

**DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employee Retirement Income Security Act of 1974 Technical Release 91-1****AGENCY:** Office of the Secretary, Labor.**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, "Employee Retirement Income Security Act of 1974 Technical Release 91-1," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

**DATES:** Submit comments on or before April 18, 2012.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the DOL-EBSA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-6929/Fax: 202-395-6881 (these are not toll-free numbers), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The subject information collection requirements arise from Employee Retirement Income Security Act of 1974 (ERISA) section 101(e), which establishes notice requirements that must be satisfied before an employer may transfer excess assets from a defined benefit pension plan to a retiree health benefit account, as permitted under the conditions set forth in Internal Revenue Code of 1986, as amended (the Code) section 420. The section 101(e) notice requirements are two-fold. First, subsection (e)(1) requires plan administrators to provide advance

written notification of such transfers to participants and beneficiaries. Second, subsection (e)(2)(A) requires employers to provide advance written notification of such transfers to the Secretaries of Labor and the Treasury, the plan administrator, and each employee organization representing participants in the plan. Both notices must be given at least 60 days before the transfer date. The two subsections prescribe the information to be included in each type of notice and further give the Secretary of Labor the authority to prescribe how notice to participants and beneficiaries must be given and how any additional reporting requirements are deemed necessary.

The DOL published ERISA Technical Release 91-1 on May 8, 1991, to provide guidance on how to satisfy the notice requirements prescribed by this section of the Act. The Technical Release made two changes in the statutory requirements for the second type of notice. First, it required the notice to include a filing date and the intended asset transfer date. The Release also simplified the statutory filing requirements by providing that filing with the DOL would be deemed sufficient notice to both the DOL and the Department of the Treasury, as required under the statute.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1210-0084. The current OMB approval is scheduled to expire on March 31, 2012; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on December 7, 2011 (76 FR 76439).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In

order to help ensure appropriate consideration, comments should reference OMB Control Number 1210-0084. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

*Agency:* DOL-EBSA.

*Title of Collection:* Employee Retirement Income Security Act of 1974 Technical Release 91-1.

*OMB Control Number:* 1210-0084.

*Affected Public:* Private Sector—Businesses or Other For-Profits.

*Total Estimated Number of Respondents:* 12.

*Total Estimated Number of Responses:* 82,518.

*Total Estimated Annual Burden Hours:* 1,392.

*Total Estimated Annual Other Costs Burden:* \$20,715.

Dated: March 14, 2012.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2012-6569 Filed 3-16-12; 8:45 am]

**BILLING CODE 4510-29-P**

**DEPARTMENT OF LABOR****Employment and Training Administration****Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA-W) number issued during the period of *February 27, 2012 through March 2, 2012*.

In order for an affirmative determination to be made for workers of

a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Under Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers'

firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
81,041 .....	Vanguard Pai Lung, LLC .....	Monroe, NC .....	July 22, 2011.
81,184 .....	C&M Wood Industries, Inc. ....	Hesperia, CA .....	February 13, 2010.
81,280 .....	Par Logistics Management Systems Corporation, including on-site leased workers from Adecco and Staffworks.	New Hartford, NY .....	January 25, 2011.

TA-W No.	Subject firm	Location	Impact date
81,288 .....	Criticare Systems, Inc., Including on site leased workers: Adecco and Accountemps.	Waukesha, WI .....	January 30, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
81,199 .....	Wellpoint, Inc., Sales Fulfillment Division, Kelly Services, Aerotek Solaicx, a wholly owned subsidiary of MEMC, MEMC Portland Division, incl. leased workers from Aerotek and Express Employment Solutions.	Roanoke, VA .....	February 13, 2010.
81,211 .....		Portland, OR .....	February 13, 2010.
81,294 .....	Olean Advanced Products, Division of AVX Corporation .....	Olean, NY .....	February 3, 2011.
81,311 .....	Teachscape .....	San Francisco, CA .....	February 6, 2011.

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
81,155 .....	Yorktowne Paperboard Corp., Paperboard Mill Div., Newark Group.	York, PA .....	February 13, 2010.
81,155A .....	Newark Paperboard Products, Newark Group .....	Monmouth, ME .....	February 13, 2010.
81,155B .....		Cranford, NJ .....	February 13, 2010.
81,333 .....	Air Products and Chemicals Inc., Working On-Site at Hewlett Packard Company.	Boise, ID .....	February 14, 2011.

**Negative Determinations for Worker Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility

criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs (a)(2)(A)

(increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
81,187 .....	American Express Travel Related Services Company, Inc., World Service—Global Billing and Payment Services (GBPS) inc. Kelly Services.	Weston, FL.	
81,281 .....	Time Warner Entertainment Company, L.P .....	Coudersport, PA.	

**Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and

on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA-W No.	Subject firm	Location	Impact date
81,321 .....	PlumChoice .....	Billerica, MA.	

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed

by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and

therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

TA-W No.	Subject firm	Location	Impact date
81,270 .....	Header Products, Inc .....	Romulus, MI.	

I hereby certify that the aforementioned determinations were issued during the period of February 27, 2012 through March 2, 2012. These determinations are available on the Department's Web site [tradeact/taa/taa\\_search\\_form.cfm](http://tradeact/taa/taa_search_form.cfm) under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll-free at 888-365-6822.

Dated: March 9, 2012.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2012-6571 Filed 3-16-12; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 29, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 29, 2012.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 9th day of March 2012.

**Michael Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

#### APPENDIX

[40 TAA petitions instituted between 2/20/12 and 3/2/12]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
81348	Fashion Tech (Company)	Salt Lake City, UT	02/21/12	02/17/12
81349	Alcatel—Lucent (Workers)	Charlotte, NC	02/21/12	02/17/12
81350	Fashion Ability Inc. (Workers)	New York, NY	02/21/12	02/19/12
81351	Quanex Corporation/Truseal Technologies Inc. (Union)	Barbourville, KY	02/21/12	02/18/12
81352	Simclar, Inc. (Company)	Dayton, OH	02/21/12	02/17/12
81353	UBS Services LLC (Workers)	Jersey City, NJ	02/21/12	02/17/12
81354	ALCOA, Tennessee Operations (Union)	Alcoa, TN	02/21/12	02/07/12
81355	Sanmina—SCI Corporation (State/One-Stop)	Huntsville, AL	02/22/12	02/21/12
81356	The W.E. Bassett Company (Company)	Shelton, CT	02/22/12	02/08/12
81357	Tri-Fab (State/One-Stop)	Fremont, CA	02/22/12	02/10/12
81358	Clipper Windpower Inc. (Workers)	Carpinteria, CA	02/22/12	02/21/12
81359	Codi Inc. (Company)	Tower City, PA	02/23/12	02/22/12
81360	Robert Bosch, LLC (Union)	St. Joseph, MI	02/24/12	02/23/12
81361	The State Journal-Register (Workers)	Springfield, IL	02/24/12	02/17/12
81362	Prairie Mountain Publishing (Workers)	Boulder, CO	02/24/12	02/23/12
81363	FLABEG Automotive US Corporation (Company)	Brackenridge, PA	02/24/12	02/23/12
81364	Jeld Wen, Inc. (State/One-Stop)	Bend, OR	02/24/12	02/23/12
81365	Avaya, Audio and Video Group (State/One-Stop)	Highlands Ranch, CO	02/24/12	02/23/12
81366	Lumber Products, Sunrise Division (State/One-Stop)	Spokane Valley, WA	02/27/12	02/23/12
81367	Infinite Convergence Solutions (Workers)	Arlington Heights, IL	02/27/12	02/27/12
81368	CitiGroup (State/One-Stop)	Tampa, FL	02/27/12	02/24/12
81369	Versatile Entertainment, Inc. (Company)	Los Angeles, CA	02/27/12	02/24/12
81370	Intelius, Inc. (Workers)	Bothell, WA	02/27/12	02/24/12
81371	Flo-Pro, Inc. (Company)	Bedford, NH	02/27/12	02/24/12
81372	Simpson Lumber Co. LLC (Union)	Shelton, WA	02/27/12	02/21/12
81373	RS Medical (International Rehabilitative Services) (State/One-Stop)	Vancouver, WA	02/28/12	02/27/12
81374	Emhart Teknologies (State/One-Stop)	Campbellsville, KY	02/28/12	02/27/12
81375	Dow Jones Corporation (State/One-Stop)	Princeton, NJ	02/28/12	02/28/12
81376	Stanley Black and Decker, working from home in Houston, Texas (Workers)	Townson, MD	02/28/12	02/27/12
81377	Allied Motion Motor Products (Workers)	Owosso, MI	02/29/12	02/28/12
81378	Il-VI Inc. (Workers)	Saxonburg, PA	02/29/12	02/10/12
81379	IBM (State/One-Stop)	Phoenix, AZ	02/29/12	02/03/12
81380	YPG (Workers)	Blue Bell, PA	02/29/12	02/04/12
81381	Coplas, Inc. (State/One-Stop)	Shreveport, LA	03/01/12	02/29/12
81382	Vector Engineering Inc. (Workers)	Grass Valley, CA	03/01/12	02/28/12
81383	Impact Confections (State/One-Stop)	Roswell, NM	03/02/12	02/29/12