

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 28, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Hexagon Metrology AB of Sweden and Hexagon Metrology, Inc. of North Kingstown, Rhode Island. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain articulated coordinate measuring arms and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,829,148. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mareesa A. Frederick Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2055.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2009).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on August 24, 2009, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as

amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain articulated coordinate measuring arms or components thereof that infringe one or more of claims 3, 4, 13, and 16 of U.S. Patent No. 5,829,148, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—  
Hexagon Metrology AB, Lilla Bantorget 15, SE-103 59, Stockholm, Sweden, Hexagon Metrology, Inc., 250 Circuit Drive, North Kingstown, Rhode Island 02852.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Metris N.V., Interleuvenlann 86, 3001 Leuven, Belgium, Metris U.S.A., Inc., 12701 Grand River Avenue, Brighton, Michigan 48116, Mitutoyo Corporation, 20-1, Sakado 1-Chome, Takatsu-ku, Kawasaki-shi, Kanagawa 213-8533, Japan, Mitutoyo America Corporation, 965 Corporate Boulevard, Aurora, Illinois 60502.

(c) The Commission investigative attorney, party to this investigation, is Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against a respondent.

Issued: August 25, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-20812 Filed 8-27-09; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Proposed Information Collection Request of the ETA 227, Overpayment Detection and Recovery Activities; 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 collection 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.

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: <http://www.doleta.gov/OMB/OMBControlNumber.cfm>.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before October 27, 2009.

**ADDRESSES:** Send comments to Nancy Dean, U.S. Department of Labor, Employment and Training

Administration, Office of Workforce Security, 200 Constitution Avenue, NW., Frances Perkins Bldg., Room S-4531, Washington, DC 20210, telephone number (202)-693-3215 (this is not a toll-free number) or by e-mail: [dean.nancy@dol.gov](mailto:dean.nancy@dol.gov).

**SUPPLEMENTARY INFORMATION:**

I. *Background:* Section 303(a)(1) of the Social Security Act requires a state's unemployment insurance (UI) law to include provisions for:

"Such methods of administration \* \* \* as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due \* \* \*"

Section 303(a)(5) of the Social Security Act further requires a state's UI law to include provisions for:

"Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation \* \* \*"

Section 3304(a)(4) of the Internal Revenue Code of 1954 provides that:

"all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation \* \* \*"

The Secretary of Labor has interpreted the above sections of Federal law in section 7511, part V, ES Manual to further require a State's UI law to include provisions for such methods of administration as are, within reason, calculated to: (1) Detect benefits paid through error by the State Workforce Agency (SWA) or through willful misrepresentation or error by the claimant or others; (2) deter claimants from obtaining benefits through willful misrepresentation; and (3) recover benefits overpaid. The ETA 227 is used to determine whether SWAs meet these requirements.

The ETA-227 contains data on the number and amounts of fraud and non-fraud overpayments established, the methods by which overpayments were detected, the amounts and methods by which overpayments were collected, the amounts of overpayments waived and written off, the accounts receivable for overpayments outstanding, and data on criminal/civil actions.

These data are gathered by 53 SWAs and reported to the Department of Labor following the end of each calendar quarter. The overall effectiveness of SWAs' UI integrity efforts can be determined by examining and analyzing the data. These data are also used by SWAs as a management tool for effective UI program administration.

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 UI program paid approximately \$42 billion in benefits in 2008. Although the overpayment rate (fraud and non-fraud) derived from the ETA 227 is relatively low (less than 3.25 percent), high amounts of money are involved, and it is in the national interest to maintain the program's integrity. Therefore, we are proposing to extend the authorization to collect data to measure the effectiveness of the benefit payment control programs in the SWAs.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Overpayment Detection and Recovery Activities.

*OMB Number:* 1205-0173.

*Agency Form Number:* ETA 227.

*Affected Public:* State Government.

*Total Respondents:* 53 State agencies.

*Frequency:* Quarterly.

*Total Responses:* 212.

*Average Time per Response:* 14 hours.

*Estimated Total Burden Hours:* 2,968.

*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: This 20th day of August 2009.

**Jane Oates.**

[FR Doc. E9-20779 Filed 8-27-09; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employee Benefits Security Administration**

**147th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 147th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on September 15-17, 2009.

The three-day meeting will take place in Room N 3437 A&B, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The meeting will run from 9 a.m. to approximately 5 p.m. on September 15 and 16, and from 8 a.m. to approximately 4 p.m. on September 17, with a one hour break for lunch each day. The purpose of the open meeting is for Council members to hear testimony from invited witnesses and to receive an update from the Employee Benefits Security Administration (EBSA).

The Council will study the following issues: (1) Promoting Retirement Literacy and Security by Streamlining Disclosures to Participants and Beneficiaries, (2) Stable Value Funds and Retirement Security in the Current Economic Conditions, and (3) Approaches for Retirement Security in the United States. The schedule for testimony and discussion of these issues generally will be one issue per day in the order noted above. Descriptions of these topics are available on the Advisory Council page of the EBSA Web site at [http://www.dol.gov/ebsa/aboutebsa/erisa\\_advisory\\_council.html](http://www.dol.gov/ebsa/aboutebsa/erisa_advisory_council.html). The EBSA update is scheduled for September 16 at 9 a.m., subject to change.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before September 8, 2009 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5623, 200 Constitution Avenue, NW., Washington, DC 20210. Statements also may be submitted as e-mail attachments in text or pdf format transmitted to [good.larry@dol.gov](mailto:good.larry@dol.gov). It is requested that statements not be included in the body of the e-mail. Relevant statements received on or before September 8, 2009 will be included in the record of the meeting. Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or