

measurement capability. Here the requirement is to produce TFT panels at sufficiently low cost to enable very large detectors several meters in extent to be assembled for CT scanning of cargo containers. Jet printing techniques will be developed to enable wax masks to be used during fabrication of the TFT arrays to reduce their manufacturing cost.

**Dorothy B. Fountain,**  
*Deputy Director of Operations, Antitrust Division.*  
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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; Petition for Finding Under Section 3(40) of ERISA

**AGENCY:** Employee Benefits Security Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employee Benefits Security Administration is soliciting comments on the proposed extension of the Petition for Finding under Section 3(40) of ERISA.

A copy of the information collection request (ICR) can be obtained by contacting the individual shown in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office shown in the Addresses section on or before January 12, 2004.

**ADDRESSES:** Gerald B. Lindrew, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210, (202) 693-8410, FAX (202)

693-4745 (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Rules codified beginning at 29 CFR 2570.150 set forth an administrative procedure ("procedural rules") for obtaining a determination by the Secretary of Labor (Secretary) as to whether a particular employee benefit plan is established or maintained under or pursuant to one or more agreements that are collective bargaining agreements for purposes of section 3(40) of the Employee Retirement Income Security Act of 1974 (ERISA). These procedural rules relate to specific criteria set forth in 29 CFR 2510.3-40 ("criteria rules") that if met constitute a finding by the Secretary that a plan is maintained under or pursuant to one or more collective bargaining agreements. Employee benefit plans that meet the requirements of the criteria rules are generally excluded from the definition of "multiple employer welfare arrangements" under section 3(40) and are consequently not subject to state regulation. These rules were generally effective on April 9, 2003.

The procedure that includes the ICR is available only in situations where the jurisdiction or law of a state has been asserted against an entity that it meets the exception for plans established or maintained under or pursuant to one or more collective bargaining agreements and is, as a result, subject to state law.

##### II. Review Focus

The Department of Labor (Department) 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 submissions of responses.

### III. Current Actions

The Office of Management and Budget's (OMB) approval of this ICR will expire on January 31, 2004. After considering comments received in response to this notice, the Department intends to submit the ICR to OMB for continuing approval. No change to the existing ICR is proposed or made at this time.

**Employee Benefits Security Administration, Department of Labor.**

**Title:** Petition for Finding under Section 3(40) of ERISA.

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

**OMB Number:** 1210-0119.

**Affected Public:** Individuals or households; Business or other for-profit; Not-for-profit institutions.

**Respondents:** 45.

**Responses:** 45.

**Estimated Total Burden Hours:** 1.

**Estimated Total Burden Cost**

**(Operating and Maintenance):** \$104,100.

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

Dated: November 6, 2003.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Labor Certification Process for Temporary Agricultural Employment of Nonimmigrant Workers in the United States (H-2A Workers); H-2A On-line Application Processing System; Formal Briefing

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice

**SUMMARY:** As the result of the General Accounting Office (GAO) recommendation to the Secretary of Labor on ways to improve the H-2A Program, the Department of labor (DOL) has designed an H-2A case management system to improve data tracking and reporting capabilities. The system will also provide a user-friendly platform for the Regional Office staff and the regulated community to enter application data. The Division of