

Act of 1974 (ERISA) (29 U.S.C. 1104(c)) provides that, if an individual account pension plan permits a participant or beneficiary to exercise control over assets in his or her account and the participant or beneficiary in fact exercises such control (as determined under regulations of the Department of Labor), the participant or beneficiary shall not be deemed to be a fiduciary by such exercise of control and no person otherwise a fiduciary to the plan shall be liable for any loss or breach that results solely from this exercise of control.

The Department of Labor's regulation under section 404(c), codified at 29 CFR 2550.404c-1, describes the circumstances in which a participant or beneficiary in an individual account plan is considered to have exercised control over the assets in his or her individual account so as to relieve a fiduciary to the plan of liability relating to the exercise of control. The regulation specifies the manner in which an individual account pension plan must operate in allowing participants or beneficiaries to allocate individual account assets among available investment alternatives, such that section 404(c) will limit the plan fiduciary's liability for the investment decision. The regulation provides, among other things, that participants and beneficiaries must have adequate information on which to base investment decisions. The regulation specifies the information that a plan must make available before a participant first makes investment decisions; when that information changes, for example when the available investment options under the plan change; and also upon the participant's and beneficiary's request. These information collection provisions are necessary to ensure that participants and beneficiaries are adequately informed about investment alternatives available under the plan, their rights, and the consequences of their investment decisions. Such information is important in assisting participants and beneficiaries in understanding their investment risks and achieving their retirement savings goals.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. E6-1826 Filed 2-9-06; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

February 2, 2005.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- 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:* Employment Standards Administration.

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

*Title:* The Remedial Education Provisions of the Fair Labor Standards Act.

*OMB Number:* 1215-0175.

*Frequency:* Weekly.

*Type of Response:* Recordkeeping.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; and State, Local, or Tribal Government.

*Number of Respondents:* 15,000.  
*Number of Annual Responses:* 30,000.  
*Estimated Average Response Time:* 10 minutes.

*Total Annual Burden Hours:* 5,000.  
*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* These recordkeeping requirements of 29 CFR 516.34 are for employers utilizing the partial overtime exemption for remedial education are necessary to ensure employees are paid in compliance with the remedial education provisions of the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. E6-1827 Filed 2-9-06; 8:45 am]

**BILLING CODE 4510-27-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, Division of Trade Adjustment Assistance, at the address shown below, not later than February 21, 2006.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 21, 2006.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S.

Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 31st day of January 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

APPENDIX

[TAA petitions instituted between 1/16/06 and 1/20/06]

TA-W	Subject firm (petitioners)	Location	Date of Institution	Date of Petition
58637	Carolina Mills, Inc. (Comp)	Valdese, NC	01/17/06	01/17/06
58638	Mosey Mfg. Co., Inc. (Comp)	Richmond, IN	01/17/06	01/16/06
58639	Albany Industries (Comp)	New Albany, MS	01/17/06	01/13/06
58640	Gamco Products (Wkrs)	Henderson, KY	01/17/06	01/14/06
58641	Elkem Carbon (USW)	Keokuk, IA	01/17/06	01/16/06
58642	Jones Apparel Group (IBT)	Bristol, PA	01/18/06	01/13/06
58643	Collins and Aikman (USWA)	Nashville, TN	01/18/06	01/13/06
58644	Corinthian, Inc. (Wkrs)	Corinth, MS	01/18/06	01/12/06
58645	Greif, Inc. (Wkrs)	Reno, PA	01/18/06	01/13/06
58646	Klaussner Furniture Ind. (Wkrs)	Asheboro, NC	01/18/06	12/22/05
58647	American National Rubber (Comp)	Louisa, KY	01/18/06	01/13/06
58648	Fisher Hamilton L.L.C. (UBC)	Two Rivers, WI	01/18/06	01/13/06
58649	Mondi Packaging Akrosil LLC (USW)	Menasha, WI	01/18/06	01/12/06
58650	Continental AFA Dispensing Co. (Comp)	Forest City, NC	01/18/06	01/16/06
58651	Sheppard Frames, Inc. (Wkrs)	Thomasville, NC	01/18/06	01/17/06
58652	Atlantic Luggage Company (Comp)	Ellwood City, PA	01/18/06	01/13/06
58653	AK Steel (UAW)	Butler, PA	01/18/06	01/17/06
58654	J and R Wire, Inc. (Comp)	Scranton, PA	01/18/06	01/17/06
58655	Terumo Medical Corporation (State)	Elkton, MD	01/18/06	01/17/06
58656	Andrews Wire (Comp)	Andrews, SC	01/18/06	01/16/06
58657	Young Stuff (Wkrs)	New York, NY	01/18/06	01/13/06
58658	CMOR Manufacturing, Inc. (Wkrs)	Rocklin, CA	01/18/06	01/18/06
58659	Degussa Corporation (Wkrs)	Lockland, OH	01/18/06	01/13/06
58660	L'Oreal USA Products, Inc. (Comp)	Savannah, GA	01/18/06	01/10/06
58661	KEMET Electronics Corporation (Comp)	Simpsonville, SC	01/19/06	01/18/06
58662	Maben Logging (State)	Heppner, OR	01/19/06	01/18/06
58663	Classic Print Products, Inc. (Comp)	Burlington, NC	01/19/06	01/12/06
58664	Maine Scientific (State)	Richmond, ME	01/19/06	01/17/06
58665	American Racing Equipment (State)	Rancho Dominguez, CA	01/19/06	01/18/06
58666	TYK America, Inc. (USW)	Irvona, PA	01/19/06	01/18/06
58667	Kimberly-Clark (Comp)	Neenah, WI	01/19/06	01/12/06
58668	Lear Corporation (Comp)	Southfield, MI	01/19/06	01/18/06
58669	Franklin Electric Company (State)	Siloam Springs, AR	01/19/06	01/18/06
58670	SLM Electronics (State)	Yellville, AR	01/19/06	01/18/06
58671	Sebastian Furniture Co. (State)	Barling, AR	01/19/06	01/18/06
58672	GKN Driveline North America, Inc. (Comp)	Sanford, NC	01/19/06	01/18/06
58673	Columbia Forest Products (Wkrs)	Klamath Falls, OR	01/19/06	01/18/06
58674	Fuji Hunt Photographic Chemicals, Inc. (Comp)	Dayton, TN	01/19/06	01/18/06
58675	Outsource Partners International (State)	Houston, TX	01/19/06	01/18/06
58676	Mainzer Minton Co. (Comp)	Hackettstown, NJ	01/19/06	12/28/05
58677	Avanex Corporation (Comp)	Fremont, CA	01/20/06	01/19/06
58678	Maryland MPC (Wkrs)	Lowell, MA	01/20/06	01/17/06
58679	Falcon Foam (Comp)	Los Angeles, CA	01/20/06	01/19/06
58680	Leemah Electronics (Wkrs)	San Francisco, CA	01/20/06	01/06/06
58681	Atlas Spring (State)	Gardena, CA	01/20/06	01/10/06
58682	Robert Bosch Fuel Systems (Wkrs)	Kentwood, MI	01/20/06	12/22/05
58683	Cedar Valley Wood Products (Comp)	Eldon, MO	01/20/06	01/20/06
58684	Smurfit-Stone Container Corporation (Wkrs)	Roanoke, VA	01/20/06	01/17/06

[FR Doc. E6-1920 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-57,567A and TA-W-57,567B]

**Cequent Electrical Products—Breakaway Switches Product Line and Cable Connectors Product Line, Albion, Indiana; Notice of Revised Determination on Reconsideration of Alternative Trade Adjustment Assistance**

By letter dated November 22, 2005, a company official requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA) applicable to workers of the subject firm. The negative determination was signed on September 14, 2005, and soon will be published in the **Federal Register**.

The workers of Cequent Electrical Products, Breakaway Switches Product Line, Albion, Indiana (TA-W-57,567A) and Cequent Electrical Products, Cable Connectors Product Line, Albion, Indiana (TA-W-57,567B) were certified eligible to apply for Trade Adjustment Assistance (TAA) on September 14, 2005.

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

In the request for reconsideration, the company official provided new information confirming that the skills of the workers at the subject firm are not easily transferable in the local commuting area.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

**Conclusion**

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of Cequent Electrical Products, Breakaway Switches Product Line, Albion, Indiana (TA-W-57,567A) and all workers of Cequent Electrical Products, Cable Connectors Product Line, Albion, Indiana

(TA-W-57,567B), who became totally or partially separated from employment on or after July 15, 2004 through September 14, 2007, are eligible to apply for trade 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 in Washington, DC, this 3rd day of February, 2006.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1911 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-53,505]

**Hunt Corporation; Now Known as Elmer's Products, Inc.; Speedball Road Plant; Statesville, NC; 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 on December 9, 2003, applicable to workers of Hunt Corporation, Speedball Road Plant, Statesville, North Carolina. The notice was published in the **Federal Register** on January 16, 2004 (69 FR 2623).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of office and school supplies.

New information provided by the company shows that Hunt Corporation, Speedball Road Plant, became known as Elmer's Products, Inc., Speedball Road Plant following a merger in late 2004. Workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax accounts for Elmer's Products, Inc., Speedball Road Plant.

Accordingly, the Department is amending this certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Hunt Corporation, Speedball Road Plant, now known as Elmer's Products, Inc., Speedball Road Plant who was

adversely affected by increased company imports.

The amended notice applicable to TA-W-53,505 is hereby issued as follows:

All workers of Hunt Corporation, Speedball Road Plant, now known as Elmer's Products, Inc., Speedball Road Plant, Statesville, North Carolina, who became totally or partially separated from employment on or after November 7, 2002 through December 9, 2005, 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 3rd day of February 2006.

**Elliott S. Kushner,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1909 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR****Employment and Training Administration**

[TA-W-58,279; TA-W-58,279A]

**Jones Apparel Group, Inc., AM-1 Room, Bristol, Pennsylvania; Jones Apparel Group, Inc., Bristol Distribution Center, Bristol, Pennsylvania; Dismissal of Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Jones Apparel Group, Inc., AM-1 Room, Bristol, Pennsylvania and Jones Apparel Group, Inc., Bristol Distribution Center, Bristol, Pennsylvania. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-58,279; Jones Apparel Group, Inc., AM-1 Room, Bristol, Pennsylvania, and TA-W-58,279A; Jones Apparel Group, Inc., Bristol Distribution Center, Bristol, Pennsylvania (February 3, 2006).

Signed at Washington, DC this 3rd day of February 2006.

**Linda G. Poole,**  
*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1917 Filed 2-9-06; 8:45 am]

BILLING CODE 4510-30-P