

**SUPPLEMENTARY INFORMATION:****I. Background**

The VFC program is an enforcement program intended to encourage the full correction of certain breaches of fiduciary responsibility and the restoration of losses resulting from those breaches to participants and beneficiaries in employee benefit plans. For certain eligible breaches that have been corrected according to the terms and conditions of the VFC Program, the Department will issue a "no action" letter, thereby releasing the applicant from possible civil penalties under section 502(a) of ERISA. The VFC Program provides applicants with information both on identifying eligible transactions for correction and on the means for achieving fully acceptable corrections. The information collection consists of an application, description of the transaction and correction, and other appropriate supporting documentation.

The Exemption, used only in conjunction with the VFC Program, permits applicants to the VFC Program to make full correction of certain eligible transactions without incurring sanctions in the form of excise taxes imposed under sections 4975(a) and (b) of the Internal Revenue Code (the Code) by reason of sections 4975(c)(1)(A) through (E) of the Code. For those fiduciaries wishing to take advantage of the Exemption, the information collection for the VFC Program also includes notification to interested persons, generally participants and beneficiaries, that an application has been submitted under the VFC Program. A copy of the notice must also be furnished to a Regional Office of the Employee Benefits Security Administration.

**II. Desired Focus of Comments**

The 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 submission of responses.

**III. Current Action**

This notice requests comments on the extension of the ICR included in the VFC Program and the Exemption. The Department is not proposing or implementing changes to the existing ICR at this time.

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

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

*Title:* Voluntary Fiduciary Correction Program and Prohibited Transaction Class Exemption.

*OMB Number:* 1210-0118.

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

*Respondents:* 150.

*Frequency of Response:* On occasion.

*Responses:* 200.

*Estimated Total Burden Hours:* 1,200.

*Total Burden Cost (Operating and Maintenance):* \$66,970.

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: August 14, 2003.

**Joseph S. Piacentini,**

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

[FR Doc. 03-21271 Filed 8-19-03; 8:45 am]

**BILLING CODE 4510-29-M**

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

[TA-W-51,099]

**Allegheny Ludlum, Melt Shop and Rolling Mill Division, Houston, PA; Notice of Revised Determination on Reconsideration**

By application of June 6, 2003, the United Steel Workers of America, Local 7139-07, 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 initial investigation resulted in a negative determination issued on April 21, 2003, based on the finding that criterion 3(A) (the workers' firm is a

supplier and the component parts it supplied for the primary firm accounted for at least 20 percent of the production or sales of the workers' firm) and 3(B) (a loss of business by the workers' firm with the primary firm contributed importantly to the workers' separation or threat of separation) have not been met. The denial notice was published in the **Federal Register** on May 7, 2003 (68 FR 24503).

Pursuant to the receipt of the request for reconsideration, and upon further review of the initial investigation, it has become apparent that Allegheny Ludlum, Melt Shop and Rolling Mill Division, Houston, Pennsylvania supplies component parts for stainless steel bar, rod and wire and a loss of business with a manufacturer (whose workers were certified eligible to apply for adjustment assistance) contributed importantly to the workers separation or threat of separation.

**Conclusion**

After careful review of the facts obtained in the investigation, I determine that workers of Allegheny Ludlum, Melt Shop and Rolling Mill Division, Houston, Pennsylvania qualify as adversely affected secondary workers under section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I make the following certification:

All workers of Allegheny Ludlum, Melt Shop and Rolling Mill Division, Houston, Pennsylvania, who became totally or partially separated from employment on or after February 27, 2002 through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 1st day of August 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-21280 Filed 8-19-03; 8:45 am]

**BILLING CODE 4510-30-P**

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

[TA-W-51,873]

**Alpha Thought/Provider Business Services, Pittsburgh, PA; 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 Alpha Thought/Provider Business

Services, Pittsburgh, Pennsylvania. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-51,873; Alpha Thought/Provider Business Services, Pittsburgh, Pennsylvania (August 8, 2003).

Signed at Washington, DC this 13th day of August 2003.

**Linda G. Poole,**

*Acting Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-21276 Filed 8-19-03; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-51,919]

#### **Chevron—Texaco, Customer Service Department, Concord, CA; 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 Chevron—Texaco, Customer Service Department, Concord, California. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-51,919; Chevron—Texaco, Customer Service Department, Concord, California (August 8, 2003)

Signed at Washington, DC, this 13th day of August, 2003.

**Linda G. Poole,**

*Acting Director, Division of Trade Adjustment Assistance.*

[FR Doc. 03-21275 Filed 8-19-03; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-51,001]

#### **e-Gain Communications Corporation, Novato, CA; Notice of Revised Determination on Reconsideration**

By application of April 8, 2003, a petitioner 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 initial investigation resulted in a negative determination issued on March 18, 2003, based on the finding that the petitioning workers did not produce an article within the meaning of section 222 of the Act. The denial notice was published in the **Federal Register** on April 2, 2003 (68 FR 16094).

The petitioner alleges that they produced a product.

Upon further review during the reconsideration process, and contact with the company, it became apparent that the subject facility workers did produce a product (specifically, software which was marketed for retail sale) within the meaning of section 222 of the Act.

In addition, it was revealed that the company shifted production of competitive software to India and subsequently began importing a significant portion of this production to U.S. customers during the relevant period.

The investigation further revealed that employment declined at the subject firm during the relevant period.

#### **Conclusion**

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at e-Gain Communications Corporation, Novato, California, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of e-Gain Communications Corporation, Novato, California, who became totally or partially separated from employment on or after February 18, 2002 through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 8th day of August 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 03-21281 Filed 8-19-03; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-50,544]

#### **Firestone Tube Company, Russellville, AR; Notice of Revised Determination on Reopening**

On May 15, 2003, the Department, on its own motion, reopened its investigation for the former workers of the subject firm.

The initial investigation was initiated on January 13, 2003, and resulted in a negative determination issued on March 7, 2003. The investigation findings showed that increases in imports of rubber inner tubes produced by Firestone Tube Company in Russellville, Arkansas, did not contribute importantly to the employment, sales or production declines at that firm. Furthermore, the firm did not shift production of rubber inner tubes from the plant to a foreign country from 2000 through September 2002. The denial notice was published in the **Federal Register** on March 26, 2003 (68 FR 14706).

The Department has obtained new information showing that the increases in company imports of inner tubes were like or directly competitive with those that could have been produced at the Russellville, Arkansas plant, had the machinery used to produce them not been shipped out of the plant during the final quarter of 2002. The workers are not separately identifiable by product line at the plant.

#### **Conclusion**

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with inner tubes produced by Firestone Tube Company, Russellville, Arkansas, contributed importantly to the decline in sales or production and to the total or partial separation of workers of the subject firm.

In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Firestone Tube Company, Russellville, Arkansas, who became totally or partially separated from employment on or after January 7, 2002, through two years from the date of certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.