

and IRA), which status requires asset balances of at least \$500,000. As a result, the client would be charged a \$100 annual fee in respect of the FMA Account and a \$40 annual fee in respect of the IRA. The IRA's BDP investments would receive interest at a rate applicable to accounts having asset balances between \$250,000 and \$500,000, which rate was 3.35% Annual Percentage Yield as of June 13, 2007.

If the proposed exemption is granted, Citigroup would be permitted to aggregate the client's accounts (in accordance with the conditions of the exemption), and the combined asset balance in excess of \$500,000 would result in an elimination of the \$100 and \$40 annual fees. In addition, the BDP investments would be eligible for a higher interest rate, equal to 3.51% Annual Percentage Yield as of June 13, 2007. Further, as part of a Reserved relationship, Smith Barney would waive the following fees (among others) in the client's FMA Account: ATM fees, shipping costs for lost or stolen cards, fees for transferring securities, safekeeping fees for physically holding securities, Fed wire fees, fees charged for bounced checks, fees charged to stop payment on a check, and check reorder fees.

6. In summary, the Applicant represents that the transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act and section 4975(c)(2) since, among other things:

(a) The IRA or Keogh Plan whose account value, or whose fees paid, are taken into account for purposes of determining eligibility to receive services under the arrangement will be established and maintained for the exclusive benefit of the participant covered under the IRA or Keogh Plan, his or her spouse or their beneficiaries.

(b) The services offered under the arrangement will be of a type that a qualified affiliate could offer consistent with all applicable federal and state banking laws and all applicable federal and state laws regulating broker-dealers.

(c) The services offered under the arrangement will be provided by a qualified affiliate in the ordinary course of its business as a bank or a broker-dealer to customers who qualify for reduced or no cost services, but do not maintain IRAs or Keogh Plans with a qualified affiliate.

(d) For the purpose of determining eligibility to receive services, the arrangement will satisfy:

(i) Eligibility requirements based on the account value of the IRA or Keogh Plan are as favorable as such requirements based on the value of any other type of account which the qualified affiliate includes to determine eligibility; and/or

(ii) Eligibility requirements based on the amount of fees incurred by the IRA or Keogh Plan, are as favorable as any

requirements based on the amount of fees incurred by any other type of account which the qualified affiliate includes to determine eligibility.

(e) The combined total of all fees for the provision of services to the IRA or Keogh Plan will not be in excess of reasonable compensation within the meaning of section 408(b)(2) of ERISA and section 4975(d)(2) of the Code.

(f) The investment performance of the investments made by the IRAs and/or Keogh Plans will be no less favorable than the investment performance of identical investments that could have been made at the same time by a customer of Citigroup who is not eligible for (or who does not receive) reduced or no cost services.

(g) The services offered under the arrangement to the IRA or Keogh Plan customer will be the same as are offered to non-IRA or non-Keogh Plan customers of qualified affiliates with account values of the same amount or the same amount of fees generated.

#### *Notice to Interested Persons*

The Applicant represents that because those potentially interested persons cannot all be identified at the time this proposed exemption is published in the **Federal Register**, the only practical means of notifying the public is by publication of the notice of pendency in the **Federal Register**. Therefore, written comments and/or requests for a public hearing must be received by the Department not later than 45 days from the date of publication of this notice of proposed exemption in the **Federal Register**.

#### **FOR FURTHER INFORMATION CONTACT:**

Allison Padams-Lavigne, U.S. Department of Labor, telephone (202) 693-8564. (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 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.

**Ivan Strasfeld,**

*Director of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

[FR Doc. E7-20921 Filed 10-25-07; 8:45 am]

**BILLING CODE 4510-29-P**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

[TA-W-60,023]

#### **Benchmark Electronics, Inc.**

#### **Loveland Division, Including On-Site Leased Workers of Volt Services Group Who Were Retained by Verigy US Development, Loveland, Colorado; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 27, 2006,

applicable to workers of Benchmark Electronics, Inc., Loveland Division, including on-site leased workers from Volt Services Group, Loveland, Colorado. The notice was published in the **Federal Register** on November 16, 2006 (71 FR 66799).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production (assemble, test, etc.) of flash memory test systems.

New information shows that when Benchmark Electronics, Inc., Loveland Division, closed in November 2006, a customer, Verigy US Development, retained the on-site leased workers from Volt Services Group to complete their outstanding orders of flash memory test systems.

Accordingly, the Department is amending the certification to include on-site leased workers who were retained by Verigy US Development.

The intent of the Department's certification is to include all workers of Benchmark Electronics, Inc., Loveland Division who were adversely affected by increased customer imports.

The amended notice applicable to TA-W-60,023 is hereby issued as follows:

"All workers of Benchmark Electronics, Inc., Loveland Division, including on-site leased workers from Volt Services Group who were retained by Verigy US Development, Loveland, Colorado, who became totally or partially separated from employment on or after September 6, 2005, through October 27, 2008, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

Signed at Washington, DC this 17th day of October 2007.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-21185 Filed 10-25-07; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,073]

#### **Fujitsu Ten Corporation of America, Rushville Indiana Operations Including On-Site Leased Workers of Personnel Management, Inc. and Penmack Rushville, Indiana; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 11, 2007, applicable to workers of Fujitsu Ten Corporation of America, Rushville Indiana Operations, including on-site leased workers of Personnel Management, Inc., Rushville, Indiana. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of automotive electronic controls.

The review of the investigation record shows that the Department inadvertently excluded from the certification on-site leased workers from Penmack.

Accordingly, the Department is amending this certification to include on-site leased workers from Penmack. The workers of Penmack at the Rushville site are sufficiently under the control of Fujitsu Corporation of America to be considered leased workers.

The amended notice applicable to TA-W-62,073 is hereby issued as follows:

"All workers of Fujitsu Ten Corporation of America, Rushville Indiana Operations, including on-site leased workers of Personnel Management, Inc. and Penmack, Rushville, Indiana, who became totally or partially separated from employment on or after August 28, 2006, through October 11, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

Signed at Washington, DC this 23rd day of October 2007.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-21188 Filed 10-25-07; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade 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 (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of *October 9 through October 12, 2007*.

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. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and