

Michigan 48502; the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Street, Seventh Floor, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$4.25 (twenty-five cents per page reproduction costs) payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environmental and Natural Resources Divisions.

[FR Doc. 95-1170 Filed 1-17-95; 8:45 am]

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Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 C.F.R. 50.7, and Section 122(d)(3) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States v. Cornell-Dubilier Electronics, Inc., et al.*, Civil Action No. 92-11865-K, was lodged on January 4, 1995, with the United States District Court for the District of Massachusetts. The proposed decree resolves the United States' claims under CERCLA against defendant the City of New Bedford, Massachusetts ("City") with respect to the first operable unit at the Sullivan's Ledge Superfund Site, in New Bedford, Massachusetts. The City owned and operated the Site, to which hazardous substances were sent for disposal. Under the terms of the proposed decree, the City will assume operation and maintenance of EPA's selected remedy for the first operable unit remedy after 30 years, when the obligations of other settlers under a previously negotiated consent decree relating to the first operable unit will cease.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Cornell-*

Dubilier Electronics, Inc., et al., DOJ Ref. #90-11-2-388A.

The proposed consent decree may be examined at the office of the United States Attorney, 1107 J.W. McCormack Building, POCH, Boston, Massachusetts; the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$99.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94-1169 Filed 1-17-94; 8:45 am]

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Consent Decree in Comprehensive Environmental Response, Compensation and Liability Action

In accordance with the Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States v. Ralph Riehl, et al.*, Civil Action No. 89-226, was lodged with the United States District Court for the Western District of Pennsylvania on December 29, 1994.

On October 16, 1989, the United States filed a complaint against the owners and operator of, and certain transporters to, the Millcreek Dump Superfund Site (the "Site"), pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9607(a). In September 1991, the United States added additional defendants to the action, including Transplastics, Inc. (Transplastics). This proposed Consent Decree resolves Transplastics' liability for the response costs incurred and to be incurred by the United States at the Site. The proposed Consent Decree requires Transplastics to pay \$500,000.00 in reimbursement of response costs.

The Department of Justice will accept written comments relating to this Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044 and refer to

United States v. Ralph Riehl, et al., DOJ No. 90-11-3-519.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, Federal Building and Courthouse, room 137, 6th and States Streets, Erie, Pennsylvania, 15219; Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (202) 624-0892. A copy of the proposed Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$3.50 (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 95-1171 Filed 1-17-95; 8:45 am]

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DEPARTMENT OF LABOR

[Secretary's Order 6-94]

Pilot Project to Create Concurrent Authorities and Responsibilities for the Assistant Secretary for Occupational Safety and Health and the Assistant Secretary for Employment Standards With Respect to Certain Whistleblower Protection Laws and Certain Laws Establishing Labor Standards Affecting Field Sanitation and Migrant Housing

December 28, 1994.

1. Purpose

To delegate certain authorities and responsibilities now assigned to the Assistant Secretary for Occupational Safety and Health to the Assistant Secretary for Employment Standards; and, to delegate certain authorities and responsibilities of the Assistant Secretary for Employment Standards to the Assistant Secretary for Occupational Safety and Health.

2. Background and Overview

The Employment Standards Administration (ESA) has developed considerable expertise in the administration and enforcement of a variety of labor standards programs, including those affecting agricultural employers and employees. ESA's

resources, however, have not permitted the same degree of specialization in the enforcement of certain whistleblower protection laws, delegated to it under Secretary's Order No. 1-93 (listed in section 4.a. of this Order). On the other hand, the Occupational Safety and Health Administration (OSHA) has developed considerable expertise in the administration and enforcement of whistleblower protection laws. Its resources, however, have not permitted the same degree of specialization in the enforcement of safety and health standards affecting the agricultural industry, delegated to it under Secretary's Order No. 1-90 (listed in section 4.b. of this Order). With a view toward better utilizing the respective agencies' program expertise, and thereby more effectively and efficiently utilizing the Department's resources, the Assistant Secretaries for ESA and OSHA have requested authority to conduct a pilot program for approximately one year to test the efficacy of a limited exchange of enforcement responsibilities for these whistleblower and agriculture safety and health programs. By this Order, I approve this request by granting to these Assistant Secretaries limited concurrent authority to enforce the whistleblower protections and agricultural safety and health laws enumerated in sections 4.a. and 4.b. of this Order.

As provided by section 7 of the Order, the pilot program will commence in the Dallas Region, Southwest Division (excluding New Mexico). However, section 7 also authorizes the two Assistant Secretaries to modify the geographic scope of the program by written agreement, approved by the Secretary. The delegation of authority and responsibility in this Order expires at the end of the calendar year 1995.

This pilot program will allow the Department to assess whether a permanent and complete transfer of enforcement responsibilities between ESA and OSHA for these whistleblower and agricultural safety and health programs would promote more effective enforcement of these programs. By this Order, I direct certain Department of Labor agencies to take steps to implement the pilot program and, if it proves successful, to assess whether action should be taken to implement the program on a wider, and possibly nationwide basis.

3. Directives Affected

Section 3.a. of Secretary's Order 1-93 (ESA) is amended with regard to the delegation of authority and assignment of responsibility to the Assistant Secretary for Employment Standards to

perform the additional statutory functions listed in section 4.a. of this order. The authority and responsibility to perform those statutory functions are thus delegated concurrently to the Assistant Secretary for Employment Standards and to the Assistant Secretary for Occupational Safety and Health, subject to the terms and conditions of sections 4., 5., 6., 7., and 8. of this Order.

Section 4.a.(1) of Secretary's Order No. 1-90 (OSHA) is amended with regard to the delegation of authority and assignment of responsibility to the Assistant Secretary for Occupational Safety and Health to perform the additional statutory functions listed in section 4.b. of this Order. The authority and responsibility to perform those statutory functions are thus delegated concurrently to the Assistant Secretary for Occupational Safety and Health and to the Assistant Secretary for Employment Standards, subject to the terms and conditions of sections 4., 5., 6., 7. and 8. of this Order.

4. Delegation of Authority and Assignment of Responsibilities

a. The Assistant Secretary for Occupational Safety and Health and the Assistant Secretary for Employment Standards, consistent with the terms of this Order and except as hereinafter provided, are hereby concurrently delegated the authority and assigned responsibility for carrying out the employment standards and labor-management standards policies, programs and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor, arising under the following statutes:

- Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851;
- Safe Drinking Water Act, 42 U.S.C. 300j-9(i);
- Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610;
- Federal Water Pollution Control Act, 33 U.S.C. 1367;
- Toxic Substances Control Act, 15 U.S.C. 2622;
- Solid Waste Disposal Act, 42 U.S.C. 6971;
- Clean Air Act, 42 U.S.C. 7622.

Under the foregoing statutory provisions, the Secretary is charged with the responsibility of investigating and resolving allegations of discriminatory actions taken by employers against employees in violation of various environmental and public health related statutes (so called "whistleblower" protections). This

delegation to the Assistant Secretaries also encompasses such responsibilities as may arise under 29 CFR Part 24 and other responsibilities as may arise as the result of pertinent amendments to the statutory and regulatory provisions enumerated in section 4.a. The Secretary explicitly reserves the authority to issue final decisions under these provisions.

b. The Assistant Secretary for Employment Standards and the Assistant Secretary for Occupational Safety and Health, consistent with the terms of this Order and except as hereinafter provided, are hereby concurrently delegated the authority and assigned responsibility for carrying out the employment standards and labor-management standards policies, programs and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor, arising under the following provisions:

—Under sections 8, 9 and 10 of the Occupational Safety and Health Act of 1970, to conduct inspections, issue citations and propose penalties to enforce compliance by agricultural employers with the standards on field sanitation, 29 CFR 1928.110, and temporary labor camps, 29 CFR 1910.142.

This delegation to the Assistant Secretaries also encompasses such responsibilities as may arise as the result of pertinent amendments to the statutory and regulatory provisions enumerated in section 4.b. The Secretary explicitly reserves the authority to issue final decisions under these provisions.

c. *The Solicitor of Labor* shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes listed in sections 4.a. and 4.b. and to legal issues arising under this order. The bringing of legal proceedings on behalf of the Secretary of Labor and/or other officials of the Department of Labor under the statutes listed in sections 4.a. and 4.b., the representation of Departmental officials in these proceedings, and the determination of whether such proceedings or representations are appropriate in a given case are delegated exclusively to the Solicitor of Labor.

d. *The Chief Financial Officer and the Assistant Secretary for Administration and Management* shall have the authority and responsibility to assure an appropriate allocation of costs and resources to the Assistant Secretaries, as required by law, to assure effectuation of this Order.

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. Redefinition 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]
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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.