

would, by their terms, terminate and have no value.

10. Thus, the Plan acquired the Rights pursuant to the Plan provisions for the individually-directed investment of participants' accounts. All decisions regarding the holding and disposition of the Rights by the Plan were made in accordance with these Plan provisions. The Plan participants were issued, and the Broker received from the Plan participants, a total of 24,893 Rights, of which 8,822 were exercised. This represented approximately 0.3 percent of the 3.4 million Rights that were issued and exercised for \$2.25 per share. As noted above, those Rights not exercised expired. Of the total Rights issued and exercised, 2,347,272 Shares represented Basic Subscription Rights and 1,052,728 Shares were attributed to Over-Subscription Rights. The Rights were not listed for trading on any stock exchange or on the OTC Bulletin Board. The total number of shares of Bank Stock outstanding at the Expiration Time, as adjusted to give effect to the shares issued pursuant to the Rights Offering, was 11,343,720 shares.

The Bank compensated the Subscription Agent for fees generated in connection with the Rights Offering. Thus, no fees paid to the Subscription Agent were attributable to Plan assets. Although all shareholders of record were responsible for paying any other fees associated with the exercise of the Rights, the Subscription Agent waived all such fees.

11. For each Plan participant who directed the Broker to exercise Rights attributable to his or her Personal Brokerage Account, the funds which were needed to pay the \$2.25 per share exercise price were obtained by either selling specific investments at the participant's direction or by using cash equivalents in such participant's account, again at the participant's direction. Moreover, a participant who, under the terms of the Plan, was eligible to elect to receive a taxable distribution from his or her Plan account, was permitted, under the terms of the Offering Circular, to direct the Broker to cause such participant to be substituted for the record holder of the Bank Stock held in the Plan and to exercise the Rights attributable to the Bank Stock the participant beneficially owned. This was only permissible to the extent the terms of the Plan permitted a distribution to a participant and would be treated as a taxable distribution of a portion of the participant's Plan account.

12. In summary, the Applicant represents that the transactions satisfied

the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Rights were acquired by the Plan pursuant to Plan provisions for the individually-directed investment of participant accounts.

(b) The Plan's receipt of the Rights occurred in connection with the Rights Offering that was made available to all shareholders of Bank Stock.

(c) All decisions regarding the holding and disposition of the Rights by the Plan were made in accordance with Plan provisions for the individually-directed investment of participant accounts by the individual participants whose accounts in the Plan received Rights in the Offering, and if no instructions were received, the Rights expired.

(d) The Plan's acquisition of the Rights resulted from an independent act of the Bank as a corporate entity, and all holders of the Rights, including the Plan, were treated in the same manner with respect to the acquisition, holding and disposition of such Rights.

(e) The Plan received the same proportionate number of the Rights as other owners of Bank Stock.

**Notice to Interested Persons:** Notice of proposed exemption will be provided to all interested persons by first class mail within 30 days of publication of the notice of pendency in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2), which will inform interested persons of their right to comment on the proposed exemption. Comments are due within 60 days of the date of publication of the proposed exemption in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anna M. Vaughan of the Department, telephone number (202) 693-8565. (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.

Signed at Washington, DC, this 26th day of June, 2007.

**Ivan Strasfeld,**

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

[FR Doc. E7-12672 Filed 6-29-07; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Proposed Information Collection Request of the ETA-5130 Benefit Appeals Report; Comment Request

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

**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 [44 U.S.C. 3506(c)(2)(A); 3506 (b)(1)(2)(3)]. 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.

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

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 31, 2007.

**ADDRESSES:** Send comments to Stephanie Garcia, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S-4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number (202) 693-3207 (this is not a toll-free number) or by e-mail: [garcia.stephanie@dol.gov](mailto:garcia.stephanie@dol.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The ETA-5130, Benefit Appeals Report, contains information on the number of unemployment insurance appeals and the resultant decisions classified by program, appeals level, cases filed and disposed of (workflow), and decisions by level, appellant, and issue. The data on this report are used by the Department of Labor to monitor the benefit appeals process in the State Workforce Agencies (SWAs) and to develop any needed plans for remedial action. The data are also needed for workload forecasts and to determine administrative funding. If this information were not available, developing problems might not be discovered early enough to allow for timely solutions and avoidance of time consuming and costly corrective action.

##### **II. Review Focus**

Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the ETA-5130 Benefit Appeals Report. Comments are requested to:

- 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;
- 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 automated collection techniques or other forms of information technology.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the **ADDRESSES** section of this notice.

##### **III. Current Actions**

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Benefit Appeals Report.

*OMB Number:* 1205-0172.

*Agency Number:* ETA-5130.

*Recordkeeping:* 3-year record retention.

*Affected Public:* State Governments.

*Cite/Reference/Form/etc:* Social Security Act, Section 303(a)(6).

*Total Respondents:* 53.

*Frequency:* Monthly.

*Total Responses:* 648 (636 responses for ETA 5130 Regular report and estimated 12 responses for ETA 5130 Extended Benefits report).

*Average Time per Response:* 1 hour.

*Estimated Total Burden Hours:* 648 hours (636 hours for the ETA 5130 Regular report + estimated 12 hours for ETA 5130 Extended Benefits).

*Total Burden Cost (capital/startup):* \$0.

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

Comments submitted in response to this notice 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: June 19, 2007.

**Cheryl Atkinson,**

*Administrator, Office of Workforce Security.*

[FR Doc. E7-12719 Filed 6-29-07; 8:45 am]

**BILLING CODE 4510-FW-P**

#### **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:* Specialty Protein Producers, LLC/Norfolk, Nebraska.

*Principal Product:* The loan, guarantee, or grant application is for a new business venture to purchase and install equipment to manufacture organic soy protein isolates, organic soy coffee creamer, and organic soy fiber. The NAICS industry code for this enterprise is: 311222 Soybean Processing.

**DATES:** All interested parties may submit comments in writing no later than July 16, 2007. 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 S-4231, Washington, DC 20210; or e-mail [Dais.Anthony@dol.gov](mailto:Dais.Anthony@dol.gov); 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 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 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.