

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules.

Proposed Exemption

The Department has under consideration the grant of the following class exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 Fed Reg. 32836, 32847, August 10, 1990).

Section I—Exemption for the Plan Fiduciary Entering Certain Contracts or Arrangements With a Service Provider

Effective [90 days after publication of the final exemption in the **Federal Register**], the restrictions of section 406(a)(1)(C) of the Act shall not apply to a plan fiduciary who uses its authority to cause an employee benefit plan to enter into (extend or renew) a written contract or arrangement for the provision of services (“the responsible plan fiduciary”), notwithstanding the service provider’s initial or subsequent failure to comply with its contractual obligation to disclose certain information as required by 29 CFR 2550.408b–2(c)(1) (“disclosure obligations”), provided that the conditions set forth in section II below are met.

Section II—Conditions

A. The responsible plan fiduciary, taking into account all of the information available at the time the contract or arrangement was entered into, extended or renewed, reasonably believed that the contract or arrangement met the requirements of 29 CFR § 2550.408b–2(c)(1) and did not know, or have reason to know, that the service provider failed or would fail to comply with its disclosure obligations; B.1. The responsible plan fiduciary, upon discovering that the service provider failed to comply with its disclosure obligations, shall, if it has not already received the information that the service provider failed to disclose under its disclosure obligations, request in writing that the service provider furnish the information;

2. If the service provider fails to comply with the plan fiduciary’s written request within 90 days of the date of that request, the responsible plan fiduciary shall, in accordance with Section III, notify the Department of Labor of the service provider’s failure; and

C. The responsible plan fiduciary, following discovery that the service provider failed to comply with its disclosure obligations, shall determine whether to terminate or continue the contract or arrangement. The responsible plan fiduciary will evaluate the nature of the particular disclosure failure and determine the actions necessary under the facts and circumstances. Such fiduciary shall consider, among other factors, the availability, qualifications and costs of potential replacement service providers, and the responsiveness of the service provider in furnishing the information that the service provider should have disclosed, but did not, under its disclosure obligations.

Section III—Notice Requirements

A. The notice required by Section II.B.2 shall contain the following information: (i) The name of the plan; (ii) the three digit plan number used for the plan’s Annual Report; (iii) the plan sponsor’s name, address, and EIN; (iv) the name, address, and telephone number of the responsible fiduciary; (v) the name, address, phone number, and, if known, EIN of the service provider; (vi) a description of the services provided to the plan; (vii) a description of the information that the service provider failed to furnish; (viii) the date on which such information was requested in writing from the service provider; and (ix) a statement as to whether the service provider continues to provide services to the plan;

B. The notice required by Section II.B.2 shall be filed with the Department not later than 30 days following the earlier of: (i) The service provider’s refusal to furnish the requested information; or (ii) the date which is 90 days after the date the written request referred to in Section II.B.1 is made; and

C. The notice required by Section II.B.2 shall be sent to the following address: U.S. Department of Labor, Employee Benefits Security Administration, Office of Enforcement, 200 Constitution Ave., NW., Suite 600, Washington, DC 20210; or may be sent electronically to *OE-DelinquentSPnotice@dol.gov*.

Signed at Washington, DC, this 7th day of December, 2007.

Bradford P. Campbell,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

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DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans’ Employment and Training

The Advisory Committee on Veterans’ Employment, Training and Employer Outreach (ACVETEO); Notice of Open Meeting

The Advisory Committee on Veterans’ Employment, Training and Employer Outreach (ACVETEO) was established pursuant to Title II of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233) and Section 9 of the Federal Advisory Committee Act (FACA) (P.L. 92–462, Title 5 U.S.C. app.II). The ACVETEO’s authority is codified in Title 38 U.S. Code, Section 4110.

The ACVETEO is responsible for assessing employment and training needs of veterans; determining the extent to which the programs and activities of the Department of Labor meets these needs; and assisting in carrying out outreach to employers seeking to hire veterans.

The Advisory Committee on Veterans’ Employment, Training and Employer Outreach will meet on Monday, February 11th from 1 p.m. to 5 p.m. and on Tuesday, February 12th from 8 a.m. to 1:30 p.m. at the Doubletree Hotel, 3203 Quebec Street, Denver, Colorado 80207.

The committee will discuss programs assisting veterans seeking employment with special emphasis on transition assistance programs (TAP) and raising employer awareness as to the advantages of hiring veterans.

Individuals needing special accommodations should notify Bill Offutt at (202) 693–4717 by February 2, 2008.

Signed in Washington, DC, this 6th day of December 2007.

John M. McWilliam,

Deputy Assistant Secretary, Veterans Employment and Training.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (07–093)]

Notice of Intent To Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive license.