

with Kongsberg to provide modeling and training services unduly restricts the operations of the S&E Plan. By providing the Services, the S&E Plan would be able to develop hydrodynamic and geographic models that will improve the overall quality of maritime officers and increase safety in the operation of marine vessels, thus furthering the purposes of the S&E Plan, and would be able to increase the level of expertise in the application of modeling tools and techniques by the S&E Plan, thus expanding the training opportunities for S&E Plan participants, many of whom are employed on vessels assigned to areas of conflict overseas. Many S&E Plan participants serve on vessels engaged in the transportation and supply of cargo to troops stationed in conflicts around the world. Finally, the revenue received by the STAR Center from the Services will help offset operating costs of the STAR Center. This, in turn, will allow the S&E Plan to provide expanded services to plan participants without increasing contribution levels.

7. To ensure that the interests of the S&E Plan and their participants are well protected, the S&E Plan has retained Bond Beebe C.P.A. (Bond Beebe) as outside auditors to perform the annual audit of the Services. Bond Beebe will perform annual audits of the S&E Plan to identify and reconcile any recordkeeping discrepancies involving the Services.

8. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria for an exemption under section 408(a) of the Act for the following reasons: (a) The S&E Plan will charge and will be paid for the Services at the rates approved by the Trustees for similar services provided to unrelated third parties; (b) The terms of the arrangement between the S&E Plan and Kongsberg are at least as favorable to the S&E Plan as those obtainable in an arm's length transaction with an unrelated party; (c) An independent auditor will perform annual audits of the S&E Plan to identify and reconcile any recordkeeping discrepancies involving the Services; and (d) The S&E Plan will maintain, for a period of six (6) years, the records necessary to determine whether the conditions of this exemption have been met.

#### *Notice to Interested Persons*

*Notice to Interested Parties:* Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the Employer and Department within 15 days of the date of publication of this notice of proposed

exemption in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of this notice in the **Federal Register**.

#### **FOR FURTHER INFORMATION CONTACT:**

Khalif Ford of the Department, telephone (202) 693-8540. (This is not a toll-free number.)

#### *General Information*

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 25th day of April, 2007.

**Ivan Strasfeld,**

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

[FR Doc. E7-8184 Filed 4-27-07; 8:45 am]

**BILLING CODE 4510-29-P**

## **DEPARTMENT OF LABOR**

### **Workforce Investment Act of 1998 (WIA); Notice of Incentive Funding Availability for Program Year (PY) 2005 Performance**

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

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, in collaboration with the Department of Education, announces that nine states are eligible to apply for Workforce Investment Act (WIA) (Pub. L. 105-220, 29 U.S.C. 2801 *et seq.*) incentive awards under the WIA Regulations.

**DATES:** The nine eligible states must submit their applications for incentive funding to the Department of Labor by June 14, 2007.

**ADDRESSES:** Submit applications to the Employment and Training Administration, Office of Performance and Technology, 200 Constitution Avenue, NW., Room S-5206, Washington, DC 20210, Attention: Karen Staha and Traci DiMartini, Telephone number: 202-693-3698 (this is not a toll-free number). Fax: 202-693-3490. E-mail: [staha.karen@dol.gov](mailto:staha.karen@dol.gov) and [dimartini.traci@dol.gov](mailto:dimartini.traci@dol.gov). Information may also be found at the ETA Performance Web site: <http://www.doleta.gov/performance>.

**SUPPLEMENTARY INFORMATION:** Nine (9) states (see Appendix) qualify to receive a share of the \$16.3 million available for incentive grant awards under WIA section 503. These funds, which were contributed by the Department of Education from appropriations for the Adult Education and Family Literacy Act and the Carl D. Perkins Vocational and Technical Education Act, are available for the eligible states to use through June 30, 2009, to support innovative workforce development and education activities that are authorized under title I (Workforce Investment Systems) or title II (the Adult Education and Family Literacy Act (AEFLA)) of WIA, or under the Perkins Act (Pub. L. 105-332, 20 U.S.C. 2301 *et seq.*). In order to qualify for a grant award, a state must have exceeded performance levels agreed to by the Secretaries, Governor, and State Education Officer for

outcomes in WIA title I, adult education (AEFLA), and vocational education (Perkins Act) programs. The goals included placement after training, retention in employment, and improvements in literacy levels, among other measures. After review of the performance data submitted by states to the Department of Labor and to the Department of Education, each Department determined which States would qualify for incentives for its programs (the Appendix at the bottom of this notice details the eligibility of each State by program). These lists of eligible States were compared, and States that qualified under all three programs are eligible to apply for and

receive an incentive grant award. The amount that each state is eligible to receive was determined by the Department of Labor and the Department of Education and is based on WIA section 503(c) (20 U.S.C. 9273(c)), and is proportional to the total funding received by these States for the three Acts.

The states eligible to apply for incentive grant awards and the amounts they are eligible to receive are listed in the following chart:

| State             | Amount of award |
|-------------------|-----------------|
| 1. Arizona .....  | \$1,724,063     |
| 2. Delaware ..... | 967,758         |

| State                  | Amount of award |
|------------------------|-----------------|
| 3. Illinois .....      | 3,000,000       |
| 4. Iowa .....          | 1,190,729       |
| 5. Massachusetts ..... | 1,752,678       |
| 6. Missouri .....      | 1,922,350       |
| 7. Oregon .....        | 1,781,694       |
| 8. Tennessee .....     | 2,096,895       |
| 9. Virginia .....      | 1,917,021       |

Dated: April 24, 2007.

**Emily Stover DeRocco,**

*Assistant Secretary for Employment and Training.*

**APPENDIX**

**BILLING CODE 4510-FN-P**

| State                | PY 2005-06 Exceeded State Performance Levels |                         |                                    |                                 |
|----------------------|--|-------------------------|------------------------------------|---------------------------------|
|                      | WIA (Title I)                                | AEFLA (Adult Education) | Perkins Act (Vocational Education) | WIA Title I; AEFLA; Perkins Act |
| Alabama              | X  | X                       |                                    |                                 |
| Alaska               |  |                         | X                                  |                                 |
| <b>Arizona</b>       | X  | X                       | X                                  | <b>X</b>                        |
| Arkansas             |  |                         | X                                  |                                 |
| California           |  |                         | X                                  |                                 |
| Colorado             |  | X                       | X                                  |                                 |
| Connecticut          |  | X                       | X                                  |                                 |
| District of Columbia |  | X                       | X                                  |                                 |
| <b>Delaware</b>      | <b>X</b>                                     | <b>X</b>                | <b>X</b>                           | <b>X</b>                        |
| Florida              | X  |                         | X                                  |                                 |
| Georgia              |  | X                       | X                                  |                                 |
| Hawaii               | X  |                         | X                                  |                                 |
| Idaho                |  | X                       | X                                  |                                 |
| <b>Illinois</b>      | <b>X</b>                                     | <b>X</b>                | <b>X</b>                           | <b>X</b>                        |
| Indiana              |  | X                       | X                                  |                                 |
| <b>Iowa</b>          | X  | X                       | X                                  | <b>X</b>                        |
| Kansas               |  | X                       | X                                  |                                 |
| Kentucky             | X  |                         | X                                  |                                 |
| Louisiana            |  | X                       | X                                  |                                 |
| Maine                |  |                         | X                                  |                                 |
| Maryland             |  | X                       | X                                  |                                 |
| <b>Massachusetts</b> | X  | X                       | X                                  | <b>X</b>                        |
| Michigan             | X  | X                       |                                    |                                 |
| Minnesota            | X  | X                       |                                    |                                 |
| Mississippi          |  | X                       | X                                  |                                 |
| <b>Missouri</b>      | <b>X</b>                                     | <b>X</b>                | <b>X</b>                           | <b>X</b>                        |
| Montana              |  | X                       | X                                  |                                 |
| Nebraska             |  | X                       | X                                  |                                 |
| Nevada               |  |                         | X                                  |                                 |
| New Hampshire        |  | X                       |                                    |                                 |
| New Jersey           | X  |                         | X                                  |                                 |
| New Mexico           |  |                         |                                    |                                 |
| New York             |  | X                       | X                                  |                                 |
| North Carolina       |  |                         | X                                  |                                 |
| North Dakota         | X  | X                       |                                    |                                 |
| Ohio                 |  | X                       | X                                  |                                 |
| Oklahoma             |  |                         | X                                  |                                 |
| <b>Oregon</b>        | X  | X                       | X                                  | <b>X</b>                        |
| Pennsylvania         |  |                         | X                                  |                                 |
| Puerto Rico          |  |                         | X                                  |                                 |

| State            | PY 2005-06 Exceeded State Performance Levels |                         |                                    |                                 |
|------------------|--|-------------------------|------------------------------------|---------------------------------|
|                  | WIA (Title I)                                | AEFLA (Adult Education) | Perkins Act (Vocational Education) | WIA Title I; AEFLA; Perkins Act |
| Rhode Island     |  |                         |                                    |                                 |
| South Carolina   |  | X                       | X                                  |                                 |
| South Dakota     | X  | X                       |                                    |                                 |
| <b>Tennessee</b> | X  | X                       | X                                  | <b>X</b>                        |
| Texas            |  | X                       | X                                  |                                 |
| Utah             |  |                         | X                                  |                                 |
| Vermont          |  |                         | X                                  |                                 |
| <b>Virginia</b>  | X  | X                       | X                                  | <b>X</b>                        |
| Washington       |  | X                       | X                                  |                                 |
| West Virginia    |  | X                       | X                                  |                                 |
| Wisconsin        |  | X                       | X                                  |                                 |
| Wyoming          |  | X                       | X                                  |                                 |

States in **bold** exceeded their performance levels for AEFLA and the Perkins Act.

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before May 30, 2007 (Note that the new time period for requesting copies has changed from 45 to 30 days after publication). Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means:

*Mail:* NARA (NWML), 8601 Adelphi Road, College Park, MD 20740-6001.

*E-mail:* [requestschedule@nara.gov](mailto:requestschedule@nara.gov).

*Fax:* 301-837-3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:** Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: 301-837-1539. E-mail: [records.mgt@nara.gov](mailto:records.mgt@nara.gov).

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational