

repayment of such loan or other extension of credit in accordance with its terms or written modifications thereof, if:

(a) No interest or other fee is charged to the plan, and no discount for payment in cash is relinquished by the plan, in connection with the loan or extension of credit;

(b) The proceeds of the loan or extension of credit are used only for a purpose incidental to the ordinary operation of the plan which arises in connection with difficulties encountered by the plan in liquidating, or otherwise accessing its assets, or accessing its data in a timely manner as a direct or indirect result of the September 11, 2001 disruption;

(c) The loan or extension of credit is unsecured;

(d) The loan or extension of credit is not directly or indirectly made by an employee benefit plan; and

(e) The loan or extension of credit begins on or after September 11, 2001, and is repaid or terminated no later than January 9, 2002.

#### *Section IV. Prospective General Exemption*

Effective as of December 15, 2004, the restrictions of section 406(a)(1)(B) and (D) and section 406(b)(2) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(B) and (D) of the Code, shall not apply to the lending of money or other extension of credit from a party in interest or disqualified person to an employee benefit plan, nor to the repayment of such loan or other extension of credit in accordance with its terms or written modifications thereof, if:

(a) No interest or other fee is charged to the plan, and no discount for payment in cash is relinquished by the plan, in connection with the loan or extension of credit;

(b) The proceeds of the loan or extension of credit are used only—

(1) for the payment of ordinary operating expenses of the plan, including the payment of benefits in accordance with the terms of the plan and periodic premiums under an insurance or annuity contract, or

(2) for a purpose incidental to the ordinary operation of the plan;

(c) The loan or extension of credit is unsecured;

(d) The loan or extension of credit is not directly or indirectly made by an employee benefit plan;

(e) The loan is not described in section 408(b)(3) of ERISA and the regulations promulgated thereunder (29 CFR 2550.408b-3) or section 4975(d)(3)

of the Code and the regulations promulgated thereunder (26 CFR 54.4975-7(b)); and

(f)(1) Any loan described in section IV(b)(1) that is entered into on or after April 7, 2006 and that has a term of 60 days or longer must be made pursuant to a written loan agreement that contains all of the material terms of such loan.

(2) Any loan described in (b)(2) of this paragraph that is entered into for a term of 60 days or longer must be made pursuant to a written loan agreement that contains all of the material terms of such loan.

#### *Section V: Definitions*

(a) For purposes of section II, a “Y2K problem” is a disruption of computer operations resulting from a computer system’s inability to process data because such system recognizes years only by the last two digits, causing a “00” entry to be read as the year “1900” rather than the year “2000.”

(b) For purposes of section III, the “September 11, 2001 disruption” is the disruption to the United States financial and securities markets and/or the operation of persons providing administrative services to employee benefit plans, resulting from the acts of terrorism that occurred on September 11, 2001.

(c) For purposes of this exemption, the terms “employee benefit plan” and “plan” refer to an employee benefit plan described in ERISA section 3(3) and/or a plan described in section 4975(e)(1) of the Code.

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

**Ivan L. Strasfeld,**

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

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## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Request for Certification of Compliance—Rural Industrialization Loan and Grant Program**

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

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a “Certification of Non-Relocation and Market and Capacity Information

Report” (Form 4279-2) for the following:

*Applicant/Location:* Dyna Harvest, LLC, Morgantown, Kentucky.

*Principal Product:* Dyna Harvest, LLC is a real estate holding company co-owned by Dynastrosi Laboratories, LLC and Harvest Wind Energy Corporation (HWEC), who plan to jointly establish a vertically integrated wind turbine generator systems manufacturing facility in Morgantown, KY. Dyna Harvest will own the fixed assets (facilities) that will be acquired, financed, and leased to Dynastrosi Laboratories and HWEC. The NAICS industry codes for this enterprise are 531120 (Lessors of Nonresidential Buildings (except Mini warehouses), and 532490 (Other Commercial and Industrial Machinery and Equipment Rental and Leasing).

**DATES:** All interested parties may submit comments in writing no later than April 21, 2006. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4514, Washington, DC 20210; or transmit via fax 202-693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR part 75, authorizes the United States Department of Agriculture (USDA) to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant’s business operation; or (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration (ETA) within the Department of Labor is responsible for the review and certification process. Comments should address the two bases

for certification and, if possible, provide data to assist in the analysis of these issues.

Signed at Washington, DC this 29th day of March, 2006.

**Emily Stover DeRocco,**

*Assistant Secretary for Employment and Training.*

[FR Doc. E6-5001 Filed 4-6-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Collection of the ETA 538, Advance Weekly Initial and Continued Claims Report and the ETA 539, Weekly Claims and Extended Benefits Trigger Data; Comment Request

**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/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. 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 Employment and Training Administration, Office of Workforce Security is soliciting comments concerning the proposed extension of the collection of the ETA 538, Advance Weekly Initial and Continued Claims Report, and the ETA 539, Weekly Claims and Extended Benefits Trigger.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing this Web site: <http://www.doleta.gov/Performance/guidance/OMBControlNumber.cfm>.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before June 6, 2006.

**ADDRESSEE:** Subri Raman, U.S. Department of Labor, Employment and Training Administration, Room S-4231, 200 Constitution Avenue, NW., Washington, DC 20210, Phone: 202-

693-3058, Fax: 202-693-3229, e-mail: [raman.subri@dol.gov](mailto:raman.subri@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The ETA 538 and ETA 539 reports are weekly reports which contain information on initial claims and continued weeks claimed. These figures are important economic indicators. The ETA 538 provides information that allows national unemployment claims information to be released to the public five days after the close of the reference period. The ETA 539 contains more refined weekly claims detail and the state's 13-week insured unemployment rate which is used to determine eligibility for the Extended Benefits program.

##### II. Review Focus

The Department of Labor 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 submissions of responses.

##### III. Current Actions

The ETA 538 and ETA 539 continue to be needed as they provide both timely economic indicators as well as the information needed to track the data that trigger states "on" and "off" the Extended Benefits program.

*Type of Review:* Extension without change.

*Title:* ETA 538, Advance Weekly Initial and Continued Claims Report, and the ETA 539, Weekly Claims and Extended Benefits Trigger Data.

*OMB Number:* 1205-0028.

*Agency Number:* ETA 538 and ETA 539.

*Recordkeeping:* Respondent is expected to maintain data which support the reported data for three years.

*Affected Public:* State governments.

*Estimated Total Burden Hours:*

ETA 538 53 States × 52 reports × 30 min.

= 1378 hours

ETA 539 53 States × 52 reports × 50 min.

= 2297 hours

Total Burden 3675 hours

*Total Burden Cost (operating/maintaining):* \$0.

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

Dated: March 29, 2006.

**Cheryl Atkinson,**

*Administrator, Office of Workforce Security.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

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

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a "Certification of Non-Relocation and Market and Capacity Information Report" (Form 4279-2) for the following:

*Applicant/Location:* Dynastrosi Laboratories, LLC, Morgantown, Kentucky.

*Principal Product:* The loan, guarantee, or grant applicant is the exclusive supplier of composite structures to Harvest Wind Energy Corporation (HWEC). HWEC is a developer and manufacturer of next generation wind turbine electrical generator systems. Together, Dynastrosi and HWEC will jointly manufacture wind turbine electrical generator systems that will be marketed to industrial, commercial, and residential buyers. Dynastrosi is a provider of engineering services and a manufacturer of structures fabricated from advanced composite materials such as carbon, aramid, and E-glass fiber reinforced polymers. The principal product to be manufactured by Dynastrosi at the Morgantown facility is wind turbine blades, nacelles, and other structures used in the assembly of wind turbine generator systems. Dynastrosi also plans