not satisfy its obligations. The Employer represents that the transactions will enable the participants and beneficiaries of the Plan to avoid losing confidence in the purpose of the Plan for providing their respective retirement benefits.

5. In summary, the applicant represents that the proposed transaction will satisfy the criteria for an exemption under section 408(a) of the Act because (a) the transactions will enable the Plan to recover all amounts due with respect to the GIC; (b) the Advances will enable the Plan to fund benefit payments, hardship withdrawals, and investment fund transfers within the Plan; (c) repayment of the Advances will be restricted to the GIC Proceeds; (d) repayments will be waived by the Employer to the extent the Advances exceed the GIC Proceeds; and (e) no interest payments or expenses will be incurred by the Plan with respect to the transactions.

[19] The applicant represents that the quarterly return for the Stable Return Fund for the calendar quarter ended March 31, 1995, and June 30, 1995, was 1.51 percent 1.5 percent, respectively or annually approximately 6.5 percent to 7 percent, respectively.

[20] The determination as to when advances are needed will be made by the Committee.

FOR FURTHER INFORMATION CONTACT: Mr. C. E. Beaver of the Department, telephone (202) 219–8881. (This is 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 3rd day of October, 1995.

Ivan Strasfeld,

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

[FR Doc. 95–24869 Filed 10–5–95; 8:45 am]

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[Prohibited Transaction Exemption 95–93; Exemption Application No. D–10026, et al.]

Grant of Individual Exemptions; Acushnet Company Employee

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.

Acushnet Company Employee Savings Plan (the Plan) Located in Fairhaven, MA

[Prohibited Transaction Exemption 95–93; Exemption Application No. D–10026]

Exemption

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 the cash sale by the Plan of guaranteed investment contract No. GA–5244 (the GIC) issued by Mutual Life Insurance Company of New Jersey, to the Acushnet Company, a Delaware corporation and a party in interest with respect to the Plan, provided the following conditions are met: (1) The sale is a one-time transaction for cash; (2) the Plan experiences no loss and incurs no expense from the sale; (3) the Plan receives as consideration for the sale the greater of either (a) the fair market value of the GIC on the date of the sale, or (b) the accumulated book value of the GIC as set forth in paragraph 3 of the Notice of Proposed Exemption, with such determination to be made by the State Street Bank and Trust Company, the Plan fiduciary with respect to the GIC.

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 August 9, 1995 at 60 FR 40620.

FOR FURTHER INFORMATION CONTACT: Charles S. Edelstein of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Profit Sharing Plan for Employees of Athens Disposal Co., Ranco Leasing, Covina Disposal Co., and South Pasadena Disposal Co. (the Plan) Located in City of Industry, California

[Prohibited Transaction Exemption 95–94; Exemption Application No. D–10029]

Exemption

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 the cash sale on March 24, 1994, for $300,000 (the Sale) of 7,500 shares (the Shares) of common stock issued by Garfield Bank, chartered in California and located in Montebello, California, by the Plan to Athens Disposal Co., Inc., a party in interest with respect to the Plan; provided that (1) the Plan experienced no loss nor incurred any expense from the Sale; and (2) the Plan received as consideration from the Sale an amount that was no less than the fair market value of the Shares on the date of the Sale.

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 August 11, 1995, at 60 FR 41126.

New Bedford Institution for Savings Employee Stock Ownership Plan (the Plan) Located in New Bedford, MA

[Prohibited Transaction Exemption 95–95; Exemption Application No. D–10033]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) 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 past acquisition and holding by the Plan of certain stock warrants (the Warrants) in connection with a merger (the Merger) of NBB Bancorp, Inc. (NBB), the parent company of the Plan's sponsor, New Bedford Institution for Savings, with Fleet Financial Group, Inc. (Fleet), provided the following conditions were satisfied: a) the Plan's acquisition and holding of the Warrants occurred in connection with the Merger pursuant to which (i) all shares of common stock of NBB (NBB Stock) were converted, at the election of the shareholder, into cash or shares of common stock of Fleet and (ii) each shareholder received 0.28 Warrants for each share of NBB Stock; b) the acquisition and holding of the Warrants resulted from the independent action of NBB as a corporate entity, and all holders of NBB Stock, including the Plan, were treated in the same manner with respect to the Merger; and c) the Warrants were automatically issued to the Plan, which made no affirmative election to acquire the Warrants.

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 August 9, 1995 at 60 FR 40621.

EFFECTIVE DATE: This exemption is effective January 27, 1995.

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

EFFECTIVE DATES: The effective date of this exemption is March 24, 1994.

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 accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 3rd day of October, 1995.

Ivan Strasfeld,

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

[FR Doc. 95–24868 Filed 10–5–95; 8:45 am]

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