

The Applicant believes that the aforementioned conditions of the Notice should be amended to clarify that it will apply only to future cash recoveries that may arise from the Judgment. Therefore, the Applicant has revised Conditions (e) and (f)(3) of the final exemption to read as follows:

(e) Cotter pays the Plan future cash recoveries, if any, resulting from the Judgment; and \* \* \*

(f)(3) [The independent fiduciary] ensures that the Plan receives all future cash recoveries, if any, resulting from the Judgment.

The Department does not concur with the Applicant's comment. Therefore, it has not revised Conditions (e) and (f)(3) of the operative language. Although the Department is aware of Mr. Geib's financial circumstances, it wishes to emphasize that to the extent Cotter recovers any consideration (either in cash or in kind) resulting from the Judgment, that such consideration should be paid to the Plan.

After giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file is made available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N-1513, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on September 25, 2009 at 74 FR 49025.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anh-Viet Ly of the Department at (202) 693-8648. (This is not a toll-free number.)

### Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code,<sup>1</sup> by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plan (the Sale) to Unaka Company Incorporated (Unaka), a party in interest with respect to the Plan, of two promissory notes (the Notes) that are secured by deeds of trust on certain parcels of real property.

*This exemption is subject to the following conditions:*

(a) The Sale is a one-time transaction for cash;

(b) As consideration, the Plan receives the greater of the current outstanding balance of the Notes, plus all accrued but unpaid interest to the date of the Sale (Sale Date), or the fair market value of the Notes as determined by qualified, independent appraisers in updated appraisals on the Sale Date.

(c) The Plan pays no commissions, costs, fees, or other expenses with respect to the Sale; and

(d) As soon as it is feasible following the Sale, the Plan releases the deeds of trust securing the Notes.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on September 25, 2009 at 74 FR 49029.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anh-Viet Ly of the Department at (202) 693-8648. (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 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) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional 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

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 15th day of December 2009.

**Ivan Strasfeld,**

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

[FR Doc. E9-30263 Filed 12-18-09; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-70,295]

#### Ultimizers, Inc., Boring, OR; Notice of Revised Determination on Reconsideration

By application dated September 21, 2009, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of Ultimizers, Inc., Boring, Oregon (subject firm) to apply for Trade Adjustment Assistance (TAA). The Department's Notice of Affirmative Determination Regarding Application for Reconsideration was signed on October 15, 2009, and published in the **Federal Register** on October 27, 2009 (74 FR 55261).

The initial investigation resulted in a negative determination issued on September 9, 2009, was based on the finding that imports of optimizing lumber cut-off saws, feeders, sorters and scanners did not contribute importantly to worker separations at the subject firm and no shift in production to a foreign source occurred.

To support the request for reconsideration, the petitioner supplied additional information regarding lost bids by the subject firm during the relevant period. The Department of Labor conducted a bid survey of the domestic firms to which the subject facility was the lowest domestic bidder. The results of the survey revealed that the bids were awarded to foreign producers. The loss of these contracts contributed importantly to the declines in sales and employment at the subject firm. The investigation further revealed that sales, production and employment at the subject firm declined during the relevant period.

### Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Ultimizers, Inc., Boring, Oregon, who are engaged in activities related to the production of parts feeding and assembly equipment meet the worker group certification

<sup>1</sup> Unless otherwise noted herein, reference to specific provisions of the Act refer also to the corresponding provisions of the Code.

criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Ultimizers, Inc., Boring, Oregon, who became totally or partially separated from employment on or after May 18, 2008, through two years from the date of this certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 10th day of December 2009.

**Del Min Amy Chen,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E9-30256 Filed 12-18-09; 8:45 am]

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## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB Review; Comment Request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. This is the second notice for public comment; the first was published in the **Federal Register** at 74 FR 54084, and no substantial comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: <http://www.reginfo.gov/public/do/PRAMain>. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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 should be addressed to: Office of Information and

Regulatory Affairs of OMB, *Attention:* Desk Officer for National Science Foundation, 725—17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to [chines@nsf.gov](mailto:chines@nsf.gov).

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703-292-7556.

**FOR ADDITIONAL INFORMATION OR**

**COMMENTS:** Contact Suzanne Plimpton, the NSF Reports Clearance Officer, phone (703) 292-7556, or send e-mail to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Partnership for Innovation Program: Research and Technology Development Outcomes.

*OMB Number:* 3145-NEW.

*Proposed Project:* The proposed National Science Foundation Survey will collect data from a sample of about 435 companies that are partners on 84 PFI awards from 2003-2007 in order to examine research and technology development outcomes related to their participation on a PFI award.

*Use of the Information:* Analysis of these data is necessary to provide information to provide outcome evaluation and improvement evaluation of the Partnership for Innovation Program and to better understand the impact of some aspects of industry-university partnerships on companies.

*Respondents:* The Survey will be sent to companies that participated in 84 Partnerships for Innovation projects from 2003 to 2007. In total, we estimate that there are 435 companies affiliated with the 84 PFI projects.

*Burden on the Public:* The Foundation estimates about 435 responses annually at 20 minutes per response; this totals to approximately 145 hours annually.

Dated: December 16, 2009.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. E9-30270 Filed 12-18-09; 8:45 am]

BILLING CODE 7555-01-P

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## NUCLEAR REGULATORY COMMISSION

[Facility Operating License No. R-102; Docket No. 50-252; NRC-2009-0557]

### Notice of Acceptance for Docketing and Opportunity for Hearing on the Application Regarding Renewal for an Additional 20-Year Period for the University of New Mexico AGN-201M Research Reactor and Order Imposing Procedures for Access to Safeguards Information and Sensitive Unclassified Non-Safeguards Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of acceptance for docketing.

**FOR FURTHER INFORMATION CONTACT:** Paul V. Doyle Jr., Project manager, Research and Test Reactors Branch A, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Rockville, MD 20852. *Telephone:* (301) 415-1058; *fax number:* (301) 415-3031; *e-mail:* Paul.Doyle@nrc.gov.

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of Facility Operating License No. R-102 ("Application"), which currently authorizes the University of New Mexico (UNM, the licensee) to operate the University of New Mexico AGN-201M Reactor (UNMR) at a maximum steady-state thermal power of 5 watts (W) thermal power. The renewed license would authorize the applicant to operate the UNMR up to a steady-state thermal power of 5 W for an additional 20 years from the date of issuance.

On February 21, 2007, as supplemented on November 9, 2009, the NRC received an application from the licensee filed pursuant to 10 CFR Part 50.51(a), to renew Facility Operating License No. R-102 for the UNMR.

The Application contains sensitive unclassified non-safeguards information (SUNSI) and Safeguards Information (SGI).

Based on its initial review of the application, the NRC staff determined that UNM submitted sufficient