accordance with the terms of the plan and periodic premiums under an insurance or annuity contract, or

(2) for a purpose incidental to the ordinary operation of the plan;

(c) The loan or other extension of credit is unsecured;

(d) The loan or other extension of credit is not directly or indirectly made by an employee benefit plan;

(e) The loan or other extension of credit is not described in section 408(b)(3) of ERISA and the regulations promulgated thereunder (29 CFR 2550.408b–3) or section 4975(d)(3) of the Code and the regulations promulgated thereunder (26 CFR 54.4975–7(b)); and

(f)(1) Any loan described in section IV(b)(1) that is entered into on or after April 7, 2006 and that has a term of 60 days or longer must be made pursuant to a written loan agreement that contains all of the material terms of such loan;

(2) Any loan described in (b)(2) of this paragraph that is entered into for a term of 60 days or longer must be made pursuant to a written loan agreement that contains all of the material terms of such loan.

Section V: Temporary Exemption

The restrictions of section 406(a)(1)(B) and (D) and section 406(b)(1) and (b)(2) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(B), (D) and (E) of the Code, shall not apply, from January 1, 1975, until the date that is six months following the date a final amendment is published in the **Federal Register**, to: (1) A Covered Extension of Credit, as defined in section VI(e); (2) a Covered Loan, as defined in section VI(f); and (3) a Covered Repayment (as defined in section VI(g)) if:

(a) No interest or other fee is charged to the plan, and no discount for payment in cash is relinquished by the plan, in connection with the Covered Extension of Credit, Covered Loan, or Covered Repayment;

(b) The Covered Extension of Credit is set forth in an Account Opening Agreement between a plan and a financial institution, where the financial institution is subject to oversight by a regulatory agency or a self-regulatory organization;

(c) The Covered Loan is not directly or indirectly made by a plan;

(d) The Covered Extension of Credit and the Covered Loan are not described in section 408(b)(3) of ERISA and the regulations promulgated thereunder (29 CFR 2550.408b–3) or section 4975(d)(3) of the Code and the regulations promulgated thereunder (26 CFR 54.4975–7(b));

(e) The Covered Loan arose from a lawful cost (including a fee, expense, investment loss or tax); and

(f) The amount of a Covered Loan from a Related Account to a Plan Account is no greater than and relates to an amount debited to the Plan Account in connection with an expense described in paragraph (e) of this section. The amount of a Covered Repayment of a Covered Loan must not be greater than the original Covered Loan amount.

Section VI. Definitions

(a) For purposes of section II, a ''Y2K problem'' is a disruption of computer operations resulting from a computer system's inability to process data because such system recognizes years only by the last two digits, causing a ''00'' entry to be read as the year ''1900'' rather than the year ''2000.''

(b) For purposes of section III, the ''September 11, 2001 disruption'' is the disruption to the United States financial and securities markets and/or the operation of persons providing administrative services to employee benefit plans, resulting from the acts of terrorism that occurred on September 11, 2001;

(c) For purposes of this exemption, the terms ''employee benefit plan'' and ''plan'' refer to an employee benefit plan described in ERISA section 3(3) and/or a plan described in section 4975(e)(1) of the Code;

(d) For purposes of section V, the term ''Plan Account'' means an account established with a financial institution by an employee benefit plan described in section 3(3) of ERISA or a plan described in section 4975(e)(1) of the Code.

(e) For purposes of section V, the term ''Covered Extension of Credit'' means an indemnification agreement, cross-collateralization agreement or other grant of a security interest in favor of a financial institution, as set forth in an Account Opening Agreement between a plan and the financial institution, which guarantees the payment of debits to (or by) a Plan Account by (or to) a Related Account, but does not include a loan or payment under such agreement or security interest;

(f) For purposes of section V, the term ''Covered Loan'' means a loan to a Plan Account by a Related Account, including by means of a debit to a Related Account and a corresponding credit to the Plan Account, where the Covered Loan is made pursuant to a Covered Extension of Credit;

(g) For purposes of section V, the term ''Covered Repayment'' means the repayment by a Plan Account to a Related Account of a Covered Loan.

(h) For purposes of section V, the term ''Related Account'' means an investment account established with a financial institution by a person or entity, where such account is subject to an Account Opening Agreement with the financial institution that also covers a Plan Account and/or guarantees the payment of debits to the Plan Account.

(i) For purposes of section V, the term ''Account Opening Agreement'' means a written brokerage, futures or other investment agreement.

Signed at Washington, DC, this 20th day of May, 2013.

Lyssa E. Hall,

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

[FR Doc. 2013–12362 Filed 5–23–13; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–81,253]

Sears Holdings Management Corporation, A Division Of Sears Holdings Corporation, Hoffman Estates, Illinois; Notice of Negative Determination on Reconsideration

On August 3, 2012, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Sears Holdings Management Corporation, Hoffman Estates, Illinois (subject firm). The Department's Notice of determination was published in the **Federal Register** on August 14, 2012 (77 FR 48550).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

During the initial investigation, the Department received information that the petitioners worked in different units of the subject firm: one petitioner worked in the marketing unit, another

petitioner worked in the analytics segment of the information and technology unit, and the third petitioner worked in the space management segment of the supply chain unit. The Department also received information from the subject firm that the services supplied by each of the petitioners did not shift to a foreign country as alleged in the petition.

In the request for reconsideration, one of the initial petitioners stated that the worker group was incorrect in the initial investigation (''My position at Sears had nothing to do with Analytics or space Management. I worked in Marketing''), that the correct worker group consist of workers supplying ''Accounting, Marketing, and inventory services'' and that worker separations was due to Sear's shift the supply of services to a foreign country (''The IMPACT program supported by (Sears Holding) India will be taking over'').

During the reconsideration investigation, the Department reviewed the petition; information supplied by the petitioners; information supplied by Sears' representative during the initial investigation; and information supplied in the request for reconsideration. The Department also requested that the subject firm confirm previously-submitted information and address the allegations in the request for reconsideration.

The subject firm clarified that one petitioner supplied print marketing management services, another petitioner supplied project coordinator analytics services, and the third petitioner supplied merchandise planning analysis services. The subject firm also confirmed that the services previously supplied by the petitioners were not being performed by Sears Holding India and that services supplied by Sears Holding India were not increasing while services decreased at Hoffman Estates, Illinois. The subject firm also provided information that the services supplied by the petitioning workers remain at Hoffman Estates, Illinois.

While there is a certification applicable to TA–W–73,244, each petition is determined based on facts specific to the petition. Therefore, facts relevant to one petition cannot be the basis for certification of another petition.

Conclusion

After careful review, I determine that the requirements of Section 222 of the Act, 19 U.S.C. 2272, have not been met and, therefore, deny the petition for group eligibility of Workers of Sears Holdings Management Corporation, Hoffman Estates, Illinois, to apply for adjustment assistance, in accordance with Section 223 of the Act, 19 U.S.C. 2273.

Signed in Washington, DC, on this 8th day of May, 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–12386 Filed 5–23–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–81,929]

Joy Global, Inc., Also Known as Joy Technologies, Inc., Including On-Site Leased Workers From All Seasons Temporaries and Manpower Franklin, Pennsylvania; Notice of Negative Determination on Reconsideration

On December 6, 2012, the Department of Labor (Department) issued a Notice of Affirmative Determination Regarding Application for Reconsideration applicable to workers and former workers of Joy Global, Inc., also known as Joy Technologies, Inc., (subject firm), including on-site leased workers from All Seasons Temporaries and Manpower, Franklin, Pennsylvania (subject facility).

The group eligibility requirements for workers of a Firm under Section 222(a) of the Act, 19 U.S.C. 2272(a), can be satisfied if the following criteria are met:

(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; and

(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(II) imports of articles like or directly competitive with articles—

(aa) into which one or more component parts produced by such firm are directly incorporated, or

(bb) which are produced directly using services supplied by such firm, have increased; or

(III) 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; and

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Initial Investigation

On August 29, 2012, a representative from International Association of Machinists and Aerospace Workers, District Lodge 98, filed a petition for Trade Adjustment Assistance (TAA), dated August 25, 2012, on behalf of workers and former workers of the subject facility. Workers are engaged in the production of underground mining machines and component parts. The workers are not separately identifiable by product line.

The negative determination was based on the findings that the subject firm had not experienced a decline in the sales or production of mobile underground mining machines and repair components during the period under investigation (the representative base period is August through December 2010, full year 2011, and January through August 2012; hereafter referred to as ''period under investigation'' or ''relevant time period''); that the subject firm did not shift the production of these articles, or like or directly competitive articles, to a foreign country or acquire the production of these articles, or like or directly competitive articles, from a foreign country; that the subject firm is not a Supplier to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a); that the subject firm does not act as a Downstream Producer to a firm (or subdivision, whichever is applicable) that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a); and that the workers' firm has not been publically identified by name by the International Trade Commission as a member of a