

the financial services industry and the expectations of plan officials and participants who receive investment advice. For a full discussion of the changes, see the October 22, 2010

**Federal Register** at page 65263, *et seq.* or visit EBSA's Web site at <http://www.dol.gov/ebsa/>, see Proposed Rules.

Since publication in the **Federal Register**, there has been considerable interest expressed in the proposed rule and its impact on various segments of the employee benefits and financial communities, as well as individuals and organizations involved with appraisals of employer stock and other assets. In order to ensure that all issues are fully considered and interested persons have sufficient time to share their views on this important regulation, EBSA has announced that it is extending the period for submitting comments on the proposal until February 3, 2011, two weeks after the close of the January 20, 2011 comment period provided in the proposed regulation, and it is holding a public hearing, the subject of this notice.

The hearing will be held on March 1, 2011 and, if necessary, March 2, 2011, beginning at 9 a.m. EST, in the plaza auditorium of the U.S. Department of Labor, Frances Perkins Building, at 200 Constitution Avenue, NW., Washington, DC 20210.

Persons interested in presenting testimony and answering questions at this public hearing must submit, by 3:30 p.m. EST, February 9, 2011, a written request to testify and an outline of the issues they would like to address at the hearing. It should be noted that, while reasonable efforts will be made to accommodate requests to testify on the specified issues, it may be necessary to limit the number of those testifying in order to provide an opportunity for the presentation of the broadest array of points of view during the period allotted for the hearing. Any persons not afforded an opportunity to testify will still have an opportunity to submit a written statement on the specified issues for the record. The hearing will be open to the general public.

To facilitate the receipt and processing of requests to testify, EBSA encourages interested persons to submit their requests and outlines by e-mail to [e-ORI@dol.gov](mailto:e-ORI@dol.gov), subject line: Fiduciary Definition Hearing. Persons submitting requests and outlines electronically should not submit paper copies. Persons submitting requests and outlines on paper should send or deliver their requests and outlines to the Office of Regulations and Interpretations, Employee Benefits Security Administration, Attn: Fiduciary

Definition Hearing, Room N-5655, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. All requests and outlines submitted will be available to the public, without charge, online at <http://www.dol.gov/ebsa> and at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

EBSA will prepare an agenda indicating the order of presentation of oral comments and testimony. In the absence of special circumstances, each presenter will be allotted ten (10) minutes in which to complete his or her presentation. Those individuals who make oral comments and present testimony at the hearing should be prepared to answer questions regarding their information and/or comments. Those requesting to testify also should be prepared to participate as part of a panel, to the extent possible, organized by issue.

Any individuals with disabilities who may need special accommodations should notify the Agency when contacted concerning the scheduling of their testimony.

Information about the agenda will be posted on <http://www.dol.gov/ebsa> no later than February 17, 2011. Individuals planning to attend the hearing should provide contact information by e-mail to [e-ORI@dol.gov](mailto:e-ORI@dol.gov) and arrive at least 15 minutes prior to the start of the hearing to expedite entrance into the building.

#### Notice of Public Hearing

Notice is hereby given that a public hearing will be held on March 1, 2011 and, if necessary, March 2, 2011, concerning issues related to the proposed rule defining when a person will be considered a "fiduciary" by reason of giving investment advice to a plan or to the plan's participants. The hearing will be held beginning at 9 a.m. EST in the plaza auditorium of the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

#### Notice of Extension of Comment Period

Notice is hereby given that the period for submitting comments on the proposed Definition of the Term "Fiduciary," published in the **Federal Register** on October 22, 2010 (75 FR 65263), is being extended until February 3, 2011.

To facilitate the receipt and processing of comment letters, the EBSA encourages interested persons to submit their comments electronically by e-mail to [e-ORI@dol.gov](mailto:e-ORI@dol.gov), subject line:

Definition of Fiduciary Proposed Rule or by using the Federal eRulemaking portal at <http://www.regulations.gov>. Persons submitting comments electronically are encouraged not to submit paper copies. Persons interested in submitting paper copies should send or deliver their comments to the Office of Regulations and Interpretations, Employee Benefits Security Administration, Attn: Definition of Fiduciary Proposed Rule, Room N-5655, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. All comments will be available to the public, without charge, online at <http://www.regulations.gov> and <http://www.dol.gov/ebsa> and at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. **Warning:** Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Signed at Washington, DC, this 6th day of January, 2011.

**Phyllis C. Borzi,**

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

[FR Doc. 2011-483 Filed 1-11-11; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Agency Information Collection Activities: Revision and Extension of a Currently Approved Information Collection; Comment Request

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

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, is conducting a pre-clearance consultation to provide the general public and Federal agencies with an opportunity to comment on a continuing collection of information in accordance with the Paperwork Reduction Act (PRA) of 1995 [44 U.S.C. 3506(c)(2)(A)]. This consultation is undertaken 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. Currently, the Employment and Training Administration is soliciting comments concerning the extension of the approval for information collection involving the ETA Form 9089, OMB Control No. 1205-0451, Application for Permanent Employment Certification, which expires on June 30, 2011. A copy of the information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before March 14, 2011.

**ADDRESSES:** William L. Carlson, Administrator, Office of Foreign Labor Certification, U.S. Department of Labor, Room C4312, 200 Constitution Ave., NW., Washington, DC 20210. Phone (202) 693-3010 (This is not a toll-free number), fax (202) 693-2768, or e-mail at [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: ETA Form 9089.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The information collection is required by sections 203(b)(3) and 212(a)(5)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1153(b)(3) and 1182(a)(5)(A)). The Department and the Department of Homeland Security (DHS) have promulgated regulations to implement the INA. Specifically for this collection, the regulations at 20 CFR 656 and 8 CFR 204.5 (the regulations) are applicable. Section 212(a)(5)(A) of the INA mandates the Secretary of Labor to certify that any alien seeking to enter the United States for the purpose of performing skilled or unskilled labor is not adversely affecting wages and working conditions of U.S. workers similarly employed and that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Before any employer may request any skilled or unskilled alien labor, it must submit a request for certification to the Secretary of Labor containing the elements prescribed by the INA and the regulations. The regulations require employers to document their recruitment efforts and to substantiate the reasons no U.S. workers were hired.

**II. Review Focus**

The Department is particularly interested in comments that:

- 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**

In order to meet its statutory responsibilities under the INA, the Department needs to extend an existing collection of information pertaining to employers seeking to apply for labor certifications to allow them to bring foreign workers to the United States on a permanent basis. The information collection consists of the current form used by all employers and a modified form, previously approved by OMB, but never implemented by the Department. Once the Department completes building the electronic filing and case management system required to support the modified form, the current form will become obsolete and the modified form will become operative. At this time, the Department is not requesting that any substantive changes be made to either form.

In the past the respondents have been for-profit businesses, not-for-profit institutions, individuals, households, and farms. On rare occasions the respondents have been local, state, tribal governments, or the federal government.

The Secretary of Labor uses the collected information to determine if allowing an alien to enter the United States for the purpose of performing skilled or unskilled labor will adversely affect wages and working conditions of U.S. workers similarly employed and whether or not there were sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor at the time of the application.

*Type of Review:* Revision and Extension of Currently Approved Information Collection.

*Agency:* Employment and Training Administration.

*Title:* Application for Permanent Employment Certification.

*OMB Control No.:* 1205-0451.

*Agency Number(s):* Form ETA 9089.

*Recordkeeping:* On occasion.

*Affected Public:* Businesses or other for-profits and not-for profits, individuals or households, farms, and Federal, State, Local or Tribal Governments.

*Total Respondents:* 94,600.

*Estimated Total Burden Hours:* 223,331.

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

*Total Burden Cost (operating/maintaining):* \$750,000.

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 also will become a matter of public record.

Dated: January 5, 2011.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

[TA-W-74,714]

**Quest Diagnostics, Inc. Information Technology Help Desk Services Including On-Site Leased Workers From Modis, West Norriton, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 6, 2010, applicable to workers of Quest Diagnostics, Inc., Information Technology Help Desk Services, West Norriton, Pennsylvania. The workers are engaged in activities related to the supply of internal information technology (IT) support services. The notice will be published soon in the **Federal Register**.

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. The company reports that workers leased from Modis were employed on-site at the West Norriton, Pennsylvania location of Quest Diagnostics, Inc., Information Technology Help Desk