

the tribe to govern its members or to provide services to its members. This term does not include matters that are the subject of litigation or that are undertaken in accordance with an administrative or judicial order.

*Secretary*—Means the Secretary of Labor.

*Substantial Direct Compliance Costs*—Those costs incurred directly from implementation of changes necessary to meet the requirements of a federal mandate. Because of the large variation in resources among tribes, “substantial costs” will vary by Indian tribe. Where necessary and appropriate, the Secretary will determine the level of costs that represent “substantial costs” in the context of an Indian tribe’s resource base.

*To the Extent Practicable and Permitted by Law*—Refers to situations where the opportunity for consultation is limited due to practical constraints including time, budget, or other such reason, and situations where other legal requirements take precedence.

*Tribal Committee, Task Force, or Work Group*—A group composed of Indian tribal government officials or their designees with authority to represent their interests or act on their behalf that is formed to work on a particular policy, practice, issue, or concern. This can include representatives of existing organizations representing federally recognized tribes, such as the National Congress of American Indians.

*Tribal Officials*—Tribal council members and delegates, chairpersons, or other elected or duly appointed officials of the governing bodies of Indian tribes or authorized intertribal organizations or their designees with authority to represent them or act on their behalf.

## **XI. Supplemental Terms and Effective Date**

1. Inapplicability of the Federal Advisory Committee Act (FACA). In accordance with section 204(b) of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the provisions of FACA are not applicable to consultations between the Federal Government and elected officers of tribal governments or their designated employees with authority to act on their behalf. Therefore, FACA is generally not applicable to consultations undertaken pursuant to this tribal consultation policy. As the Office of Management and Budget stated in its guidelines implementing section 204(b):

This exemption applies to meetings between Federal officials and employees and \* \* \* tribal governments acting through their elected officers, officials, employees,

and Washington representatives, at which ‘views, information, or advice’ are exchanged concerning the implementation of intergovernmental responsibilities or administration, including those that arise explicitly or implicitly under statute, regulation, or Executive Order. The scope of meetings covered by this exemption should be construed broadly to include meetings called for any purpose relating to intergovernmental responsibilities or administration. Such meetings include, but are not limited to, meetings called for the purpose of seeking consensus, exchanging views, information, advice, and/or recommendations; or facilitating any other interaction relating to intergovernmental responsibilities or administration. (OMB Memorandum 95-20 (September 21, 1995), pp. 6-7, published at 60 FR 50651, 50653 (September 29, 1995)).

If, however, DOL were to form an advisory committee consisting of (non-federally recognized) AI/AN organizations or groups lacking the government-to-government relationship, the section 204(b) exception would not apply and all FACA requirements would need to be followed.

2. Reservation of Authorities. Nothing in this policy waives or diminishes the U.S. Government’s rights, authorities, immunities, or privileges, including the deliberative process privilege. Among other things, internal communications on the development of proposed legislation, enforcement policy, and other internal policy matters are part of the deliberative process by the Executive Branch and will remain confidential.

Nothing in this policy waives or diminishes any tribal rights, authorities, immunities, or privileges including treaty rights and sovereign immunities, and this policy does not diminish any rights or protections afforded to individual AI/ANs under federal law.

3. Disclaimer. This document is intended to improve the Department’s management of its relations and cooperative activities with Indian tribes. DOL has no obligation to engage in any consultation activities under this policy unless they are practicable and permitted by law. Nothing in this policy requires any budgetary obligation or creates a right of action against the Department for failure to comply with this policy nor creates any right, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

Dated: April 12, 2012.

**Hilda L. Solis,**  
*Secretary of Labor.*

[FR Doc. 2012-9372 Filed 4-17-12; 8:45 am]

**BILLING CODE 4510-23-P**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA-W) number issued during the period of *March 26, 2012 through March 30, 2012*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers’ firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers’ separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers’ firm have become totally or partially

separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker

adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
81,237 .....	TRG Customer Solutions, Inc. ....	Charleston, WV .....	February 13, 2010.
81,329 .....	Somerset Foundries, Consolidated Industries, Inc. ....	Somerset, PA .....	February 14, 2011.
81,339 .....	Asta, Inc., Augusta Staffing Agency .....	Waynesboro, GA .....	January 27, 2011.
81,379 .....	Manpower Staffing Agency, Working On-Site at International Business Machines (IBM).	Phoenix, AZ .....	February 3, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
81,128 .....	MedQuist/M*Modal, Teleworkers, Vaco, CSI, Robert Half, Matrix, Apex, Top-notch Teksystems, etc.	Franklin, TN .....	February 13, 2010.
81,289 .....	Transcom Worldwide (US) Inc., Transcom Worldwide S.A., A Luxembourg Company.	Catharines Ontario Canada, L2R 7G1, LA.	February 1, 2011.
81,292 .....	Siemens Medical Solutions, USA, Inc., Oncology Care Systems (Radiation Oncology), Source Right Solutions.	Concord, CA .....	February 1, 2011.
81,297 .....	Samsung Information Systems America, Inc., Hard Disk Drive Lab, Secure Talent.	San Jose, CA .....	February 3, 2011.

TA-W No.	Subject firm	Location	Impact date
81,323 .....	UBS Financial Services, Inc., UBSFS, Wealth Management Americas, WMA Operations, UBS Americas, etc.	Nashville, TN .....	February 10, 2011.
81,338 .....	GlaxoSmithKline LLC, Global Manufacturing and Supply Division, Manpower, Strategic Resources etc.	East Durham, NY .....	February 15, 2011.
81,342 .....	GrafTech International Holdings, Inc., Engineered Solutions Division .....	Anmoore, WV .....	October 23, 2011.
81,368 .....	CitiGroup Technology, Inc. (CTI), Financial Reporting Operations, Citigroup, Inc., Adecco, Advantage, etc.	Tampa, FL .....	February 24, 2011.
81,392 .....	DSI-ITI, LLC, Global Tel*Link Corporation, Manpower and Professional Staffing Solutions.	Altoona, PA .....	March 5, 2011.
81,422 .....	Thermo Fisher Scientific Milwaukee, LLC, Molecular Biology Reagents Division	Milwaukee, WI .....	March 14, 2011.
81,426 .....	Dixtal Medical, Inc, Philips Healthcare, CT Personnel Co., Randstad US .....	Wallingford, CT .....	March 16, 2011.
81,429 .....	ICL Performance Products LP, ICL Performance Products, Inc .....	Carteret, NJ .....	March 19, 2011.
81,438 .....	Emporia Foundry, Campbell Foundry .....	Emporia, VA .....	March 13, 2011.

**Negative Determinations for Worker Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility

criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or

(b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

TA-W No.	Subject firm	Location	Impact date
81,401 .....	JP Morgan Chase & Co., Investment Bank-IBSO, Dividend Department .....	Brooklyn, NY.	
81,424 .....	VF Americas Sourcing, VF Services, Inc., VF Corporation .....	Plantation, FL.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i)

(decline in sales or production, or both) and (a)(2)(B) (shift in production or

services to a foreign country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
81,025 .....	Dendreon Corporation, LabTemps, Ajlon and Parmalogics Recruiting .....	Seattle, WA.	

The investigation revealed that the criteria under paragraphs(a)(2)(A)

(increased imports) and (a)(2)(B) (shift in production or services to a foreign

country) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
81,253 .....	Sears Holding Management Corporation, Sears Holding Corporation .....	Hoffman Estates, IL.	
81,268 .....	Follansbee Steel, Louis Berkman Company, Louis Berkman LLC WV .....	Follansbee, WV.	
81,344 .....	Creditron Financial Corporation, d/b/a Telatron Marketing Group .....	Erie, PA.	

**Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as

required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of

workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA-W No.	Subject firm	Location	Impact date
81,398 .....	Pratt and Whitney, United Technologies Corporation, Far Group and Experimental Test Group.	East Hartford, CT.	

I hereby certify that the aforementioned determinations were issued during the period of *March 26, 2012 through March 30, 2012*. These determinations are available on the Department's Web site *tradeact/taa/taa\_search\_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll-free at 888-365-6822.

Dated: April 5, 2012.

**Michael W. Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 2012.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 5th day of April 2012.

**Michael Jaffe,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

**APPENDIX**

[19 TAA petitions instituted between 3/26/12 and 3/30/12]

TA-W	Subject firm (Petitioners)	Location	Date of institution	Date of petition
81447	Hasbro (Workers)	Providence, RI	03/26/12	03/25/12
81448	General Dynamics—Itronix (State/One-Stop)	Spokane Valley, WA	03/26/12	03/23/12
81449	RR Donnelley (Workers)	Glen Mills, PA	03/26/12	03/22/12
81450	Schneider Electric (Company)	Seneca, SC	03/26/12	03/23/12
81451	AT&T Hoffman Estates (Workers)	Hoffman Estates, IL	03/27/12	03/26/12
81452	T-Mobile USA, Inc. (State/One-Stop)	Redmond, OR	03/27/12	03/26/12
81453	Crawford & Company, ICT Help Desk (Workers)	Lake Zurich, IL	03/27/12	03/23/12
81454	SIC Processing USA (Company)	Hillsboro, OR	03/28/12	03/23/12
81455	Abound Solar, Inc. (State/One-Stop)	Longmont, CO	03/29/12	03/27/12
81456	Siltronic Corporation (Company)	Portland, OR	03/29/12	03/28/12
81457	Shaw's Supermarket/Supervalu (Workers)	West Bridgewater, MA	03/29/12	03/15/12
81458	Rocktenn (Workers)	Shelby, NC	03/30/12	03/29/12
81459	IBM Corporation Problem, Change, Incident Management Group(s) (Workers).	Dallas, TX	03/30/12	03/29/12
81460	Brown Shoe (Workers)	Sikeston, MO	03/30/12	03/29/12
81461	LiteSteel Technologies (Workers)	Troutville, VA	03/30/12	03/29/12
81462	Kopin Corporation (Company)	Taunton, MA	03/30/12	03/29/12
81463	SNC Manufacturing (Company)	Oshkosh, WI	03/30/12	03/28/12
81464	Saint John Medical Center—PeaceHealth (State/One-Stop)	Longview, WA	03/30/12	03/29/12
81465	Anthem Blue Cross and Blue Shield. Credentialing Administration (Company).	Richmond, VA	03/30/12	03/29/12

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**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**Proposed Extension of Existing Information Collection; Notification of Methane Detected in Underground Metal and Nonmetal Mine Atmospheres**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired