

policies of a person other than an individual.

(h) The term, "Client Plan(s)," means an Employee benefit plan or employee benefit plans that are subject to the Act and/or the Code, and for which plan(s) an Asset Manager exercises discretionary authority or discretionary control respecting management or disposition of some or all of the assets of such plan(s), but excludes In-House Plans, as defined, below, in Section IV(o).

(i) The term, "Pooled Fund(s)," means a common or collective trust fund(s) or a pooled investment fund(s):

(1) In which employee benefit plan(s) subject to the Act and/or Code invest,

(2) Which is maintained by an Asset Manager, and

(3) For which such Asset Manager exercises discretionary authority or discretionary control respecting the management or disposition of the assets of such fund(s).

(j)(1) The term, "Independent Fiduciary," means a fiduciary of a plan who is unrelated to, and independent of any PNC/BlackRock Related Entity. For purposes of this proposed exemption, a fiduciary of a plan will be deemed to be unrelated to, and independent of any PNC/BlackRock Related Entity, if such fiduciary represents that neither such fiduciary, nor any individual responsible for the decision to authorize or terminate authorization for the transactions described, above, in Section I of this proposed exemption, is an officer, director, or highly compensated employee (within the meaning of section 4975(e)(2)(H) of the Code) of any PNC/BlackRock Related Entity, and represents that such fiduciary shall advise the Asset Manager within a reasonable period of time after any change in such facts occurs.

(2) Notwithstanding anything to the contrary in this Section IV(j), a fiduciary of a plan is not independent:

(i) If such fiduciary, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with any PNC/BlackRock Related Entity;

(ii) If such fiduciary directly or indirectly receives any compensation or other consideration from any PNC/BlackRock Related Entity for his or her own personal account in connection with any transaction described in this proposed exemption;

(iii) If any officer, director, or highly compensated employee (within the meaning of section 4975(e)(2)(H) of the Code) of the Asset Manager responsible for the transactions described, above, in Section I of this proposed exemption, is an officer, director, or highly

compensated employee (within the meaning of section 4975(e)(2)(H) of the Code) of the sponsor of a plan or of the fiduciary responsible for the decision to authorize or terminate authorization for the transactions described, above, in Section I. However, if such individual is a director of the sponsor of a plan or of the responsible fiduciary, and if he or she abstains from participation in: (A) The choice of such plan's investment manager/adviser; and (B) the decision to authorize or terminate authorization for transactions described, above, in Section I, then Section IV(j)(2)(iii) shall not apply.

(3) The term, "officer," means a president, any vice president in charge of a principal business unit, division, or function (such as sales, administration, or finance), or any other officer who performs a policy-making function for a PNC/BlackRock Related Entity.

(k) The term, "Securities," shall have the same meaning as defined in section 2(36) of the Investment Company Act of 1940 (the 1940 Act), as amended (15 U.S.C. 80a 2(36) (1996)). For purposes of this proposed exemption, mortgage-backed or other asset backed securities rated by one of the Rating Organizations, as defined, below, in Section IV(n), will be treated as debt securities.

(l) The term, "Eligible Rule 144A Offering," shall have the same meaning as defined in SEC Rule 10f-3(a)(4) (17 CFR 270.10f-3(a)(4)) under the 1940 Act.

(m) The term, "qualified institutional buyer," or the term, "QIB," shall have the same meaning as defined in SEC Rule 144A (17 CFR 230.144A(a)(1)) under the 1933 Act.

(n) The term, "Rating Organizations," means Standard & Poor's Rating Services, Moody's Investors Service, Inc., Fitch Ratings Inc., DBRS Limited, or DBRS, Inc., or any successors thereto.

(o) The term, "In-House Plan(s)," means an employee benefit plan(s) that is subject to the Act and/or the Code, and that is sponsored by:

(1) A PNC Related Entity, as defined, above, in Section IV(e), or

(2) A BlackRock Related Entity, as defined, above, in Section IV(d), for their respective employees.

(p) The term "Affiliated Servicer" means a PNC/BlackRock Related Entity that serves as a servicer of one or more of the commercial mortgage loans in a Pooled Fund that issues commercial mortgage-backed securities.

The availability of this proposed exemption is subject to the express condition that the material facts and representations contained in the application for exemption are true and

complete and accurately describe all material terms of the transactions. In the case of continuing transactions, if any of the material facts or representations described in the applications change, the exemption will cease to apply as of the date of such change. In the event of any such change, an application for a new exemption must be made to the Department.

Signed at Washington, DC, this 6th day of October 2008.

**Ivan L. Strasfeld,**

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

[FR Doc. E8-24100 Filed 10-9-08; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-63,758]

#### **Lear Corporation, Quality Control and Inspection Department, 950 Loma Verde Drive, El Paso, Texas; Notice of Affirmative Determination Regarding Application for Reconsideration**

In an application post-marked September 4, 2008 a worker requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of Lear Corporation, Quality Control and Inspection Department, located at 950 Loma Verde Drive, El Paso, Texas (subject firm).

The negative determination was issued on August 21, 2008. The Department's Notice of determination was published in the **Federal Register** on September 3, 2008 (73 FR 51530). Workers performed testing and inspection of component parts (terminals, connectors, wires, and grommets) for wire harnesses. The determination stated that the subject firm does not produce an article within the meaning of Section 222(a)(2) of the Act. The determination further stated that because the subject workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

The request for reconsideration stated that subject firm "held two very different departments \* \* \* the Quality Control and Inspection Dept. \* \* \* and the other one was the PPAP Dept. (Production Part Approval Process). The

request further states that the appeal is limited to the "PPAP Dept."

The request for reconsideration alleges that the PPAP "is an essential part of the production process, it is directly involved in the manufacturing of the final product in the production line" and that "Lear Corporation took our jobs to Mexico."

The Department has carefully reviewed the worker's request for reconsideration and has determined that the Department will conduct further investigation.

#### Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 3rd day of October 2008.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-24122 Filed 10-9-08; 8:45 am]

BILLING CODE 4510-FN-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-62,849]

**Newpage Corporation, Formerly Known as Stora Enso North America; Stamford, Connecticut; Including Employees of Newpage Corporation, Formerly Known as Stora Enso North America, Stamford, Connecticut; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance; Working at Various Locations in the Following States**

TA-W-62,849A; NORTH CAROLINA  
TA-W-62,849B; CALIFORNIA  
TA-W-62,849C; GEORGIA  
TA-W-62,849D; ILLINOIS  
TA-W-62,849E; MICHIGAN  
TA-W-62,849F; MINNESOTA  
TA-W-62,849G; NEW YORK  
TA-W-62,849H; OHIO  
TA-W-62,849I; PENNSYLVANIA  
TA-W-62,849J; TEXAS

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade

Adjustment Assistance on July 21, 2008, applicable to workers of NewPage Corporation, formerly known as Stora Enso North America, Stamford, Connecticut. The notice was published in the **Federal Register** on August 12, 2008 (73 FR 46923).

At the request of a company official, the Department reviewed the certification for workers of the subject firm.

New information provided shows that worker separations have occurred involving employees of the Stamford, Connecticut facility of NewPage Corporation, formerly known as Stora Enso North America working out of various locations in the following states: North Carolina, California, Georgia, Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania and Texas. These employees provided sales, accounting and managerial function support services for the production of coated and uncoated paper by the subject firm.

Based on these findings, the Department is amending this certification to include employees of the Stamford, Connecticut facility of NewPage Corporation, formerly known as Stora Enso North America working out of various locations in the above mentioned states.

The intent of the Department's certification is to include all workers of NewPage Corporation, formerly known as Stora Enso North America, Stamford, Connecticut, who were adversely affected by increased imports of coated and uncoated paper.

The amended notice applicable to TA-W-62,849 is hereby issued as follows:

All workers of NewPage Corporation, formerly known as Stora Enso North America, Stamford, Connecticut (TA-W-62,849), including employees of NewPage Corporation, formerly known as Stora Enso North America, Stamford, Connecticut located at various locations in the following states: North Carolina (TA-W-62,849A), California (TA-W-62,849B), Georgia (TA-W-62,849C), Illinois (TA-W-62,849D), Michigan (TA-W-62,849E), Minnesota (TA-W-62,849F), New York (TA-W-62,849G), Ohio (TA-W-62,849H), Pennsylvania (TA-W-62,849I), and Texas (TA-W-62,849J), who became totally or partially separated from employment on or after February 13, 2007, through July 21, 2010, 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 at Washington, DC, this 2nd day of October 2008.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E8-24124 Filed 10-9-08; 8:45 am]

BILLING CODE 4510-FN-P

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-63,662]

**Steelcase, Inc.; Andersons Desk, Inc.; City of Industry Plant, City of Industry, California; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 31, 2008, applicable to workers of Steelcase, Inc., City of Industry Plant, City of Industry, California. The notice was published in the **Federal Register** on August 12, 2008 (73 FR 46923).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of office furniture.

New information shows that some workers separated from employment at the subject firm have had their wages reported under a separate unemployment insurance (UI) tax account for Andersons Desk, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA-W-63,662 is hereby issued as follows:

All workers of Steelcase, Inc., Andersons Desk, Inc., City of Industry Plant, City of Industry, California, who became totally or partially separated from employment on or after July 9, 2007, through July 31, 2010, 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.