

which group health plans and their health insurance issuers can restrict health coverage based on preexisting conditions for individuals that were previously covered by health coverage. The provisions limit all preexisting condition exclusion periods to twelve months, or eighteen months for certain individuals who enroll in the plan after their initial opportunity to enroll. Further, the twelve- or eighteen-month exclusion period must be reduced by the length of an individual's prior continuous health coverage, as reflected in certificates or demonstrated through other means. "Continuous health coverage" means coverage that did not have any significant breaks in coverage. A significant break in coverage, for this purpose, is defined as a period of 63 days or more. Following a significant break in coverage, prior health coverage is no longer "creditable," that is, entitled to be taken as a credit to reduce a plan's preexisting condition exclusion period.

Section 701(e) of ERISA requires group health plans and health insurance issuers to provide certificates of an individual's prior health coverage on termination of coverage, at the time an individual would lose coverage in the absence of continuation coverage ("COBRA"), and when an individual loses coverage after COBRA coverage ceases. Certificates must also be provided on request and may be requested at any time while an individual is covered by the plan and for 24 months after coverage ceases. (Certificates must also be provided by other entities that provide creditable coverage, like Medicare and Medicaid.) The certificate must show the number of days of creditable coverage earned by the individual and also include an educational statement describing the Part 7 rights. The regulations provide model language for the educational statement. In addition, the regulations require a group health plan to establish written procedures governing the process for requesting a certificate.

The individual who receives a certificate may present it to his or her new group health plan in order to receive credit for prior health coverage under the new plan. The certificate provides assurance to the individual's new group health plan or its health insurance issuer that the individual had health coverage for a certain number of days that should be credited toward reducing any preexisting condition exclusion periods under the new health plan.

Because participants may be required to demonstrate creditable coverage and the status of their dependents in some

circumstances in order to assert rights under Part 7, the regulations provide the following protections:

(a) If an individual is required to demonstrate dependent status, the plan or issuer is required to treat the individual as having furnished a certificate showing the dependent status if the individual attests to such dependency and the period of such status, and the individual cooperates with the plan's or issuer's efforts to verify the dependent status. (See 29 CFR 2590.701-5(a)(5)(ii).)

(b) A plan is required to treat an individual as having furnished a certificate if the individual attests to the period of creditable coverage, presents relevant corroborating evidence, and cooperates with the plan's efforts to verify the individual's coverage. (See 29 CFR 2590.701-5(c).)

This ICR also covers an information collection requirement imposed under the regulations in connection with the alternative method of crediting coverage established by the regulations. The regulations permit a plan to adopt, as its method of crediting prior health coverage, provisions that impose different preexisting condition exclusion periods with respect to different categories of benefits, depending on prior coverage in that category. In such a case, the regulations require former plans to provide additional information upon request to new plans in order to establish an individual's length of prior creditable coverage within that category of benefits.

This information collection implements statutorily prescribed requirements necessary to permit individuals to establish prior creditable health coverage and to enable group health plans and issuers to verify creditable coverage. Group health plans and the plans' health insurance issuers are required to issue certificates as proof of prior creditable health coverage. These certificates assist individuals in retaining prior health coverage upon changes in employment or in other circumstances when coverage end and enable plans. A model certificate, which includes a model educational statement ("Statement of HIPAA Rights"), appears in the Final Regulations. The model certificate contains the minimum information required for such a certification. The information is used by participants in group health plans and by group health plans and health coverage issuers to establish an

individual's rights to group health coverage under Part 7.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-59,820]

#### **Airfoil Technologies International—Ohio; A Subsidiary Of Airfoil Technologies International, LLC; Mentor, OH; Notice of Revised Determination on Reconsideration**

By letter dated August 25, 2006, the United Steel Workers, Local 1-826 (the Union), requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm. The determination for Airfoil Technologies International—Ohio, A Subsidiary of Airfoil Technologies International, LLC, Mentor, Ohio was issued on August 7, 2006. The Notice of determination was published in the **Federal Register** on August 28, 2006 (71 FR 50947). The denial was issued based on the Department's finding that the subject workers do not produce an article as required by the Trade Act of 1974. Workers are engaged in the remanufacturing of jet engine components as a service to commercial airlines, original equipment manufacturers and the military.

In the request for reconsideration, the Union alleges that the subject workers are engaged in the production of an article and that production shifted from the subject facility to an affiliated facility in Singapore.

During the reconsideration investigation, the subject company provided new information that the subject workers do not service jet engine components only; rather, the subject workers repair and remanufacture fan blades. The new information also revealed that a meaningful portion of the fan blades are produced for sale rather than repair. Workers who repair fan blades are not separately identifiable from workers who remanufacture fan blades.

The subject company also confirmed that the subject facility began closure procedures in 2006 and that fan blade production is shifting to an affiliated

facility in Singapore (the production shift will be completed in early 2007).

In accordance with section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

**Conclusion**

After careful review of the facts obtained in the reconsideration investigation, I conclude that there was a shift in production from the workers firm or subdivision to Singapore of articles that are like or directly competitive with those produced by the subject firm or appropriate subdivision. In accordance with the provisions of the Act, I make the following certification:

All workers of Airfoil Technologies International—Ohio, A Subsidiary of Airfoil Technologies International, LLC, Mentor, Ohio who became totally or partially

separated from employment on or after July 21, 2005 through two years from the date of certification 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 in Washington, DC, this 10th day of October 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade 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 October 26, 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 October 26, 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 3rd day of October, 2006.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

**APPENDIX [TAA PETITIONS INSTITUTED BETWEEN 9/25/06 AND 9/29/06]**

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
60130	AJS Controls, Inc. (Comp)	Sidney, NY	09/25/06	09/21/06
60131	New United Motor Manufacturing, Inc. (NUMMI) (State)	Fremont, CA	09/25/06	09/22/06
60132	Mansfield Plumbing Products (Wkrs)	Perrysville, OH	09/25/06	09/25/06
60133	Rosboro (Union)	Springfield, OR	09/26/06	09/23/06
60134	Alatech Healthcare, LLC (Comp)	Slocomb, AL	09/26/06	09/25/06
60135	Rothtec Engraving Corp. (Wkrs)	Charlotte, NC	09/26/06	09/24/06
60136	Owens-Illinois (Union)	Godfrey, IL	09/26/06	09/25/06
60137	Mudd Jeans, LLC (Wkrs)	New York, NY	09/26/06	09/11/06
60138	Quaker Fabric Corporation of Fall River (State)	Fall River, MA	09/26/06	09/25/06
60139	Pechiney Plastic Packaging, Inc. (Comp)	San Leandro, CA	09/26/06	09/18/06
60140	TAP Holdings, LLC (Comp)	Los Angeles, CA	09/26/06	09/19/06
60141	ESCO Company, Limited Partnership (Comp)	Muskegon, MI	09/26/06	09/19/06
60142	PPG Industries (Wkrs)	Lexington, NC	09/26/06	09/22/06
60143	Bloomsburg Mills (Comp)	New York, NY	09/26/06	09/25/06
60144	Ethan Allen Operations, Inc. (Comp)	Atoka, OK	09/26/06	09/08/06
60145	Schutt Sports (Wkrs)	Salem, IL	09/26/06	09/20/06
60146	Jabil (Comp)	Auburn Hills, MI	09/26/06	09/26/06
60147	Superior Lumber Company (Wkrs)	Glendale, OR	09/27/06	09/25/06
60148	Monadnock Specialty Coatings, LLC (Comp)	Binghamton, NY	09/27/06	09/26/06
60149	Bloch Washington (Comp)	Seattle, WA	09/27/06	09/21/06
60150	Celestica (Comp)	Westminster, CO	09/27/06	09/25/06
60151	CEP Products (Comp)	Lapeer, MI	09/27/06	09/15/06
60152	Aimsworth Engineered (State)	Grand Rapids, MN	09/27/06	09/27/06
60153	Saint-Gobain Containers (Wkrs)	El Monte, CA	09/27/06	09/19/06
60154	Lucas Ford Lincoln Mercury, Inc (State)	Southold, NY	09/27/06	09/27/06
60155	Technicolor Video Cassette of Michigan (Wkrs)	Livonia, MI	09/27/06	09/23/06
60156	Thermo Electron RMSI (Comp)	Santa Fe, NM	09/27/06	09/27/06